

EMPOWRING WOMEN AND GIRLS FOR SHARED PROSPERITY: A CRITICAL ANALYSIS OF LEGISLATIVE FRAMEWORK OF INDIA

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Abstract

“The empowered woman is powerful beyond measure and beautiful beyond description”. Steve Maraboli

In the current scenario of India, women's empowerment has become one of the major concerns of the 21st century. The idea of equality demanded fairness. If we look backwards in history, woman was the first human to taste slavery. Women were slaves before slavery existed." For centuries, societies around the world have attempted to fly with only one wing, denying women their rightful place. When we get to the part of gaze theory that relates to women, much has been done for the women, but if that were the case, why are women still struggling to find their social status and a respectable place in society? Is the term women's empowerment practical or still an illusion? This document neither endorses feminism nor criticizes the laws and changes that have been made regarding women. The document attempts to analyze variables encompassing geographic, social, educational, and age data, and to further analyze existing national, state, and local strategies for women's empowerment in various sectors, including health, education, business, gender-based violence, gender and politics. Participation and try to uncover the main gaps between political developments and actual practice on the ground. The paper shall additionally examine the function of judiciary to empower the girls mainly with modern spate of girl's centric reform in India and the high-quality exercise followed on the International situation which will advise and pop out with notion in manner of concluding remarks.

Key Words: *Women Empowerment; Gender Equality.*

INTRODUCTION

Indian society which had gone through a drastic extrade because the Vedic a while and while we evaluate Indian subculture to different cultures, we recognise that Indian subculture worship ladies as Laxmi Maa- Goodness of ladies , Saraswati maa- wisdom, Dura Maa- energy and electricity etc. Indian values, nationalism and subculture historical past have been glorified via the symbolic of 'Mother India'. Now a days this may restrict to Vedas and purans handiest crime in opposition to ladies are growing day via way of means of day. The empowerment of ladies in sensible truth is controversial difficulty in throughout India and India isn't always exception to that. Over a beyond few years the popularity of ladies present process lot a high quality and bad changes. Drawing the electricity from the constitutional commitments, the Government of India has been engaged withinside the non-stop undertaking of concretely translating all of the rights, commitments and secure guards included withinside the Indian Constitution for ladies from de jure to de facto popularity.

Empowering Of Women': Meaning

Empowering of women' implies the capacity in ladies to take choice with reference to their existence and paintings and giving identical rights to them in all sphere like: personal, social, economic, political, proper and so on. We are dwelling in an age of ladies empowerment in which ladies are running shoulder to shoulder with men. A female additionally manages to stability among their dedication to their expert in addition to their domestic and family. They are gambling more than one roles at houses as a mother, daughter, sister and spouse and at running locations as specialists with exquisite simplicity and complexity. ¹

According to United Nations ², A women empowerment mainly has five components-

- Generating women sense of self-worth
- Women right to have access to equal opportunities and al kind of resources.

¹ Women Empowerment and Constitutional Provisions, by Anjali2150 www.legalserviceindia.com (visited on 20 Feb, 2021)

² <http://www.yourarticlelibrary.com/essay-on-women-empowerment-in-india/31317> (Visited on 20 Feb, 2021)

- Women right to have and determine their choice.¹
- Women right to have a power to regulates and control their lives, within and outside the home.
- Women ability to contribute in creating a more just social and economic order.

Thus, women empowerment is nothing but reorganization of women basic rights and creating an environment where they are treated equal as men and the expansion in people's ability to make strategic life choice in a context where this ability previously denied to them.³

Historical Perspective

From history to present 21th century women condition not remain the static. Socially, economically, politically it goes on changing. In ancient time women was treated equal to men. In Vedic period they are very educated and they are reference as Maitrayi in some of ancient texts. Not after the famous treaty of Manu that is Manuscript the status of women relegated subordinate so as men is concern.⁴ Empowerment occurs within sociological, psychological and economical sphere and at various levels such as individual, group and community and challenges our assumptions about the status quo asymmetrical power relationship and social dynamics.⁵ After that period all discretionary practices was performed against the women like child marriage, Sati, Devadashipratha etc and the social position of women curtained.

During the medieval length the circumstance of girls were given worsened with the appearance of Muslim rules & throughout the British regime.

But rule additionally added western thoughts into country⁶. The patrician mind-set of the

³ Kabeer, Naila "reflection on the measurement of women empowerment" in discussing Women's Empowerment- Theory and practice side studies No.3. Noveum Grafiska AB: Stoochoim 2001

⁴ Namit Srivatsva <http://www.indiacelebrating.com/social-issues/women-empowermnet> (Visited on 20 Feb, 2021)

⁵ Sharma Sheetal, "Empowerment of women and property, right key to rural development", Kurukeshetra, 54, NO.8, p.14, June2006

⁶ Anita Fabiyoal <http://www.imrfjournals.in/pdf/MATHS/HRIRJ-NEW-JOURNAL/HRIRJ-31/75.PDF> (Visited on 20 Feb, 2021)

⁷ Sukhdeo Thorat, "Hindu Social System and Human Rights of Dlits", critical Quest pub.20

medieval Indian society may be understood from the couplets of the well-known Hindi poet Tulsidas who describes the popularity of girls, in his writing, 'dhor, gangwar, shudra aur nari, ye sab taadan ke adhikari' this means that animals, illiterate, untouchables and girls merits to be punished.⁷

Period where the India fought for the Independence, Indian congress supported the first women delegation which met the secretary of state demand women politician rights in 1917, The Child Marriage Restrain Act in 1929 was passed due to effort of Mohammad Ali jinha; Mahatma Gandhi called upon the young men to marry the child widows and urged people to boycott the child marriage.⁸

International Commitments and Conventions

India has ratified diverse global conventions and human rights gadgets committing to stable identical rights of girls. Key amongst them is the ratification of the Convention on Elimination of All Forms of Discrimination towards Women (CEDAW) in 1993. India has ratified the conference with declaratory statements and one reservation. Both the declarations relate to marriage. We have declared that the provisions on marriage and own circle of relatives family members in its Article 16(1) could be ensured in conformity with our coverage of non-interference with inside the non-public affairs of any network without its initiative and consent and that whilst agreeing to the precept of obligatory registration of marriages, failure to get the wedding registered on the identical time will now no longer invalidate the wedding. We did now no longer comply with Article 29(1) of the Convention, which establishes obligatory arbitration or adjudication via way of means of the International Court of Justice of disputes regarding interpretation.

The Mexico Plan of Action (1975), the Nairobi Forward Looking Strategies (1985), the Beijing Declaration in addition to the Platform for Action (1995) and the Outcome Document followed via way of means of the UNGA Session on Gender Equality and Development & Peace for the twenty first century, titled "Further moves and projects to put in force the Beijing Declaration and the Platform for Action" had been unreservedly recommended via way of means of India for suitable comply with up.

⁸ JUDICIAL PRESEPECTIVE OF WOMEN EMPOWERMNET, by Saroj Chhbhra <http://www.ijllijs.in/wp-content-upload/2015/08/7-Reserchpaperpdf> (Visited on 20 Feb, 2021)

The Beijing Platform for Action lays down crucial regions of subject for the girls, which might be indexed withinside the box. The commitments made withinside the global conventions are as a ways as feasible contemplated withinside the Plan files and the National Policy for the Empowerment of Women. Millennium Development Goals (MDGs) had been installed withinside the Millennium Declaration on the General Assembly of the United Nations withinside the 12 months 2000. These encompass selling gender equality and empowerment of girls and enhancing maternal fitness. Though most effective those are explicitly gender specific, gender equality is on the center of fulfillment of MDGs – from enhancing fitness and preventing disease, to lowering poverty and mitigating hunger, to increasing training and reducing baby mortality, to growing get admission to to secure water, and to making sure environmental sustainability.⁹

Constitutional Privileges to Women

The Constitution of India now no longer most effective presents the gender equality however additionally presents a number of the privileges to the girls. Within the framework of democratic policy, our legal guidelines, improvement policies, planes and applications have aimed toward girls development in one-of-a-kind sphere. India has additionally ratified diverse global conventions and human rights contraptions committing to stable same rights of girls. Key amongst them is the ratification of the conference of CEDAW in 1993.¹⁰ Fundamental Rights ¹¹- Article 14- the kingdom shall now no longer deny to any man or woman equality earlier than regulation and same safety so legal guidelines in the territory of India and prohibits any discrimination on the premise of sex.

⁹ Report of the working group on Empowerment of women for the XIplan ministry of women and child development Government of India

¹⁰ Social legal perspective and women empowerment in India, by Tauffiqu Ahamad, International Journal of Academic Research and Development, volume 1: issue 1: January 2016: p.no-45-51

¹¹ Part III of Indian Constitution (Article 12-35)

Article 15(3) - the kingdom is empowered to make any unique provisions for girls. Article 16(20)- no citizen will be discriminating towards or be ineligible for any employment or workplace beneath the kingdom at the floor of sex.

Directive principle of state policy¹² - Article 39(d) - the state to direct an equal pay for equal work both men and women. Article 39(A) - to promote justice on the basic of equal opportunities and to provide free legal aid by sustainable legislation to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. Article 42- the state make provisions for securing just and human conditions of work and for maternity relief. Article 46- the state to promote with special care the education and economic interest of the weaker sections of the people and to promote them from social injustice and all forms of the exploitations. Article 47- the state to raise the level of nutrition and standard of living of the people.

Fundamental Duties¹³ - Article 51A (e) – to promote harmony sand the spirit of brotherhood amongst all the people of India and to renounce practice derogatory to the dignity of the women.

73rd and 74th Amendment of Constitution of India¹⁴ - Article 243 D 3- not less than one third of the total number of seats to be filed by the direct election in every panchayats to be reserved for women and such seats to be allotted by rotation to different constitutes in panchayats. Article 243D (4) - not less than one third of the total number of offices of chairperson in the panchayats at each level to be reserved for women Article 243T (3) - not less than one third of the total number of the 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 constitutes in municipality. Article 243T(4)- reservation of offices of chairperson in municipalities for the schedules casts the schedules tribes and women in such manner as the legislation of state may be law provide.

¹² Part IV of Indian Constitution (Article 36-51)

¹³ Part IVA of Indian Constitution (Article 51A0, added by 42nd amendment in 1976 upon recommendation of Swara Singh Committee

¹⁴ 73rd and 74th Amendment of Indian Constitution came into operation on 24th April 1993

Although constitutionally the women has been empowered with equal opportunity but it is still at a nascent stage because at the grass root level the women are only for the name sake as it is dominated by male in decision making¹⁵ and are highly exploited.

Government Initiatives for Women

National Commission for Women ¹⁶- in January 1992, the government set-ups the statutory body with a specific mandate to study and monitor all matters relating to the constitutional and legal safeguard provided for women, review the existing legislation to suggest amendment whatever necessary etc.

Reservation for Women in Local self-government¹⁷ - the 73th constitutional amendment acts passes 1992 by parliament ensure one third of the total status for women in all elected officers in local bodies whether in rural areas or urban areas.

The National Plan of Action for the Girl Child (1991-2000)¹⁸– the law of action I to ensure survival, protection and development of the girl child with the ultimate objective of building up a better future for the girl child

National policy for the Empowerment of Women, 2001¹⁹- the Department of Women And Child Development in the ministry of Human Development has prepared a National Policy for the empowerment of Women in the year 2001. The goal of the policy is to bring about the advancement development and empowerment of women.

National Policy for Women, 2016²⁰ - to create an effective framework to enable the

¹⁵ NFHS-3 Survey on Women Decision Making Power shows that only one-third of women interviewed took part in decision on house old issues and health; http://rchiips.org/nfhs/a_subject_report_gender_for_website.pdf (Visited on 20 Feb, 2021)

¹⁶ National Commission for Women, Indian Commission of Government of India, www.ncw.nic.in (Visited on 20 Feb, 2021)

¹⁷ 73rd and 74th Amendment of Indian Constitution came into operation on 24th April 1993

¹⁸ THE NATIONAL PLAN OF ACTION FOR THE GIRL CHILD (1991-2000), Ministry of Women and Child Development, Government of India www.wdc.nic.in (19Feb, 2021)

¹⁹ NATIONAL POLICY FOR THE EMPOWERMENT OF WOMEN (2001) , Ministry of Women and Child Development, Government of India www.wcd.nic.in (visited on 19 Feb, 2021)

²⁰ NATIONAL POLICY FOR WOMEN (2016) , Ministry of Women and Child Development, Government of India www.wcd.nic.in (visited on 19 Feb, 2021)

process of developing policies, programmes' and practices which all ensure equal rights and opportunities for women in the family, community, workplace and in governance.

Various other Women Empowerment Schemes- the various empowerment schemes introduced by the government of India time to time to secure the women from all the social evils, all these schemes are like helping hand throughout her life.

These schemes are as follows;

- Beti Bacho Beti Padho Scheme
- One Stop Centre Scheme
- Women helpline Scheme
- UJJAWALA Scheme for prevention of trafficking and rescue victims
- Working Women Hostel
- Ministry approves new projects under Ujjawala scheme and continuous existing projects
- SWADHAR Grah – a scheme for women who are in difficult circumstance
- Support to training and employment programmes' for women (STEP)
- Nari Shakti Puraskar
- Awardees of Stree Shakti Puruskar, 2014
- Awardees of Nari Shakti Puruskar, 2014
- Awardees of Rajya Mahila Samman and Zila Mahila Samman
- Mahila Police Volunteers
- Mahila Shakti Kendras (MSK)
- Nirbhaya

GROWTH OF INDIAN LEGISLATION RELATED TO SAFEGUARD OF WOMEN

- Though a massive quantity of women associated rules are in place, it's miles visible that the efficacy of those legal guidelines aren't first-class mainly because of bad implementation. A main cause for that is the shortage of ok know-how concerning those unique law and additionally absence of gender sensitivity on a part of the functionaries inclusive of regulation enforcement, police, prosecution, clinical profession, judiciary etc. The 11th plan wishes to offer a completely excessive precedence to education and potential constructing of those stakeholders now no longer best to train them approximately the nuances of the legal guidelines however additionally to inculcate gender sensitivity with inside the system. The ladies themselves too want to be made privy to the unique law which can be to be had for his or her safety and rights. For this purpose, attention era and dissemination of records on a sustained foundation will want to taken up with unique modules primarily based totally at the vicinity and institution targets.
- **Indian Penal code, 1860-** IPC defines various provisions of crime against women such as Rape- section 376, Kidnapping and abduction for different purpose-Section 363 to 373, Homicide for Dowry, Dowry Death or attempts- Section 302/304, Torture, both mental and physical- Section 498A, Molestation- Section 509, Sexual Harassment- Section 509, Importation of girl- Section 366 B of IPC.
- **Code of Criminal Procedure Code, 1973-** has certain safeguard for women like obligation of a person to maintain his wife, arrest women by female police tec.
- **Dowry Prohibition Act, 1961-** prohibits the giving or taking of dowry at or before or any time after the marriage.
- **Commission of Sati Act, 1987-** provides for more effective prevention of commission of sati and its glorification on women.
- **Indecent representation of Women (prohibition) Act, 1986** - prohibits indecent representation of women through advertisement or in publication, writing, paintings, or may other manner.
- **Immoral Traffic (prevention) Act, 1956-** it prevents trafficking in women and girl for the purpose of prostitution.

ROLE OF INDIAN JUDICIARY

Gender justice is not only problem there at India but all over the world. We have seen the constitutional protection, legislature safeguard but still we can't ignore the fact that women still treated badly in society.

Women are victims of ill-treatment from long back history. Judiciary has performed well to active the goal of women justice and women empowerment.

According to analytical jurisprudence a court merely found the law or merely interprets the law. Judges are applying the discretionary power to provide better justice to women in the new context of the socio economic conditions. Judiciary has played an active role in enforcing and strengthens the constitutional goals towards protection rights of the land.²¹

The Supreme Court in *Muthamma vs. Union of India*²² and *Air India vs. Nargesh Mirza*²³ struck down discriminatory service conditions female employers to obtain government permission before marriage and denying married and pregnant women the right to be employed.

Vishaka vs. State of Rajasthan²⁴, Bhanwari Devi, a social worker from Rajasthan was brutally gang raped by five men for preventing a child marriage.

Determine to seek justice; she decided to go on the court. In a shocking decision, the trial court acquitted to all five accused. Vishaka, a group of women education and research, took up the cause of victim. They joined the forcer with four other organizations, and filed the petition before the supreme court of India on the issue of sexual harassment at workplace. The court take into consideration all the fact and circumstance and give the guideline which is of the great step at the time of 1977, and that guideline followed further for safe working environment for women.

²¹ Trishala A, Laxmi T and Rajeskumar S, "physicochemical profile of acacia catechu bark extract- An In Vitro Study," International Research Journal Of Multidisciplinary Science and Technology, Volume No.3, Issue No. 4, p- no 26-30, April 2018.

²² (1979) 4 SCC 260

²³1981 SC 1829

²⁴ (1997) 6 SCC 241

Mary Roy vs. State of Kerala [31], Women from Syrian christen community in Kerala were prevented from inhering property due to patriarchal tradition. The decree was challenged by the Mary a women right activist and educator. She filed the case against her brother, who denied giving equal share in father property. In 1986, the Supreme Court delivered a landmark judgment that grants of women the right to seek an equal share in their father property.

Centre for enquiry into health and Allied Themes vs. Union of India [32], with the advent of pre natal diagnostic that could determine the sex of fetus, the growing trend of aborting girl fetuses was observed. The government issue PNDT Act, 1996. However the government not properly implements this act. The petition was filed to challenge this act; the court held that all advertisement relating to pre-natal sex determination should be banned with that government need to enact provisions of the existing act.

Laxmi vs. Union Of India ²⁵, In 2006 Laxmi an acid attack victim filed the petition seeking measures to regulate the sale of acid and provide the adequate compensation to victims. Taking into consideration the high number of acid attack cases Supreme Court imposed stringent regulations of the sale of acid in 2013.

SUGGESTIONS AND RECOMMENDATIONS TO ACHIEVE WOMEN EMPOWERMENT

1. With technological advancement, there has been incidence of frauds. Misuse of information uploaded on the cyberspace and hence there is need to developing protective measures for citizens keeping in view that victims of such frauds are largely women.
2. Judiciary and local authorities need to be more vigilant in protecting the rights of women. The existing legislation affecting relating to women will be reviewed to enhance their effectiveness and additional legislation measures or amendment to be taken up based on the emerging needs.
3. Education plays the most crucial role in empowering women; education helps to develop both mental and psychological growth to stand for them. Action Plans for

²⁵ WP (crl) No.129 of 2006

Women's Empowerment at national and State levels should be drawn up in consultation with civil society including women's groups, lawyers, activists, women's studies centers etc.

4. Give encouragement to women to develop the quality of entrepreneurship, so that gives attainable strength to women and remove gender inequality.
5. Certain existing laws have been amended and modifies according to need of time by creating penal sanction against certain type of behavior, which deprive or derogate the dignity of women.
6. State need to give much attention to nutrition and health of the women. And that too such programmers need to arrange at rural level to monthly checkup and take of health status. Policy should ensure women friendly accessible, free, comprehensive primary health care accessible to all, specially marginalized groups with full preventive, primitives and curative care.
7. Make efforts to render woman victims quick, speedy and effective justice true to its meaning. Place women as leaders and give them decision making roles. Provide training, sensitization and capacity building of Protection Officers, Service Providers, members of the judiciary, police, medical professionals, 135 counselors, lawyers, etc on the issue of domestic violence and the use of law (PWDVA and other criminal and civil laws) to redress the same.
8. The legal framework to ensure that wherever the reservation is granted to women they must have a fair decision making powers and mobility.

Conclusion

As we heard quote quoted through Ms. Leela Seth that “all of us understand that ladies are 1/2 of the sector and preserve up 1/2 of the sky however in which are they in relation to equality”. The idea of gender equality has roots in lengthy lower back to history. To solve the dialogue on gender equality the idea ladies empowerment grows. The gift circumstance of ladies depend on and historical time, British rule and social subculture of India. Judiciary time to time gambling an essential position while the situations rise up when we check out twenty first century we are able to see ladies are doing excellent in each and every filed. Empowering ladies is to cause them to unbiased in all factors from mind, thought, rights, choices and so forth through leaving all of the social and own circle of relative’s limitations. It is likewise convey equality with inside the society for each male and woman in all areas. Women empowerment could be very vital to make the brilliant destiny of the own circle of relatives, society and country. Still its lengthy path to look its guys is same to ladies in society. It’s now no longer sufficient to enact some of legislation, laws, law there's want to completed social, economic, educations, social reputation of ladies. Lastly we've a protracted manner to go, however we are able to get there someday as “The second we empower a woman, we empower our own circle of relatives