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## THE ROLE OF STATE IN WOMEN EMPOWERMENT

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**Abstract:** The women empowerment has a very big impact in the development of a country as the women plays key role in many aspects. The wide researches in this area had been proved that the development of the country depends not only on the natural resources, human resources, technical education etc., but it also largely depends on the women empowerment, family system, parental guidance and many social aspects. As women population are more in numbers if this more than half population sits in a dormant state then the rest of the less than half men population which includes a large number of children and older people, the country cannot flourish.

Our Constitutional makers realized this interrelation between women empowerment and the development of the country and adopted and enabled women equal status with that of the men. The Constitution provided so many rights for women and also put the burden upon the state to take steps for the women development through some directive principles of state policy. So, under such directives and the directions of the apex court the state implemented so many policies. This paper will highlight the role of the state in women empowerment.

**Keywords:** Empowerment- State- Constitution- Directive principle of state policy.

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**Introduction:** First, however, it is important to know what is the meaning of 'empowerment'? In one way it is nothing but the ability to make choices, disempowerment refers to the processes by which those who have been denied the ability to make choices. In other way empowerment entails change. Women's empowerment and gender equality is the third among the eight 'Millennium Development Goals' (MDG)(1). It has been expressed as an end rather as an instrument for achieving other goals. As important as education, this goal targeting the elimination of gender disparities at all levels and the time limit is very less. So as to achieve these goals every country is under obligation to set their domestic laws in consonance with the International principles. We as a member of United Nations have to formulate our laws and principles to meet the goals

As per the U.N. Report, 1980, the women constitute half the world's population, perform nearly two thirds of its work hours, receive one tenth of the world's income & own less than one hundredth of the world's property. Mahatma Gandhi once declared "Woman is the companion of man, gifted with equal mental capacities. She has a right to participate in every minute detail of the activities of man & she has an equal right of freedom & liberty as him. She is entitled to a supreme place in her own sphere of activity as man is in his." Gandhiji again regarded that, "To Call women the weaker sex is a libel, it is man's injustice to woman."

Article 8 of the UN Charter, protects the equality right of the women and puts an obligation on the member state to implement equality and the United Nations shall place men and women under the

conditions of equality in its principal and subsidiary organs.(2)

Articles 1 & 2 of the Universal Declaration on Human Rights (UDHR, 1948) talks about the equality principle as a basic Human Right(3). The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), which has been described as the International bill of rights for women was adopted by the United Nations General Assembly in 1979 which has been signed and ratified by India. The countries those who signed and ratified this convention are under obligation to follow the recommendations given the committee. The recommendations are binding on the parties to the treaty.

In all the earlier said instances where ever however the women rights are protected the states are under obligation to protect and develop women empowerment. Now we will consider the Constitutional basis of these rights, how our constitution protected these rights.

**Constitutional Basis:** The preamble of the Indian Constitution itself expresses equality as the one of the basic aims of the constitution.(4) So as to achieve the goals set down by the preamble and as an impact of American Bill of Rights and UDHR the constituent assembly adopted right to equality in Articles 14 to 18 of the Indian Constitution. Protecting right to equality as a fundamental right and protecting women more by adding clause (3) to Article 15 itself shows that our constitution wants to safe guard women more and slightly tilted towards the women. Under Article 15 (3) the state is empowered with the power to make special laws for women and children. We can see much number of provisions made under this provision like maternity relief for women workers

(Article 42), Sections 354, 497 of Indian Penal Code, Section 10 of Divorce Act etc.(4)

Part IV of the Constitution of India the Directive Principles of State Policy (DPSP) which it shall be the duty of the States to follow both in the matter of administration as well as in the making of laws, also talks about some special provisions for the betterment and development of women like Article 38 (2), Article 39, Article 42.

**Laws enacted:** So as to achieve the goals directed by the Constitution and to respect and protect the rights conferred on women in the International Conventions and the Constitution the legislature enacted several laws for the better protection of the rights of women by which women can achieve empowerment. Another important point to be discussed is the role of judiciary behind every enactment. Upon the directions given by the judiciary in the judicial activism the state was compelled to make such laws. Now we shall look into the list of enactments.

- The Protection of Women from Domestic Violence Act, 2005(5)
- The sexual harassment of women at workplace (Prevention, Prohibition, and Redressal) Act 2013(6)
- Dowry Prohibition Act, 1961(7)
- Dowry Prohibition Rules(8)
- Indecent Representation of Women(9)
- The Commission of Sati (Prevention) Act and rules(10)
- National Commission for Women Act(11)

**Policies initiated by the State in furtherance of the Directives:** The government so as to adhere the DPSP and so as to implement the policies initiated by the country on women development, the department of Women and Child Development was set up in the year 1985 as a part of the Ministry of Human Resource Development. The main aim and object of this Department is to the holistic empowerment of women and the development of children. Later this Department has been upgraded as a Ministry with effect from 30.01.2006. This ministry formulates policies, plans and programmes and also enacts and amends the legislation. Through all these programmes and policies are the parts of their efforts to ensure women empowerment both economically and socially.

The Ministry of Women and Child Development is headed by **Hon'ble Minister Smt. Maneka Sanjay Gandhi, Mr. V. S. Oberoi is the Secretary and Ms. Preeti Sudan is the Additional Secretary of the Ministry of Women and Child Development.** The activities of the Ministry are undertaken through seven bureaux.(12)

**The Ministry has 6 autonomous organisations viz.**

- National Institute of Public Cooperation and Child Development (NIPCCD)
- National Commission for women (NCW)
- National Commission for Protection of Child Rights (NCPCR)
- Central Adoption Resource Agency (CARA)
- Central Social Welfare Board (CSWB)
- Rashtriya Mahila Kosh (RMK)

Now we shall consider the subjects allocated to the ministry

- Welfare of the family.
- Women and Child Welfare and Coordination of activities of other Ministries and Organisation in connection with this subject.
- References from the United Nations Organizations relating to traffic in Women and Children
- Care of pre-school children including pre-primary education
- National Nutrition Policy, national Plan of Action for Nutrition and National Nutrition Mission.
- Charitable and religious endowments pertaining to subjects allocated to this Department
- Promotion and development of voluntary effort on the subjects allocated to this Department

#### **Policies initiated**

Now we shall consider the policies implemented by this ministry.

- Women Helpline Scheme
- One Stop Centre Scheme
- Beti Bachao Beti Padhao Scheme
- Indira Gandhi Matritva Sahyog Yojana (IGMSY) - A Conditional Maternity Benefit Scheme
- Revision under IGMSY in Accordance with National Food Security Act, 2013 in XIIth Plan
- Review meetings under IGMSY from 24-28th February, 2014
- Cost component under IGMSY Letter dated 03.02.2014
- Instruction for rollout of DBT under IGMSY letter 24.10.2013
- Cost Sharing for maternity benefit to pregnant and lactating woman under IGMSY
- Revision of maternity benefit and conditionalities under IGMSY Scheme in accordance with National Food Security Act, 2013 effective from 10th Sept., 2013
- Rajiv Gandhi Scheme for Empowerment of Adolescent Girls (RGSEAG): Sabla
- Allocation of food grains to States/UTs under RGSEAG(Sabla) during the 4<sup>th</sup> quarter of 2014-15
- Allocation of food grains under WBNP for the 1<sup>st</sup> and 2<sup>nd</sup> quarter of 2014-15
- Allocation of food grains to States/UTs under RGSEA -Sabla during 4th quarter of 2013-14

- Allocation of food grain to Manipur under WBNP for the 4th quarter of 2013-14
- Allocation of food grains to Govt.of Gujrat for the 2<sup>nd</sup> quarter of 2013-14
- Allocation of food grains to State/UTs under WBNP for the 3rd quarter of 2013-14
- Allocation of food grains to States/UTs under WBNP for the 2<sup>nd</sup> quarter of 2013-14
- Allocation of food grains to States/Uts under RGSEA-Sabla during the 1st quarter of 2013-14
- Additional allocation of food grains to State/UTs under WBNP for the 1st Quarter of 2013-14
- IBSA Women's Forum 2013 (14-16 May,2013)
- 4th Quarter Allocation of Foodgrains to States/UTs under WBNP(2013-14)
- Swadhar (A Scheme for Women in Difficult Circumstances)
- Working Women Hostel
- Support to Training and Employment Programme for Women (STEP)
- UJJAWALA : A Comprehensive Scheme for Prevention of trafficking and Resue, Rehabilitation and Re-integration of Victims of Trafficking and Commercial Sexual Exploitation
- Minutes of 21th PSC Meeting of Ujjawala held on 02.12.2013
- Ministry approves new projects under Ujjawala Scheme and continues existing projects
- Short Stay Home For Women and Girls (SSH)
- Awardees of Rajya Mahila Samman & Zila Mahila Samman
- Awardees of Stree Shakti Puruskar, 2014 & Awardees of Nari Shakti Puruskar
- NARI SHAKTI PURASKAR
- Grant-in-Aid for Research, Publication and Monitoring
- General Grant-in-aid (GIA) Scheme for Assistance to Voluntary Organisations in the field of Women and Child Development
- General Grant-in-Aid Scheme in the field of Women and Child Development.
- Family Counselling Centre Scheme
- Gender Budgeting Scheme
- General Grant-in-Aid Scheme for innovative projects.
- Dhanalakshmi
- Kishori Shakti Yojana (KSY)
- Nutrition Programme for Adolescent Girls (NPAG)
- Scheme for welfare of Working Children in need of Care and Protection
- Rajiv Gandhi National Creche Scheme For the Children of Working Mothers

**Role of Judiciary:** Whenever wherever the policies are lacking or their implementation was not successful the courts issued directions to the state and made them obligatory to follow such directions. The judicial activism in this point was backed by so many International Conventions, Constitutional rights and also DPSP. As under Article 141 the judicial precedents are binding on all the Supreme Court and all other High Courts are not only providing justice to the victims but also providing a remedy whenever the laws are missing in that area through giving directions to the state. To fill up the vacuum in existing legislation for the enforcement of fundamental rights the Supreme Court can lay down the guidelines and norms.(12) Under Article 142 the Supreme Court can issue directions and orders for doing complete justice.

In *Visakha vs. State of Rajasthan*,(13) the court provided so many directions to the state for prohibiting sexual harassment at work place, and court further held that whenever wherever the suitable laws are missing in this sphere, international conventions and norms, so far as they are consistent the constitutional spirit, can be relied on. The Apex court even held that a Writ of *Mandamus* can be issued along with the suitable directions can be issued for the protection and enforcement of fundamental and human rights of working women, here subjected to sexual harassment.

In *Sudesh Jale (Dr)(I,II,III) vs. State of Haryana*,(14) in a writ of *Hebeas Corpus* by the husband for the custody of her wife the Supreme Court directed a rehabilitation centre to council the wife who was sometimes accepting to go into the custody of her husband and sometimes rejecting to go the husbands custody because of some family problems, the court also provided police protection.

These cases are only illustrative to explain the role of courts in directing the states to do some action in furtherance of women empowerment.

**Conclusion:** In the earlier discussions we have seen that how the state is under obligation to promulgate laws and policies so as to protect the rights of the women which they got through International and national laws and we also seen that how the DPSP make the state to consider these rights while formulating the policies and also during administration. We have seen so many enactments and policies of such kind above but unfortunately we are lacking the implementation problems. Even the government is also not bothered about how successfully implementing them. If all these policies work out successfully then our country would be on the top in achieving the women empowerment.

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