

## Women Empowerment: With special reference to Indian Constitutional provisions

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### ABSTRACT

*Empowering women involves making women strong and confident so that they can lead a dignified and self-reliant life. Women have been suppressed and dominated for centuries because of the patriarchal system of society. They have always been considered inferior to men and for this very reason we have not been able to achieve gender equality till today. Still there's a section of people in our country who follows and support patriarchy and discriminates on the basis of gender.*

*The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights and Directive Principles. The Constitution not only grants equality to women, but also empowers the state to adopt measures of positive discrimination in favor of women. Empowerment 'may be described as a process which helps people to assert their control over the factors which affect their lives. This article is a cumulative discussion of how to empower the women of our society so that we can have gender equal society where both men and women contributes to the growth and development of the society. The article also discusses the importance of women empowerment and some cases to help in better understanding of the concept.*

**Key words:** *Constitution, Directive Principles, Discrimination, Empowerment, Fundamental Rights, Gender equality*

### INTRODUCTION

The dictionary meaning of the word "empower" is to make someone stronger and more confident, specially in controlling their life and claiming their right. So women empowerment means, as is obvious from the term, empowering the women. Even though the term comprises of two simple words it has a whole lot of meaning and a wide area of focus associated with it. Before understanding women empowerment lets understand the situations and circumstances that has brought this subject or idea into existence. For centuries women have been suppressed and discriminated just because they are women and have always have been considered inferior to men. There are a number of factors responsible for this inequality and discrimination. First and foremost is Patriarchy or Patriarchal society that has prevailed since time immemorial and is still in existence. Patriarchy is a system where a society is dominated by males. A society dominated by men also include the women living in

the same society. <sup>1</sup>Thus women have always been subjected to suppression and dominance by men. Second major factor responsible for today's gender inequality is the evil societal norms which again were coined by those dominant men in the distant past. Some of such ill ideas prevalent in our society are, women are not given their right to education, many girls have to get married at young ages and have children, and women should remain confined in their homes. Women should never raise their voices or ask questions even when they are being abused physically and mentally and the list goes on and on. What's saddening is we have not been able to eradicate such evil norms from our society. Even today while you are reading this article, somewhere a 14 year old girl is getting married a 9 year old girl is indulged in household chores while her brother is in school and a woman somewhere is silently suffering from domestic violence and abuse by her in-laws. Even today a girl riding a motorcycle is judged because there are still people who think that the motorcycle is a 'man thing'. Even today the women's cricket team and women soccer teams don't get the same support as their male counterparts. There's also a huge gap in their pay scales. These are just a few examples of gender discrimination still prevailing in our societies. Though work is being done to bring women at par with men there's still a long way to go and men has a big role to play in this mission. <sup>2</sup>

### **OBJECTIVES**

- To study about the growth of Women Empowerment in India.
- To study the various laws for and in favor of Women Empowerment in Indian Constitution.
- To analyze the role constitution in protection of women rights in India.

### **LIMITATION OF THE STUDY**

This paper is mainly targeted to study the Indian Constitutional provisions on Women Empowerment. This study is confined to the study of laws on women empowerment and the decisions given by constitution on related disputes.

### **NEED OF WOMEN EMPOWERMENT**

The one question we need to ask ourselves is why in the 21st century women are still in need of special focus and attention. Why have we not been able to achieve total gender equality within our society? Why gender discrimination still exist in our society?

Towards the later part of the 20th century governments have started focusing special attention to women. Many NGO's and women welfare organizations and feminists have been working relentlessly to protect the rights of women and stop atrocities against them. We must understand that achieving gender equality and preventing gender discrimination are the two most important steps in empowering women and are currently two most

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<sup>1</sup>social-issues/women-empowerment/ Author: NamitSrivastava

<sup>2</sup>gender-equality-and-rights-a-critical-analysis-of Author: Dr. M. Janaki

discussed topic on every platform. Empowerment of women can be done in various ways. Like for example; if a girl wants to be a doctor or a scientist we should support her by providing her quality education. If another girl wants to go into sports then let her follow that dream. Teaching the women material arts is also a form of women empowerment which enables her to defend herself in any adverse situation. So basically women empowerment is making them strong, confident, and self-reliable. Considering men and women as equals and not discriminating between the two on the basis of gender is another constituent in empowering women. Although at present times the constitution and judiciary of a nation grants equal rights to men and women and considers both genders equal, we have not been able to achieve gender equality till today. It seems the centuries old evil societal norms and ideas are still being followed by a section of the society. We must understand that a society which treats men and women as equals will grow and develop much faster than a society where gender discrimination exists. A prime example is, the difference in development rate between advanced countries like USA, England, France, Australia and that of other developing and underdeveloped countries. One of the main reasons behind the rapid growth and development of the 1st world countries is gender equality.<sup>3</sup> They knew and understood the importance of gender equality long before others did and hence their women were able to contribute equally to the development of the nation along with the men. Actually women empowerment is not just meant for the development of women as it affects overall developments of a society.

### **WOMEN EMPOWERMENT IN INDIA**

Women's condition in socially, politically and economically has changed a lot from ancient to modern period it has kept on changing from time to time. In early period women were well educated and there were no bias among men and women, women used to get equal pay for equal work, women and men were treated equally. But with the changing of time and period the status of women was relegated to a subordinated position to men. Women's were struggling for social justice and equality. The birth of a son was always desired and welcomed but the birth of a girl child was always unwelcomed, a women was more respected if she bears a son and coming into the world of a female infant meant to disappointment to the family. The only time when a women gets respect and care is only when she becomes the mother of a son. Socially sons are preferred for continuation of family's line, but for daughter parents use to spend less on their education or some parents doesn't even educate their daughter instead they let their daughter get married in juvenile age.

All kinds of discriminatory practices started to take from child marriage, sati prathaetc. Women's socio-political rights were deprived and they were made fully dependent upon the male member of the family. All the rights were taken away from them and they didn't have rights to education, right to work and rights to liberty.<sup>4</sup>

### **EMPOWERMENT OF WOMEN AFTER INDEPENDENCE**

Women had faced a major issue relating to their, illiteracy, early marriage and status in their family for over two centuries in India. After achieving freedom from foreign domination and exposed to new values there was a special space for women who has proved themselves in every field while struggling in freedom that they are no

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<sup>3</sup>Women-empowerment-in-India- Author: Prof. V.P Gupta.

<sup>4</sup>A Critical Analysis of Gender Equality in India, NailaKabeer, Volume 13, 1st March, 2005.

less patriotic or energetic. Women have exercised the right to vote since the inception of the Indian Republic in January 1950.

**Special provision in the constitution were designed to secure equality of gender and non-discrimination and they were-<sup>5</sup>**

- Article 14- Equality before law and equal protection of law
- Article 15- State shall not discriminate against any citizens on ground only of religion, race, caste, sex, or place of birth and the state is permitted to make any provision for women and children
- Article 16- Equality of opportunity in public employment
- Article 39(a) - Equal rights for men and women to adequate means of livelihood
- Article 42- Human condition of work and maternity relief of women
- Article 44- To secure for all citizens a uniform civil code throughout the country
- Article 51A (e) - It is a constitutional duty of every citizen of India to renounce practices derogatory to the dignity of women
- Article 243D(3)- Not less than one-third of the total number of seats to be filled by direct elections in every panchayat to be reserved for women and such seats to be allotted rotation to different constituencies in a panchayat
- Article 243D (4) - Not less than one-third of the total number of officers of chairpersons in the panchayats at each levels to be reserved for women
- Article 243T(4)- Not less than one-third of the total number of seats to be filled by directed elections in every municipality to be reserved for women and such seats to be allotted by rotation to different constituencies of a municipality

**GOVERNMENT POLICIES AND SCHEME FOR WOMEN EMPOWRMENT<sup>6</sup>**

The Government of India launched a National Policy for Empowerment of Women. The specific objectives of the policy are as follows :

- To generate awareness and improve the effectiveness of welfare services meant for women.
- To enjoy all Human Rights as well as Fundamental Freedom by women equally in political, economic, social cultural and civil areas.
- To support and assistance to women affected by violence both in public and private areas.
- Scheme for universalization of women helpline is meant to provide 24hours immediate and emergency response to women affected by violence.
- To provide health care, quality education, carrier guidance, employment, social security, safety etc.
- To abolish discrimination and violence against women
- Changes in social attitudes and community practices by active participation and involvement of both men and women

<sup>5</sup> PM Bakshi, The Constitution of India, 15thEdition, 2016

<sup>6</sup>gender-equality-and-rights-a-critical-analysis-of Author: Dr. M. Janaki

### **CONCEPT OF CASES THAT EMPOWERED WOMEN**

- One of the best example of women empowerment can be witnessed in the case of the Phogat sisters. If you have watched the movie DANGAL then you are already familiar with their lives. The Phogat sisters are international level women wrestlers who have won many laurels both at national and international level. As we all know how their father, Mahavir Singh Phogat, always wished to have a son who could fulfil his incomplete dream of winning medals at international wrestling events. But later on he realized that even his daughters are capable of achieving that dream and so he started training them. Today GeetaPhogat and Babitakumari are household names in the country and it has become possible because of the constant support and motivation of their father. And let me tell you they are from Haryana, which is an extreme patriarchal society. This is a classic example of how women empowerment starts from one's own home. We need more men like Mahavir Singh Phogat.

- Laxmi Agarwal is another case where we can see the impact of women empowerment. Laxmi is a victim of acid attack. She was attack in the year 2005 when she was just 15 years of age. She went through such severe trauma at such a tender age. For years she couldn't look herself in the mirror. She felt awkward and shy to walk out in the public. But she fought hard to rise above all these and is now living a proud and confident life. She got married in the year 2014. Thanks to the support of her husband, family, friends and other social activists and welfare organizations she is now living her life with dignity.

- Another instances where women empowerment is most needed is in the case of Rape survivors. A rape survivor, being the victim of such heinous crime, needs all kinds of support. She needs support of the government, the judiciary, her family, and friends and of the society as a whole. But what's saddening is, there are still a section of people in our society who would even judge a victim of rape. We often hear people blaming a woman's dress, her lifestyle or her outgoing attitude for her getting raped. We even see them justifying rapes and sympathizing with the rapists. When the Delhi rape incident (Nirbhaya) happened, we heard comments like "a girl should not be roaming around with a guy at such late hours"! So now it's her fault she got raped?! For me there's no difference between in the rapists and such people. They are on the same page and equally guilty. But on a brighter note, we have seen the government and the judiciary taking prompt actions to severe justice to the victim and we have also seen the common citizens taking a stand for her.

From the above cases we can draw a conclusion that the most important role in empowering women is to be played by the men along with the government, the judiciary, family and friends and the society as a whole.

### **RESEARCH METHODOLOGY**

This paper is entirely based on the secondary sources. Therefore it is designed in doctrinal research. The information of this paper has collected from internet and some international convention's copies and related books.

## **CONCLUSION**

“When women move forward the family moves, the village moves and the country moves”. It is essential as their thought and their value lead the development of a good family, good society and ultimately a good nation. The best way for empowerment is perhaps through inducting women in the establishment of development. Women empowerment will be real and effective only when they are endowed income and property so that they may stand on their feet and build up their identity in the society. The Empowerment of Women has become one of the most important concerns of 21st century not only at national level but also at the international level. Government initiatives alone would not be sufficient to achieve this goal. Society must take initiative to create a climate in which there is no gender discrimination and women have full opportunities of self-decision making power and participating in social, political and economic life of the country with a sense of equality.

## **SUGGESTIONS**

1. The foremost priority should be given to the education of women, which is the most important factor for the upliftment of women in the society.
2. Awareness programmes need to be organized for creating awareness among women specially belonging to weaker and backward groups about their rights.
3. Women should be allowed to work and should be provided enough safety and support to work and they should be provided with proper wages and work at par with men so that their status can be raised in the society.

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## **REFERENCES**

- [1] <http://www.Indiacelebrating.com/social-issues/women-empowerment/> Author: Namit Srivastava
- [2] [https://www.iaspaper.net/womenempowerment in India/](https://www.iaspaper.net/womenempowerment-in-India/) Author: Prof. V.P Gupta.
- [3] <https://www.questia.com/journal/gender-equality-and-rights-a-critical-analysis-of> Author: Dr. M. Janaki
- [4] Critical Analysis of Gender Equality in India, Naila Kabeer, Volume 13, 1st March, 2005.
- [5] J.N Pandey (*constitution of India* 51st Edition, 2014.)
- [6] PM Bakshi (*the constitution of India* 15<sup>th</sup> Edition, 2016.)