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### Woman Empowerment – A Study

#### INTRODUCTION:

Empowerment is a multi-faceted, multi-dimensional and multi-layered concept. Women's empowerment is a process in which women gain greater share of control over resources - material, human and intellectual like knowledge, information, ideas and financial resources like money - and access to money and control over decision-making in the home, community, society and nation, and to gain 'power'. According to the Country Report of Government of India, "Empowerment means moving from a position of enforced powerlessness to one of power". The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. The Constitution not only grants equality to women, but also empowers the State to adopt measures of positive discrimination in favour of women. Within the framework of a democratic polity, our laws, development policies, plans and programmes have aimed at women's advancement in different spheres. From the Fifth Five Year Plan (1974-78) onwards there has been a marked shift in the approach to women's issues from welfare to development. In recent years, the empowerment of women has been recognized as the central issue in determining the status of women.

The National Commission for Women was set up by an Act of Parliament in 1990 to safeguard the rights and legal entitlements of women. The 73rd and 74th Amendments (1993) to the Constitution of India have provided for reservation of seats in the local bodies of Panchayats and Municipalities for women, laying a strong foundation for their participation in decision making at the local levels. India has also ratified various International Conventions and Human Rights Instruments committing to secure equal rights of women. Key among them is the ratification of the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) in 1993. The Mexico Plan of Action (1975), the Nairobi Forward Looking Strategies (1985), the Beijing Declaration as well as the Platform for Action (1995) and the Outcome Document adopted by the UNGA Session on Gender Equality and Development & Peace for the 21st century, titled "Further actions and initiatives to implement the Beijing Declaration and the Platform for Action" have been unreservedly endorsed by India for appropriate follow up. The Policy also takes note of the commitments of the Ninth Five Year Plan and the other Sectoral Policies relating to empowerment of women. The women's movement and a wide-spread network of non-Government Organisations which have strong grass-roots presence and deep insight into women's concerns have contributed in inspiring initiatives for the empowerment of women. However, there still exists a wide gap between the goals enunciated in the Constitution, legislation, policies, plans, programmes, and related mechanisms on the one hand, and the situational reality of the status of women in India, on the other. This has been analyzed extensively in the Report of the Committee on the Status of Women in India, "Towards Equality", 1974 and highlighted in the National Perspective Plan for Women, 1988-2000, the Shramshakti Report, 1988 and the Platform for Action, Five Years After an assessment".

Gender disparity manifests itself in various forms, the most obvious being the trend of continuously declining female ratio in the population in the last few decades. Social stereotyping and violence at the domestic and societal levels are some of the other manifestations. Discrimination against girl children, adolescent girls and women persists in parts of the country. The underlying causes of gender inequality are related to social and economic structure, which is based on informal and formal norms, and practices.

#### **EMPOWERMENT OF WOMEN WITH REFERENCE TO ECONOMIC AND SOCIAL EMPOWERMENT:**

Best examples of women empowerment can be seen in today's world as we see many women in top

positions working side by side with their male colleagues. Though this used to be a male dominant society but from a few years a clear rise in women participation in workplace is noticed. We can now find women in sports, politics, education, army; they are engineers, doctors, pilots and involved in so many other professions. Thus, women should be encouraged to learn and should be provided with opportunity to gain education to groom them as well as to educate the nation.

Education is the most important part of human development. Generally education is evaluated or measured in terms of numbers through the ability or capacity of reading and writing.

### **Economic Empowerment of Women:**

#### **Poverty Eradication:**

Since women comprise the majority of the population below the poverty line and are very often in situations of extreme poverty, given the harsh realities of intra-household and social discrimination, macroeconomic policies and poverty eradication programmes will specifically address the needs and problems of such women. There will be improved implementation of programmes which are already women oriented with special targets for women. Steps will be taken for mobilization of poor women and convergence of services, by offering them a range of economic and social options, along with necessary support measures to enhance their capabilities.

#### **Micro Credit:**

In order to enhance women's access to credit for consumption and production, the establishment of new, and strengthening of existing micro-credit mechanisms and micro-finance institution will be undertaken so that the outreach of credit is enhanced. Other supportive measures would be taken to ensure adequate flow of credit through extant financial institutions and banks, so that all women below poverty line have easy access to credit.

#### **Women and Economy:**

Women's perspectives will be included in designing and implementing macro-economic and social policies by institutionalizing their participation in such processes. Their contribution to socio-economic development as producers and workers will be recognized in the formal and informal sectors (including home based workers) and appropriate policies relating to employment and to her working conditions will be drawn up.

#### **Globalization:**

Globalization has presented new challenges for the realization of the goal of women's equality, the gender impact of which has not been systematically evaluated fully. However, from the micro-level studies that were commissioned by the Department of Women & Child Development, it is evident that there is a need for re-framing policies for access to employment and quality of employment. Benefits of the growing global economy have been unevenly distributed leading to wider economic disparities, the feminization of poverty, increased gender inequality through often deteriorating working conditions and unsafe working environment especially in the informal economy and rural areas.

### **Social Empowerment of Women:**

#### **Education:**

Equal access to education for women and girls will be ensured. Special measures will be taken to eliminate discrimination, universalize education, eradicate illiteracy, create a gender-sensitive educational system, increase enrolment and retention rates of girls and improve the quality of education to facilitate life-long learning as well as development of occupation/ vocation/ technical skills by women. Reducing the gender gap in secondary and higher education would be a focus area.

Sectoral time targets in existing policies will be achieved, with a special focus on girls and women, particularly those belonging to weaker sections including the Scheduled Castes/Scheduled Tribes/Other Backward Classes/Minorities. Gender sensitive curricula would be developed at all levels of educational system in order to address sex stereotyping as one of the causes of gender discrimination.

#### **Health:**

A holistic approach to women's health which includes both nutrition and health services will be adopted and special attention will be given to the needs of women and the girl at all stages of the life

cycle. The reduction of infant mortality and maternal mortality, which are sensitive indicators of human development, is a priority concern. This policy reiterates the national demographic goals for Infant Mortality Rate (IMR), Maternal Mortality Rate (MMR) set out in the National Population Policy 2000. Women should have access to comprehensive, affordable and quality health care. Measures will be adopted that take into account the reproductive rights of women to enable them to exercise informed choices, their vulnerability to sexual and health problems together with endemic, infectious and communicable diseases such as malaria, TB, and water borne diseases as well as hypertension and cardio-pulmonary diseases. The social, developmental and health consequences of HIV/AIDS and other sexually transmitted diseases will be tackled from a gender perspective.

**Nutrition:**

In view of the high risk of malnutrition and disease that women face at all the three critical stages viz., infancy and childhood, adolescent and reproductive phase, focused attention would be paid to meeting the nutritional needs of women at all stages of the life cycle. This is also important in view of the critical link between the health of adolescent girls, pregnant and lactating women with the health of infant and young children. Special efforts will be made to tackle the problem of macro and micro nutrient deficiencies especially amongst pregnant and lactating women as it leads to various diseases and disabilities.

**Drinking Water and Sanitation:**

Special attention will be given to the needs of women in the provision of safe drinking water, sewage disposal, toilet facilities and sanitation within accessible reach of households, especially in rural areas and urban slums. Women's participation will be ensured in the planning, delivery and maintenance of such services.

**Housing and Shelter:**

Women's perspectives will be included in housing policies, planning of housing colonies and provision of shelter both in rural and urban areas. Special attention will be given for providing adequate and safe housing and accommodation for women including single women, heads of households, working women, students, apprentices and trainees.

**LEGAL FRAMEWORK FOR WOMEN EMPOWERMENT:**

The world is dominated by the male community, whereas, women occupy half of the population of the world and work two-third of the total work of the world in more hygienic conditions than the men. Everyone says that women are equal to men or claim the equality. We say that they are not equal to men but superior to men. To test their equality or superiority, we have to empower them at par politically, socially, economically and legally.

After Independence, Ms. Vijayalaxmi Pandit represented India at United Nations. Mrs. Indira Gandhi ruled India as a Prime Minister for longest time, and many women become Governors and Chief Ministers of States and render services at various levels in Judiciaries and executives in administration, likewise in IAS, IPS and IRS also.

Empowerment for Healthy Nation—If women receive education and become economically independent, the possibility of many pernicious social evils dying a natural death may not remain a distant dream (child marriage, early pregnancy, repeated pregnancy, infant mortality, female feticide etc.). Law alone cannot provide empowerment and human rights but, wider social movement of educating woman is a pre-condition. In India as per Census of 2001, female literacy rate was 53.7% whereas it was 39.29 % in 1991 and male literary rate was 75.3% whereas it was 64.13% in 1991.

It clearly shows that nearly half of the females still remain illiterate. Besides the legal empowerment at international level by adopting various Conventions and treaties, Indian Constitution has also empowered the women at par with men.

Even Article 15 (3) of the Constitution empowers the Legislation to enact laws in favour of women, which shall not be violative of equality. Here we are going to study some of the legal provisions empowering the women, which may be summarized as follows—

**Empowerment under Criminal Law:**

Pregnant woman cannot be executed with death sentence— According to section 416 of the Code, if a woman sentenced to death is found to be pregnant, the High Court shall order the execution of the sentence to be postponed and if it thinks fit, may commute the sentence to imprisonment for life.

Protection in certain offence not to be punished—Rape under section 376, unnatural offence under section 377 of IPC empowers woman. According to these sections the act of man is punishable, but, similar act of woman is not punishable under IPC, because, these sections carry the word "sexual intercourse" and "penetration", naturally it is only possible by men. If, any woman commits similar act (outer-course with man) against his will and without consent, it is not punishable, even then, she is not punishable with abetment of the offence. Section 354 of IPC makes an act of assault or using criminal force to any woman, intending to outrage her modesty as punishable, but, similar act of woman is not punishable, if she does so with man's modesty. Adultery under section 497, criminal elopement under section 498, and cruelty by husband and his relatives under section 498A, are also such offences where woman are not punishable for the similar act on their part.

Protection from arresting a woman in night in absence of Lady Police—The Honorable Supreme Court directed the police not to arrest a lady without the presence of a lady constable and also prohibited the arrest of a lady after sunset and before sunrise under any circumstances. The Supreme Court found the objection behind the direction that a strict compliance of the said direction, in given circumstances would cause practical difficulties to the investigating agency and might even give room for evading the process of law by unscrupulous accused. The object will be served if a direction is issued to the arresting authority that while arresting a female person, all efforts should be made to keep a lady constable present. In pursuant, with the above decisions, the Code of Criminal Procedure (Amendment) Act, 2005, has inserted clause (4) to section 46 of the Code, which says that "no women shall be arrested after sunset and before sunrise except under exceptional circumstances and where such exceptional circumstances exist, the woman police officer shall, by making a written report, obtain the prior permission of the Judicial Magistrate of the first class within whose local jurisdiction the offence is committed or the arrest is made".

Protection from Police harassment—A woman cannot be called to Police Station for an inquiry. She can only be interrogated at her residence. No woman can be kept in custody at night in a Police Station. Women cannot be imprisoned under Civil Court Decree. Our lawmakers have given continuous attention to women's conditions and have enacted many laws to improve them.

#### **The Married Women's Property Act, 1874:**

This Act provides certain liabilities on the husband of a married woman. But this Act is not applicable to any married woman who at the time of her marriage professed the Hindu, Mohammedan, Buddhist, Sikh or Jain religion, or whose husband, at the time of such marriage, professed any of those religions. Married women's wages and earnings shall be their separate property. This Act further explains the liability of husband and wife when arises in cases of post-nuptial and ante-nuptial debts, or breach of trust.

Any benefit from the insurance of herself and her husband shall also be their separate property. At present this provision is also applicable to Hindus and Mohammedans.

#### **Empowerment of women under Factories Act, 1948:**

This Act is applicable to the factories or establishment, where 10 workers are working with power or 20 without power, as the case may be. Similar provisions are also provided to workers in mines under Mines Act, and some other welfare labour laws. No woman shall be required or allowed to work in any factory/mine, except between the hours of 6 a.m. and 7 p.m. but may not be permitted to work between the hours of 10 p.m. and 5 a.m. No female child shall be required or allowed to work in any factory except between 8 a.m. and 7 p.m.

#### **Probation of Offenders Act, 1958:**

Sections 3 and 4 of Probation of Offenders Act, 1958 and section 360 of the Code empowers the court to release certain types of offenders after admonition or on probation of good conduct, if any person is found guilty of having committed an offence not punishable with death sentence or imprisonment for life or not punishable with more than seven years of imprisonment. But, women are

entitled to be released after admonition or on probation, for any offences other than offences punishable with death sentence or life imprisonment.

### **DEVELOPMENT OF WOMEN'S GROUP FOR WELFARE PROGRAMMES:**

However, in spite of these depressing statistics it is also to be noted that though in terms of quantity the participation of women in the total labor force is declining in terms of quality, the diversity of occupations of which women can enter are willing to enter irrespective of the traditionally or unconventionally of the occupations, is showing an upward trend. Women development has been witnessed in the past decades and efforts for their development in various spheres have been examined with care. These Women's Groups carry the message of the programs, to the community and create awareness on the issues of specific concern to women and some of these groups are mentioned below:

**Mahila Sanghas:** Mahila Sanghas are women's group formed under the program of Mahila Samakhya which aims at achieving equality through education. This Sanghs are a forum for discussion of women's problem particularly those related to economy and self image as women. So far 4,826 Sanghs have been formed.

**World Bank Assisted ICDS:** Under the World Bank assisted ICDS I and II projects income generative activities are carried out through active Women's groups. These groups are given financial assistance for providing training and skill up gradation and taking up income generation activities.

### **CONCLUSION:**

There is a basic need to improve human conduct and behaviour for satisfying the legitimate rights of women. Thus, it would be necessary to evolve a gender specific machinery to deal with the acts of violence against women. In 1966 Indira Gandhi, the then Prime Minister of India and an outstanding world leader has in a speech highlighted the role of Indian women. Gender Justice will remain a chimera or illusion so long as the mindset of Indian women is not changed.

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