



## Women Empowerment in India: Rationale and Present Status

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### Abstract

Every day we here about problems faced by women in daily life, whether at home, office or any public place. Women in any society are considered at secondary position. Women in India are treated as vulnerable section of the society. The traditional Indian society was patriarchal in character, so the women's dependency on men is the major obstacle in women empowerment. In India the concept and process of empowering of women has started late as compared to western countries. In modern period of India, our legislature made various legislative enactments to save and protect women from crime and offences and gives the concept of Empowerment of women. Empowered women play important role in democracy. Women today occupy high ranking post in the society. Therefore, this paper discusses the women's status in Ancient, Medieval and Modern Indian society, certain Laws and Acts which protect the human rights

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### Introduction

Woman in any society considered as second sex. In India woman constitutes almost 50 % of total population, our constitution guarantees equal rights to all citizens and prohibits discrimination on the basis of race, ethnicity, gender, caste *etc.* But still now woman in India are treated as vulnerable section of the society. In Western countries women are empowered long ago, but in India the concept and process of women empowerment has started lately.

Empowerment is a process of strengthening, enhancing the authority /autonomy any by giving information, delegation of responsibility and offering share in decision making so that the performance in different sectors of life improves, to make an individual an able, organized and a good employee in a work setting empowerment may take attempts to achieve it formulaic or perception like constructing the very concept of empowerment. As a general definition, Empowerment is a

multidimensional process that helps people gain control over their own lives.

As women are oppressed in all spheres of life, they need to be empowered in all walks of life. Active participation in social, economic and political spheres would help in enhancing process of decision making empowerment and it will also give women the desired self respect and social dignity and these are the prerequisite of empowerment. According to Sahay S. (1998), the actual definition offered for empowerment are-

- (1) To given power or authority to
- (2) Give ability to enable

Power is the key word of the term Empowerment. Which means having control over material assts like land, finance, intellectual resources like knowledge, information and ideas and to generate sustain and propagate an ideology.

#### **Dimensions of Woman Empowerment-**

Women empowerment has multiple interrelated and independent dimensions focus the main areas as follows-

- Women's political and legal empowerment.
- Women's economic and social empowerment.

**Status of Women in Indian Society: A Historical Profile** “In order to awaken people, it is the people who have to be awakened, once she moves, the country moves and thus we build the Indian of tomorrow.” Said by Pt. Jawahar lal Nehru.

India is now in transition age – present century is the “Knowledge Century Era”. A knowledge driven generation will be an asset for the progress and development of the nation .to achieve and sustain the high growth rates, access in education should be open for entire population without any discrimination. As women are the dynamic promoters of social transformation. Their empowerment and education is must.

#### **Women's Status in Ancient India**

During this period, women had high social and religious status. There is sufficient evidence in Vedic literature that in Vedic period women were imparted Vedic education and used to take part in religious rites. They were also authors of certain Vedic hymns. Women of that age were capable of learning and understanding philosophical doctrines. In Vedic age women remain unmarried for higher studies. The women education has been highly appreciated in Atharva Veda. Manu emphasized that it was the duty of parents to give her daughters integral education. However, there was a gradual decline in female education during later Vedic age.

#### **The Buddhist Age**

With the rise of Buddhism, there came a relief to women. Buddhism thought describe illiteracy as a crime. They allowed women to recite, hear and learn by heart religious discourses. But women had lower status to men.

#### **Medieval Period**

The condition of women in India came to be worst during Muslim rule. The custom of

Pardah extended to the whole of higher classes. Women of lower strata could not afford to confine themselves within the four walls of home as they had to work outside beside home duties. During the medieval period only system of 'Pardah' and 'Jauhar' were being introduced by Muslim and Rajput community against women.

### **British Period**

In that time women were considered a completely inferior means inferior to male having no significance, no personality. They were almost uneducated. Due to efforts of social reformers the status of women was improved, which recognized them in their own rights. Hindu Dharma Shastras and customs had already paved the way for their complete subordination to male through deprivation of property rights, worship of husband as Gods, dowry and sati system. Social reformers tried to give equal importance to women with men therefore in this period only many legislative enactment has been enforced by legislators for protection of women life Act of Sati (abolish) 1829, The Hindu Widow Remarriage Act 1856, The Child Restriction Act 1929, the women Property Right Act 1937, The Hindu marriage Act 1955, the Hindu Adoptions and maintenance Act 1956, The Dowry Prohibition Act of 1961 etc.

**Status Of Women In Modern Period** Need to empower in ancient and medieval period status of women is practically lower than the male but in scripture; theoretically it has given higher status to woman. But the position and starts of today's woman in India is considerably changed

in modern Indian society. A country or a community cannot be considered civilized where woman is not honored. Indian laws are being need without any discrimination against woman. As a result Indian woman enjoying high position in our society. Modern Indian woman today occupy high ranking posts live I.A.S., I.P.S., Defense services, participate in various sports. Woman of recent times like Mother Teresa, Vijay Laxmi Pandit, M.S. Subhalaxmi, Lata Mangeskar our ex-president Smt. Prathibha Patil etc. have achieved international fame. Women have also achieved high fame in the areas of literature, music and acting. More over woman are joining the field of science and technology also.

### **Empowerment of Woman in Modern India**

Our legislation has made various enactments to save and protect woman. Therefore following are some legislative enacted by for protection and promotion of woman empowerment in India.

- a) **Hindu Widows Remarriage Act, 1856-** Act made by Government of East India company to render remarriage of Hindu Widow valid and to legalize the legitimacy of children.
- b) **Indian Penal Code,1860-** Indian Penal code is a code which define every kind of offence i.e. offences against body as well as offences against property and other offences also. It has also defined different kind of offences which has been committed against women and also described punishment for that.

- c) **Indian Evidence Act, 1872-** The Law of evidence also provides protection to the women against certain offences that is in case of Dowry death court shall presume that death is committed during seven years of marriage.
- d) **Law relating to Marriages-** It includes the Hindu marriage act 1955. The special marriage act 1954. Under Muslim Law marriage is purely a civil contract. It is a contract between Muslim man and woman. After attaining age of puberty only a girl is able to marry. For Christian also separate marriage act made by legislator that is Indian Christian marriage act 1872.
- e) **Hindu Adoption and Maintenance Act, 1952-** The Hindu Adoption and Maintenance Act, 1956 provides provisions for a valid adoption. This law of adoption enables a childless person to adopt child of another as his own.
- f) **Laws Relating to Maintenance of Woman-** The government through various legislative enactments protects the right of maintenance of married woman after divorce. These enactments made on the basis of personal law like maintenance of Hindu wives and children under Hindu adoption and maintenance act 1956, the maintenance of Christian wives and children act 1869 and for Parsi, The Parsi Marriage and Divorce act 1936.
- g) **Laws Relating to Succession as per Personal Religion-** As per the Hindu Succession Act, 1956 the property of a male Hindu dying intestate shall develop amongst his heirs including a daughter as well as son's daughter's daughter also. According to Muslim law of Succession, Women have equal rights to share the property of deceased. According to Christian law, the property deceased who died in testate divided equally among his heirs including daughter and wife.
- h) **Immoral Trafficking of Women:** - To protect the women from illegal practice of sexual greed and business of prostitution the parliament has passed the prevention Immoral Traffic Prevention Act 1956.
- i) **Prohibition of Dowry:** - To prevent dowry practice (illegal demands from bridegroom family to bride family) legislature has enacted the separate legislation that is Dowry Prohibition Act and prescribed with punishment.
- j) **Maternity Benefit:** - The Indian Government has passed the maternity benefit act 1961. This maternity benefit is also giving all the women under the employees of state insurance to protect the health of mother and her children and to alleviate part of the financial hardship caused by the birth of the child.
- k) **The Medical Termination of Pregnancy:** - Therefore, the government enacted the Medical Termination of Pregnancy Act as well as also prescribed punishment under the Indian penal code for illegal abortion. It has also prescribed that pregnancy should be terminated by registered medical practitioner only.

- l) **Sati Prevention:** - During East India Company Rural Governor General William Bentick issued regulation prohibiting “sati” that was enacted on December 4, 1829.
- m) **National Commission for women Act, 1990:** - Government of India decided to set up a commission for Women and enacted the National Commission for woman Act, 1990 with goal to achieve full empowerment of women in India.
- n) **Prevention of Female Feticide:** - In Vedic period or Medieval period baby girls had been killed after their birth by any way and in modern period they have been killed in their mother’s womb by using “sex determination test”. Therefore, the Government enacted “Pre-conception, Prenatal diagnostic techniques (prohibition and misuse) Act, 1994 and Rule 1996 to control this sex determination and female feticide”. Many other laws have changed the condition of women in India.
- o) **73<sup>rd</sup> and 74<sup>th</sup> Constitutional Amendments:** These amendments were gone into effect in April 1993 and June 1993 respectively. There was a mandatory provision of one –third of the positions of Panchayat chairperson at all three levels for women (Article 243d).
- p) **Domestic Violence Act, (2005):** This is an Act of the Parliament of India enacted to protect women from domestic violence. The Act provides for the first time in Indian Law a definition of “domestic violence” with this broad and including not only physical violence, but also other forms of violence such as physical violence, emotional /verbal, sexual and economical abuse.
- q) **Triple Talaq Bill:** Supreme court has given a landmark judgment declaring the practice of triple talaq as unconstitutional. Now with the recent Supreme Court in 2017 India has joined the list of several other Muslim countries, where triple talaq has been outlawed for years.

### Human Right and Women

Human Rights are chiefly those supposed rights of human being that he/she inherits by birth. The Concept of human rights was first emerged after the world war-II when the growing inter conflicting interests and entailed discords it became necessary to recognize unanimously the rights of a human being for peaceful survival. The United Nations was created to protect future generation from the curse of war and to reiterate the belief in fundamental human rights, in the dignity and value of human being, and in the equality of men and women.

“All Human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood”. (Article- 1 of the UN Universal Declaration of Human Rights (UDHR)).

In societies around the world, female status generally is viewed as inferior and sub-ordinate to male status. Gender inequality is pervasive in various segments of society. Women who constitute half of the population have been subjected to the tyranny and oppression of a patriarchal order for centuries and infact, most

of them are suffering from the same fate even today.

As world's 50% population is female (women), women Empowerment has become one of the most debatable issues in both developing and developed countries. As a matter of fact conditions of women in developed countries are different from that of in developing countries. Where in the developed countries women enjoy more freedom and rights in developing countries women are still underprivileged, socially and economically backward usually taking part in production processes in agricultural and economical sectors. Empowerment can be perceived as a process, enabling one to attain more control over his life. It encompasses control over material intellectual informational and ideological resources.

Empowerment is a capacity builder process which leads to greater participation, effective decision making power and control leading to transformation action. Empowerment is a kind of transformation to deprived individuals and groups by providing them with power to make choices having impact on their lives. So far as women empowerment is concerned it means empowering them at many fronts, inside a family, community, and state more over it is a psychological strengthening of women.

What is needed is a new public consciousness and more effective and sensitive enforcement of the law in the interest of women as suggested by the UN High Commissioner for human rights after the Nirbhaya Case, which took place in Delhi, on 16<sup>th</sup> of December 2012 signified the male

dominance is manifested not only socio-psychologically but also psychological force as well. Since women constitute half the world's population and are entitled to all Human Rights as an equal basis with men. In pursuance to UN Declaration of Human Rights the constitution of India makes every provision of safe guarding the same through following Articles:

Article 14 promises equality before the law or the equal protection of the laws within the territory of India.

Article 15 prohibits discrimination on grounds of religion, race, caste sex or place of birth.

Article 16 assures equality of opportunity in matters of public employment.

Article 39(a) provides that the state to direct its policy towards securing for men and women equally have the right to an adequate means of livelihood.

Art 39 (d) mandates equal pay for equal work for both men and women.

Article 42 provides that the state to make provision for securing just a humane conditions of work and for maternity relief.

Fundamental Duties – fundamental duties are enshrined in Part IV-A of constitution and are positive duties for the people of India to follow. It also contains a duty related to women's rights.

Article 51 (A)(e) expects from the citizen of the country to promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practice derogatory to the dignity of women.

Through 73<sup>rd</sup> and 74<sup>th</sup> constitutional amendment of 1993, women were given 33.33% reservation in seats at different levels of elections in local governance i.e. at Panchayat, block and municipality elections.

There are certain laws and acts which protect the right of women to seek legal assistance and justice, when faced with certain problems:

The Equal Remuneration Act, 1976

The Dowry Prohibition Act, 1961

The Immoral Traffic (Prevention) Act 1956

The Maternity Benefit Acts, 1961

The Medical termination of pregnancy Act 1971

The Prevention of Sati Act 1987

The Prohibition of Child Marriage Act, 2006

The Pre-Conception & Pre-natal Diagnostic Techniques Act 1994

The Sexual Harassment of Women at work place (Prevention Protection) Act 2013

**Conclusion** – The seed of women empowerment has been sowed in early 18<sup>th</sup> century on an International level. Then there after in 19<sup>th</sup> century it came to India. The Indian scene is more articulate with preference for boys and girls as reflected in nutritional and health differentials and clear disparity in discernible between male and female mortality rate. All the laws and enactments are enforced for the empowerment of women; still the first step towards empowerment of women would be requirement of efforts to fix a place of women in the family. The dream of women empowerment shall not be fulfill unless they are

empowered to play equal decisive and appropriate role in the family, which is the basic unit of empowerment.

The principle of gender equality is clearly defined in the Indian constitution, in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. According to law, everyone in this world is born free and equal in dignity and right, whatever nationality, gender, religion, caste, creed or status. In Human Rights Law adopted in 1948 legally binds International Human Rights both men and women are considered equal yet women struggle hard to realize their human rights to equality and dignity. The status of Indian women has undergone considerable changes. Though Indian women are far more independent and aware of their legal rights. Although much has been done to empower women yet infirmities continue to exist at various levels in matters like matrimony registration of marriage, adoption and property which count much so far as empowerment of woman. The law not only grants equality to women but also empowers the state to adopt measures for well-being of women.

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