

Women Empowerment Problems and Remedy

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The principle of gender equality is enshrined in the Constitution of India in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. The Constitution not only grants equality to women, but also empowers the State to adopt measures of positive discrimination in favour of women. Within the framework of a democratic policy, our laws, development policies, Plans and programmes have aimed to provide advantage to the women in different spheres. India has also ratified various international conventions and human rights instruments committing to secure equal rights of women. Key among them is the ratification of the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) in 1993.

In 1995, then-US First Lady **Hillary Clinton** said: “**Women’s rights are human rights**” at the UN Conference on Women in Beijing. Almost 20 years later, the challenge of ensuring women’s rights remains. Across the world, in all societies, women and girls consistently face a range of barriers to equality - such as wage gaps, gender-based violence, child marriage and female genital mutilation. The poor and otherwise socially disadvantaged are further marginalized through crippling combinations of gender discrimination and poverty discrimination. Therefore, tackling the gender inequalities and critical barriers that prevent women and girls from exercising their rights and empowering themselves must be at the heart of our efforts to create sustainable, prosperous and resilient societies. Empowerment is instrumentally important for achieving positive development outcomes and well-being of life, which lies in the doing and being what one value and have reason to value i.e. agency. The present paper examines various conceptions of these ideas to clearly mark the overlapping zones and distinguishing features of respective concepts.

1.CONSTITUTIONAL PROVISIONS

The Constitution of India not only grants equality to women but also empowers the State to adopt measures of positive discrimination in favour of women for neutralizing the cumulative socio economic, education and political disadvantages faced by them. Fundamental Rights, among others, ensure equality before the law and equal protection of law; prohibits discrimination against any citizen on grounds of religion, race, caste, sex or place of birth, and guarantee equality of opportunity to all citizens in matters relating to employment. Articles 14, 15, 15(3), 16, 39(a), 39(b), 39(c) and 42 of the Constitution are of specific importance in this regard.

Constitutional Privileges-

- (i) Equality before law for **women (Article 14)**.
- (ii) The State not to discriminate against any citizen on grounds only of religion, race, caste, **sex**, place of birth or any of them (**Article 15 (i)**).
- (iii) The State to make any special provision in favour of **women** and children (**Article 15 (3)**).
- (iv) The State to direct its policy towards securing for men and **women** equally the right to an

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adequate means of livelihood (**Article 39(a)**); and equal pay for equal work for both men and **women (Article 39(d))**.

(v) The State to make provision for securing just and humane conditions of work and for maternity relief (**Article 42**).

(vi) To promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of **women (Article 51(A) (e))** .

(vii) Not less than one-third (including the number of seats reserved for **women** belonging to the Scheduled Castes and the Scheduled 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 243 D(3))**.

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

(ix) Not less than one-third (including the number of seats reserved for **women** belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every **Municipality** to be reserved for **women** and such seats to be allotted by rotation to different constituencies in a **Municipality (Article 243 T (3))**.

(ix) Reservation of offices of Chairpersons in **Municipalities** for the Scheduled Castes, the Scheduled Tribes and **women** in such manner as the legislature of a State may by law provide (**Article 243 T (4)**) .

2. LEGAL PROVISIONS

To uphold the Constitutional mandate, the State has enacted various legislative measures intended to ensure equal rights, to counter social discrimination and various forms of violence and atrocities and to provide support services especially to working women.

Although women may be victims of any of the crimes such as 'Murder', 'Robbery', 'Cheat-

ing' etc, the crimes, which are directed specifically against women, are characterized as 'Crime against Women'. These are broadly classified under two categories.

(1) The Crimes Identified Under the Indian Penal Code (IPC)

(i) Rape (Sec. 376 IPC)

(ii) Kidnapping & Abduction for different purposes (Sec. 363-373)

(iii) Homicide for Dowry, Dowry Deaths or their attempts (Sec. 302/304-B IPC)

(iv) Torture, both mental and physical (Sec. 498-A IPC)

(v) Molestation (Sec. 354 IPC)

(vi) Sexual Harassment (Sec. 509 IPC)

(vii) Importation of girls (up to 21 years of age)

(2) The Crimes identified under the Special Laws (SLL)

Although not all laws are gender specific, the provisions of law affecting women significantly have been reviewed periodically and amendments carried out to keep pace with the emerging requirements. Some acts which have special provisions to safeguard women and their interests are:

(i) The Employees State Insurance Act, 1948

(ii) The Plantation Labour Act, 1951

(iii) The Family Courts Act, 1954

(iv) The Special Marriage Act, 1954

(v) The Hindu Marriage Act, 1955

(vi) The Hindu Succession Act, 1956 with amendment in 2005

(vii) Immoral Traffic (Prevention) Act, 1956

(viii) The Maternity Benefit Act, 1961 (Amended in 1995)

(ix) Dowry Prohibition Act, 1961

(x) The Medical Termination of Pregnancy Act, 1971

(xi) The Contract Labour (Regulation and Abolition) Act, 1976

(xii) The Equal Remuneration Act, 1976

(xiii) The Prohibition of Child Marriage Act, 2006

(xiv) The Criminal Law (Amendment) Act, 1983

(xv) The Factories (Amendment) Act, 1986

(xvi) Indecent Representation of Women (Prohibition) Act, 1986

(xvii) Commission of Sati (Prevention) Act, 1987

(xviii) The Protection of Women from Domestic Violence Act, 2005

3. SPECIAL INITIATIVES FOR WOMEN

(i) 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.

(ii) Reservation for Women in Local Self -Government

The 73rd Constitutional Amendment 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 or urban areas.

(iii) The National Plan of Action for the Girl Child (1991-2000)

The plan 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.

(iv) National Policy for the Empowerment of Women, 2001

The Department of Women & 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.

CONCLUSION-

Despite great strides made by the international women's rights movement over many years, women and girls around the world are still married as children or trafficked into forced labor and sex slavery. They are refused access to education and political participation, and some

are trapped in conflicts where rape is perpetrated as a weapon of war. Around the world, deaths related to pregnancy and childbirth is needlessly high, and women are prevented from making deeply personal choices in their private lives. Human Rights Watch is working toward the realization of women's empowerment and gender equality—protecting the rights and improving the lives of women and girls on the ground.

We have many laws about the protection of women from beginning of our society or constitution of India. After the Delhi rape case, we made so many changes in criminal law. In 2005 we also amend the Indian Succession Act, 1955 and give equal power to daughter as son. However, beside one thing we have not changed that is our mindset towards women. Law is instrument to change the society but it cannot change our mind set regarding empowerment of women. Therefore, this is very important to change our mindset because only our mindset can empower the women. It is not only applicable on men but women are equally responsible to violate the human right of women. In case of female feticide, dowry death, cruelty, Domestic violence role of women is very important. The response of the women to increase in wealth and education is an important factor in public policy, for developing countries. Particularly it is important to understand how female education has external benefits for families such as reduced fertility, improved child health, expansion of the skilled labour force and participation of all activities. The result of the study suggests that initiating female education, women participation increase in the economy. This results in empowerment of women and conferring human rights to them leads development in all wings.

Pandit Jawaharlal Nehru says that “You can tell the condition of a nation by looking at the status of women”

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