

WOMEN EMPOWERMENT AND INDIAN PERSPECTIVE

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ABSTRACT

Empowerment is used to ensuring social transformation and economic development of a society. It includes political participation and also influencing the political decision. Participation as empowerment is related to redistribution of power in society. Participation denotes with sharing or taking part in development process. It can empower the marginalize section of society to take and improve their social status. According to the UN Summit, 1994 empowerment is the process, which strengthens the competence of people in general and of the oppressed section of society. The betterment of the deprived section of society can be expected only by enabling them to participate in socio-economic and political affair of society. This article analyzes the position of women in India, women and education, political justice, and constitutional and legislative safeguards to women's empowerment.

Keywords: Women, Empowerment, Education, Justice

INTRODUCTION

Empowerment is the effective answer to oppression, exploitation, injustice and other maladies which are done on women. It is about skill formation. The focus on empowerment has given a new emphasis to the building of economic and social capability among women. It is seen as a way of addressing the problem of right that remains un-enforced. In discussion of women's empowerment, emphasis is often placed on women's decision-making roles, their economic self reliance and protection against all forms of discrimination. The evidence of empowerment can be seen in terms of indicators that measures women's control, both extrinsic and intrinsic. These include women's participation in household decision making process, freedom of movement and working out sides their housesⁱ.

Economic Growth, Poverty and Gender Inequality

There exists a two-way link between economic growth and poverty, and gender inequality. On one level, poverty and the lack of growth exacerbated gender disparities. Inequalities between girls and boys in access to schooling or adequate health care were more acute among poor people than among those with higher incomes. And while poor people had less access to such productive resources as land and credit, poor women generally had the least access of all. Similarly, girls' and women's health and schooling were more vulnerable to economic downturns than those of boys and men. On another level, gender inequalities undermined the prospects for poverty reduction in fundamental ways. While disparities in basic rights, access to schooling, credit and jobs, and the 21 abilities to participate in public life took their most direct toll on women and girls, the evidence showed that gender inequality ultimately hindered economic growthⁱⁱ.

METHODOLOGY

Objectives of Study

The present article has been prepared on the basis of the following objectives:

1. To focus on the role of education and political justice in women's empowerment.

2. To study the Constitutional provisions for empowering women, and
3. To study the efforts made by the government through enactments to protect women from suppression and then women empowerment.

On the basis of these objectives present article has been prepared.

Hypothesis

Empowerment is the effective answer to oppression, exploitation, injustice and other maladies which are done on women. The focus on empowerment has given a new emphasis to the building of economic and social capability among women. The evidence of empowerment can be seen in terms of indicators that measures women's control, both extrinsic and intrinsic. These include women's participation in household decision making process, freedom of movement and working out sides their houses.

Method of data collection

Both primary and secondary sources have been collected to publish the present article.

Various Acts, such as Dowry Prohibition Act, 1961, The Immoral Traffic (Prevention) Act, The Child Marriage Restraint Act, 1976, The Medical Termination of Pregnancy Act of 1971, The Hindu Succession Act, 1956 and The Hindu Adoption and Maintenance Act, 1956 are consulted to prepare the present article.

The Constitutional provisions, Amendments of Constitution have been consulted. Various conferences, works, and symposia are attended to have firsthand knowledge of the protection women from suppression and women empowerment. The journals related to the empowerment of women under the Constitution of India have been studied. Literature available in the field of environment was consulted. A doctrinaire approach has been made to complete the Article.

WOMEN AND EDUCATION

Education is the process of developing and reflecting individual skill and ability which enhance social mobility by allowing for social selection based on the merit of individual. Education

brings self reliance, personal development, social development, productive capacity, social integration and political understanding. It is a productive investment, which brings conscientisation that helps individuals to perceive, interpret, criticize and transformed their environment. It is one of the channels to empower the people. Education helps to empower them by equipping information and means of function effectively, especially in global world. It widened their capacity and efficiency for better opportunity in life and brings lot of job opportunities, employment particularly for cash and in non-traditional occupation, empowers them by providing financial independence, which helps in social mobility. Not only can employment be a source of economic independence, but it can help to give women a sense of self-worth. It can expose them to the world outside their houses and kin members. Employment cannot bring empowerment until decision making power is given to women in household activities. Poor women are providing credit facility on easy term for purchasing bullocks, goat and poultry; they are also giving craft training for generating self employment by government agencies which is consider as a step towards empowerment. Empowerment of rural women should be the priority area of non-formal, adult and continuing education programmes. The idea of empowerment is a theory of social change, in particular a change from a hierarchical to an egalitarian societyⁱⁱⁱ.

WOMEN AND POLITICAL JUSTICE

Women empowerment can be seen through Pachayati Raj Institution (PRI) at grass rootlevel. The present Pachayati Raj based on the recommendation of Ashok Mehta Committee, which asked for transformation of the Panchayat from an implementing agency to a political institution, in which political parties are allow to enter into fray^{iv}. The *73rd Constitutional Amendment Act* legalised political party entry into Panchayat and election to Panchayati Raj are contested on party line after this Act was passed in 1992. *Article 243D (3)* of the Indian Constitution provides that not less than 1/3rd of the total 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. The objective of the constitution of Pachayati Raj is mainly decentralization of power, development of village and participation of people in the nation

building process. The present Pachayati Raj is not an implementing body to the development programmes but it is a decision-making body and rules over the governance of the village^v.

The membership to (PRI) is reserved vis-vis the member of the weaker section of society i.e. SC, ST and women. **Article 243T (4)** of Constitution provides reservation of offices of Chairperson in Municipalities for SC, ST, Women in such manner as the legislature of a State may by law provide. The reservation of one third seat to weaker section is the landmark decision towards empowerment of women, as it helps to develop their competence so that they may be able to influence and affect the development and decision making process independently at the grass root level. It has provided political space for marginalized groups and women for subsequent exposure to decentralized governance, planning development and capacity building to some extent through imparting training. It has been found that one of the significant achievement of the provisions of the 73rd Amendments Acts concerning reservation of seats and political offices in favours of women is that it has improved their awareness and perception level has created an urge in them to assert their rightful share in the decision making process at the local level^{vi}. This political empowerment certainly improves women's economic and social status and helps in social mobility^{vii}.

CONSTITUTIONAL PROVISIONS AND WOMEN EMPOWERMENT

The framers of Indian Constitution were aware of the social problems of emancipation of the female sex. They also knew that gender-equality was crucial for national development. It was evident that in order to eliminate inequality and to provide opportunities for the exercise of human rights and claims, it was necessary to promote them with special care educational and economic interests of the women and to protect them from any social injustice and exploitation. The **Constitution of India** did well by declaring in its preamble it's desire to secure justice that is - *social, economic and political*, and to secure equality of status and opportunity and did it best to ensure translation of these objectives into reality by incorporating provisions ensuring equality of status and of opportunity in the fields of education, public employment and participation in political life. It directs that women shall not have equal right and privileges with men but also that the state shall make provisions—both general and special for welfare of

women. Apart from ensuring *equality before law* and *equal protection of the laws*^{viii} in wider sense of the term, the constitution took great pains to specifically prohibit the state from discriminating against women on the ground of sex in such areas as education and public employment and to direct the state to take special care to promote women's welfare, particularly the protection of their health as mothers and their dignity as individuals.

Special provisions have been made for women under the Indian Constitution. *Article 15(3)* permits the State to make special protective laws for women and children. For this reason establishing educational institution by the State exclusively for girls or reservation of seats for women in colleges is not violative of *Article 15*. Provisions for special maternity relief under *Article 42* can be made in favour of women. *Article 51A (e)* imposes a Fundamental Duty on every citizen to renounce the practices derogatory to the dignity of women^{ix}.

WOMEN EMPOWERMENT AND LEGISLATIVE ENACTMENTS

In course of interpretation of the Constitution and various enactments, the Supreme Court has consistently upheld the protective laws in favour of women. Parliament too has a fair share of protective legislation. Parliamentary legislation according protection too, and ameliorating the lot for women has been tackled by passing the **Dowry Prohibition Act**, 1961, and finding it to be ineffective, toothless amendment had been made in 1984 and 1986. The legislation has tackled the problem of dowry-death, cruelty to women on account of dowry and of battered wives by amending the Indian Penal Code, Criminal Procedure Code and the Indian Evidence Act. In 1983, *Section 498-A* of the **Indian Penal Code** defined a new cognizable offence, namely, "cruelty by husband or relatives of husband". This law takes particular cognizance of harassment, where it occurs with a view to coercing the wife, or any person related to her, to meet any unlawful demand regarding any property or valuable security, or occurs on account of failure by her, or any person related to her, to meet such a demand. Another amendment was also made under the Indian Penal Code naming the crime as 'dowry death' under *Section 304-B*. The section states that if the death of a woman is caused by burns or bodily injury, or occurs under abnormal circumstances, within seven years of her marriage and if it shows that prior to death she was subject to cruelty by her husband or his relatives, in connection with demands

for dowry, such a death would be called 'dowry-death' and the husband or relative would be deemed to have caused her death. By inserting a new **Section 113-B** in the **Indian Evidence Act**, the lawmakers stipulated that in cases that are registered by the police as those of 'dowry-death', the court shall presume that the accused is guilty unless he can prove otherwise.

The problem of custodial rape has been solved by drastically amending the penal laws. **Section 228A** was incorporated in the IPC w.e.f. 25.12.1983 whereby the disclosure of the identity of a victim of rape was made punishable. Amendments to criminal law made in 1983 provides for a punishment of 7 years in ordinary cases of rape and 10 years rigorous imprisonment in cases of custodial rape. The maximum punishment can extend to life imprisonment. Burden of proof has also been shifted to the accused under the Evidence Act and new **Sections 376-A; 376-B; 376-C and 376-D** are inserted relating the various categories of custodial rape. A new Section 114A lays down that once a raped woman stated that she did not consent, there was presumption that she did not consent and it is for the alleged rapist to prove that she consented. **Section 327** has been incorporated in the Cr.P.C. which provides for in-camera proceedings for rape and sexual offences, and prohibits publication of such proceedings without previous permission of the Court. **Section 46** of the said Act was amended in 2005, which provides safeguards for women in terms of bar on arrest after sunset, and before sunrise, except in exceptional circumstances.

To tackle the problem of Sati the Parliament passed the **Commission of Sati (Prevention) Act**, 1987. This enactment came to be passed after the Roop Kanwar case in Rajasthan, when a young widow was burnt alive as a *Sati*. The South Indian States have passed the **Devadasi System (Prohibition and Dedication) Act** to tackle with the ancient problem of prostitution^x. **The Immoral Traffic (Prevention) Act** of 1956 as amended and renamed in 1986 makes sexual exploitation of male or female, a cognizable offence. **The Child Marriage Restraint Act**, 1976 raises the age for marriage of a girl to 18 years from 15 years and that of boy to 21 years and makes the offence under the Act cognizable. **The Factories Act** of 1948 (amended upto 1976) provides for establishment of a crèches where women are employed (including casual and contract labourers). The Act further provides that women will not be employed to work beyond 9 hours between 6 AM and 7 PM. **The Medical Termination of Pregnancy Act** of 1971 legalizes abortion by qualified professional on humanitarian or medical grounds. Another landmark enactment is the **Pre-natal Diagnostic (Prevention) Act**, 1994 which

prohibits the use of pre-natal techniques for the purposes of sex determination. **The Maternity Benefit Act, 1961** prohibits employment of women in any establishment for a period before and after child birth, and provides for payment of maternity benefits to them. Various studies revealed that only a very small percentage of women workers avail of this benefit. **The Equal Remuneration Act, 1976** as amended in 1987 a landmark enactment was introduced, which provides for payment of equal wages to both men and women workers for the same work, or work of similar nature. It also prohibits discrimination in matter of promotion, training, transfer etc.

With the passing of **The Hindu Succession Act, 1956** it provided for the first time that daughters would have an equal right of inheritance in the father's self acquired property. But it did not apply to ancestral property which was governed by the concept of Mitakshara coparcenary property. The Hindu Coparcenary did not include a female member of the family. The legislature has now passed a further amendment to Section 6 of the Hindu Succession Act on September 9, 2005 whereby daughters have an equal right in coparcenary property, as that of a son. **The Hindu Adoption and Maintenance Act, 1956** has brought some changes that relates to the status of women. The original law gave father the unquestionable power to adopt irrespective of the wishes of the wife. But the Act now makes the wife's consent essential. Under the original law there was no provision for a daughter's adoption, but now a daughter can be adopted. The Act also provides that a wife can live separately from her husband and still claim maintenance if the husband is guilty of cruelty, bigamy, desertion etc. Regarding the **Hindu Minority and Guardianship Act, 1956** mother is the natural guardian of her illegitimate children. She can appoint a guardian at will. Even mother's re-marriage does not deprive her of guardianship and a widowed mother can appoint a guardian at will. Women can claim maintenance under the **Hindu Marriage Act, 1955**. Under section 24, a spouse is liable to be maintained during pendency of the proceedings before the court if he/she does not have sufficient independent source of income. Section 125 of the **Criminal Procedure Code, 1973** provide maintenance to neglected wives, discarded divorced wives, abandoned children belonging to any religion, community or nationality.

Various tax benefits have been introduced in favour of women. The taxable slab for women is Rs. 1, 35,000 at present, while the general taxable slab is Rs. 1, 00,000. 2% of rebate is there on stamp duty and property tax. These have certainly resulted in an increase in the metropolises.

Other provisions have been made in statutes to protect and safeguard the interest of women in various spheres so as to provide them economic independence and equality in various walks of life. These include The Employees State Insurance Act 1948; The Plantation Labour Act 1951; The Family Courts Act 1984; The Special Marriage Act 1954; The Contract Labour (Regulation and Abolition) Act 1970.

The Indian Penal Code and the Criminal Procedure Code did not adequately protect the women against domestic violence. But **The Domestic Violence Act, 2005** (Act No. 43 of 2005) seeks to protect the rights of women^{xi}. It is an act to provide for more effective protection of the rights of the women guaranteed under the Constitution who are the victims of violence of any kind occurring within the families and for matter connected therewith or incidental thereto. The most salient features of the act are:

- Recognition of the fact that men and women live in relationships that might not always be legal;
- Recognition of the right of women to live in their marital homes;
- Provisions of positive entitlements—maintenance, protection from future violence, the right to custody over children^{xii} as opposed to mere penalization of the husband.

On April 8, 2008 the Vidhan Sabha of Himachal Pradesh passed three Bills [Himachal Pradesh Panchyati Raj (Amended) Bill, 2008; Himachal Pradesh Nagar Palika (Amended) Act and Himachal Pradesh Municipal Corporation (Amended) Act.] for reserving 50 percent seats for women in panchayats, nagar panchayats and nagar parishads. After the Governor clears the Bill Himachal would become the third State after Rajasthan and Madhya Pradesh to give 50 percent reservation to women in panchayats and local bodies, showing the empowerment of women^{xiii}.

National Commission for Women

Section 3 of National Commission for Women Act, 1990 provides for the constitution of National Commission for Women to investigate and examine all matters relating to safeguards provided for the women under the Constitution and various other laws. The First National Commission was constituted on 31st January, 1992. It takes up Social Justice. The Legal

Instruments complaints of women referred to it for redressal irrespective of caste. Accordingly, problems of SC women including those of physical violence against them are also dealt with by it. As other statutory Commissions, the commission has to submit a report annually which is laid on the table of both the Houses^{xiv}.

Schemes of the Ministry of Women and Child Development

The Ministry of Women and Child Development, as the nodal agency for all matters pertaining to welfare, development and empowerment of women, has evolved schemes and programmes for their benefit. These schemes are spread across a broader spectrum such as women's need for shelter, security, safety, legal aid, justice, information, maternal health, food, nutrition etc as well as their need for economic sustenance through skill development, education, and access to credit and marketing.

The schemes of the Ministry like Swashakti, Swayamsidha, STEP and Swawlamban enable economic empowerment. Working Women Hostels and Creches provide support services. Swadhar and Short Stay Homes provide protection and rehabilitation to women in difficult circumstances. The Ministry also supports autonomous bodies like National Commission, Central Social Welfare Board and Rashtriya Mahila Kosh which work for the welfare and development of women. These schemes were run in the Tenth Plan. It is proposed to continue some in the Eleventh Plan and also to take up new schemes. Scheme-wise details are given in the following sections^{xv}.

CONCLUSION

Despite the Constitutional guarantee of equality of sexes and constitutional mandate of social justice, rampant discrimination and exploitation of women continues. The incidence of bride burning, women battering, molestation and rape, and brazen ill-treatment of women are on the increase in this country where women are worshipped as Goddess of Wealth (Laxmi); learning (Saraswati); purity or purifier (Ganges); power (Durga). Women constitute almost half of the population of world. In India they are referred as better half of men; still women had worst deal at the hands of society till date and are exploited in all possible manners. Sixty years (approx.)

after independence, violence against women in public and private sphere is strongly persisting thereby violating women's human rights. Their discrimination and exploitation in father's house and in –laws abode and at work place are still the orders of the day. There has been number of Commissions and Committees on women's problem. Reports have piled, numerous suggestions have been made, and many solutions have been offered. As a sequel to this long-drawn battle for real equality for women and prevention of their exploitation and discrimination, at long last, *National Commission for Women* has been stipulated which was established under the National Commission for Women Act, 1990. The Department of Women and Child Development in the Ministry of Human Resource Development has prepared a "National Policy for the Empowerment of Women" in the year 2001. The goal of this policy is to bring about the advancement, development and empowerment of women.

Though we stand at the 21st century still we are unable to boast of a society where there is total gender equality. Fight for justice by females or cry for gender equality is not fight against men. It is fight against those traditions which have chained the women by laying down different norms for men and different norms for women. It is men who must have to realise and accept the fact that women are equal partners in life having an equal identity.

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