

## **AWARENESS ABOUT CONSTITUTIONAL AND LEGAL RIGHTS AMONG WOMEN: A CASE STUDY OF VILLAGE DILWAN, DISRICT UNA, H.P.**

Written by **Dr. Bhavana Sharma**

Principal

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### **ABSTRACT:**

We cannot deny this fact that women empowerment and human development go hand in hand as women folk constitutes almost 50% of the world population and is therefore a valuable human resource. Women empowerment has become challenge of this century and to fulfill this challenge, various strategies and policies have been made including social empowerment, economic empowerment, political empowerment and more particularly gender equality in order to eliminate all types of discrimination against women.

In India also there are various constitutional and legal provisions which ensure equality as well as empowerment of women. And for this purpose various suitable economic policies and social welfare programmes for women has been launched from time to time. But still, India fails to achieve the desired results.

This study will provides a detailed overview of topic, attempt to understand the perception of women in society and understanding of women regarding various rights and laws. This paper presents some results from a study of level of awareness about constitutional and legal rights among women of village Dilwan, p.o. Diara, tehsil Amb, District Una, H.P. This paper suggests measures for effective programme and policies for awareness about laws, rights and policies among women at grass root level.

### **INTRODUCTION:**

Simply stated, a right is a claim of an individual recognized by the society and the state obviously a proper definition of the tern right has three ingredients. First, it is a claim of the individual, second individual should receive recognition by the community and finally political recognition. Rights are just like moral declarations unless they are protected by the state. According to H.J. Laski. "Rights, in fact, are those conditions of social life without which no

man can seek, in general, to be himself at his best. For since the state exists it make possible that achievement, it is only by maintaining rights that its end may be secured.” Human rights : a modified version of natural rights and civil rights, which are coupled with each other, and has assumed a significance of its own ever since the formulation of the Universal Declaration of Human Rights by the Human Rights commission and their adoption by the General Assembly of the United Nations in 1948. Elinoar Ruzwert, the them president of united Nations General Assembly, declared that instead of “Rights of man, She declared as Human Rights” in 1948, so that, ‘women rights’ or ‘women’ were included in this declaration. Human rights that are applying to all human beings therefore human rights are universal, all human beings come under human rights and holders of human rights without any discrimination, every human being has their rights, and these rights protect especially human existence<sup>1</sup>.

Till now various strategies have been made for upliftment of women folk. Indian constitution provides legal equality for men and women but in reality social and economic equality is yet to be achieved. Women in India still continue to be discriminated and their current status still causes concern. Even today majority of our women are being identified not as independent individuals but only as daughters, wives and mothers or as family members. In our society women are still regarded as belonging to the “weaker section”. Therefore it is necessary to empower women so that they can participate fully in the development process and transform them into resourceful members of our society. Since independence, a great variety of researches have been undertaken on various issues related to women. In order to find out the path towards women empowerment such kind of studies may be considered essential. The present study is conducted to know whether the women folk of our society is aware of their constitutional and legal rights. Again it is necessary to know whether they realise the significance of empowerment for their benefit. Even after 64 years from the commencement of Indian constitution the plight of women is still very pitiable. As a democratic country India gives priority on the principles of liberty, fraternity, equality and justice. Indian constitution provides various rights necessary for securing women’s empowerment<sup>2</sup>. In this regard some constitutional and legal provisions for women may be mentioned below:

**Article 14-** Equal rights and opportunities for men and women in political, economic and social spheres.

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<sup>1</sup> B.Sreenivasa Reddy, *Women Empowerment – Human Rights*, 3(8) GJRA 1 ( 2014).

<sup>2</sup> Ritamani Das, *A comparative study on the level of awareness about constitutional and legal rights among working and Non-working women of Kokrajhar town*, 3(10) JRH&SSci 16 (2015).

**Article 15(1)** - Prohibits discrimination against any citizen on the grounds of religion, race, caste, sex etc.

**Article 15(3)** – Empowers the state to make affirmative discrimination in favour of women.

**Article 16** – Provides equality of opportunity for all citizen in matters relating to employment or appointment to any office under the state.

**Article 39 (a)** – The state shall direct its policy towards securing all citizens men and women equally the right to means of livelihood.

**Article 39 (d)** – Equal pay for equal work for both men and women.

**Article 42** – Directs the state to ensure provisions for just and humane condition of work and maternity relief.

**Article 46** – The state to promote with special care the educational and economic interests of the weaker sections of the people and to protect them from social injustice and all forms of exploitation.

**Article 47** – The state to raise the level of nutrition and the standard of living of its people and the improvement of public health.

**Article 51 (A) (e)** – Mandates every citizen to renounce practices derogatory to the dignity of women.

**Article 243D (3)** – Not less than one third ( including the number of seats reserved for women belonging to the schedule castes and the schedule tribes) of the total number of seats to be filled by direct election in every Panchayat to be reserved for women and such seats to be allotted by rotation to different constituencies in a Panchayat.

**Article 243D (4)** – Not less than one third of the total number of offices of Chairpersons in the Panchayats at each level to be reserved for women.

At the same time Government of India has also been provided legal rights for women in order to achieve gender equality. Among the major legislations- the Hindu Succession Act was enacted to give daughters equal rights as sons in ancestral property. In order to stop human trafficking, the Immoral Traffic Prevention act has been launched to take stringent action against the traffickers. Various laws and legislations have been implemented for women including Sati Prevention Act, Dowry Prohibition Act, the Protection of Women from Domestic Violence Act in the year 2005 and most effective and landmark amendments were made in Cr.P.C., I.P.C. and Indian Evidence Act after Nirbhaya's case. To ensure equal rights

to counter social discrimination and various forms of violence, atrocities and to provide support services especially for women, following legal provisions have been made:

- The Employees State Insurance Act 1948
- The Plantation Labour Act 1951
- The Family Court Act 1954
- The Special Marriage Act 1954
- The Hindu Marriage Act 1955
- The Maternity Benefit Act
- The Medical Termination of Pregnancy Act 1971
- The Contract Labour (Regulation and Abolition) Act 1976
- The Equal Remuneration Act 1976
- The Criminal Law (Amendment) Act 1983
- The Factories (Amendment) Act 1986
- Indecent Representation of Women (Prohibition) Act 1986

Apart from these measures, various initiatives have been launched in India from time to time. The Ministry of Women and Child Development has set up support system like working women hostels and crèches to help working women. To provide shelter and care services Swadhar and short stay homes have been set up for women. For economic empowerment Rashtriya Mahila Kosh (RMK) was established in 1993 to ensure micro credit facilities<sup>3</sup>. Some other initiatives are:

National Commission for Women : In January 1992 the Government set up this statutory body with a specific mandate to study and monitor all matters relating to the constitutional and legal safeguards provided for women, review the existing legislation to suggest amendments wherever necessary etc.

Reservation for Women in Local Self-Government: The 73rd constitution amendments Acts passed in 1992 by Parliament ensure one third of the total seats for women in all elected offices in local bodies whether in rural areas and urban areas.

The National Plan of Action for Girl Child (1991-2000): The Policy of Action is to ensure survival, protection and development of the girl child with the ultimate objective of building up a better future for the girl child.

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<sup>3</sup> Supranote 3.

National Policy for Empowerment of Women 2001: The Department of Women and Child Development in the Ministry of Human Resource Development has prepared a National Policy for Empowerment of women in the year 2001. The goal of this policy is to bring about the advancement, development and empowerment of women.

### **OBJECTIVES:**

The following objectives are formulated for the present study-

1. To find out the awareness level of women about their constitutional and legal rights.
2. To highlight the importance of awareness for capacity building and skill development necessary for their empowerment.
3. To understand the correlation between education and awareness building.

### **RESEARCH QUESTION:**

The Research Questions for this study are:

1. Whether the respondents are aware of their constitutional and legal rights?
2. Whether the respondents have ever been benefitted form these rights?

### **METHODOLOGY:**

**Universe, Sampling and Research Tool:** Keeping in view the socio-legal nature of the problem, the research methodology has been chosen in such a manner as to effectively co-ordinate the data derived from different discipline and areas and to establish linkage between them in order to highlight the different issues. The study shall make use of both primary and secondary data. The researcher has used multi-prolonged approach to collect as much as relevant information through the primary and secondary sources. The study would be purely exploratory and evaluative in nature.

The universe of the study is village Dilwan, p.o. Diara, tehsil Amb, Una, Himachal Pradesh, India. The village is situated in *on the National Highway, 18 Kms away from Una*, the District head-quarters, on the way to the famous shrine of “**the goddess-Chintpurni**”.

Primary data has been collected through the administration of questionnaire to the respondents by picking up the random sample of 10 % of the universe to generate the information to access and evaluate their views. Interview schedule contained both type of close and open-ended questions including the variables such as gender, age, educational.

Secondary data has been gathered from the literature available in the libraries, data of NGOs, Court Judgments, Reports of EIA, Newspapers, reports, articles, research papers and



other relevant documents including review of books, legal and extra-legal relevant literature has been studied, surveyed and scanned for the present study.

### **TABLES AND FIGURES:**

The Researcher chose a 10% of random sample of the population for “Questionnaire Schedule” by using Simple Random Sampling Method. The nature of study is exploratory. Interview schedule contained both type of close and open-ended questions including the variables such as Working status and economic background.

The variables chosen by the Researcher for the purpose of Data Analysis are:

- (1) Working status; and
- (2) Economic background.

**Table 1: Socio-economic Characteristics on the basis of working status of Women**

| Sr. no. | Status of Women | Number | Percentage |
|---------|-----------------|--------|------------|
| 1.      | Working         | 10     | 14.29      |
| 2.      | Non-working     | 60     | 85.71      |

After analyzing the sample chosen, i.e. 10% of the population, the Researcher found that the total number of respondents selected were 70, out of which 10, i.e. 14.29% of the total sample selected are working females and 60, i.e. 85.71% of the total sample selected are non-working females as shown in Table number 1.

**Table 2: Socio-economic Characteristics on the basis of Economic background of the Victims**

| Sr. no. | Economic background | Number | Percentage |
|---------|---------------------|--------|------------|
| 1.      | High                | 3      | 4.29       |
| 2.      | Middle              | 37     | 52.85      |
| 3.      | Low                 | 30     | 42.86      |

Table 2 shows that out of the total sample chosen, 3, i.e. 4.29% of the sample chosen belongs to high class, 37, i.e. 52.85% of the sample chosen, are primary educated, 14, i.e. 13% of the sample chosen belong to middle class and 30, i.e. 42.86% of the sample chosen, belongs to low class.

### **ANALYSIS OF THE SAMPLING:**

The response of the Respondents to how far they know their rights and to what extent they are using it and being benefitted from these are as:

### 1. Power to women at home:

**Table 3: Power to women at home**

| Power to women at home | Number | %age  |
|------------------------|--------|-------|
| Yes                    | 3      | 4.29  |
| No                     | 48     | 68.57 |
| To a limited extent    | 19     | 27.14 |

Table 3 shows the distribution of answers to the Question in the questionnaire, asking whether the respondent feel any power at home, only 3 (4.29 %) respondents of the sample chosen, out of the total sample chosen by the Researcher said that yes to this question, while 48 (68.575) of the sample chosen, said no to it and 19 (27.14%) said that they enjoy this power only to an limited extent.

### 2. Perceptions of Subordination:

**Table 4: Perceptions of Subordination**

| Perceptions of Subordination | Number | %age  |
|------------------------------|--------|-------|
| feel subordination           | 39     | 55.72 |
| don't feel any subordination | 0      | 0     |
| no idea                      | 31     | 44.29 |

Table 4 shows the distribution of answers to the Question in the questionnaire, asking what are the perceptions of subordination of the respondents. 39, i.e. 55.72 % of the respondents feel subordination at home, while 31, i.e. 44.29 % of the respondents do not have any idea about it and none of the respondent said that they don't feel any subordination at home.

### 3. Parent's unhappiness at the birth of girl child:

**Table 5: Parent's unhappiness at the birth of girl child**

| unhappiness at the birth of girl child | Number | %age  |
|--|--------|-------|
| Yes                                    | 13     | 18.57 |
| No                                     | 7      | 10    |
| Take it as their luck                  | 50     | 71.43 |

Table 5 shows the distribution of answers to the Question in the questionnaire, asking what parent's are happy at the birth of girl child. 13, i.e. 18.57 % of the respondents feel happiness, while 7, i.e. 10 % of the respondents answered in negative and 50, i.e. 71.43% of the respondent said that they take it as their luck.

#### 4. Awareness and understanding of Constitutional and legal Rights:

**Table 6: Awareness and understanding of Constitutional and legal Rights**

| Awareness and understanding of Constitutional and legal Rights | Number | %age  |
|--|--------|-------|
| Aware  | 23     | 32.86 |
| No idea  | 19     | 27.14 |
| Aware but can't use  | 28     | 40    |

Table 6 shows the distribution of answers to the Question in the questionnaire, asking whether the respondents are aware of their constitutional and legal rights. 23, i.e. 32.86 % of the respondents answered in positive, while 19, i.e. 27.14 % of the respondents answered in negative and 28, i.e. 40% of the respondent said that they are aware of their rights but can't use them.

#### 5. Awareness about women empowerment:

**Table 7: Awareness about women empowerment**

| Awareness about women empowerment | Number | %age |
|-----------------------------------|--------|------|
| Yes                               | 21     | 30   |
| No                                | 49     | 70   |

Table 7 shows the distribution of answers to the Question in the questionnaire, asking whether the respondents are aware about women empowerment. 21, i.e. 30% of the respondents answered in positive, while 49, i.e. 70% of the respondents answered in negative.

#### 6. Right to Equality:

**Table 8: Right to Equality**

| Right to Equality | Number | %age |
|-------------------|--------|------|
| Observe           | 2      | 2.86 |



|                 |    |       |
|-----------------|----|-------|
| Doesn't observe | 51 | 72.86 |
| No idea         | 17 | 24.29 |

Table 8 shows the distribution of answers to the Question in the questionnaire, asking whether the respondents enjoy right to equality. 2, i.e. 2.86 % of the respondents answered in positive, while 51, i.e. 72.86 % of the respondents answered in negative and 17, i.e. 24.29% of the respondent said that they have no idea about it.

### 7. Freedom of Speech and Expression:

**Table 9: Freedom of Speech and Expression**

| Freedom of Speech and Expression | Number | %age  |
|----------------------------------|--------|-------|
| Observe                          | 11     | 15.71 |
| Doesn't observe                  | 38     | 54.28 |
| No idea                          | 21     | 30    |

Table 9 shows the distribution of answers to the Question in the questionnaire, asking whether the respondents enjoy right to freedom of speech and expression. 11, i.e. 15.71 % of the respondents answered in positive, while 38, i.e. 54.28 % of the respondents answered in negative and 21, i.e. 30% of the respondent said that they have no idea about it.

### 8. Knowledge of Government schemes for women empowerment:

**Table 10:**

| Knowledge of Government schemes for women empowerment | Number | %age  |
|---|--------|-------|
| Yes   | 9      | 12.86 |
| No  | 48     | 68.57 |
| Have idea, but don't use                              | 13     | 18.57 |

Table 10 shows the distribution of answers to the Question in the questionnaire, asking whether the respondents have knowledge of Government schemes for women empowerment. 9, i.e. 12.86 % of the respondents answered in positive, while 48, i.e. 68.57 % of the respondents answered in negative and 13, i.e. 18.57% of the respondent said that they have idea about it, but don't use.

### 9. Protection under Domestic Violence Act:

**Table 11:**

| <b>Protection under Domestic Violence Act</b> | <b>Number</b> | <b>%age</b> |
|---|---------------|-------------|
| Knowledge and understanding                   | 2             | 2.86        |
| Idea but no understanding                     | 58            | 82.85       |
| No idea                                       | 10            | 14.28       |

Table 11 shows the distribution of answers to the Question in the questionnaire, asking whether the respondents have knowledge of protection under the Domestic Violence Act. Only 2, i.e. 2.86 % of the respondents answered that they have knowledge and understanding of this Act , while 58, i.e. 82.85 % of the respondents answered that they have idea of the Act but does not understand how it works and 10, i.e. 14.28% of the respondent said that they have idea about it.

#### **10. Awareness of laws against sexual exploitation:**

**Table 12:**

| <b>Awareness of laws against sexual exploitation</b> | <b>Number</b> | <b>%age</b> |
|--|---------------|-------------|
| Yes  | 40            | 57.14       |
| No   | 5             | 7.14        |
| Have idea, but don't use                             | 25            | 35.71       |

Table 12 shows the distribution of answers to the Question in the questionnaire, asking whether the respondents are aware about women empowerment. 40, i.e. 57.14% of the respondents answered in positive, while 5, i.e. 7.14% of the respondents answered in negative and 25, i.e. 35.71% of the respondents said that they have knowledge about these laws but don't use it.

#### **11. Action against husband against cruelty:**

**Table 13:**

| <b>Action against husband against cruelty</b> | <b>Number</b> | <b>%age</b> |
|---|---------------|-------------|
| Yes, if situation prevails                    | 7             | 10          |
| No  | 34            | 48.57       |

|                                   |    |       |
|-----------------------------------|----|-------|
| Ashamed of using it               | 20 | 28.57 |
| No idea that they can take action | 9  | 12.85 |

Table 13 shows the distribution of answers to the Question in the questionnaire, asking whether the respondents are aware that they can take action against husband's cruelty. Only 7, i.e. 10% of the respondents answered in positive, while 34, i.e. 48.57% of the respondents answered in negative, 20, i.e. 28.57% said that they feel shame in using such laws and 9, i.e. 12.85% said that they have no idea that such laws prevails.

## 12. Membership of Women's organisations:

**Table 14:**

| Membership of Women's organisations | Number | %age |
|-------------------------------------|--------|------|
| Yes                                 | 0      | 0    |
| No                                  | 70     | 100  |
| No idea of such kind                | 70     | 100  |

Table 14 shows the distribution of answers to the Question in the questionnaire, asking whether the respondents have membership of Women's organisations. None of the respondent was member of any women organisation neither they have any idea about it.

## RESULT AND DISCUSSION:

The result of the research and discussion on it is as:

Majority of women whether working or non-working (70) had positive attitude towards the importance of empowering women folk. They are in favour of women empowerment as well as their emancipation for eradication of violence, discrimination against women and protection of their rights.

Even in this 21<sup>st</sup> Centaury most of the women does not have any power even at their homes and their basics rights are not fully enjoyed by them till this date which is clear from this survey as:

1. Majority of the women whether they are working or non-working or belongs to any class does not have any power at home.
2. A large no. of respondents feels subordination in their lives. There are respondents who does not even had any idea about it.

3. The feeling of “parents becoming unhappy at the birth of girl child” still prevails, however they took it as their luck.
4. The larger segment of the respondents does not feel freedom in expressing her desire.
5. Highly educated women have more awareness and understanding of constitutional rights than the women with no education.
6. A majority of respondents agree that women should be treated equally as men.
7. A large no. of respondents has no idea of Domestic violence act. And those who have heard about it do not have knowledge and understanding of this act.
8. Majority of the respondents have less awareness about government schemes for the development.
9. Majority of the respondents feel shame in taking any kind of action against her husband in case of cruelty, because society does not like such women even if her husband beats her.
10. Majority of respondents face sexual exploitations or remarks at one time or another and they want strict actions against such persons but are not ready to come forward. And they are not even aware of the laws against any kind of sexual exploitation.
11. Most of the women do not prefer to take decisions on important matters but leave them to their menfolk’s discretion.
12. Education is found to be positively related to active participation in decision making in the family.
13. Majority of the respondents recognize economic insufficiency as one of the important barriers of empowerment.

### **CONCLUSION:**

The survey of this study has led to following conclusions:

No doubt, women empowerment is a continuous process of several inter-related and mutually dependent components among which awareness building is a basic one. And awareness can be gained by education which will awaken women about their rights and opportunities, importance of these facilities and also make them aware how to seek these facilities for themselves.

One thing is clear from this study that educated women is more aware of her rights but whether educated or not women are still hesitant in using their rights and also there is lack of awareness regarding legal process or where to approach for the infringement of rights or to enforce their

rights. Even education has failed to change the mind set of people. Even modern women have to carry the bonds of tradition and till this date she is being exploited on the name of traditions. For proper dissemination of knowledge and information of women's rights both education and media should be used effectively because in the present scenario need is to educate and spread awareness among not only women but men also so that status of women can be improved. Women themselves have to grow conscious of their dignity and needs only then they can emancipate themselves. It is necessary to motivate women so that they can raise their voices against any kind of exploitation and media can play important role in it. Women can be empowered in true sense only by spreading awareness and eradicating violence.

One thing is clear from the above discussion that the respondents are mostly sufferers in this whole scenario, however a number of policies and programmes has been launched but they are not effective in absence of awareness about them and their use. In order to implicate the policies, policy and programme frames, implementation and development agencies, law enforcement machinery and the judiciary as well as non-governmental organization should come forward to shoulder their responsibility. There must be a close link among Govt., NGO's, and general public as well as other organization to make all these programmes fruitful. Following measures need to be undertaken to implement already existing policies:

1. Promoting social awareness on gender issues and women's human rights.
2. Review of curriculum and educational materials to include gender education and human rights issues.
3. Removal of all references derogatory to the dignity of women from all public documents and legal instruments.
4. Use of different forms of mass media to communicate social messages relating to women's equality and empowerment.