
WOMEN EMPOWERMENT: A SOCIO-LEGAL ASPECT

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Abstract : It is today's defining reality that-“you can tell the condition of a nation by looking at the status of a women”. Term women empowerment may be defined as- “empowering women in each and every sphere of life and guaranteeing them realization of their full potential in shaping their lives, society and fate of country in accordance with their own aspirations”. Many significant steps are taken at national as well as international level, to ensure women empowerment, such as- Constitution of India ensuring gender equality (Article15), Criminal Law Amendment Act 2013, specific sections of Indian Penal Code 1860, National Policy for the Empowerment of Women 2001, Convention on Elimination of all Forms of Discrimination against Women (CEDAW) 1979, etc. Even after all these legal initiatives, still we are far lagging behind fulfilling the goal of women empowerment due to following hurdles- societal setup, female foeticide and infanticide, dowry practice, female trafficking, gender specific crimes, gender based discrimination, lack of education, honour killing etc. First and foremost step which is required to be taken to eradicate all these obstacles is that all these hurdles should be considered as disease which requires immediate, compulsory and permanent treatment. Then only actual meaning of the Vedic verse (Wherever Women is respected, God resides there) will come true.

Keywords- constitution of India, legal initiatives, permanent treatment, women empowerment

Introduction : In present scenario, woman who constitute half of the population have been discriminated, harassed and exploited irrespective of the country to which they belong, unmindful of the religion which they profess and oblivious of the timeframe in which they live[1]. Such victimization of women is consistent and persistent in nature, due to widely accepted view that men are superior to women. It is because superiority[2] is not associated with capability, responsibility and sensitivity, rather than it is accorded with muscle power by which one can subjugate others. So, in order to ensure the freedom of women from the grip of discrimination, harassment and exploitation, “women empowerment” is highly required.

Term “women empowerment” may be defined as enabling women to access, possess and acquire power resources in order to hold the decision making power in their clutch and resist the decisions made by others affecting them[3]. Women empowerment is key device to enable them, resurrect their status multifariously in the society and reconcile them to share virilities of the fast developing world. This is laid down in the 40th session of UN commission on status of women, in New York on 11th march 1996[4]. Women empowerment is not only confined to upliftment of fair sex, rather than it is also acting as an indispensable tool[5] for advancing peaceful development in each and every sphere of life and reducing poverty of nation. It is clearly reflected in the saying of Aung San Suu Kyi[6], that- “the education and empowerment of women throughout the world cannot fail to result in a more caring, tolerant, just and peaceful life for all”. Here, it is also very relevant to quote the lines of Jawaharlal

Nehru[7], that- “you can tell the condition of a nation by looking at the status of a women”.

1.2 importance of women empowerment

It is a matter of bitter shame, sorrow and deep humiliation that since the older times, women have been treated as second grade citizen, all across the globe. It is the harsh reality which is in subsistence, even today also. In this situation women empowerment is the only method to bring the status of women equivalent to men. Women empowerment has its own importance because empowering women implies empowering the whole society due to their significant roles played in the every spheres of life.

Following are some of the significant impacts of women empowerment-

- Decrease in infant mortality and maternal mortality rate- one of the most important impact of women empowerment is decrease in infant mortality and maternal mortality rate. It is because female education which is first and the foremost pillar of women empowerment is not only confined within the ambit of their educational upliftment, rather than it is extended to making them conscious about their reproductive rights and infant health care[8].
- Economic development- economic empowerment of women is part and parcel of women empowerment. It is because economically empowered women is enough competent to strengthen herself in each and every sphere of life and subsequently plays an important role behind development of nation in economic sphere[9].
- Converting into human resource- it is a matter of intense pleasure that women empowerment has significant impact upon increasing human

resource. Women empowerment is acting like a catalyst behind converting them into resource. It is defining reality that empowered women are not only essential for achieving economic growth, poverty reduction, health, education and welfare, rather than they are playing vital role as “human resource”.

- Expansion of education- undoubtedly, women empowerment is the most fundamental prerequisite for expansion of education[10]. It is because educational attainment is one of the most essential requirements for empowering women in all spheres of society and subsequently this very educational empowerment of women results into educational expansion. That’s why it is rightly said that educating women means educating society.
- Downfall of gender biasness and gender crime- gender biasness is deeply rooted and prominently practiced in the society[11]. Gender biasness or gender based discrimination is accelerating the rate of gender crime. Gender biasness and gender specific crimes are two most evil outcomes of lack of women empowerment. In this situation women empowerment is only step which is essentially required to be taken in order to eradicate these evil practices which are going to acquire the status of societal practices.

2. Obstacles In Empowering Women

Significant initiatives have been taken at international, national, state, and local levels for the purpose of empowering women. Still we are far lagging behind achieving the goal of women empowerment, because there are significant gaps between policy advancements and actual practice at the community level, acting as biggest obstacle in the way of women’s empowerment. Following is the description of certain hurdles in empowering women-

2.1 Societal Setup- Degraded position of women in society can be better understood by the application of Marxist feminism, which follows the beliefs of Karl Marx. According to Karl Marx, society is constituted of two groups, one who owns the means of production i.e. the bourgeoisie and another who sell their labour, the proletariat. Former is constantly exploiting the latter by keeping them dependent for wages. Whereas, proletariat continue to work because they believe that eventually they’d move up this well-organised societal structure which forms the basis of their exploitation. This same system of suppression is used to marginalise women. It is the cruelty of fate that even in 21st century maximum women is restricted to domestic work which is never valued because it not results into creation of capital. It is harsh reality that even after holding reproductive rights, women are considered as reproductive machine for procreation of children, while men do not have such obligations and still profit from having

children (preferably sons)[12] who will eventually join their labour force. Therefore, men acquire ability to oppress women in society, because they hold power of production, creation of wealth and above all muscle power empowering them to create cultural standards and compelling women to follow the same due to their dependency. This very society is commonly referred as “patriarchal society”, where an unbalanced societal structure is prevalent.

2.2 Gender Biasness- Today also, in the world of human rights and development societal preference is given to boys over girls and it is the general view that men are superior to women[13] which ultimately results into the creation of atmosphere ruining the goal of women empowerment. Gender based biasness leads to the emergence of many evil practices, like-female foeticide, female infanticide etc, which are acting like catalyst behind marginalisation of women.

2.3 Dowry Practice- presently, dowry is not confined within the ambit of transferring property from bride’s family to that of the bridegroom, at the time of marriage. Rather than this very evil practice continues even after marriage, like at the time of pregnancy, childbirth and ceremonies for piercing the ear of girl child and so on[14]. Practice of giving dowry is not a wilful conduct, rather than it is done by bride’s family under compulsion of demand made by groom’s family. Dowry Harassment and Bride Burning are two adverse consequences of non-fulfilment of dowry demand. At the same time giving dowry acting as one of the biggest hurdles in the way of empowering women.

2.4 Gender Crime- it is a matter of deep humiliation that in the world of human rights, heinous crimes are committed against fair sex. It is a gender specific crime, causing obstruction in the way of empowering women. In the year 1993, violence against women has been defined by United Nations declaration, 1993, as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to a woman, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or private life[15]”.

2.5 Lack Of Education- lack of literacy is one of the most important hurdles in the way of empowering women. It is cruel reality that many females have no access to education. Even in today’s world of science and technology, they are still uneducated. Even after being educated maximum women are not allowed to do jobs, due to which they never become economically independent.

2.6 Early Marriage- early marriage largely victimizes women. It adversely affects their physical, mental, social, educational, economic growth. In other words it can be said that, early marriage affects their growth of overall personality. It has been revealed in one of

the most authentic reports that, particularly in rural areas 95 percent females are married before completing the age of twenty years. One of the most adverse consequences of early marriage is early motherhood. Thus, early marriage causing early motherhood[16] is acting as one of the biggest hurdles in the way of empowering women.

2.7 Female Trafficking- It is a matter of bitter shame and sorrow for us that very rapidly India is becoming source, transit point as well as destination area for trafficking. As per Global Slavery Index 2013[17], India has attained first position in the list of countries with highest estimated number of population in modern slavery. Sex trafficking and bride trafficking are two worst forms of female trafficking, wishing to perpetuate the status of women as object and to obstruct the way of empowering women.

2.8 HONOUR KILLING- honour killing is commonly referred as customary killing[18]. Honour killing may be defined as, murder of a family member by other members or social group, due to the belief of the perpetrators that the victim has brought dishonour upon the family or community. It is a matter of intense shame that in the world of human rights number of females are subjected to honour killing. It happens because they are made to bear the responsibility of upholding family honour through their sexual purity/chastity.

3. Legal Framework For Empowering Women : A number of initiatives are taken at global as well as national level in order to ensure women's empowerment, for the purpose of achieving the goal of poverty reduction, democratic governance, crisis prevention and recovery, environment and sustainable development. Women empowerment is highly required to ensure that women have a real voice in governance of institutions, from judiciary to civil service, as well as in the private sector and civil society, so that they can participate equally with men in public dialogue and decision-making and influence the decisions that will determine the future of their families and countries[19].

3.1 Constitution Of India- constitution of India plays a vital role in empowering women. Gender equality is enshrined under article fifteen of Indian constitution, granting equality to women. Article 15(3) of Indian constitution also plays an important role behind ensuring women empowerment. As it states that state is not prevented from making any special provision for women and children. 73rd and 74th constitutional amendments are landmarks to ensure political empowerment of women. Constituting National Commission for Women (NCW), through an Act of Parliament to safeguard the rights and legal entitlements of fair sex is considered to be one of the historical moves towards empowering women[20].

3.2 Criminal Law (Amendment) ACT[21], 2013 and INDIAN PENAL CODE, 1860-Criminal law (amendment) Act, 2013 is most significant step taken by legislators bringing major amendments in Indian Penal Code, Indian Evidence Act, and Code of Criminal Procedure on laws related to offences committed against fair sex. It resulted into addition of Section 370A which criminalizes human trafficking, Section 354-A (sexual harassment and its punishment), section 354-B (assault), section 354-c (voyeurism), section 354-d (stalking) to Indian Penal Code, 1860. It also resulted into major amendment in the definition of rape, under section 375 of IPC and other related sections, like 376, 376-A, 376-B, 376-C, 376-D. Section 304-B (dowry death), Section 498-A (cruelty by husband or relatives of husband), are certain legal provisions which have restricted the rate of gender crimes at certain extent, but not completely.

3.3 National Policy For The Empowerment Of Women (2001) - the goal of national policy for the empowerment of women is to bring advancement[22], development and empowerment of women. Some of the specific objectives of this policy are- a) Creating an environment, through economic and social policies for development of women, b) Equal access to health care, quality education at all levels, career and vocational guidance etc, c) Elimination of discrimination and all forms of violence against women and girl child. This policy also provides economic empowerment to women through poverty eradication and micro credit programmes.

3.4 CEDAW[23]- India is signatory of Convention on Elimination of all forms of Discrimination against Women, 1979 which provides equality between women and men and equal opportunities in political and public life, including right to vote, education, health and employment. It is also one of the most significant steps taken for empowering women.

3.5 Immoral Traffic (Prevention) Act, 1956 (ITPA), Medical Termination of Pregnancy Act, 1971 (MTPA), Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 (PNMT), Dowry Prohibition Act (1961) are legislative steps taken for the purpose of uprooting the hurdles in empowering women.

4. Conclusion With Suggestion

It is a matter of deep humiliation for entire mankind that even in today's world "women empowerment" is a myth. It is because more than half of the fair sex have no access to basic rights. They are compelled to live under dominance of male fraternity because they are considered as weaker sex, requiring protection for their dignified survival. It is most unfortunate that they are pressurised to be protected by the same against whom they need protection. Today also role

of women is accepted as well as respected as a thread which weaves the fabric of family and society. But they have been never given respectable position in family and society. Significant initiatives are taken to ensure women empowerment, but still we have not attained the goal of women empowerment due to the existence of disparities wishing to perpetuate the status of women as object.

Suggestions: for the purpose of acquiring the goal of women empowerment researcher wants to make humble submission in form of following suggestions-

- Providing moral teaching is first and the foremost step which is highly required to be taken in order to eliminate the hurdles in empowering women. It is because degrading morality and moral values are obstacles in the way of achieving the aim of women empowerment.
- Policies and schemes should be made to sensitize public. Because insensitivity towards fair sex is also one of the most important hurdles in empowering women.
- Government should ensure that career oriented education; employment opportunity; income generating programs should be put into operation in order to make them economically independent.
- Compulsory self defence training should be given to females, because it is most dominant and persistent perception that females are weaker sex and it is acting as one of the most vital problem in the way of empowering women.
- Last but not the least encouraging them to become conscious about their rights and respect.

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