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Megha Middha, is working as an Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar (Rajasthan). She has an experience in the teaching of almost 3 years. She has completed her graduation in BBA LL.B (H) from Amity University, Rajasthan (Gold Medalist) and did her post-graduation (LL.M in Business Laws) from NLSIU, Bengaluru. Currently, she is enrolled in a Ph.D. course in the Department of Law at Mohanlal Sukhadia University, Udaipur (Rajasthan). She wishes to excel in academics and research and contribute as much as she can to society. Through her interactions with the students, she tries to inculcate a sense of deep thinking power in her students and enlighten and guide them to the fact how they can

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Assistant professor of Law

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Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC - NET examination and has been awarded ICSSR - Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research

methodology and teaching and learning.

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WOMEN EMPOWERMENT: **INDIA @ 75**

Authored By- Sandipan Mishra¹

ABSTRACT

Since time immemorial, women were considered as 'weaker sex' and with the passage of time, there were subjected to abuse, exploitation from birth till death, they have been made the victims of all inequalities, indignities, discrimination, they were placed at various disadvantageous positions due to gender differences and bias. It is very much unfortunate that the position of women is still same in every society, whether developed, developing or in underdeveloped countries, and the society still living in an orthodox mindset gives a clear reflection to one thing, as if 'woman' as a gender is un-welcome in this earth. With the continuation of atrocities faced by such women gave rise to a revolution for demanding equal rights for them, which gave rise to WOMEN EMPOWERMENT during the period 1917 onwards and the revolutionary changes brought into India after Independence from 1950s onwards. This paper discusses about 75 years of our country's independence, which gave prime importance with bringing up policies for women rights which have been for long time been awaited, and what were the developmental changes, policies, programs and laws that had taken place for social, economic and political empowerment of women.

1. STATUS OF WOMEN IN HISTORIC TIMES

During the Vedic Period, there were no discrimination between any boy and girl and girls were able to take active participation in every nook and corners of life. During that period, women had enjoyed a good amount of freedom and equality with men. They used to take education at Gurukul and had ample freedom in matters of selection life partners for marriage. Women were given huge amount of respect and equal rights with men. At that time, polygamy was rare and was mainly confined to ruling class and widows were able to remarry again. In the post-Vedic period between 1500 B.C. and 500 A.D., the status of women suffered a huge setback when

¹ The author is an Advocate at Orissa High Court

various restrictions were put on women's rights and privileges which became confined within the four walls of their home.

Drastic changes happened during the British regime due to education and western impact on the socio-cultural life of the people. There were contributions to the changes made by Raja Ram Mohan Roy, Ishwar Chandra Vidyasagar and Dayananda Saraswati. The Sati Prohibition Act, 1829 was passed for abolishing Sati and making the practice a criminal offence. The Widow Remarriage Act, 1856, Child Marriage Restraint Act, 1929 were also passed,

2. REASONS FOR DISEMPOWERMENT OF WOMEN

Being a welfare state, India has framed a numerous policies, programs and laws for social, economic and political empowerment of women There are various factors responsible for disempowerment of women and some of them are as follows:- Firstly, superior physical strength of men resulted in restricting the freedom of women and women accepted it as men could defend themselves against external aggression. Secondly, economic dependence of women on men is the root cause for women' subservience and subordinate position. Thirdly, there has been the internal pressure of women-group itself, from generation to generation, mother teaches daughters to please men, and women from the very tender age are brain washed psychologically to believe themselves that there are weak and inferior to men.

3. HOW EMPOWERMENT EMERGES AND IN WHICH FORM?

Empowerment always emerges in the form of awareness. Empowerments implies a state of mind, that which reflects self-confidence, self-reliance and the determination to fight for one's right and interest, which is a basic fundamental right to every women. Women have the right to make free choices, make their own independent living before taking up family responsibilities and this can only be achieved through self-cultivation and by actions. By actions the process starts within conscience by which one can gain control over one's destiny and the circumstances of life by enabling oneself to think in an autonomous way. Empowerment can generally mean decentralization of authority and power and as a result

women empowerment what it does is that it enables autonomy and control over their lives which can be more convenient and easy without facing any gender based discrimination from any quarters. The women who have been empowered from within became agents of their own development, and are able to exercise free choices to set their own agenda and be strong enough to challenge and change their subordinate position in the society. Empowerment emerges in the form of awareness, by 'empowerment' women face lot of challenges boldly and overcome barriers of their life through which they increase their ability to shape their own lives and environment.

4. Laws provided by the Constitution of India

The Constitution of India provided various laws which had removed inequities, discriminations and injustices and there by empowers women in which it is stated in the preamble of the constitution that the preamble of the Constitution provides for all its citizens liberty, equality, justice and dignity without discrimination. Under Article 14 equality before law and equal protection of law is guaranteed to women. Under Article 15, the State is restricted to discriminate any citizen on the ground of sex etc, under Article 15(3) the State is empowered to make special provisions in favor of women. Under Art 16(1), equality of opportunity in matters of public employment without discrimination on the ground of sex is in favor of woman. Art. 23 prohibits trafficking in human beings or of women for immoral purposes. Under Article 39(a), the State is directed to provide adequate means of livelihood for both men and women, Article 39(d) is directed to secure equal pay for equal work for all its citizens. Under Art. 42, the State is directed to make provisions for securing just and humane conditions of work and for maternity leave. Art. 44 provides for uniform civil code for Muslims and other religious people treating all women an equal with men in marriage, succession and in all personal and civil laws. Under Art. 51A(e) prescribes imposition of a fundamental duty on every citizen to renounce practices derogatory to the dignity of women. Under Article 243(d)(3), it is provided that not less than 1/3rd of the total number of seats of Chairperson in Panchayats to be reserved for women. Under Art. 243(T)(3), not less than 1/3rd of the total number of seats in every Municipality to be reserved for women. Under Art. 326, every citizen who is above 18 years of age has the right to franchise, it is the first step for political empowerment of women in India.

Besides constitutional provisions, various legislative enactments have been framed to protect,

safeguard and promote the interest of women. Some of the important statutes as follows:-

- a. In the year 1976, the Equal Remuneration Act was passed which provides equal wages to both men and women for the work of similar nature.
- b. Under the Factories Act, 1948 (Amended in 1976), a woman cannot be forced to work beyond 8 hours and she should not work beyond 10 A.M. to 5 P.M. in a day.
- c. The Maternity Benefits Act, 1961 states that a woman is entitled to 12 weeks of maternity leave, if she has worked in the establishment for 160 days in the twelve months.
- d. The Mines Act, 1952 prohibits employment of women in mines below the ground and also during night.
- e. The Dowry Prohibition Act, 1961 aims to prevent the evil practice of giving and taking of dowry.
- f. The Immoral Traffic (Prevention) Act, 1956 aims to prohibit exploitation of women for commercial purpose.
- g. The Sati Prevention Act, 1987 was passed to prevent the commission of Sati.
- h. The Pre-Natal Diagnostic Techniques (Regulation and Prevention) Act, 1994 prohibits the use of pre-natal techniques for the purpose of sex determination.
- i. Under the Hindu Adoption and Maintenance Act, 1956 a woman can adopt a child without the consent of her husband and now an unmarried female can also take any child in adoption.
- j. The Hindu Minority and Guardianship Act, 1956 has improved the status of mother. She has been given the right to act as the natural guardian.
- k. The Parliament passed the amendment to the Hindu Succession Act, 1956 in August 2005 giving equal right to women in Hindu Joint family co-parcenary property.
- l. The National Commission for Women was set up in 1993 to give special attention to women's problem and to ensure quick justice to them.
- m. Indecent Representation of Women (Prohibition) Act, 1986 has been enacted to prohibit the media and film producers to represent women before public in an indecent manner.
- n. Protection of women from Domestic Violence Act, 2005 was passed to provide effective protection and remedy to women against domestic violence of any kind.
- o. Women have special power under Section 13(1) Of Hindu Marriage Act, 1955 to take divorce from her husband on the ground of Bigamy.

In order to facilitate best of prosecution results various amendments were also made in the procedural laws which are as follows:-

- a. Section 304(B) was incorporated in the I.P.C. where if the death of a married women's caused under unnatural circumstances within 7 years of marriage in connection with any demand of dowry, the husband and relatives shall be deemed to have caused her death and is punishable with imprisonment for not less than 7 years and the offence is non-bailable.
- b. Section 498(A) was incorporated in the I.P.C. to deal with cruelty by husband or his relatives which is likely to drive a women to commit suicide or harassment.
- c. Section 228(A) was inserted in the I.P.C. whereby the disclosure of the identity of a victim of rape is punishable with imprisonment and fine.
- d. Under Section 114(A) of the Indian Evidence ACT, 1872 in a rape case, the burden is made to shift and now on the accused to prove his innocence. Section 160 (2) Cr.Pc. provides that a women cannot be compelled to visit police station as a witness.
- e. Section 46 of the Cr.Pc. bars on arrest of a women after sunset and before sunrise except in exceptional circumstances.
- f. Section 125 of Cr.Pc. provides for legal obligation of a man to maintain his wife, children and parents, which is applicable to spouses of all religion.

5. Role of the Judiciary in empowering Women

The role of Judiciary is also commendable in protecting the rights and interest of women. The Court in *Air India v. Nargish Meerza*² it struck down the regulations 46 and 47 of the Air India and Indian Airlines, under which, an air hostess would retire from the service upon attaining the age of 35 years or on marriage, or if pregnancy results within first four years of such marriage. In *Vishaka v. State of Rajasthan*³, the Supreme Court has laid down exhaustive guidelines to prevent sexual harassment of working women in places of their work. In *C.B. Muthamma v. Union of India*⁴, the Supreme Court has held that, the provision in the foreign service Rules, 1961 [R. 18(4)], requiring permission before marriage and denial of right to promotion of married women is discriminatory and invalid. Another important development

² AIR 1981 S.C. 1829

³ AIR 1997 SC 3014

⁴ AIR 1997 SC 1868

for the benefit of women came about with the Supreme Court's ruling in the case of *Mary Roy v. State of Kerala*⁵, the court ruled that the Cochin and Travancore Succession Act had ceased to be operative on the reorganization of States and brought the female Christian population of Kerala within the ambit of the Indian Succession Act, 1925 as applicable to all Christians bestowing on them equal inheritance rights. The Supreme Court in *Srileekha Ghosh vs. Partha Sarathi Gnosti*, it has been held that in view of Section 4 of the Partition Act, 1893 and Section 23 of the Hindu Succession Act, 1956 a married daughter does not cease to be a part of the family of her father and has a right to reside in the family dwelling house.

6. Value based Education should be imposed to respect Women

Education is the major aspect of any modern society. Education gives us knowledge and awareness and also it keeps us away from superstition beliefs. Education directs the person to move in right path at all the times in life. It also increases the 'ethical values' of the person and hence helps to identify the difference between good and bad. The knowledge which is supposed to guide persons towards the path of success might be abused or misused without value education. Values are principles, fundamental convictions and ideals, standards of life which acts as a general guide to behavior or as a reference point in decision-making. Values are virtues, ideals and qualities on which actions and beliefs are based. It is guiding principle of life which are conducive to all value development of both men and women.

7. Role of Women in Nation Building

As has been rightly quoted by Rabindranath Tagore, "Woman is the builder and moulder of a nation's destiny, though delicate and soft as lily, she has a heart, stronger and bolder than that of a man, she is the supreme inspiration for man's onward march." When our countrymen were struggling and fighting to attain the freedom, the women folk also fought shoulders to shoulders and whole heartedly supported the struggling freedom fighters. During India's struggle for

⁵ 1986 AIR 1011

freedom, the position of women took a favorable turn and after Independence it was realized by most of the national leaders like Jawarhalal Nehru, Mahatma Gandhi, Dr. Rajendra Prasad, that emancipation of women is necessary and also realized that so long as the conditions of women were not improved, and granted equal status with men, India could not progress. Sarojini Naidu, Suchita Kripalani, Vijaya Laxmi pandi, Aruna Asaf Ali, all played very crucial and enthusiastic role in the struggle for attaining freedom. Women constitute approximately 40% population of a nation. If she is given the task for the development of the country she can make a wonder. She is more dedicated, more hard working, more sincere, more devoted to the cause. Many social evils like dowry, illiteracy among the females, killing of girl child in the womb, ignoring the hygienic values, polio etc. can well be tackled by the active involvement of women.

Many women in India have proved themselves dynamic, vibrant, sincere and perfect in many fields. Smt. Indira Gadhi, Sirimao Bhandernaik, Chandrika Kumaratunga, Goldamir, Margaret Thatcher, Vijaya Laxmi Pandit, Supercop Kiran Bedi have proved themselves in all manners better than their male counterpart. These names made both the society and the women folk proud of them. The myth that certain fields were only meant for men has been proved wrong by women. Modern women in the present age occupy top rank and attained immense success in all fields such as politics, police administration, medicine, services etc. Mother Teresa, P.T. Usha, Mrs. Mohsina Kidwai, Mrs. Subu Laxmi, Mrs. Sushma Swaraj, the great environmentalist and social activist Medha Patekar and Promilla Kalkhan, Mrs. Kiran Bedi, Kalpana Chawala have become well recognized names in their respective. Breaking all the caste barriers and proved the society that women can't achieve anything nor a poor wont be able to reach the heights of success, such barrier has broken by one of the lady with strong determination which is our country's current President Shri Droupadi Murmu is one of the classic examples in today's times. Today the educated women have come out of their inferiority complex and are shouldering all kinds of responsibilities, as Managers, Officers, TV and Radio Newsreaders, Pilots, Ministers, Anchors, Musicians, Clerks, Stenographers, Ministers, Prime Misters, Entrepreneurs and what not?

The 73rd and 74th Consitutional Amendment Act passed in 1992, lay upon the women of our country more responsibilities in accelerating the development of the country. These amendments provide 33% reservation for women in the Pachayat Raj. Women elected to

Panchayat and Municipal Councils, because of the reservation, have started asserting themselves. Now the women in local governments are taking the basic issues as water, health facilities, family planning, polio eradication, more seriously, more sincerely. Now they can play better role in the development of their area of operation whether village or municipality, which in turn will result into the overall development of the State and the country as a whole.

Women are more dedicated and devoted to their duties and have much patience and politeness than man by nature. There is no doubt that women had played a very significant role in the national building, but the man is still not in favor of giving them the given due powers to them, to treat them with equality, fairness and respect.

8. Conclusion

The empowerment of women by itself cannot place women on equal footing with men, the need of the hour is the change of social attitudes towards women. Many social evils, like dowry, illiteracy among women, infanticide of female child, elimination of girls foetus, are required to be fully rooted out. The crime against women like, eve teasing, rape, are to be dealt with strongest hand though several measures but half-hearted are being taken by the government in this direction, yet a change in the social attitude and honesty, on the part of politicians, is must to make the women participate more in the nation building at the grass root level. Despite constitutional mandate, judicial pronouncements and legislative measures aimed for protection and enforcement of women's right and for the empowerment of women, India record in this regard cannot be termed as up to the mark. Injustice to women occurs in many ways. If a right does not help a human being to remain human or if does not support him/her to enjoy the right to live a life with dignity, it becomes worthless. But the most important thing is that laws by themselves cannot solve this problem, unless there is a change in the attitudes of both man and woman to lead a happy life with harmony.