Empowerment Of Women - Issues And Challenges

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ABSTRACT

Women empowerment is empowering the women to take their own decisions for their personal dependent. Empowering women is to make them independent in all aspects from min, thought, rights, decisions etc by leaving all the social and family limitations. It is to being equality in the society for both male and female in all areas. Women empowerment is very necessary to make the bright future of the family, society and country.

The most component of women empowerment is found to be education. It leads to improved economic growth, low fertility rate, health and sanitation and an awareness of factors that disempowered women. Work participation rate and political participation also grows in women’s education.

Though women empowerment it can be possible to change the male dominated country into the equality dominated country of rich economy.

Gender inequality is the main social issue in India in which women are getting back in the male dominated country. Women empowerment needs to take a high speed in this country to equalize the value of both genders. Uplifting of women in all means should be the utmost priority of the nation. Inequalities between men and women in the society generate lots of problems which became a big obstruction in the way to success of nation. It is the birth rights of the women to get equal value to the men in the society. To really bring empowerment, every women needs to be aware about their rights from their own end. They need to take positive steps and involve in every activities instead of only involving in the household chores and family responsibilities.

“To call woman the weaker sex is a libel; it is man’s injustice to woman. If by strength is meant brute strength, then, indeed, is woman less brute than man. If by strength is meant moral power, then woman is immeasurably man’s superior.”……………………………………… Mohandas Karamchand Gandhi

Key words: Women Empowerment, social and economic growth.

I. Prelude

Inequality between men and women in the society generate lots of problems which become a big obstruction in the way to success of a nation. It is the birth right of the women to get equal value to men in the society. Women do not have rights to decide their own educational field, carrier, express their opinion, life partner, to decide what to wear, where to
go, where to study, where to work etc because the fear of society and family which abolish their confidence and keep them away from decision making. God has not made anyone superior and inferior on basis of gender. We people make this difference and discrimination on the ground of gender. The position and status of women all over the world has risen incredibly in the current century. We find that it has been very low in 19th and 20th centuries in India and elsewhere whey they were treated like ‘objects’ that can be brought and sold. We all know that girls are now doing better at school or colleges than boys and filling most new jobs in every field. To really bring empowerment, every women needs to be aware about rights from their own end.

The empowerment of women also called gender empowerment, Entire nations, businesses, communities, and groups can benefit from the implementation of programs and policies that adopt the notion of women empowerment. Empowerment is one of the main procedural concerns when addressing human rights and development. The Human Development and Capabilities Approach, The Millennium Development Goals, and other credible approaches/goals point to empowerment and participation as a necessary step if a country is to overcome the obstacles associated with poverty and development.

Empowerment of any section of a society is a myth until they are conferred equality before law. The foundation of freedom, justice and fraternity is based on the recognition of the inherent dignity and of equal and inalienable rights to all the members of the society. The Universal Declaration of Human Rights adopted and proclaimed by the General Assembly of the United Nations on 10th December 1948, envisaged in Article 2 that “everyone is entitled to all the rights and freedoms set forth in this declaration without distinction of any kind.”

Men and women are two halves of humanity. Neither can reach its highest creative excellence without the cooperation of the other. The real progress of human civilization and culture lies in the development of ways and methods of recognition and significant valuation of human being including male and female as an entity in himself or herself and as a creator of better social order. Though women play a crucial role in socio-economic development of a country, yet in both industrially developed and less developed countries women are burdened with cumulative inequalities as a result of socio-economic practice. The trend and direction of civilization has been more towards establishing the dominance and authority of human male throughout the course of history of the world. Since ancient times women have always been discriminated against and have suffered and are suffering discrimination in silence. Self-sacrifice and self-denial are their nobility and fortitude and yet they have been subjected to all inequalities, indignities, and discrimination.

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II. Advantage for Empowerment of Women

01. Empowering women can cease the problems like child marriage, dowry killings, discrimination, female foeticide, sexual abuse, workplace harassment and domestic abuse.

02. A large number of women in India and the World are deprived of the education and employment. If the women are empowered to get education and employment, it will definitely help to make the economy of any country stronger.

In India many ladies are there who were courageous and confidence to do something for our country’s women. Savitribai Phule, Jhansi Ki Rani, Indira Gandhi, Kiran Bedi, Kalpana Chawla are some of them. These women did tremendous jobs for society in their fields.

III. International efforts for protection of women

The 20th century was witnessed the upsurge of women empowerment movement universally. The Universal Declaration of Human Rights, 1948 and a plethora of U.N. instruments reaffirming faith in the fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women, contemplated the entitlement of all cherished freedoms to all human beings without any distinction of any kind including discrimination based on sex. The World Conference on Human Rights at Vienna in 1993 had declared the human rights of women and the girl child to be “inalienable, integral and indivisible part of universal human rights” and eradication of any form of discrimination on the basis of sex is the priority objective of the international community. The Convention of the Elimination of All Forms of Discrimination Against Women, 1979 (CEDAW) is the United Nations land mark treaty making the struggle for women’s rights. Described as the Bill of rights of women, it spells out what constitutes discrimination against women and propagates strategies based on non-discriminatory model, so that women’s right are seen to be violated, if women are denied the same rights as men. CEDAW’s new optional protocol introduced in 1994, contains unique procedures enabling individuals to claim remedies for violation of conention rights.

IV. Protection of women under the Constitution of India

The constitution of India not only guarantees equality to women but also empowers the State to adopt measures to positive discrimination in favour of women. The principle of gender equality is enshrined in the Indian Constitution in its Preamble. Fundamental Rights, Fundamental Duties and Directive Principles. Article 14 of the Constitution of India guarantees equality before law. Article 15 prohibits discrimination on the ground of sex. Article 16 states about equality of opportunity for all citizens in matters relating to employment. Article 21 gives right to life and personal liberty. Right to life does not merely mean animal existence but means something more, namely the right to live with human dignity. Rape is therefore, a crime against basis human rights and is also violation of victims right to life contained in Article 21. The Directive Principles of state policy contained in Part IV of the Constitution incorporate many directives to the State to improve the status of
women and for their protection. Article 39(a) directs the State to direct its policy towards securing that the citizen, men and women, equally have the right to an adequate means of livelihood. Article 39(d) directs the State to secure equal pay for equal work for both men and women. Article 39(e) specifically directs the State not to abuse the health and strength of workers, men and women. Article 42 of the Constitution incorporates a very important provision for the benefit of women. It directs the State to make provisions for securing just and humane conditions of work and the maternity relief. Article 44 directs the State to secure for the citizens a uniform civil code throughout the territory of India. Above all the Constitution imposes a fundamental duty on every citizens through Article 51-A(e) to renounce the practice derogatory to the dignity of women. The 73rd and 74th Amendments to the Constitution of India provided for reservation of seats (at least 1/3rd) in the local bodies of Panchayats and Municipalities for women. 108th Constitutional Amendment Bill called Women’s Reservation Bill was passed to reserve 1/3rd of the seats for women only in Lok Sabha to make them actively involved in every area.

V. Legislative protection of women in India

a. Indian Penal Code

Section 292, 293 and 294 provide for punishment in sale and exhibit of obscene books objections and for obscene act in public place.

Section 304(b) deals about murder of women in connection with demand of dowry.

Section 312 to 318 deal about punishment for causing miscarriage.
Section 354 provides punishment for outraging the modesty of any women.
Section 366 deals about kidnapping of marriage against her will.
Section 366-A deals about procuration of minor girls for sexual purpose.
Section 376 deals about punishment of rape.
Section 494 deals about protection of married women from adultery.
Section 498-A deals about subjecting women to cruelty by her husband or relatives and her husband and
Section 509 provides punishment for uttering words and gesture or act intended to insult the modesty of a woman.

b. Criminal Procedure, 1973

Section 125 of Cr.P.C. provides an effective remedy for neglected persons to seek maintenance without restriction. This section deals a woman got her rights to maintenance.

c. Indian Evidence Act, 1872

Section 113(a), 113(b) and 114(c) provides for presumptions as to abetment of suicide by a married women within 7 years of marriage, as dowry death of a woman. The burden of proof also has been removed from the victim and it is now on the defendant to prove himself not guilty.
d. Hindu Adoption Maintenance Act, 1956
   Section 18-A provides for obligations of husband to maintain his wife. Section 18(2) provides right to wife to live separately and Section 19 provides for maintenance of widow by her father-in-law.

e. Hindu Succession Act, 1956
   Section 14 of the Act provides for property of female Hindu to be her absolute property. Section 23 provides right of female legal heirs in the dwelling house.

f. The Hindu Minority and Guardianship Act, 1956
   Section 6 of the Act provides for mother as a natural guardian for minors below 5 years.

g. The Hindu Marriage Act, 1955
   Section 13(2) of the Act provides for wife to present a petition for divorce. Section 13(b) provides equal right for wife for getting divorce by mutual consent. Section 24 of the Act provides for relief for interim maintenance and expenses. Section 25 of the Act provides for right to a wife to seek permanent alimony and maintenance and Section 26 of the Act provides right to claim custody of children.

h. Dowry Prohibition Act, 1961
   Under the provisions of this Act demand of dowry either before marriage, during marriage and or after the marriage is an offence.

i. The Muslim Women (Protection of Right on Divorce) Act, 1986
   Under the provisions of the Act provides for maintenance of women by the relatives after the iddat period.

j. The Factories Act, 1948:- The provisions of this Act provides for health, safety, welfare, and working hours for women labour working in factories.

k. The Equal Remuneration Act, 1976: It provides for payment of equal wages to both men and women workers for the same work or work of similar nature. It also prohibits discrimination against women in the matter of recruitment.

l. The Employees State Insurance Act, 1948: The Act provides for insurance pension and maternity benefits to women workers.

m. The Maternity Benefit Act, 1961: It provides for maternity benefit with full ages for women workers.


p. The Immoral Trafficking (Prevention) Act, 1986:- the act safeguards women from prostitution.

q. The Prenatal Diagnostic Technique (Regulation and Prevention of Measure) Act, 1994: the Act prohibits diagnosing of pregnant women and also identification of child in the womb whether it is male or female.

r. The Indecent Representation of Women (Prevention) Act, 1992:- It Act safeguards women from indecent representation.

s. The National Commission for Women Act, 1992:- the Act provides for a setting up a statutory body namely the National Commission for Women to take up remedial measures and facilitate redressal of grievances and advise the Government on all policy matters relating to women.

t. The family Courts Act, 1984:- the Act provides for setting up a Family Court for in-camera proceedings for women.

u. The Protection of Women from Domestic Violence Act, 2005:- the Act provides for punishment for domestic violence committed by husband and his relatives and also provides legal assistance for women suffering from domestic violence. It also provides interim maintenance to women and also for compensation and damages.

v. The Sexual Harassment of Women at Work Place (Prevention, Protection) Act, 2012:- the Act provides protection to women against sexual harassment at workplace.

w. National Policy for the Empowerment of Women 2001:- The Department of Women and 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. The specific objectives of the policy are as follows:

1. Creation of an environment through positive economic and social policies for full development of women to enable them to realize their full potential.
2. Creation of an environment for enjoyments of all human rights and fundamental freedom by women on equal basis with men in all political, economic, social, cultural and civil spheres.
3. Providing equal access to participation and decision making of women in social political and economic life of the nation.
4. Providing equal access to women to health care, quality education at all levels, career and vocational guidance, employment, equal remuneration, occupational health and safety, social security and public life etc.
5. Strengthening legal system aimed at elimination of all forms of discrimination against women.
Changing societal attitudes and community practices by active participation and involvement of both men and women.

Mainstreaming a gender perspective in the development process.

Elimination of discrimination and all forms of violence against women and the girl child.

Building and strengthening partnerships with civil society, particularly women’s organization.

VII. Role of Judiciary towards empowerment of women

The Indian Judiciary feels convinced of the need for women’s empowerment by 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 strengthening the constitutional goals towards protection of the women of the land.

In Municipal Corporation of Delhi v Female Workers (Muster roll), the Supreme Court extended the benefits of the Maternity Benefit Act, 1961 to the Muster Roll (Daily Wagers) female employees of Delhi Municipal Corporation. In this case, the Court directly incorporated the provisions of Article 11 of the CEDAW, 1979 in to the Indian Law.

In Chairman, Railway Board v Chandrima Doss, the Supreme Court awarded compensation of 10 lakhs to an alen women under Article 21 of Constitution who has been a victim of rape.

In Githa Hariharan v Reserve Bank of India, the Supreme Court interpreted Section 6(a) of Hindu Minority and Guardianship Act, 1956 and Section 19(b) of the Guardians and Wards Act, 1890 in such a way that father and mother get equal status as guardians of a minor.

In Mohammed ahmed Khan v shah Bano, the Supreme Court granted equal right of maintenance under Section 125 of Cr.P.C. 1973 to a divorced married women notwithstanding the personal law. The Supreme Court also held that “large segments of society which have been traditionally subjected to unjust treatment, women are one such segment”.

In Charansingh v Union of India, the Delhi High Court expressed that women are a backward class as compared to men.

In Government of Andhra v P.B. Vijaya Kumar, the Supreme Court has held that the issue of reservation for women in State Services was upheld under Article 15(3) of the Indian Constitution.

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4. A.I.R. 2000 SC 1274
5. A.I.R. 2000 SC 988
6. A.I.R. 1999 SC 1149
7. A.I.R. 1985 SC 945
8. 1979 Lab IC 633
In *Uttarkhand Mahila Kalyan Parishad v State of Uttar Pradesh*\(^9\), the Supreme Court struck down the discriminatory rules of Education Department of Government of Uttar Pradesh.

In *Air India v Nargis Mirza*\(^11\), the Supreme Court struck down the discriminatory Rules of Indian Airlines.

In *Bodhisattwa v Ms. Subhra Chakraborty*\(^12\), the Supreme Court held that rape is a crime against basic human rights.

In *Vishakha v State of Rajasthan*\(^13\), the Supreme Court took a serious note of the increasing menace of sexual harassment at workplace and elsewhere. Considering the inadequacy of legislation on the point, the Court even assumed the role of legislature and defined sexual harassment and laid down instruction for the employer.

In *Apparel Export Promotion Council v A.K. Chopra*\(^14\), the Supreme Court found all facets of gender equality including prevention of sexual harassment in the fundamental rights guaranteed by the Constitution.

In *Shobha Rani v Madhukar*\(^15\), the Supreme Court held that dowry demand was held enough to amount to cruelty.

In *Bodhisathwa Gowtham v Subhra Chakaraborty*\(^16\), the Supreme Court observed that rape was not only an offence under the criminal law but it was a violation of the fundamental right to life and liberty guaranteed by Article 21 of Indian Constitution.

In *Hussainara Kahtoon v State of Bihar* was a landmark case in which the Court directed release of a large number of men and women awaiting trial in the courts. The Court held that delay in trial constitutes denial of justice and therefore the State should ensure speedy justice and provide legal aid to prisoners.

In *D.Velusany v D. Patchaiammal*\(^17\), the Supreme Court held that Live-in-relations will also come under Domestic Violence Act, 2005. It is held that not all live in relationships will amount to a relationship in the nature of marriage to get the benefit of the Act of 2005. To get such benefit the condition mentioned by us above must satisfied and this has to be

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11. A.I.R. 1981 SC 1829
12. A.I.R. 1996 SC 922
13. A.I.R. 1997 SC 301
14. A.I.R. 1999 Sc 625
15. A.I.R. 1988 SC 121
16. A.I.R. 1996 SC 622
17. (2010) 10 SCC 469
proved by evidence. If a man has a ‘keep’ whom he maintains financially and uses mainly for sexual purpose and / or as a servant it would not in our opinion be a relation in the nature of marriage”.

In Seema v Ashwani Kumar\textsuperscript{18}, the Supreme Court directed State Governments and the Central Governments that marriages of all persons who are citizens of India belongs to various religious denominations should be made compulsory registerable in their respective States where such marriage are solemnized. The Bench comprising of Justice Arijit Pasayat and Justice S.L.Kapadia also directed that as and when the Central Government enacts a comprehensive statute the same shall be placed before that Court for scrutiny.

This was followed by the 12\textsuperscript{th} Report of the committee on Empowerment of Women (2006-07), titled “Plight of Indian Women deserted by Indian husbands”, the 18\textsuperscript{th} Law Commission of India’s 205\textsuperscript{th} Report titled “Proposal to Amend the Prohibition of Child Marriage Act, 2006 and Other Allied Laws” and 211\textsuperscript{th} Report titled “Laws on Registration of Marriae and Divorce- A proposal for consolidation and Reform”. All these reports recommended compulsory registration of marriage. This prompted the Government to Amend the Registration of Births and Deaths Act, 1969 to provide for the regulation of registration of births and deaths and for the matter connected therewith.

In the case of Centre for Enquiry into Health and Allied Themes (CEHAT) v Union of India\textsuperscript{19}, the Supreme Court issued guidelines to prevent female foeticide. The bench comprising of Justice M.B. Shah and Justice Ashok Bhan further directed that information should be published by way of advertisement as well as on electronic media. The National Monitoring and Inspection Committee constituted by the Central Government for conducting periodic inspection shall continue to function till the Act is effectively implemented. The reports of this Committee were directed to be placed before the Central Supervisory Board and State Supervisory Board for any further action.

\textbf{VIII. Conclusion}

Women are given a top place in India from the ancient time, on the other hand they were badly treated in the family and society. They were limited only for the household chores or understand the responsibility of home and family members. They were kept totally unaware of their rights and own development. They were not given empowerment to participate in all areas.

Women empowerment is giving rights to women in personal, social, political, economic and all judicial fields. Women can be good leader or manager if they are given opportunities and platform to prove themselves. They are having qualities better than men. Women empowerment does not mean to discrimination men and worship women but it is about equality.

\textsuperscript{18} . A.I.R. 2006 SC 1158
\textsuperscript{19} . 2003(8) SCC 398
Empowerment essentially means decentralization of authority and power. It aims at getting participation of deprived sections of people in decision-making process. It means giving voice for voiceless. Empowerment may mean equal status to women to develop her. Women empowerment looks at basic women rights and attempts on organizing to attain them. Women empowerment can influence not only their own lives but also the lives of men and children. Women empowerment may enhance their self-confidence and their ability and willingness to challenge oppression. Women empowerment aims at eliminating discrimination and challenging gender inequality.

Although there are a number of laws to protect women against all sorts of violence yet there has been the significant increase in the episodes of rapes, extortions, acid attack etc. This is due to delay in legal procedures and the presence of several loopholes in the functioning of a judicial system.

So first of all efforts should begin from our homes where we must empower female members of our family by providing them equal opportunities of education, health, nutrition and decision making without any discrimination.

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