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Hurdles and Measures

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महिला सशक्तिकरण : सम्भावनायें व चुनौतियाँ

**महिला सशक्तिकरण एवं महिला अधिकार संरक्षण – एक
विश्लेषणात्मक अध्ययन**

मिथिलेश कुमार यादव



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Founder, IPEM Group of Institutions

Dr. B.S. Goel

(04.08.1937-10.01.2017)

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Editor's Message

We heartily welcome you to the second issue of the IPeM Law Journal, 2017- a prestigious work in the area of Law and Legal studies. This issue is special and strives to understand the fundamental utility of Life and Law in contemporary civil & economic situations towards Women Empowerment. The issue is a step forward in considering the countless measures where law takes a deliberate area and has organic utility. The law by nature fundamental, constantly consistent, keeps defining the Law and Life into a new moral and ethical perspective which takes our life into a moral and ethical wisdom. The relevance of Law will always be pertinent as its discourse or narrative is dynamic and tries to understand the changing socio-economic and cultural fabric. It works inherently within weaves and core issues and simultaneously strengthens and widens its utility. The Law henceforth, must redefine when wheel of the time rumbles forward leaving behind the old & meaningless socio-cultural values.

Hence, the Law of Land should always be conscious of a new 'emergence' to stay meaningful to Life whose rapid growth and likewise emerging new socio-economic dynamics keeps us informed. The issue primarily contains the sample of the society and compiles the voices and expectations of women who have had a quantum leap in 21st century and have been calling loud and clear that their names and identity need to be known and recognized. We tried to do the same here. It is heartening to see that so many mature and budding writings find their place in the topic and sub-topics of Women Empowerment as well.

I extend my good wishes and thanks not only for this issue but also for the future endeavour as well.

Dr. Sugandha Goel

Dean Academics, IPeM



“The end of law is not to abolish or restrain, but to preserve and enlarge freedom. For in all the states of created beings capable of law, where there is no law, there is no freedom.”

John Locke

From the Editorial Board

The Editorial Board of the IPEM LAW JOURNAL is proud to announce the publication of the first volume of its Journal. This Journal provides a glimpse of the recent developments that have or are taking place in the field of law.

The Journal publishes articles on all aspects of law. Special emphasis is placed on contemporary developments; however, traditional subjects have been given due regard and place.

The papers and articles included in the Journal are intended to have the widest appeal to those interested in the study of law, whether as students, academicians or as professionals. The Journal provides an opportunity for the readers to keep themselves abreast of new ideas and developments in the legal arena

The Editorial Board has received a number of research papers and articles for submission and each paper has been thoroughly reviewed by independent reviewers who constitute the Review Board.

We hope that the IPEM LAW JOURNAL will serve the legal community well as a vehicle of presenting new ideas and research in the field of law.

Thanks are due to many people who have helped in starting up this new Journal. We are particularly grateful to the Associate Editors of the Journal who have contributed immensely to the effort.

Finally, the members of Editorial Board wish to thank the authors who submitted their papers and articles for the maiden issue of the Journal. Any contributions in the form of research papers or articles are welcome for submission to the Editorial Board for the second issue of the Journal. Suggestions for improvement or otherwise in any part of the Journal are welcome and will be highly appreciated.

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Importance of Education in Women Empowerment

Parag Singh*
Nikita kaushik**

ABSTRACT

Education is the only process of facilitating learning, or the acquisition of knowledge, skill, value, beliefs and habits. Educational methods includes all the teachings, discussion, training, research etc. And, WOMEN EMPOWERMENT, means to the creation of an environment for women where they can make decision of their own for their personal benefits as well as society. Once Pandit Jawaharlal Nehru, said "If you educated a man you educated an individual, however. If you educated a woman you educated a whole family. Women empowered mean mother India empowered". The concept of women empowerment was introduced at the international women conference at NAROIBI in 1985. Education is milestone of women empowerment because it enable them to respond to the challenges, to confront their traditional role and change their. Education and literacy empowers women. The only way a society or nation can move forward, and aspire to economic growth and development is not just through education but especially education among the women citizens. There are several reasons for this such as education liberates, break down barriers, it allows the privilege of choice, education mobilize, foster independence etc. apart from these reasons listed above, there is a much deeper reason that women must be educated, and they must be encouraged to learn as much as they want. A popular line is saying here – educate a man and you'll educate one person, educate a woman, and you'll educated a whole family. i.e. educating a woman can, in fact, educate more generations. A highly educated, independent, professionally successful and sensible woman'll a chose an educated husband. Then she'll educated their child and make them wise, responsible citizens, who'll push forward their kids, and so on. Only a society that educates, empowers and respect its women can become an advanced society. Education is a woman's birthright- and her parents and society better start acknowledging that.

ENVIRONMENTAL CRISIS

There are a number of components in the society or a community which have deprived of their basic or fundamental rights. If we point out the components the women will be on the top. As women are considered as a most important factor in constituting human race even though the importance of their development is still lagging behind. The importance which shall be given to the women is not focused by our modern society in a manner in which it must be focused. The women are still considered on a secondary position by the society even though the women contribute in equal proportion for development of a nation or a country as man

contributes. We are living in a modern world having the fundamental rights but the women are still not enjoying the basic fundamental rights they are deprived of their rights which they have as a being on the earth. The constitution of India does not discriminate in men and women but our society does. In today's era we have to focus primary on the empowerment of the women. The women empowerment is not only needed in India but there is need to focus this on the entire globe. Biologically men are women are different in body structure but god have created both living being without giving some special privileges to men it is our society which has given much importance to men as compared to women. There are many sources through which

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women of entire world can be empowered. Education is the most effective tool for the women empowerment in India as well as in the world. The need for women empowerment is also recognized at international level. The concept of women empowerment was introduced at the international women conference at NAROIBI in 1985.

Pandit Jawaharlal Nehru once said: "If you educate a man you educate an individual, however if you educate a woman you educate a whole family. Women empowered means mother India empowered."

WOMEN EDUCATION STATUS

There are constitutional directives which provide for free and compulsory education to all children up to the age of 14 years which has remained unfulfilled till now. We did not deny the fact that there are changes in literacy rate among women but there is still a wide gap in the literacy rate between men and women.

Literacy Rate of India 2011

Literacy rate of India in 2011 is 74.04%. The **Male literacy rate** is 82.14% and **Female literacy rate** is 65.46% according to Census 2011.

Among the Indian states, Kerala has the highest literacy rate 93.91% and then Mizoram 91.58%.

Among the Union Territories, Lakshadweep has the highest literacy rate of 92.28%.

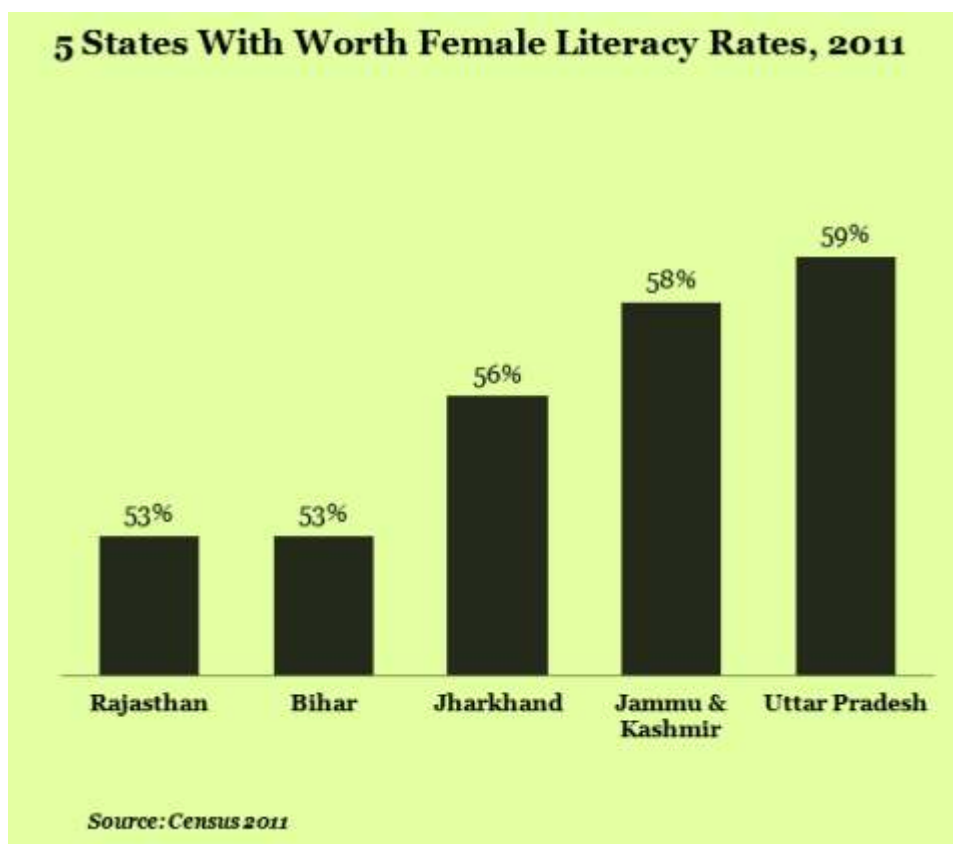
Bihar has the lowest literacy rate in India with 63.82%.

The Male literacy is highest in Lakshadweep 96.11% and Kerala 96.02%.

The Female literacy is highest in Kerala 91.98% and Mizoram 89.40%.

Lowest male literacy is in Bihar 73.39%. Lowest female literacy is in Rajasthan 52.66%.

India is one of the world largest democracies but this democracy will only run in an effective manner when education of women should be focused. If we provide education to women the women will educate the children, her in laws and their family members. So there is a fourfold benefit if women are



educated. There are many prominent persons who have focused a lot on the women empowerment through educating them. Some of them are;

Adi Shankaracharya, Raja Ram Mohan Roy, Ishwarchandra Vidyasagar, Swami Vivekanand, Mahatma Gandhi, Jawaharlal Nehru all spoke about the inhuman oppression and crimes against women in the name of tradition and culture. Raja Ram Mohan Roy plays a very significant role in abolishing sati from India.

BARRIERS OF WOMEN EDUCATION

In India girls are playing a role of second mother in the house by shouldering the responsibility of household works such as looking after small children, cooking food, collecting firewood etc. The Indian families still resist a girl to go to school. There are many social evil in our society which results in discrimination of a girl Dowry system is one of the reason.

BARRIERS IN GIRL EDUCATION

1. The cost of education – Though education should be free, there are a lot of costs associated with sending children to school. The cost of uniforms, textbooks or bus fare can be too much to bear for a family living in poverty. Too often, parents choose to keep their girls at home and send the boys to school instead.
2. Distance to school – In many parts of the developing world, the nearest primary school to a particular community might be a 4 or 5 hour long walk away. On top of that, girls may face dangers or violence on the long way to school; so many parents opt to keep their daughters at home and out of harm's way.
3. Violence at school – Once arriving to school, girls may face various forms of violence at the hands of teachers, peers and other people in the school environment. If parents find out school isn't safe for their daughters, they may remove them from school.
4. Gender norms – Typically, girls are asked to fetch the water, take care of their younger siblings and to help their mothers cook and clean. Due to this, girls may not have the opportunity to attend school because their contributions to the household are valued more than their personal education.
5. Poverty – In many parts of the developing world, children health is a big concern, especially if they're facing poverty. If there's not

enough food or sufficient clean water to keep girls nourished and healthy, they may not be well enough to attend school.

6. Early marriage and pregnancy – When girls are forced to marry young, they are often pulled out of school at a very critical age in their development. The transition from primary to secondary education is key for girls to gain the life skills they need to escape the cycle of poverty. Yet, this is often the same time that many girls leave school due to early marriages or pregnancy. Girls who become pregnant are often discouraged from attending school because of the stigma surrounding them.
7. Lower Social Status-Because girls generally have a lower social status than their brothers, their education is valued less. When resources are scarce, and there are both real and opportunity costs associated with going to school, many families opt to educate their boys over their girls. Additionally, classroom teachers, materials, and methodologies are often skewed to favor boys.

In India school environment for girls is not very safe. We can find out two or three news everyday regarding the girl molestation in school. Even the teachers are found engaged in these types of activities. The school premises should be focused more to make it more secure for girls. Even boys are targeted in school recently what happened in Ryan International school is an appropriated example. After this incident the honorable Supreme Court has given strict direction to all the school authorities to comply strictly with the guidelines for the safety of the children in school premises. The school should be responsible for any act which takes place due to the negligence of the school authorities.

CONSTITUTIONAL PROVISIONS IN SUPPORT OF WOMEN EMPOWERMENT

In spite of women contribution in all spheres of life and they enjoy a unique position in every society and country of the world, but they suffer in silence and belong to a class which is in a disadvantaged position on account of several barriers and impediments. India, being a country of paradoxes, is no exception. Here too, women, a personification of Shakti, once given a dignified status, are in need of empowerment. Women's empowerment in legal, social, political and economic requires to be

enhanced. However, empowerment and equality are based on the gender sensitivity of society towards their problems. The intensification of women's issues and rights movement all over the world is reflected in the form of various Conventions passed by the United Nations. Gender equality is always escaped the constitutional provisions of equality before the law or the equal protection of law. This is because equality is always supposed to be between equals and since the judges did not concede that men and women were equal.

Gender equality did not seem to them to be a legally forbidden inequality. For a long time gender issues were not in the limelight. In India, the Constitution makers while drafting the Constitution were sensitive to the problems faced by women and made specific provisions relating to them. Our Constitution is the basic document of a country having a special legal holiness which sets the framework and the principal functions of the organs of the Government of a State. It also declares the principles governing the operation of these organs. The Constitution aims at creating legal norms, social philosophy and economic values which are to be affected by striking synthesis, harmony and fundamental adjustment between individual rights and social interest to achieve the desired community goals. The Constitution of India contains various provisions, which provide for equal rights and opportunities for both men and women. The silent features are:-

PREAMBLE

The Preamble contains the essence of the Constitution and reflects the ideals and aims of the people. The Preamble starts by saying that we, the people of India, give to ourselves the Constitution. The source of the Constitution is thus traced to the people, i.e. men and women of India, irrespective of caste, community, religion or sex. The makers of the Constitution were not satisfied with mere territorial unity and integrity. If the unity is to be lasting, it should be based on social, economic and political justice. Such justice should be equal for all. The Preamble contains the goal of equality of status and opportunity to all citizens. This particular goal has been incorporated to give equal rights to women and men in terms of status as well as opportunity.

POLITICAL RIGHTS

Even though the fact that women participated equally in the freedom struggle and, under the

Constitution and law, have equal political rights as men, enabling them to take part effectively in the administration of the country has had little effect as they are negligibly represented in politics. There were only seven women members in the Constituent Assembly and the number later decreased further. Their representation in the Lok Sabha is far below the expected numbers. This has led to the demand for reservation of 33% seats for women in the Lok Sabha and Vidhan Sabhas. Political empowerment of women has been brought by the 73rd and 74th Amendments which reserve seats for women in Gram Panchayats and Municipal bodies. Illiteracy, lack of political awareness, physical violence and economic dependence are a few reasons which restrain women from taking part in the political processes of the country.

ECONOMIC RIGHTS

There has been series of legislation conferring equal rights for women and men. These legislations have been guided by the provisions of the fundamental rights and Directive Principles of State Policy. Here again there is a total lack of awareness regarding economic rights amongst women. Laws to improve their condition in matters relating to wages, maternity benefits, equal remuneration and property/succession have been enacted to provide the necessary protection in these areas.

SOCIAL JUSTICE

For providing social justice to women, the most important step has been codification of some of the personal laws in our country which pose the biggest challenge in this context. In the area of criminal justice, the gender neutrality of law worked to the disadvantage of a woman accused because in some of the cases it imposed a heavy burden on the prosecutor, for e.g. in cases of rape and dowry. Certain areas like domestic violence and sexual harassment of women at the workplace were untouched, unthought-of. These examples of gender insensitivity were tackled by the judiciary and incorporated into binding decisional laws to provide social

FUNDAMENTAL RIGHTS

Part III of the Constitution consisting of Articles 12-35 is the heart of the Constitution. Human Rights which are the entitlement of every man, woman and child because they are human beings have been made enforceable as constitutional or fundamental

rights in India. The framers of the Constitution were conscious of the unequal treatment and discrimination meted out to the fairer sex from time immemorial and therefore included certain general as well as specific provisions for the upliftment of the status of women. Justice Bhagwati in *Maneka Gandhi v. Union of India* (AIR 1978 SC 597) said:

"These fundamental rights represent the basic values cherished by the people of this country since the Vedic times and they are calculated to protect the dignity of the individual and create conditions in which every human being can develop his personality to the fullest extent."

Article 14 guarantees that the State shall not deny equality before the law and equal protection of the laws.

Equality before Law

The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

Article 15 prohibits discrimination against any citizen on the ground of sex and Article 15 (3) empowers the state to make positive discrimination in favour of women and child.

Article: 15 Prohibition of discrimination on grounds of religion, race, cast, sex, or place of birth

(1) The state shall not discriminate against any citizen on grounds only religion, race, cast, sex, or place of birth or any of them.

(3) Nothing in this article shall prevent the State from making any special provision for women and children.

Accordingly Article 15(1) prohibits gender discrimination and Article 15(3) lifts that rigor and permits the State to positively discriminate in favour of women to make special provisions to ameliorate their social condition and provide political, economic and social justice. The State in the field of Criminal Law, Service Law, Labour Law, etc. has resorted to Article 15(3) and the Courts, too, have upheld the validity of these protective discriminatory provisions on the basis of constitutional mandate,

Article: 16 Equality of opportunity in matters of public employment

(1) There shall be equality of opportunity for all

citizens in matters relating to employment or appointment to any office under the state.

(2) No citizens shall, on grounds only of religion, race, cast, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the state.

The Constitution, therefore, provides equal opportunities for women implicitly as they are applicable to all persons irrespective of sex. However, the Courts realize that these Articles reflect only de jure equality to women. They have not been able to accelerate de facto equality to the extent the Constitution intended. There is still a considerable gap between constitutional rights and their application in the day-to-day lives of most women. At the same time it is true that women are working in jobs which were hitherto exclusively masculine domains. But there are still instances which exhibit lack of confidence their capability and efficiency. There remains a long and lingering suspicion regarding their capacities to meet the challenges of the job assigned.

In case of *C.B. Muthumma v. Union of India* (1979) 4 SCC 260), a writ petition was filed by Ms Muthamma, a senior member of the Indian Foreign Service, complaining that she had been denied promotion to Grade I illegally and unconstitutionally. She pointed out that several rules of the civil service were discriminatory against women. At the very threshold she was advised by the Chairman of the UPSC against joining the Foreign Service. At the time of joining she was required to give an undertaking that if she married she would resign from service. Under Rule 18 of the Indian Foreign Service (Recruitment, Cadre, Seniority and Promotion) Rules, 1961, it was provided that no married woman shall be entitled as of right to be appointed to the service. Under Rule 8(2) of the Indian Foreign Service (Conduct and Discipline) Rules, 1961, a woman member of the service was required to obtain permission of the Government in writing before her marriage was solemnized. At any time after the marriage she could be required to resign if the Government was confirmed that her family and domestic commitments were likely to come in the way of the due and efficient discharge of her duties as a member of the service. On numerous occasions the petitioner had to face the consequences of being a woman and thus suffered discrimination, though the Constitution specifically under Article 15

prohibits discrimination on grounds of religion, race, caste, sex or place of birth and Article 4 provides the principle of equality before law.

DIRECTIVE PRINCIPLES OF STATE POLICY

However Directive Principles of State Policy are not enforceable in any court of law they are essential in the governance of the country and provide for the welfare of the people, including women. These provisions are contained in Part IV of the Constitution. Fundamental Rights furnish to individual rights while the Directive Principles of State Policy supply to social needs.

Article: 39 certain principles of policy to be followed by the state.

The State shall, in particular, direct its policy towards securing –

- (a) That the citizen, men and women equally, have the right to an adequate means of livelihood.
- (d) That there is equal pay for equal work for both men and women;
- (e) That the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength. Article 39(a) directs the State to direct its policy towards securing that citizens, 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. The State in furtherance of this directive passed the Equal Remuneration Act, 1976 to give effect to the provision.

Article 39(e) specifically directs the State not to abuse the health and strength of workers, men and women.

Women Empowerment Schemes

- Beti Bachao Beti Padhao Scheme
- One Stop Centre Scheme
- Women Helpline Scheme
- UJJAWALA- A comprehensive scheme for prevention of trafficking and Rescue, Rehabilitation and Re- integration of victims of trafficking and commercial sexual exploitation.
- Working Women Hostel
- Rajiv Gandhi National Scheme for the children of working mother
- SWADHAR GREH (A scheme for women in difficult circumstances)

- Support to training and employment programme for Women (STEP)
- Mahila Police volunteers

World Conferences on Women

The United Nations has organized four world conferences on women. These took place in Mexico City in 1975, Copenhagen in 1980, Nairobi in 1985 and Beijing in 1995. The last was followed by a series of five-year reviews.

The 1995 Fourth World Conference on Women in Beijing marked a significant turning point for the global agenda for gender equality. The Beijing Declaration and the Platform for Action, adopted unanimously by 189 countries, is an agenda for women's empowerment and considered the key global policy document on gender equality. It sets strategic objectives and actions for the advancement of women and the achievement of gender equality in 12 critical areas of concern:

- Women and poverty
- Education and training of women
- Women and health
- Violence against women
- Women and armed conflict
- Women and the economy
- Women in power and decision-making
- Institutional mechanism for the advancement of women
- Human rights of women
- Women and the media
- Women and the environment
- The girl-child

The Beijing conference built on political agreements reached at the three previous global conferences on women, and consolidated five decades of legal advances aimed at securing the equality of women with men in law and in practice. More than 17,000 participants attended, including 6,000 government delegates at the negotiations, along with more than 4,000 accredited NGO representatives, a host of international civil servants and around 4,000 media representatives.

1980: 145 Member States gathered for the mid-decade World Conference of the United Nations Decade for Women in Copenhagen. It aimed to review progress in implementing the goals of the first world conference, focusing on employment, health and education. A Programme of Action called

for stronger national measures to ensure women's ownership and control of property, as well as improvements in protecting women's rights to inheritance, child custody and nationality.

1985: The World Conference to Review and Appraise the Achievements of the UN Decade for Women took place in Nairobi. The conference's mandate was to establish concrete measures to overcome obstacles to achieving the Decade's goals. Participants included 1,900 delegates from 157 Member States; a parallel NGO Forum attracted around 12,000 participants. Governments adopted the Nairobi Forward-Looking Strategies for the Advancement of Women, which outlined measures for achieving gender equality at the national level and for promoting women's participation in peace and development efforts.

2000: The General Assembly decided to hold a 23rd special session to conduct a five-year review and appraisal of the implementation of the Beijing Platform for Action, and to consider future actions and initiatives. "Women 2000: Gender Equality, Development, and Peace for the Twenty-First Century" took place in New York, and resulted in a political declaration and further actions and initiatives to implement the Beijing commitments.

2005: A 10-year review and appraisal of the Beijing Platform for Action was conducted as part of the 49th session of the Commission on the Status of Women. Delegates adopted a declaration emphasizing that the full and effective implementation of the Beijing Declaration and Platform for Action is essential to achieving the internationally agreed development goals, including those contained in the Millennium Declaration.

2010: The 15-year review of the Beijing Platform for Action took place during the Commission's 54th session in 2010. Member States adopted a declaration that welcomed the progress made towards achieving gender equality, and pledged to undertake further action to ensure the full and accelerated implementation of the Beijing Declaration and Platform for Action.

2015: In mid-2013, the UN Economic and Social Council requested the Commission on the Status of Women to review and appraise implementation of the Platform for Action in 2015, in a session known as Beijing+20. To inform deliberations, the Council also called on UN Member States to perform comprehensive national reviews, and encouraged regional commissions to undertake regional reviews.

CONCLUSION

To conclude the present scenario, it may be said that women in the modern era is moving at a very high speed towards achieving new heights. There are certain evils too which restricts women which are child labour, child marriage, illiteracy, superstitions, female feticide, etc. Recently the BJP government has launched *Beti Bachao Beti Padho* which focus on the women empowerment and support girl financially and socially. Such type of scheme should also be implemented in other countries. Women's should not considered as a secondary part of the society as in today's modern society the women are far ahead from men in every field. We should provide equal opportunities to women so that they can develop themselves to their greatest extent. It is very important for all nations to understand the need of women empowerment in modern era. At last if we want to empower women than we have to educate each and every woman so that every woman is capable to raise their voice against the evil customs, norms of our old thinking society.

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A Critical Analysis of Issues Related to Women Empowerment in India

Ms. Neetu*

ABSTRACT

This paper attempts to analyze the status of women empowerment in India and highlights the issues and challenges of women empowerment. Today the empowerment of women has become one of the most concerns of 21st century. But practically women empowerment is still an illusion of reality. We observe in our day to day life how women became victimized by various social evils. Women empowerment is vital instrument to expand women's ability to have resources and to make strategic life choices. Empowerment of women is essentially the process of upliftment of economic, social and political status of women, the traditionally underprivileged ones, in the society. It is the process of guarding them against all forms of violence. The study is based on purely from secondary data. The study reveals that women of India are relatively disempowered and they enjoy some what lower status than that of men in spite of many efforts undertaken by government. It is found that acceptance of unequal gender norms by women are still prevailing in the society. The study concludes by an observation that access to education, employment and change in social structure are only the enabling factors to women empowerment.

INTRODUCTION

Women empowerment refers to the increasing the spiritual, political, social, educational, gender or economic strength of individuals and communities of women. Women empowerment in India is heavily dependent on many different variables that include geographical location (urban/rural) Educational status and social status (caste and class) and age. Policies of women's empowerment exist at the national, state and local (panchayat) levels in many sectors, including health, education, economic opportunities, gender based violence and political participation. However there are significant gap between policy advancements and actual practices at the community level.

Empowerment of women is essentially the process of upliftment of economic, social and political status of women, the traditionally underprivileged ones, in the society. It is the process of guarding them against all forms of violence. Women empowerment involves the building up of a society, a political

environment, wherein the women can breathe without the fear of oppression, exploitation, apprehension, this crimination and the general feeling of persecution which goes with being a woman in a traditionally male dominated structure. Women constitute almost 50% of the world's population but India has this proportionate sex ratio whereby female's population has been comparatively lower than males. As far as their social status is concerned, they are not treated as equal to men in all the places. In the western societies, the women have got equal right and status with men in all walks of life. But gender disabilities and discriminations are found in India even today. The paradoxical situation has such that she was sometimes concerned as goddess and at other times merely as slave.

REVIEW OF LITERATURE

H. Subrahmanyam (2011) compares women education in India at present and past. Author highlighted that there has a good progress in overall

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enrollment of girl students in schools the term empower means to give lawful power or authority to act. It is the process of acquiring some activities of women.

M. Bhavani Sankara Rao (2011) has highlighted that health of women members of SHG have certainly taken a turn to batter. It clearly shows that the health of women members discuss among themselves about health related problems of other members and their children and make them aware of various government provisions specially meant for them.

Doepke M. Tertilt M. (2011) does female empowerment promotes economic development? This study is empirical analysis suggesting that money in the hands of mothers benefits children. This study developed a series of non cooperative family bargaining models to understand what kind of frictions can give rise to the observed empirical relationship. Weak to be self sustaining and that continuous policy commitment to equally foe its own sake may be needed to being about equality between men and women.

Sethuraman K. (2008) Trole of women's empowerment and domestic violence in child growth and under nutrition in a tribal and rural community in south India. This research paper explores the relationship between women's empowerment and domestic violence, maternal nutritional status and the nutritional status and growth over six months in children aged 6 to 24 months in a rural and tribal community. This longitudinal observational study undertaken in rural Karnataka. India included tribal and rural subjects.

OBJECTIVES OF THE STUDY

- I. To know the need of women empowerment.
- II. To assess the awareness of women empowerment in India.
- III. To study the government schemes for women empowerment.
- IV. To identify the hindrances in the path of women empowerment.
- V. To offer useful suggestions in the light of Findings.

RESEARCH METHODOLOGY

This paper is basically descriptive and analytical in nature. In this paper an attempt has been taken to analyze the empowerment of in India. The data used in it is purely from secondary sources according to the need of this study.

CRIME AGAINST WOMEN

The crime against women flies directly against orchestrating women empowerment in India. A report on the crimes against women by the National Crime Records Bureau comes up with alarming statistics.

PRESENT SITUATION OF WOMEN

New Delhi: being equal to their counterparts is still a far cry for Indian women. Not only they are marginal as public figures an average Indian women can hardly call the shots at home or outside. In 2016, women occupied only 8 out of 74 ministerial positions in the union council of ministers. There are only 2 judges out of 26 judges in the Supreme Court and there were only 54 women judges out of 634 judges in various high courts.

Shocking Facts: According to 2013, UNDP report on human development indicators, all south Asian Countries except Afghanistan, were ranked better for women than India it predicts: an Indian girl child aged 1-5 years is 75% more likely to die than the boy child. A woman is raped once in every 20 minutes and 10% of all crimes are reported. Women from 48% of India's population, only 29% of the national workforce, only 26% women has access to formal credit.

WHY NEED OF WOMEN EMPOWERMENT?

Reflecting into the "Vedas Purana" of Indian culture, woman is being worshiped such as LAXMI MAA, goddess of wealth; SARASWATI MAA, for wisdom; DURGA MAA, for power. The status of women in India particularly in rural areas needs to address the issue of empowering women. About 66% of the female population in rural area is unutilized. This is mainly due to existing social customs. In agriculture

and animal care the women contribute 90% of the total workforce. Women constitute almost half of the population, perform nearly 2/3 of its work hours, receive 1/10th of world's income and own less than 1/100th the world's property. Among the world's 900 million illiterate people, women outnumber men two to one. 70% of people living in poverty are women. Lower sex ratio i.e. 933. The existing studies shows that the women are relatively less healthy than men though belong to same class. They

constitute less than 1/7th of the administrators and managers in developing countries. Only 10% seats in world parliament and 6% in national cabinet are held by women.

HINDRANCES OF WOMEN EMPOWERMENT:

The main problem that were faced by women in past days and still today up to some extent:

Gender discrimination	Absence of ambition for the achievement
Lack of education	Social status
Female infanticide	Dowry
Financial constraints	Marriage in same caste and child marriage (still existing)
Family responsibility	Atrocities on women (Raped, Kicked, Killed, Subdued, humiliated almost daily)
Low mobility	
Low ability to bear risk	
Low need for achievement	

Need for women empowerment: women are deprived of

Decision making power	Access to employment
Freedom of Movement	Exposure to media
Access to education	Domestic violence

GOVERNMENT SCHEMES FOR WOMEN EMPOWERMENT

The Government programmes for women development began as early as 1954 in India but the actual participation began only in 1974. At present, the government of India has over 35 schemes for women operated by different department and ministries. Some of these are as follows;

1. Rastria Mahila Kosh (RMK) 1992-1993.
2. Mahila Samridhi Kosh (MSY) October, 1993.
3. Indira Mahila Yojana (IMY) 1995.
4. Women Entrepreneur Development Programme given top priority in 1997-98.
5. Mahila Samakhya being implemented in about 9000 villages.
6. Swayamsidha scheme.
7. Swa Shakti Group.
8. Support to Training and Employment Programme for Women (STEP).
9. Swalamban.
10. Creches and Daycare centre for the children of Working and ailing mother.
11. Hostels for working women.
12. Swadhar greh (A Scherme for women in difficult circumstances).
13. National Misssion for empowerment of women.
14. Integrated child development services (ICDS) 1975.
15. Rajiv Gandhi scheme for empowerment of adolescence girls (RGSEAG) 2010.
16. The rajiv Gandhi national Creche scheme for children of working Mothers.

17. Integrated child protection scheme (ICPS) 2009-2010.
18. Dhanlakshmi (2008).
19. Short Stay Homes.
20. Ujjawala (2007): a comprehensive scheme for prevention of trafficking and rescue, rehabilitation and re-integration of victims of trafficking and commercial sexual exploitation.
21. Scheme for gender Budgeting (XI Plan).
22. Integrated rural development programme (IRDP).
23. Training of rural youth for self employment. (TRYSEM).
24. Prime minister rojgar yojana (PMRY).
25. Women's development corporation scheme (WDCS).
26. Working women's forum.
27. Indira mahila Kendra.
28. Mahila samiti yojana.
29. Khadi and village industries commission.
30. Indira priyadarshini yojana.
31. SBI's sree shaki scheme.
32. SIBDI'S Mahila udyam nidhi.
33. NGO's Credit Schemes.
34. National Banks for Agriculture and Rural Development's Schemes.
35. Beti bachao beti padhao scheme.
36. One stop centre scheme.
37. Women helpline scheme.
38. Nari shakti puraskar.
39. Archived maternity benefit programme
40. Ministry approves new projects under ujjawala scheme and continues existing projects.
41. Mahila-E-Haat.
42. Mahila police volunteers.

The efforts of government and its different agencies are ably supplemented by non-governmental organizations that are playing an equally important role in facilitating women empowerment. Despite concerted efforts of governments and NGOs there are certain gaps. Of course we have come a long way in empowering women yet the future journey is difficult and demanding.

STATUS OF WOMEN EMPOWERMENT

The status of women empowerment cannot be visualized with single dimension rather multidimensional assessment in terms of various

components of women's life and their status would bring a clear conception. So, this paper tries to give a basic idea about the condition and status of women in terms of employment, education, health and social status.

REASONS FOR THE EMPOWERMENT OF WOMEN

Today we have noticed different acts and schemes of the central government as well as state government to improve the women of India. But in India women are discriminated and marginalized at every level of society whether it is social participation, political participation, economic participation, access to education, and also reproductive healthcare. Women are found to be economically very poor all over the India. A few women are engaged in services and other activities. So, they need to stand on their own legs on par with men.

According to 2011 census, rate of literacy among men in India is found to be 82.14% whereas it is only 65.46% among women. Thus, increasing education among women is very important in empowering them. It has also noticed that some of women are too weak to work. They consume less food but work more. Therefore, from the health point of view, women folk who are to be weaker are to be made stronger. Another problem is that workplace harassment of women. There are so many cases of rape, kidnapping of girl, dowry harassment, and so on. For these reasons, they require empowerment of all kinds in order to protect themselves to secure their purity and dignity. To sum up, women empowerment can not be possible unless women come with and help to self empower themselves. There is need to formulate reducing feminized poverty, promoting education of women, and prevention and elimination of violence against women.

CHALLENGES

There are several constraints that check the process of women empowerment in India. Social norms And family structure in developing countries like India, manifests and perpetuate the subordinate status of women. One of the norms is the containing preference for a son over the birth of a girl child which in present in almost all societies and

communities. The society is more biased in favor of male child in respect of education, nutrition and other opportunities. The root cause of this type of attitude lies in the belief that male child inherits the clan in India with an exception of Meghalaya. Women often internalize the traditional concept of their role as natural thus inflicting an injustice upon them. Poverty is the reality of life for the vast majority of women in India. It is another factor that poses a challenge in realizing women's empowerment.

There are several challenges that are plaguing the issues of women's rights in India. Targeting these issues will directly benefit the empowerment of women in India

- **Education:** While the country has grown from leaps and bounds since independence where education is concerned, the gap between women and men is severe. While 82.14% of adult men are educated, only 65.46% of adult women are known to be literate in India. The gender bias is in higher education, specialized professional trainings which hit women very hard in employment and attaining top leadership in any field.
- **Poverty:** poverty is considered the greatest threat to peace in the world, and eradication of poverty should be a national goal as important as the eradication of illiteracy. Due to this, women are exploited as domestic helps.
- **Health and safety:** the health and safety concerns of women are paramount for the wellbeing of a country and are an important factor in gauging the empowerment of women in a country. However there are alarming concerns where maternal healthcare is concerned.
- **Morality and Inequality:** due to gender bias in health and nutrition there is unusually high mortality rate in women reducing their population further especially in Asia, Africa and China.
- **Household Inequality:** household relations show gender bias in infinitesimally small but significant manners all across the globe, more so, in India e.g. sharing burden of housework, childcare and menial works by so called division of work.

CONSTITUTIONAL PROVISIONS FOR EMPOWERING WOMEN IN INDIA

- Equality before law for all persons (Article-14).
- Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth (Article-15(1)).
- However, special provisions may be made by the state in favor of women and children (Article-15(3)).
- Equality of opportunity for all citizens relating to employment or appointment to any office under the state (Article-16).
- State policy to be directed to securing for men and women equally the right to an adequate means of livelihood (Article-39(a)).
- Equal pay for equal work for both men and women (Article-39(b)).
- Provisions to be made by the state for securing just and humane conditions of work and maternity relief (Article-42)
- Promotion of harmony by every citizen of India and renunciation of such practices which are derogatory to the dignity of women (Article-51A(e)).
- Reservation of not less than one third of total seats for women in direct election to local bodies, viz; panchayats and municipalities (Article-343(d) and 343(T)).

FINDINGS OF THE STUDY

1. Globalization, Liberalization and other Socio-Economic forces have given some respite to a large proportion of the population. However, there are still quite a few areas where women empowerment in India is largely lacking.
2. There needs to be a sea-change in the mind set of the people in the country. Not just the women themselves, but the men have to wake up to a world that is moving towards equality and equity. It is better that this is embraced earlier than later for our own good.
3. There are several government programmes and NGO's in the country, there is still a wide gap that exists between those under protection and those not.
4. Poverty and illiteracy add to these complications, the empowerment of women begins with guarantee of their health and safety.
5. Empowerment of women could only be

achieved if their economic and social status is improved. This could be possible only by adopting definite social and economic policies with a view of total development of women and make them realize that they have the potential to be strong human beings.

6. In order to create a sustainable world, we must begin to empower women.

SUGGESTIONS

1. The first and foremost priority should be given to the education of women, which is the grassroots problem. Hence, education for women has to be paid special attention.
2. Awareness programmes need to be organized for creating awareness among women especially belonging to weaker sections about their rights.
3. Women should be allowed to work and should be provided enough safety and support to work. They should be provided with proper wages and work at par with men so that their status can be elevated in the society.
4. Strict implementation of programmes and acts should be there to curb the mal-practices prevalent in the society.

CONCLUSION

Thus, the attainment in the field of income/employment and in educational front, the scenario of women empowerment seems to be comparatively poor. The need of the hour is to identify those loopholes or limitations which are observing the realizing of empowerment of women and this initiative must be started from the women folk itself as well as more importantly policy initiative taken by the state and society. Let us take the oath that we want an egalitarian society where everybody whether men or women get the equal opportunity to express and uplift one's wellbeing and well being of the society as whole.

Women's empowerment is not a northern concept women all over the world, including countries in south, have been challenging and changing gender inequalities since the beginning of the history. These struggles have also been supported by many men who have been outraged at injustice against women.

Women represent half the world's population and gender inequality exists in every nation on the planet. Until women are given the same opportunities that men are, entire societies will be destined to perform below their true potentials. The greatest need of the hour is change of social attitude to women.

"When women move forward the family moves, the village moves and the nation moves." It is essential as their thought and their value systems lead the development of a good family, good society and ultimately a good nation. The best way of empowerment is perhaps through inducting women in mainstream of development. Women empowerment will be real and effective only when they are endowed income and property so that they may stand on their feet and built up their identity in the society.

The empowerment of women has become one of the most important concerns of 21st century not only at national level but also at the international level. Government initiatives alone would not be sufficient to achieve this goal. Society must take initiative to create a climate in which there is no gender discrimination and women have full opportunities of self decision making and participating in social, political and economic life of the country with a sense of equality.

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Empowering Women Today: Importance of Education in Women Empowerment

Dr. Merlyn Sharma*

ABSTRACT

Pt. Jawaharlal Nehru said that-If you

educate a woman you educate a whole family” Education is considered as a milestone for women empowerment because it enables them to respond to the challenges ,to confront their traditions and change their lives. Women have so much unexplored potential which has never been tapped and needs to be tapped now .

For the first time in Indian Democracy ,we have a woman defence minister. It’s a perfect example of how education can empower a woman n bring her up to such a position in a democratic setup like India. Another feather in her cap is flagging off INSV –TARINI. Defence Minister Nirmala Sitharaman flags off INSV-TARINI, a ship that will circumnavigate the globe with an all women crew of the Indian Navy. The six member, all women crew will circumnavigate the globe on an Indian sail boat.This is no small feat for any country, specially , a large one like India , where we are still struggling , to build toilets for women in remote areas. Where education means nothing for women.

Women constitute almost half of the population in the world.But the hegemonic masculine ideology made them suffer a lot as they were denied equal opportunities in different parts of the world. The rise of feminist ideas has, however, led to the tremendous improvement of women’s condition throughout the world in recent times. Education can unlock the golden door of freedom for development .

Women Empowerment is a global issue, and discussion on women political rights are at the forefront of many formal and informal campaigns worldwide. The concept of women empowerment was introduced at the international women conference at NAIROBI in 1985 .Education of women is regarded as an important milestone of women because it enables them to face the challenges. Educated woman is better mentally equipped to solve situations and problems thrown at her than an uneducated woman. Several of our learned people and freedom fighters have re-iterated this simple fact that women from all walks of life and all strata of society need to educate themselves. Adi Shankaracharya, Raja Ram Mohan Roy, Ishwar Chandra Vidya Sagar,Swami Vivekananda, Mahatama Gandhi, J.L.Nehru, all have spoken against the inhuman oppression and crimes perpetrated on women in the name of tradition and worn out religious section. Many women Many prominent woman like Margaret Cousins, worked hard to elevate the status of woman to create social awareness and to increase legal and constitutional rights of women. Annie Besant, Muthulaxmi Reddy, Kamla devi Chattopadhyya, Durga Bai Deshmukh are other prominent crusaders for equality .

Women Empowerment means increasing and improving women’s strength in various perspectives like political, economic, legal ,and social stage to make sure that they enjoy the equal privileges of men. Women are highly empowered all over the world.They can be seen in lead positions in various industries.In the past women played a limited role , but at

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present ,they play multiple role. Women are using the power in the best form throughout the world.

“ There is no tool for development more effective than the empowerment of women’

KOFIANNAN

Kofi Annan is a Ghanaian diplomat, who served as the seventh Secretary General of the United Nations and was a co-recipient of the Nobel Peace Prize, was advocate of women empowerment by all means. Women are delivering multiple roles effortlessly every single day .Women are undoubtedly the backbone of any society. Women has borne the brunt of inequality , oppression, financial dependability and other social evils. Women need a solid foundation to nurture the inner strength, creativity and self esteem from all sides

Carolyn Ward author ,“Four faces of women “ has said that ,recorded history tells us that women began to be recognized as having a voice as early as 1718. Sweden and Russia led the way in the long and still continuing journey to women’s rights. However in this past century we have seen extraordinary changes in the state, status, and rights and roles of a woman.

Bhumika Sharma,21 years old from Dehradun has become the first Indian woman to win the Miss World Body Building Championship ,held in Italy.She defeated 50 women from across the world in the final rounds to clinch the title .

Parliament has passed Maternity Benefit (Ammendment) Bill, 2016, that will benefit about 1.8 million women in India .The approved measure that takes India to the 3rd position in terms of the number of weeks for maternity leave after Canada and Norway where it is 50 weeks and 44 weeks ,respectively .The government has already enhanced paid maternity leave from 12 weeks to 26 weeks for, upto 2 surviving children under the E.S.I. Act 1948 .It’s a strong step by the government .This will boost women empowerment in India .Such sustained work –life balance , peace of mind and enhanced productivity

Education is the only route to empower a woman.A lot is being done and a lot has to be done.One educates his own self through education .It opens our minds to philosophy ,history, future self reliance .Education empowers a woman to Independence ,to make her own choices, to choose between right and wrong ,set her own barriers ,which result in growth of self ,family ,society and nation.If growth of a nation is relevant then substantially the growth of a women is a must.Only a society that educates ,empowers and respects its women can become an advanced society.

VIJAYAWADA-12th FEB 2017. Andhra Pradesh and Telangana governor –E.S.L.Narasimhan said : “ The brighter side is that women with limited resources , no political education and social support have overcome the challenges while taking part in public and political spheres .” This is the best example of woman empowermen.

Delhi High Court Chief Justice ,G. Rohini opined that women empowerment should start right from the family.

Condoleeza Rice Ex Secretary of state U.S.A.- believed ‘when women is empowered,the world benefits.When a woman is granted access to information ,training , micro –lending technology ,or rights of advocacy ,she can lift up her entire family ,community,and nation .The best example that can be given here is of AKILA URANKAR of the Buisness Standard ,who was elected President of the Indian Newspaper Society (INS) for 2017-18 at it’s 78th annual general meeting held on 15th September 2017

Keynote address delivered by U.N.Women Executive Director Michelle Bachelet at the 5th Global Colloquium of University Presidents-University of Pennyslavania -5th April 2011

Education at all levels ,but higher education especially ,gives women options, empowers them to be independent thinkers and agents of change”

This is an exciting time for women in all countries. Governments are recognizing that they cannot continue to develop and prosper without fully engaging one half of their population. The historic decision by U.N. member states to create U.N. WOMEN, consolidating four smaller entities into a larger and better resourced organization, is a clear sign of this. It signals a long sought recognition that achieving gender equality and women's rights is regarded on a par with other pressing global issues."

Developing women's competencies and ensuring their equal access to all fields of education will widen the talents and perspectives, countries can draw on to meet with these challenges and be on an equal basis with men. A study by the International Centre for Research on women confirms, -"Women are more likely to control their own destinies and effect change in their own communities when they have higher levels of education." The importance of developing girl's ability to reflect on their own reality, to develop self awareness and to build self esteem has been recognized by one and all.

Lack of ambition, of self confidence and self esteem are challenges faced by the girls and are linked to a deeply-rooted culture of gender inequality and traditional attitude towards the role of girls and women. This creates an atmosphere in which they have very little confidence in themselves and underestimate their capacities.

NELSON MANDELA believed and propounded that " Education is the most powerful weapon which you can use to change the world."

There are plenty of examples where girls outshine boys in many fields. Be it sports, health services or armed forces. One can find girls at par with boys and men. Mobile phones, internet, T.V., and social media has increased their knowledge and understanding and brought a revolution in their daily lives.

Swami Vivekanand, one of the greatest son's of India quoted that, "There is no chance for the welfare of the world, unless the condition of women is improved. It is not possible for a bird to fly on only one wing."

Women Empowerment is one of the prime goals in the eighth Millennium development goals underscores the relevance of this fact. Thus in order to achieve the status of a developed country, India needs to transform its colossal women force into an effective human resource and this is possible only through the empowerment of women. Empowering women to participate fully in economic life across all sectors is essential to building stronger economies, achieve internationally agreed goals for development and sustainability, and improve the quality of life for women, men, families, and communities.

Women empowerment means emancipation of women from the vicious grips of social, economical, political, caste and gender based discrimination. It means granting women the freedom to make life choices. Women empowerment does not mean 'defying women' rather it means replacing patriarchy with parity.

After Independence various commissions set up in India advocated its need for gender parity in all stages of education. Kothari Commission and the National policy on education and the programme of action in 1992 put enormous emphasis on promotion of gender equality in education by reducing the gender gap in access, retention, and transition from one stage to another the national policy on education stressed that education will be used as an agent of basic change in the status of women. The National policy for empowerment of women has been a remarkable achievement for women. The year 2001 was celebrated as women's empowerment year, which recognized women as agents of socio-economic change and development in the country.

Indian government continues to encourage higher education for women through various programme like INDIRA GANDHI SCHOLARSHIP for single girl child for pursuing higher education etc. Let us, through various ways, bring about this change.

SURROGACY A BOONE OR CURSE

Surrogacy a boone or curse to the society motherhood is one of the gods greatest gift to a woman. The thought of creating a new life is what every woman considers to be a biggest ability bestowed upon her by God but in a patriarchal society like ours, it becomes her duty which has to fulfill due to medical complication if a woman is not able to conceive a child, her life is made a living hell by her family or society at large. If any woman becomes unable to conceive a child due to any reason she faces mental harassment by her in laws and her family. To avoid this woman tries all sorts of medical remedies available to her and one of them is surrogacy.

1. Surrogacy refers to a contract in which women carries a
2. Surrogacy pregnancy for another couple pays fee to woman in exchange of her carrying and delivering a baby after birth, the child is handed over to the individual or couple either privately or through legal adoption process. The very word surrogate means substitute. This means a surrogate mother is a substitute for the genetic-biological mother. In common language surrogate mother is a mother who is hired to bear a child which she hands over to her employer after birth, surrogate mother, as defined by Collins English Dictionary is "a woman who bears a child on behalf of couple unable to have a child either by artificial insemination from the man or implantation of an embryo from the woman"

There are two types of surrogacy i.e. traditional surrogacy and gestational surrogacy. In traditional surrogacy, surrogate mother is artificially inseminated either by the intended father or an anonymous donor and it carries a baby to term. The child is thereby genetically related to both the surrogate mother who provides the egg, and the intended father or anonymous donor.

In gestational surrogacy, an egg is removed from the intended mother or an anonymous donor and fertilized with the sperm of the intended father or anonymous donor. The fertilized egg or embryo in vitro fertilization is then transferred into the uterus of a surrogate who carries the baby to a term. The child is thereby genetically related to the woman

who donated the egg and the intended father or sperm donor but not the surrogate.

Origin of surrogacy:- The origin of surrogacy can be traced back to the ancient Babylonian legal code of Hammurati (18th Century B.C.) which recognized the practice of surrogacy and actually laid down detailed guidelines specifying when it would be permitted and the respective rights of both wife & surrogate mother.

The references of surrogacy can be found in the Bible: For instance, the stories of surrogacy between, Abraham, Sarah and Hagar and of Jacob, Rachel and their servant in the first book of old testament when Rachel saw that she was not bearing Jacob any children, she became jealous of her sister so she said to Jacob, "Give me children or I'll die" Jacob became angry with her and said "Am I in the place of God, who has kept you from having children? Then she said, Here is Bilhah my servant, sleep with her so that she can bear children for me and I too can build a family through her" so she gave him her servant Bilhah as a wife. Jacob slept with him and she became pregnant and given him a son. Then Rachel said, "God has indicated me; he has listened to my plea and given me a son because of this she named him Dan. The surrogacy was accepted in early Jewish Society as a Legitimate way by which infertile couples had children and created their family.

In Bhagwata Puran there is a story that suggests the practice of surrogate motherhood. Kans, the wicked king of Mathur, because of prophecy had imprisoned his sister Devaki and her husband, Vasudeva that her child would be his killer. Every time she delivered a child, he smashed its head on the floor. He killed six children, when seventh child was conceived the Gods intervened. They summoned the Goddess Yogamaya who transfer the foetus from the womb of Devaki to the womb of Rohini. Thus the child conceived in one womb was transferred to another womb.

The great Indian epic Mahabharata also suggested that all the hundred sons of the king of Hastinapur, Dhritrashtra were born through IVF (In vitro fertilization) process. Vyasa took the piece of flesh and divided it into 100 parts. He then put them into 100 pots and tied their mouths and buried them in the earth for a year with the help of these instances we may assume that surrogacy was prevalent from the

time immemorial. In India, surrogacy heralded with the delivery of its first surrogate baby on 23rd June 1994 but it took as many as eight years to draw the world's attention when an Indian woman in 2004 delivered a surrogate child for her daughter in the United Kingdom. Surrogacy as a medical process in India has matured over the years. In India commercial surrogacy was not legalized till 2002. The pioneer in this field Dr. Nayana Patel had her first surrogacy/ process successfully conducted in the year 2004.

CURRENT POSITION OF SURROGACY IN INDIA

Since the legalization of surrogacy in the year 2002, commercial surrogacy has taken the form of a booming business in India. It has placed India on the world map as a surrogacy capital of the world. It has boosted the fertility tourism, as a large number of couples from all over the world are flying to India in the hope of continuing their blood line. There are a number of factors which play a key role in providing this sudden and one of them is that commercial surrogacy has not been legalized in majority of the world countries. Currently there is no harmonization of laws across jurisdictions, nor any international conventions dealing with surrogacy so there are fundamental differences between countries regarding the regulations, legality and legal implications of surrogacy.

Reasons for surrogacy:- There are many reasons for choosing to enter a surrogate arrangement. Infertility is the common reason for surrogacy. Approximately 15 to 20% of all couples are infertile. Another factor is non-adoption laws in many countries of the world. The desire to have a child for legal and secular purposes. Some couples do not want to bear pregnancy due to complications in their body. Late marriage is also a reason for infertility. Some changes in the social philosophy about having children. The effect of moral values are also coming down in the society. The concept of small family in place of big families which was prevalent in early societies is no more so everyone cares for their own family and children. The needs and requirements of people have widely changed in these situations, the surrogate motherhood provides a unique opportunity for certain couples to have a child biologically related to the husband.

Ethical & legal issues:- Ethical issues around many argue that surrogate arrangements depersonalize reproduction and create separation of genetic, gestational and social parenthood others argue that there is change in motives for creating children. Children are not conceived for their own sakes but for another's benefit much is unknown. What is the degree of stress on the couple and specially on the surrogate mother?

Can true informed consent ever be given by surrogate and can anyone predict the emotions associated with relinquishing a child? What are the possible adverse psychological effects on the child? What identity crisis might ensue and will there be a desire on the part of the child to know his/her gestational mother? Will surrogate arrangements be used not only by infertile couples but also for the sake of convenience or by a single man or woman? Should the surrogate be paid? Would this lead to commercialization of surrogacy and expose the surrogates' mothers to possible exploitation? What will happen when no one wants a handicapped newborn? Should the couple and surrogate remain unknown each other? Should the child be told? What kind of medical and psychological screening should be provided to all parties?

There are certain legal questions which can be raised in the matter of surrogacy. The questions may be as follows-

- i. Are surrogacy contracts enforceable? Are they illegal?
- ii. Is payment fee should be treated as consideration for child or Is it a payment for services rendered by the surrogate mothers?
- iii. Is it a contract against public policy or not?
- iv. What will happen if surrogate decide to keep the child?
- v. What would be an appropriate damages for breach of contract would they be monetary or they require specific performance?
- vi. Who would be the legal mother? How can the Husband of an infertile woman establish his paternity right?
- vii. Who should participate in decisions affecting the Welfare of the fetus or the new born baby?
- viii. Would prohibition of surrogate arrangement violate the constitutional rights to privacy or rights to procreate children?

These are the complex questions of law and issues which requires a deep study & research before making a proper Legislation on issue in any country. Profile of Indian Surrogate Mothers:- The women who engage themselves in the business of surrogacy are uneducated, often engage in casual work, belonging to the poor family, sometimes migrants in search of better Job opportunities and living in slum areas with inadequate housing facility, having their own children and are in dire need of money. There is a growing demand of fair skinned, educated young women to become surrogate for foreign couples. The surrogate mothers after relinquishing the child to the commissioned couple do not reply on the question how they are feeling after relinquishing of child? However field level observations note that the surrogate mother would feel attached to the babies even though they are not biologically their own children.

The center of Social research conducted a survey in the main cities of Gujarat, where the practice of surrogacy is rampant and its report they concluded; The surrogate mothers generally are from poor families and their average monthly income is not more than Rs.2500-3000. Almost all the surrogate mothers have already experienced child birth before and have two kids of their own. In such a way, this implies that these women are capable of reproduction naturally and are made subject reproductive assistance techniques and become surrogate mothers. The majority of them are illiterate, employed as domestic helpers, casual or construction workers or nurses. Thus, they are economically vulnerable and are in dire need of money. The need of money is a driving force for them to become a surrogate mother.

The surrogacy contract is signed between the surrogate mother (including her husband) the commissioning parents and fertility physicians. In such a way, the clinic authorities evade themselves from legal complications usually a copy of the agreement of surrogacy is not given to the surrogate mother though she is party to the agreement. Generally the health of surrogate mother is not addressed but if problem relates to fetus, health of surrogate mothers become prerogative.

In case commissioned parents do not wish to continue the pregnancy, due to some fetal abnormalities in fetus or sex preference the baby is

aborted without any say of surrogate mothers. There is no fixed rule for compensation for surrogate mothers convention goes that the surrogate mother is paid 1 to 2% of total amount received by the clinic from the commissioning parents in lieu of the surrogate baby. The most of the surrogate mothers stay in shelter homes during the pregnancy period. According to them they do not want to disclose their pregnancy to the surroundings due to the social stigma associated with it. The clinics also prefer them to stay in shelter homes instead of their respective villages in the interest of surrogate baby. As the shelter homes are equipped with medical and other facilities.

CURRENT POSITION OF REPRODUCTIVE RIGHT AND SURROGACY IN INDIA

A brief analysis of relevant provisions of Assisted Reproductive technology Bill (ART Bill) 2010 or 2013 which either directly or indirectly have significance to the reproductive right and surrogacy in India. The surrogate mother have to relinquish parental rights over the child even she keeps the child for 9 months in her womb but the birth certificate of the baby born bears the name of commissioning parents. There is strong proportion to change the approach to not treating the surrogate as a "surrogate" and rather treat her as a mother with adoption being appropriate way of giving away the child to the commissioning parent. It will protect the name of mother in reality otherwise her name will remain in books only.

The surrogate mother is entitled all expenses including insurance during the pregnancy and after that till the child is handed over to the commissioning parent as written in surrogacy arrangement. It is object on following grounds

- i. As the arrangement was made by illiterate a woman who is in major financial distress, there is absence of free consent under section 10 to 16 of Indian Contract Act 1872 which renders the arrangement or agreement void.
- ii. The object and consideration in a surrogacy agreement of being handed over and taking over of the child by commissioning parents is also barred by Section 23 of Indian Contract Act 1872 against public policy and such agreement

also come within the ambit of Immoral Traffic (Prevention) Act 1956.

- iii. There is strong proposition in favor of altruistic surrogacy as compared to commercial surrogacy to avoid commercializing womanhood, pregnancy and reproduction but bill support commercial surrogacy on the ground that the women should be entitled for the basic expenses for delivery of child which is justifiable but should not for relinquishing the child.

The age of surrogate mother is stipulated to be between 21 to 35 years. If commercial surrogacy is allowed as per bills, the age of 21 years seems to be unreasonable because women on completion 18 is eligible for marriage and other purposes but not for surrogate purposes. So the age should be relaxed to 18 Years.

<http://csrindia.org/blog/2012/03/25/surrogacymo-therhood/visited.2015>

The Limitation of the number of successful live birth to 05, including her own children. Limitation on the women volunteering for embryo transfer to the same couple for not more than 3 times and in case of ovum donation limitation on the number of such donations to 6 in entire life with a minimum gap between 02 such donations at least 03 months. The limitation on the number of live birth seems to be unreasonable on the ground that there is no such restrictions of live birth in case of married couples.

In case of married women intending to be a surrogate mother the consent of spouse is mandatory. In the pretext of the Husband's consent wife may be coerced to be a party to a surrogate mother. Thus, if a surrogate mother or donors are major, participation of Husband's consent can be curtailed.

Mostly the Indian surrogate mothers are paid in installments. If they are unable to conceive, they are often not paid at all and sometimes they forfeit the portion of their fee if they miscarry.

SURROGACY AND ART 21 OF INDIAN CONSTITUTION:

As per Art 16.1 of the Universal Declaration of Human Rights 1948 "Men and Women of full age

without any Limitation due to race, nationality or religion have the right to marry and found a family". Similarly, the reproductive right is the basic human right provided under Art 21 of the Constitution of India. In case of "B.K Parthasarathi us State of Andhra Pradesh, High court of AP ruled out that reproductive right is human right and it comes under Right to privacy and also they agree with the decision of U.S Supreme Court in case of Jack T. Skinner US State of Oklahoma which characterized the right to reproduce as "one of basic civil rights of man". As India is male dominated society and for this reason the women from poor Indian families are forced by their husbands to become surrogate mother and sometimes for the donation of eggs for want of money. This is a direct and great violation of Art 21. If there is any complication during pregnancy or delivery of the Child, the life of unborn child is given more importance by ART-clinic and not the mother's life. In a recent case " P. Geetha us Kerala Livestock Development Board Ltd" Kerala High court observed that the Biological mother who has obtained the baby through surrogacy can claim the post delivery maternity leave to take care of the new born baby. The court examined the statutory scheme of the Maternity benefits Act 1961 and noted that there cannot be any discrimination regarding genetic and biological mother in extending the genetic statutory benefits to the extent they are applicable. The court also examined the international treaties and conventions and noted that "welfare of the child shall be the primary consideration" In this case, court relied the decision of Madras High Court in "Kalaiselvie us Chennai port trust"

The Law Commission of India in its report No-228 had recommended the need for appropriate Legislation for ART clinic & surrogacy which were as follows.

"To regulate Assisted Reproductive Technology clinic as well as obligation of parties to a surrogacy" August 5, 2009 at P-12.

ARGUMENTS IN FAVOR AND AGAINST SURROGACY

At a glance, surrogacy seems like an attractive alternative as poor surrogate mother gets very much needed money and an infertile couple gets long desired biologically related baby and the country earns foreign currency but real picture otherwise.

The surrogate mothers and intended parents are exploited and profit is earned by middlemen and commercial agencies. There is no transparency in the whole system and there is a chance of legal problem and lack of proper regulation in India. Although in 2005, ICMR issued guidelines for accreditation, supervision and regulation of ART clinics in India but the guidelines and guidelines are repeatedly violated.

There are occasions where children are denied nationality, citizenship, motherhood, parentage and a right of child. In India, there is no provision of psychological screening or legal counseling which is mandatory in USA. After recruitment by commercial agencies, the surrogate women are shifted into hostels for whole duration of pregnancy on the pretext of taking antenatal care. The real motive is to protect fetus and to avoid any social stigma of being outcast by their community. The Kembell(1988) had said "The practice of surrogacy represents a new and unique form of slavery" This view is supported by Davis(1993)

The surrogate mothers are physically and emotionally exploited. If due to medical reason or at client's demand fetus is required to be aborted surrogate mother most comply. In such situation she will get just a fraction of original payment.

CONCLUSION & SUGGESTION:-

After a critical analysis of surrogacy in India we may suggest and conclude that certain matters in this regard should be urgently addressed by the Government, which may be as follows:

1. *The ART Bill does not fit within the ambit of the UN objective of reproductive rights and right to health.*

There is need to pass a new legislation for prohibiting commercial surrogacy.

2. *Legalizing commercial surrogacy had resulted in widespread suppression & erosion of women's right particularly vulnerable female population.*
3. *There is also a need for uniform International Law to regulate the trafficking related to commercial surrogacy in the entire world to protect the rights, life and privilege of women.*
4. *Unmarried woman should not be allowed to become a surrogate mother as well as egg donor.*
5. *An altruistic surrogate mother or any surrogate mother must be provided with compulsory Life Insurance policy, failing which the clinics or genetic parents should be punished accordingly.*
6. *At the time of entering surrogacy agreement, all information regarding the production process should be disclosed in entirety by the clinic and the doctors should be made responsible. In case of any complication, the health surrogate mother should be considered in priority.*
7. *As the doctors are treated as a social worker. They have to motivate the couples to go for a adoption. Only those couples are allowed for commercial surrogacy who are medically unfit and not those who are already have a child of their own.*
8. *General awareness is to be spread with the help of a media regarding the risk of the process of human eggs donations.*
9. *Special Acts and amendments are needed in the existing Immoral Trafficking Prevention Act 1956 and in the Indian Penal code 1960.*
10. *The tightening of visa norms and restriction on the types of couple who intend to go in process of surrogacy in any clinic. A relative, friends or known persons of surrogate mother should be allowed in order to check human trafficking.*

Women Empowerment v/s Misuse of Women Centric Laws

Neeraj Kumar*

WOMEN EMPOWERMENT V/S MISUSE OF WOMEN CENTRIC LAWS

The topic on “Women Empowerment” is a burning issue all over the world. “Women empowerment” and “women equality with men” is a universal issue. Women empowerment means where women can make their decisions for their personal benefits as well as for the society. Why women empowerment is important.

- Under-employed and unemployed: Women population constitutes around 50% of the world population. A large number of women around the world are unemployed. The world economy suffers a lot because of the unequal opportunity for women at workplaces.
- Equally competent and intelligent: Women are equally competent. Nowadays, women are even ahead of men in many socio-economic activities.
- Overall development of society: The main advantage of Women Empowerment is that there will be an overall development of the society. The money that women earn does not only help them and or their family, but it also help develop the society.
- Reduce Poverty: Women Empowerment also reduces poverty. Sometimes, the money earned by the male member of the family is not sufficient to meet the demands of the family. The added earnings of women helps the family to come out of poverty trap.

- National Development: Women are increasingly participating in the national development process. They are making the nation proud by their outstanding performances almost every spheres including medical science, social service, engineering, etc.

WOMEN EMPOWERMENT V/S MISUSE OF WOMEN CENTRIC LAWS

But now a days women empowerment means to speak badly about man & claim women are more superior in every field. In most of the cases we saw the women misused the laws which are made to protect women. This is not what women empowerment.

Two recent court ruling on special laws protecting women are significant.

- The Supreme Court issued a set of guidelines on 27th July 2017 for arresting a husband and his relatives for cruelty against his wife, came with the aim of preventing the misuse of India’s anti-dowry law.
- Another ruling by the Delhi High Court on 6th July 2017 called for the prosecution of a rape complainant if the accused was acquitted due to false evidence being submitted.

A mere allegation or trumped-up charges by a woman is enough to send the accused, and families under the 498A anti-dowry law & rape law to jail even before investigation and trial.

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Countless cases of misuse forced the Hon'ble Supreme Court & High Court to call for corrective action.

Thousands of men have committed suicide after they and their families were arrested in false dowry/domestic violence cases. The lunatic fringe of feminism, especially those from foreign-funded NGOs, gets away with pushing such draconian legislations. I am not against empowerment of women but what's causing harm to the society is ignoring the fact that the women-friendly laws are being grossly misused by women. There are number of judgments given by the Supreme Court & High Court of India on the misuse of the women centric laws.

- On 19th July 2005 Hon'ble Supreme Court has termed rampant misuse of 498A law as "Legal Terrorism".
- On 14th August 2010 Supreme Court given directions to Indian government for the amendment in IPC Section 498A.
- The Law Commission in his 154th Report revealed that misuse is going on of 498A.
- In Jan 2016 Delhi Session court raises question about dignity of falsely accused men in rape case.

In March 2015 Delhi High court said Live-in relation doesn't give immunity from rape charge.

Crime has no gender, until we see all crimes as crimes, irrespective of the gender of a victim, we will be fooling ourselves to think we are making our nation safer for anyone.

MISUSE OF ANTI-DOWRY (498A) LAW

Generally, in a situation of a marital discord, the woman file fake 498a case as an extortion tool against the husband if he (the husband) does not accept the demands of a specific settlement. This is misused by the woman, based on her impulsive vengeance in situations which are not genuine – one where there is no harassment or demand for dowry by the husband or his family. Consider the case of Badan Devi in Orissa who at the age of 92 years and frail enough to barely stand had to face arrest under dowry harassment law or the case of 2-month old Zoya from Mumbai who had the ignominy of applying for an anticipatory bail after being accused of dowry

harassment even before learning to crawl. Such arrests are not rare cases.

This makes Sec 498a an unconstitutional law, which presumes someone to be guilty until proven innocent, thereby reversing the criminal jurisprudence guaranteed by the constitution. Many women and children are also arrested, with known instances where the police personnel have gang raped the women arrested for dowry harassment and men have committed suicide because of the humiliation meted out to them. Anticipatory and regular bails are a small part of the bigger scheme, in which husbands and their relatives are exploited by different sections of the system. The women are using the women centric laws as weapon, which is not women empowerment. The laws which are made for women are not being used much but it is grossly misused by the women.

Sec 498a is also accompanied by other non-bailable sections like Sec 406, where the recoveries of "non-existent articles of dowry" are forced upon husband and his family. Despite draconian laws on dowry, the issue still prevails and this clearly portrays that we have been trying to solve the wrong problem. A real solution should be pivoted around the deeper understanding of the practice of dowry. While demanding or accepting dowry is a crime under Dowry Prohibition Act, giving dowry is also a crime. Yet, no woman or her relatives have ever been arrested for it. Dowry givers are usually dowry takers, so if we as a society are serious about tackling this issue as a crime, then we should begin with strict implementation of the law in totality. An example of this can be seen in the case of Nisha Sharma, who was interviewed by Oprah Winfrey in January 2004 and was described as the "Iron Lady", for getting her would-be groom arrested on the eve of her wedding for demands of dowry. At present, she herself is absconding after being accused by her sister-in-law for dowry harassment. Gyaneshwar Sharma, her brother has been arrested, while her parents and she herself have been evading arrest.

Statistics reveal that more number of Indian married men commit suicide than women. As per NCRB data published on Economic Times paper in July 2016, close to 60,000 married men committed suicide in 2014 as compared to 27,000 married women. However, 1,400 widowers ended their lives compared to 1,300 widows. Similarly, around 550

divorced men committed suicide as compared to 410 divorced women. The data show, overall 66 per cent of all suicide were committed by married men. First, in overall suicides too men score twice as much as women. Close to 90,000 men committed suicide for various reasons in 2014 as against about 42,000 women.

The reason is the prolonged court proceedings resulting in mental agony and the loss of mental peace, problems to their parents and the expenditure involved. In most of the cases, the wives get custody of the children and also get the order for their and child maintenance and share in the movable and immovable properties resulting, in considerable cut in the husband's property and income. Even if the wife, decides to walk out of marriage in spite of conciliation efforts by the husbands and in-laws, they prefer divorce through court orders, since they stand to gain considerably in material matters. It is the husbands who lose their wives, children and the married life and image in the society because the society believes strongly, that no woman will walk out of marriage, especially when they have children without solid and serious reasons. Society forgets that women from rich families, women with high paid jobs and women with mental imbalance and women with least capacity for adjustments in married life also will walk out of marriage. Today's women have become westernized in this matter and walk out of marriage, for minor reasons too, if they have supportive parents and ability to stand on their own legs. It only means that women have wrongly understood the concept of women empowerment. They think legal empowerment means rushing to the family courts for family disputes with zero tolerance level. They prefer court divorce since they have legal awareness about the gains they will get through court orders. It is surprising to note that equal number of cases are filed by women for divorce because they stand to gain mostly in family courts verdicts. Afterwards, even the visitation rights for the husbands are not honored properly. Gone are the days when parents advice their daughters to work out the marriage and today's parents, tend to believe all the stories of cruelty charges fabricated by their daughters to earn their sympathy and a fear is created in their mind about the safety of their daughters, hence they are forced to support their decision for divorce. Neither are the relatives nor the common friends or the elders allowed to intervene for mediation and nor are they

willing to go to marriage counselors. Even, if the husbands want to settle the differences and express the confidence to work out the marriage in the interest of family togetherness, the wives show rigidity in their decision to divorce, if their parents support them and they have the financial capacity to live alone. It has to be remembered that since custody of small children is usually given to the mothers the fathers are deprived of seeing and enjoying the pleasures of the growth process of their children. It is because of the growing number of divorces, the number of fatherless children is increasing in India and the institution of family set up which is part and parcel of the Indian culture is breaking. It is children's right to live happily with both the parents which is crushed in this ego clash. It is indeed a sad state of affairs. The draconian laws which result in 498A cases and the Anti Dowry Law and the recent Domestic Violence Act are highly misused and tilted the gender balance in India. The number of men caught under 498A case is increasing. Under this laws all the in-laws (aged parents) are also subjected to torture and husbands are subjected to enormous cruelty through imprisonment and prolonged legal procedure. If the conviction rate is only 2% in these cases, what is the reason? The Supreme Court of India and the high courts have made comments about misuse of these laws and even lawyers forums are demanding amendments in these laws, because India should not proceed towards gender imbalance of the opposite type.

STATISTICS OF ANTI-DOWRY CASES:

- As per latest supreme Court judgement 92.3% dowry accused got acquitted in the year 2015-16.
- In 2010 alone, a total of 1,80,413 people were arrested in 94,041 cases of Sec 498a, according to the data released by the Ministry of Home Affairs.
- The suicide rate among married men has increased significantly post 1983, with more than 170 married men committing suicide each day in India in 2011 as per NCRB data (NCRB data assumes and projects men commit suicide due to economic reasons and women due to family problems. Cause of suicide should not be generalized with the huge number of suicide cases we see in India.)

Surprisingly, we see a lot of opposition to Sec 66A of IT Act, while Sec 498a,375 & 376 is completely ignored, making victims of 498a,375,376 and activists fighting it feel like invisible citizens. Probably, it is the widespread misandry in the society which makes one overlook the plight of men. While there is outrage over the crimes against women, crimes against men are not adequately addressed. The opposition to section 66A also received attention only after two women were arrested, while two male employees of Air India who spent 12 days in custody months before, were relegated to a sub-text in the ambit of the public discourse on this subject. While the nation roots for better laws to check out on crime against women, one should not imbalance the laws neglecting the possibility of a strict law being misused. There were fleeting references in both incidents mentioned – particularly in case of creating draconian rape laws – to one existing law infamous for being draconian and the most abused law in India – Section 498a of the Indian Penal Code, also known as the “anti-dowry harassment” law. There has been condemnation for the nature of this law from lawmakers through the Law Commission reports, report of Commission of Petitions and many other official reports. There has been sustained opposition to this law, from men’s rights groups, some women’s rights groups, children’s rights groups, senior citizens groups and even human rights groups. The SC has termed rampant misuse of this law as “legal terrorism” and has made such extreme observations repeatedly in several of its judgments. The question then is, why has this law- which antagonizes many and has an abysmal rate of conviction – not been scrapped yet? The answer is, because it serves the interests of the “bail industry” and some specific women’s organisations, which are in favour of it, irrespective of its irrationality.

Misuse of Rape Law In one of the rape case while Acquitting four persons accused of gang-rape, kidnapping and criminal intimidation by a female relative, a Sessions court here has said this was a classic case of misuse of rape-related laws. The alleged victim turned hostile in court and said her husband, with whom she had a strained relationship, had forced her to implicate the four, including a woman. While acquitting the four men, Additional Sessions Judge Virender Bhat said: “I would like to put on record that this case is the classic illustration of misuse of rape-related laws. The

husband of the prosecutrix, in order to settle scores with the accused, used the prosecutrix (his wife), as an arrow or pawn and slapped an utterly false criminal case upon the accused. It is becoming a very difficult job nowadays for courts to differentiate the genuine rape cases from the false ones. Cases like the present one create a well-founded belief among the public as well as the judiciary that rape-related laws are misused with impunity. The judges need to remain vigilant in differentiating between false and genuine rape cases so as to ensure that no innocent person is convicted and sentenced.”

Penal provisions on rape have been misused by some women who develop consensual physical relationship with their lovers and after the breakup file false rape cases to force them to marry them, the Delhi High Court has said. Justice Kailash Gambhir said rape law was often misused by women as weapon for “vengeance and vendetta” to harass and blackmail their male friends by filing false cases to extort money and to force them to marry them. “Many of the cases are being reported by those women who have consensual physical relationship with a man but when the relationship breaks due to one reason or the other, the women use the law as a weapon for vengeance and personal vendetta to extort money and sometimes even to force the boy to get married to them,” the court said in a recent order. “Out of anger and frustration, they tend to convert such consensual sex as an incident of rape, defeating the very purpose of the provision,” Justice Gambhir said, while hearing a case related to a woman's complaint against her lover in Rani Bagh area July 13, 2012. The rape complaint was filed against Rohit Chauhan, who was allegedly in a relationship with the woman for three years. The court said that in many cases the woman first agrees to have consensual sex but she files a rape case against her boyfriend when the relationship breaks up in order to “force him to get married, making not only mockery of the marriage but also inflate the statistics of rape cases”. A trial court must cautiously examine the intentions of a complainant girl to find out whether the rape allegation was genuine or had malafide motives. “There is a clear demarcation between rape and consensual sex and in cases where such controversies are involved, the court must very cautiously examine the intentions of both the individuals involved and to check if even the girl, on the other hand, is genuine or had malafide motives. Cases like these not only make a mockery of the

sacred institution of marriage but also inflate the statistics of rape cases which further deprecates our own society," the court said.

STATISTICS OF RAPE CASES:

Out of the 583 rape cases reported in Delhi in 2013, only 12 were true. Shocked? If you think India is the rape capital of the world, then change your opinion. Recent statistics show that 65% of the rape cases filed between April 2013 and July 2014 in the capital were found false" – Source, The Delhi Commission of Women (DCW). Eventually, the accused of such false allegations gets acquitted, but after going through hell.

CONCLUSION :

What does all these matters mean ? It only means that women have wrongly understood the concept of women empowerment. They do not understand that feminism is about gender balance and not about

women's superiority over men or about enmity towards men. Empowerment of women means ability to face the challenges of life and not the ability to throw family life for flimsy reasons. Empowerment means, ability to use the resources for the betterment of their life and not to use the laws available to wreck vengeance on their partners with whom they have lived together and had children . Empowerment , to progress in life with positive attitude , without attempting suicide and not to use their intelligence to drive men towards suicide. Empowerment also means, the ability to take proper decisions about their life and not to use that ability to break up families. Economic empowerment is meant to remove excessive dependency on men which force them to suffer in silence. But it surely is not meant for development of superiority complex and to take decisions to live as single parent without adjusting to small differences in day today life. It looks as though , In India the empowerment process of women is going on a wrong direction.

Domestic Violence against women in India (A Test of Indian Legal Mechanism)

Prity Singh*

ABSTRACT

In our society, violence is bursting. It is present almost everywhere and nowhere is this eruption more intense than right behind the doors of our homes. Behind closed doors of homes all across our country, people are being tortured, beaten and killed. It is happening in rural areas, towns, cities and in metropolitans as well. It is becoming a legacy being passed on from one generation to another and this violence has a tendency to explode in various forms such as physical, sexual or emotional. It may be worth pointing out that in India, the 'possession' of women by malevolent spirits is socially and culturally accepted; elaborate procedures for exorcism—which are often violent in nature- bring into focus the woman or girl, who as a victim of this particular affliction, is expected to behave in ways which violate conventional norms of appropriate conduct. According to United Nation Population Fund Report, around two-third of married Indian women are victims of domestic violence and as many as 70 per cent of married women in India between the age of 15 and 49 are victims of beating, rape or forced sex. In India, more than 55 percent of the women suffer from domestic violence, especially in the states of Bihar, U.P., M.P. and other northern states. Though Indian Legal Mechanism is very keen on this and prevention of this transgression is the matter of concern for legal system, it is still out of the reach for the state machinery to take over this social idiotic and to provide the desired security to women at home. This paper presents a scenario of intensity of domestic violence against women in India and status of effectiveness of legal prevention of this problem.

Keywords: Domestic Violence; Malevolent; Exorcism; Transgression.

INTRODUCTION

The genesis of violence against women is found in the tradition of Indian society, which has been prevailing for the centuries. Women have been victims of violence and exploitation by the male all over the world. This exploitation is continues in developed and developing countries. Just being a woman they are denied certain rights and are discriminated against men and often becomes victims of men's ideology. Different form violence is an obstacle to achievement of the objective of equality, development and peace. In patriarchal society dependence of economic subordination of women all over the world also go long way in

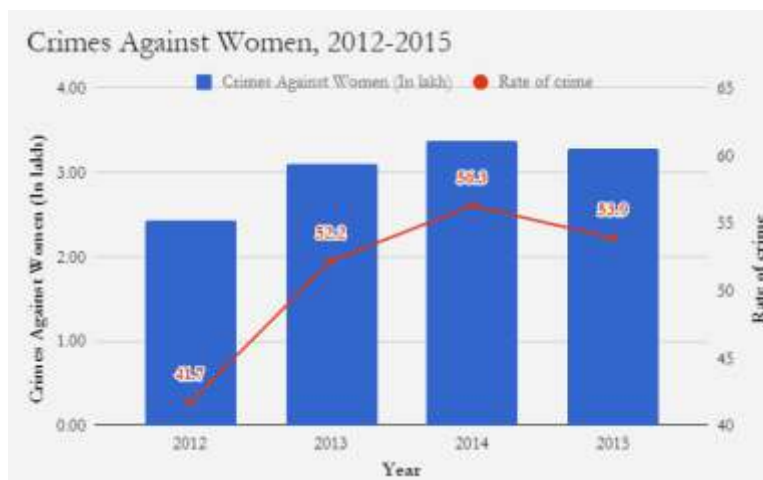
making her vulnerable to domestic violence, irrespective of culture, race class or age. Abuse against a woman can be mental, physical, emotional, sexual, economic, social or spiritual. Domestic violence against women is a common occurrence in most societies whether the Domestic violence is physical or mental. In south Asian countries it is a daily and often deadly fact of life for millions of women and girls. Domestic violence against women is among the most serious threats to overall development and progress in India. Domestic violence that is any act of physical, sexual or psychological abuse, or the threat of such abuse, inflicted against a women by a person intimately connected to her through marriage, family relation

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or acquaintanceship is universal and has its root in socio-cultural set up of the society. Internationally one in three women have been beaten, coerced into sex or abuse in their lifetime by member of her own family. Domestic violence is the most prevalent yet relatively hidden and ignored form of the violence against women and girls. Many victims of domestic violence also justify the wife beating; a study was conducted on Domestic Violence in India: An Empirical Analysis by Harihar Sahoo & Manas Ranjan, upon 90303 ever married women and discovered widespread prevalence of domestic

violence (21 %, since age 15) in India but also the acceptance of majority of ever- married women (57%) to at least one reason for justifying a husband beating his wife. Crime against women increased 34% over the last four years to 2015, with cruelty by husband and relatives being the most widely reported crime, according to the national crime records bureau. The rate of crime against women defined as crimes reported divided by total women population- has gone up from 41.7 %to 53.9 % between 2012 and 2015.

Figure 1: Crime against Women (2012 to 2015)



Source: <http://www.firstpost.com/india/crimes-against-women-up-34-in-four-years-most-reports-from-up-maharashtra-west-bengal-2991754.html>, Accessed on 22 September 2017.

Uttar pradesh (35,527) maharashtra (31,126) and west begal(33,218) reported the most crimes against women in 2015 according to national crime bureau.

FORMS OF DOMESTIC VIOLENCE

Domestic violence not always refers to the physical assault or the visible injuries of the victim. There is several form of abusive behavior against women and each and every abuse behavior has its own devastating consequences. Types of domestic violence are as follows:

1) Physical abuse: physical abuse is the use of physical force against person in a way that ends up

injuring the person, or puts the person at risk of being injured.

2) Verbal or nonverbal abuse: Mental, psychological or emotional abuse can be verbal or nonverbal.

3) Sexual abuse: it involves the violation of an individual's bodily integrity (sexual assault), including coercing sexual contact, and prostitution, as well as any unwelcome sexual behavior (sexual harassment), including treating someone in a sexually demining manner or any other conduct of sexual nature, whether physical, verbal, or non-verbal.

¹Heise, L., et., al. (1999). *Ending Violence Against Women. Population Reports, Series L, No. 11.* Baltimore, John Hopkins University School of Public Health, Population Information Program, December

²Sahoo , et., al (2007). *Domestic Violence in India: An Empirical Analysis, Paper presented in National Seminar on Gender Issue and Empowerment of Women, Indian Social Institute, Kolkata, February*

4) **Stalking or cyber stalking:** stalking is harassment of or threatening another person, especially in a way that haunts the person physically or emotionally in a repetitive and devious manner. Stalking is unpredictable and should always be considered dangerous. Many tactics are there for stalking like: repeated phone calls, sometimes with hang-ups, sending unwanted packages, cards, gifts or letters, monitoring the victims' phone calls or computers use.

5) **Economic abuse or financial abuse:** when abuser has complete control over the victims money and other economic resources that is called economic abuse.

Women experiencing domestic violence or living with its consequences are under reported because in most cases violence is considered as personal or family matter. moreover, the way of treating women socially is not gender sensitive, and sometimes the fear of increasing suffering or vulnerability by the victim reduce the number of violence to be reported and even expressed to others. A sufficient number of domestic violence in India is under reported due to social stigma, women are accused of provoking the

violence by their disobedience, failure as a wife, or infidelity. Women report about it when it becomes serious problem or threats to life. Physical abuse or beating wives by husband is almost a universal form of domestic violence against women. Worldwide 10-70% of women found being physically violated by their intimate partners in their lives. Around seven in ten (66.8%) women were vulnerable to abusive words against them and their parents by their husband, and most of the women were physically abused by their husbands and were seriously injured to consult a healthcare provider. Violence in marriage or within families is perceived as the most undesirable situation for women because at home where they should have security and worthy position, instead they are usually in threats of possible international attacks by the closest ones which consequently have physical impact as well as mental tolls. A diagram called "power and control wheel" developed by the domestic abuse intervention project in Duluth to identify the various behaviors that are used by batterers to gain power and control over their victim. A single incident of physical violence or the threat of such violence may be sufficient to establish power and control over a partner.

Figure 2: power and control wheel



Source: Developed by: Domestic Abuse Intervention Project

³Tina., et, al. Domestic Violence and Abuse: Types, Signs, Symptoms, Causes, and Effects., The American Academy of Experts in Traumatic Stress, <http://www.aeets.org/article144.htm>

⁴Choudhury., et, al. 2017); Domestic Violence and Some Socio-Economic Parameters., IOSR Journal Of Humanities And Social Science (IOSR-JHSS) Volume 22, Issue 8, Ver. 9

⁵Ahmed, S.M. (2005); "Intimate Partner Violence against Women: Experiences from a Woman-focused Development Programme in Matlab", Bangladesh, J Health Popul Nutr, 23(1): 95-101, ICDDR,B: Centre for Health and Population Research

The wheel demonstrates the relationship between physical and sexual violence and the tactics of intimidation, coercion and manipulation that are often used by the batterers.

In India, different social and behavioral traits like age, education, socioeconomic status. Family pattern, religion etc. are associated with domestic violence. Men from socioeconomic levels have greater probability of perpetrating violence against wife. In India, due to existing socioeconomic and political system domestic violence against women is not only manifestation of gender inequality, but also serves to continue this and as a result Domestic violence is accepted and tolerated here, and once a woman is victimized by domestic violence her probability to be victimized again is very high.

DOMESTIC VIOLENCE, WOMEN'S RIGHTS AND INTERNATIONAL RIGHTS FRAMEWORK

The universal declaration of human rights 1948 followed by the international covenant on economic, social and culture rights (ICESCR) and the international covenant on civil and political rights (ICCPR) in the first instance provide the initial basis of equal right to men and women. And many other international agreements have been upheld such as the convention on the elimination of all forms of discrimination against women (CEDAW) and 1993 UN declaration on the elimination of violence against women. UN works with countries to eliminate all type of violence against women at the global level to advance the international normative framework through support provide to inter-governmental process, such as the general assembly and the commission on the status of women. The Commission on the status of Women is instrumental in promoting women's right, documenting the reality of women's lives throughout the world, and shaping global standards on gender equality and the empowerment of women.

COMBATING DOMESTIC VIOLENCE IN INDIA

The extent and magnitude of the problem of domestic violence in India requires identifying the

priority areas for intervention. As stated before, at least half of the women in India experience domestic violence at least once in their lives. For too long now women have accepted it as their destiny or have just acquiesces their right to raise their voice, perhaps because of the justice system or lack of it or because they are vulnerable, scared or being ostracized by their own because domestic violence still remain a taboo for most women who suffer from it.

Domestic Violence Act 2005: Domestic violence act 2005, referred at protection for women against domestic violence (PWDVA), Domestic violence act come into force in october 2006. The act covers those women who are in relationship with the abuser or where both parties have lived together by consanguinity or by marriage, are entitled to legal protection under this act. The offence under this is cognizable and non-bailable. DVA extent its protection to women who are sisters, widows and mothers. The Domestic violence act 2005 ensure the reporting of cases of domestic violence against women to a protection officer. Protection officer prepares a report of incidence to the magistrate and forward copies thereof to the police officer incharge of the police station within the local limits of jurisdiction. Since the protection of women from domestic violence act (2005) PWDVA has passed over 1,000,000 cases have been filed across the country under sections pertaining to cruelty by husband and dowry, as per data provided by the national crime record bureau (NCRB) show. Cases registered under the abetment of suicide of women, collected by NCRB since 2004, increased by 34% from 3034 in 2014 to 4060 in 2005.

There are various regulations or provisions being made for protection of women against domestic violence under the statute such as sec.304B of IPC pertaining to dowry death. Under section 313-316 of IPC female infanticide has been made punishable which means forcefully terminating the pregnancy of a woman. A complain can also be filed under section 498 A of IPC For cruelty which also falls under domestic violence.

Although government has constituted several laws and Acts in favour of women, but unfortunately, in spite of all the support by the constitutional and legal rights they are still suffering from domestic violence.

⁶Commission on the Status of Women, URL: <http://www.unwomen.org/en/csw>

Their Freedom is overlooked, in reality, they still lag behind to enjoy to them.

CONCLUSION

Violence within the four walls needed to be taken seriously. The domestic violence may have a wider and deeper impact in life of the victims. Mostly Domestic violence issues are unreported; women always hesitate to reveal their family issue in front of others. In India the laws are improper and inadequate to protect the women from domestic violence. Domestic violence in India is a major concern of development interventions as well as in human right perspectives. A coordinate efforts for practical and efficient interventions need to be made to eliminate this problem where men's supremacy over women need to be challenged.

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Women Empowerment: Modern Global Perspective

Rishu*

ABSTRACT

Women have had a long history in asserting their rights. It is a commonly accepted view that the male-dominated patriarchal society and power structure would usually keep the position of women low. This powerless situation of the women has itself made them to look for a way out and liberation. Reformation thinking, feminist movements, freedom struggle have all contributed in awakening their consciousness. Women empowerment refers to strengthening women's position in social economic and political power structure of the society. There are certain Agendas for Empowerment or we can call them the emerging trends of women empowerment. The United Nations declared 1975 as the International women's year. Subsequently the decade 1975-1985 was declared as International women's decade. This led to a renewed interest in women's issues. The emergence of women's studies as an academic discipline is one of the achievements during this period. In 1979, the UN adopted a convention for the elimination of discrimination against women. This established not only an international bill of rights for women, but also an agenda for action by countries to guarantee the enjoyment of these rights. The National Perspective Plan for Women in 1988 and the formation of National Commission for Women in 1992 are some of the steps in this direction. Since 1995, the Human Development Report has introduced Gender Development Index to measure the development of women in any country. In 1992, women were given 33 percent reservation in local bodies through the 73rd and 74th Constitutional amendments. However, another effort for providing same amount of reservation in State Assemblies and Parliament is yet to be materialized. The democratic institutions smoothly adopt the NGOs for implementing the schemes. In 2001, national policy for the empowerment of women was formulated. The emergence of self-help groups and women entrepreneurs are the consequences of empowerment process and this paper presents the global scenario of such new practices.

"There is no tool for development more effective than the empowerment of women"

Women empowerment refers to the creation of an environment for women where they can make decisions of their own for their personal benefits as well as for the society. It means to increase and improve the social, economic, political and legal strength of the women, to ensure equal right to women, and to make them confident enough to claim their right

STATUS AND POSITION OF WOMEN IN ANCIENT INDIA

The status and position of women was good in the Rig Vedic times. Though the overall position of women was lower than men, yet on the whole the position of women was good. In the post Vedic period, women started being discriminated against education and other rights. Child marriage, extreme emphasis on physical chastity of women and unquestioned obedience to husband led to

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progressive deterioration of her position. In the Smriti Sastras as well as in Manu and Yajnavalkya, it has been mentioned in strongest term that women should be honored. But then again Manu has been given the absolute right to men to inflict corporal punishment on her and discard her if she said anything disagreeable to him. Thus, a contradiction in the rules of treatment to women was there

WHY WOMEN EMPOWERMENT IS IMPORTANT?

1. **Under-employed and unemployed:** Women population constitutes around 50% of the world population. A large number of women around the world are unemployed. The world economy suffers a lot because of the unequal opportunity for women at workplaces.
2. **Equally competent and intelligent:** Women are equally competent. Nowadays, women are even ahead of men in many socio-economic activities. They only required an opportunity so that they can prove themselves.
3. **Talented:** Women are as talented as men. Previously, women were not allowed higher education like men and hence their talents were wasted. But nowadays, they are also allowed to go for higher studies and it encourages women to show their talents which will not only benefit her individually but to the whole world at large.
4. **Overall development of society:** The main advantage of Women Empowerment is that there will be an overall development of the society. The money that women earn does not only help them and or their family, but it also help develop the society.
5. **Economic Benefits:** Women Empowerment also leads to more economic benefits not to the individuals but to the society as well. Unlike earlier days when they stayed at home only and do only kitchen stuffs, nowadays, they roam outside and also earns money like the male members of the society. Women empowerment helps women to stand on their own legs, become independent and also to earn for their family which grows country's economy.
6. **Reduction in domestic violence:** Women Empowerment leads to decrease in domestic violence. Uneducated women are at higher risk for domestic violence than educated women.
7. **Reduction in corruption:** Women Empowerment is also advantageous in case of corruption. Women empowerment helps women to get educated and know their rights and duties and hence can stop corruption.
8. **Reduce Poverty:** Women Empowerment also reduces poverty. Sometimes, the money earned by the male member of the family is not sufficient to meet the demands of the family. The added earnings of women helps the family to come out of poverty trap.
9. **National Development:** Women are increasingly participating in the national development process. They are making the nation proud by their outstanding performances almost every spheres including medical science, social service, engineering, etc.
10. **Irreplaceable in some sectors:** Women are considered irreplaceable for certain jobs. There are certain jobs in which women can be easily suited.

EDUCATION THE 'TOOL BASE' FOR EMPOWERMENT

- **Education will empower women** to come forward and contribute towards the development and prosperity of the country.
- **Economic empowerment:** So long as women remain backward and economically dependent on men, the helpless condition of them cannot be changed. Economic empowerment and independence will only come through proper education and employment of women.
- **Improved life:** Education helps a woman to live a good life. Her identity as an individual would never get lost. She can read and learn about her rights. Her rights would not get trodden down. The life or condition of women would improve a lot, if we take a broad outlook in the field of female education.
- **Improved health:** Educated girls and women are aware of the importance of health and hygiene. Through health education, they are empowered to lead a healthy life-style. Educated mothers can take better care of both herself and her baby.
- **Dignity and honor:** Educated women are now looked upon with dignity and honor. They become a source of inspiration for millions of young girls who make them their role-models.

- **Justice:** Educated women are more informed of their rights for justice. It would eventually lead to decline in instances of violence and injustice against women such as dowry, forced-prostitution, child-marriage, female foeticide, etc.
- **Choice to choose a profession of her choice:** Educated women can prove be highly successful in the fields of life. A girl-child should get equal opportunity for education, so that, she can plan to become a successful doctors, engineers, nurses, air-hostesses, cook, or choose a profession of her choice.
- **Alleviate poverty:** Women education is a pre-requisite to alleviate poverty. Women need to take equal burden of the massive task of eliminating poverty. This would demand massive contribution from educated women. There cannot be much social and economic changes unless girls and women are given their rights for education.

EMERGING TRENDS OF WOMEN EMPOWERMENT

- **Women in positions of power:** Women in position of power are women who hold an occupation that gives them great authority, influence, and responsibility. Historically, power has been distributed among the sexes disparately. Power and powerful positions have most often been associated with men as opposed to women. As gender equality increases, women hold more and more powerful positions, due to policy and social reform. Absence of women from power is not merely a sign of disadvantage and disenfranchisement, but the exclusion of women from positions of power also compounds gender stereotypes and retards the pace of equalization. The success rate of women has been higher over the years than men. In 1971, the success rate for men was 18%, whereas it was 34% for women, which is twice that of men. At present also it is more that of man. Women occupies political as well as occupational power Occupational positions of power is existing in almost any setting, from small scale, unofficial groups or clubs, all the way to the obvious leaders of nations or CEOs of companies. These more official situations are

found in many areas, such as government, industry and business, science and academia, the media, and many other sectors.

- **Voting:** Women were deprived of exercising political power in every country until granted the right to vote. After earning the right to vote, it often took decades for women to turn out to the polls in numbers proportional to their male counterparts. Exercising the right to vote is a reflection of the power women feel they have in their political systems. Currently, women has a participation in casting vote which were not exercised by them earlier. So, it is the trend which is growing now a days.
- **Quotas:** Our country have instituted quotas dictating a minimum number of women to be given reserve position in employment and elected positions in governments. In general, the quota system has acted as a fast-track to incorporating greater female representation into the governing systems as well as in job opportunity.
- **Global Stand:** International bodies such as the UN have established goals for female representation in governing bodies. Countries send their representative at international level. By reserving seats for women in international organization, their participation have been ensured. So as the women are participating and ensuring their representation at global level through which their position have been increased and it is the major trend for the development of women.

PARTICIPATION OF WOMEN IN INDUSTRIES AND BUSINESS:

During the 1980s, many pushed was done to pay equality for women. Unfortunately, this did not lead to greater employment of women in higher roles. New tactics need to be enacted in order to give employers incentives to hire more women, specifically for management and executive roll. Fortunately, women have active participation in management of industries and business. A 2004 study from Bottom Line found that: "Companies with the highest representation of women on their top management teams experienced better financial performance than companies with the lowest women's representation"

- Education“ educate a man and you will educate one person, educate a woman and you will educate a whole family”

Yes, education and literacy empowers women. The only way a society or nation can move forward, and aspire to economic growth and development is not just through education- but especially education among the women citizens.

REPORT BY PEW RESEARCH CENTRE

According to the Pew Research Center, after extensive research, the key barrier for why women either are not advancing in their careers or are not being viewed as competitors for top positions in companies is because there are “many interruptions related to motherhood that may make it harder for women” Forbes provides scenarios that even if women have full-time jobs, they are still the one responsible for any family dilemmas rather than men. David White argues that men during the 1960s, as implemented in his study, “being the sole provider for the family gave men a significant amount of power in their homes and contributed to feelings of male superiority”. Economics research states that culture can “transmit values and norms that last for centuries and even millennia” and they have “nothing to substantiate them except handed-down beliefs” This research indicates that one reason women are not advancing in top positions in businesses is because of gender norms that have perpetuated into the 20th century.

CERTAIN RIGHTS FOR WOMEN:

freely live their life with a sense of self-worth, respect and dignity,

- have complete control of their life, both within and outside of their home and workplace,
- to make their own choices and decisions,
- have equal rights to participate in social, religious and public activities,
- have equal social status in the society,
- have equal rights for social and economic justice,
- determine financial and economic choices,
- get equal opportunity for education,
- get equal employment opportunity without any gender bias,

- get safe and comfortable working environment.

CONSTITUTIONAL PROVISION FOR PROTECTION OF WOMEN

The Constitution of India guarantees to all Indian women the Right to Equality (Article 14), No discrimination by the State (Article 15(1)), Equality of Opportunity (Article 16), Equal pay for equal work (Article 39(d)). In addition, it allows special provisions to be made by the State in favour of women and children (Article 15(3)), renounces practices derogatory to the dignity of women (Article 51(A) (e)), and also allows for provisions to be made by the State for securing just and humane conditions of work and for maternity relief (Article 42). 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 primary mandate of the commission is to review the constitutional and legal safeguard provided for women, recommend remedial legislative measures, facilitate redressal of grievances and advise the government on policy matters affecting women. The 73rd and 74th Amendments (1993) to the Constitution of India have provided for reservation of the 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.

VARIOUS LAWS FOR WOMEN

The Government of India has taken all efforts to abolish the difference between men and women. According to the Constitution of India, men and women are equal before law. The government is laying special emphasis on the education of girls. The Hindu Widow Remarriage Act, 1856, the Child Marriage Restraint Act, 1929 the Hindu Women’s Right to Property Act 1937 and the Hindu Women’s Right to Separate Residence and Maintenance Act 1946 were some of the measures that sought to improve social and economic status of women to a very limited extent. Besides the provisions in the Constitution, the following legislations were passed since 1950:

- The Hindu Marriage Act, 1955
- The Hindu Succession Act, 1956
- The Hindu Adoption and Maintenance Act
- The Dowry Prohibition Act, 1961
- Equal Remuneration Act, 1976
- The Maternity Benefits Act.

CHALLENGES FOR WOMEN EMPOWERMENT:

In India, discriminatory attitudes towards either sex have existed for generations and affect the lives of both sexes. Although the constitution of India has granted men and women equal rights, gender disparity still remains. There is specific research on gender discrimination mostly in favour of men over women. Women are perceived to be disadvantaged at work. Indian laws on rape, dowry and adultery have women's safety at heart, but these highly discriminatory practices are still taking place at an alarming rate.

CUSTOMARY PRACTICE OF PATRIARCHAL DOMAIN:

It appears that Indian woman is still not treated at par with man in social and family life. The educated women even today though earning, are in acquiescence with the doctrine of the male domination. The education may have made them economically independent, but they still lack the needed self-confidence. The reason seems to be that they have been brought up under the old cultural atmosphere and they have not been able to shake off its influence even after the acquisition of modern education. However, in our times, her role has changed. Society has started recognizing her contribution. There is need for complete equality among men and women. She has all the rights to command equal status with men. The educated women should insist on exercising their civil, social, political and economic rights. This will help improve the overall condition of women in the society. We can hope for better days while all women of our country will be enlightened and educated.

OCCUPATIONAL INEQUALITIES:

- **Military service:** Avoidance Of Women In Recruitment Of Military Service Is The Root Cause Of Inequality. On One Side We Are Taking About

The Participation Of Women In Various Posts And On The Other Side We Are Restricting Them From Participation In Defence Services. Women are not allowed to have combat roles in the armed forces. According to a study carried out on this issue, a recommendation was made that female officers be excluded from induction in close combat arms. The study also held that a permanent commission could not be granted to female officers since they have neither been trained for command nor have they been given the responsibility so far.

- **Property Rights**

Women have equal rights under the law to own property and receive equal inheritance rights, but in practice, women are at a disadvantage. This is evidenced in the fact that 70% of rural land is owned by men. Laws, such as the Married Women Property Rights Act of 1974 protect women, but few seek legal redress. Although the Hindu Succession Act of 2005 provides equal inheritance rights to ancestral and jointly owned property, the law is weakly enforced, especially in Northern India.

WAGES INEQUALITY: The Wages Inequality Is A Prevalent Practice in India. Men And Women Have Been Provided With Different Wages For The Same Work. However Various Laws Have Been Formulated By The Legislature. Equal Pay For Equal Work Is One Of The Prominent Step Taken By Government To Ensure The Gender Equality, However This Has Not Been Implemented In An Effective Manner. The largest wage gap was in manual ploughing operations in 2009, where men were paid 103 per day, while women were paid 55, a wage gap ratio of 1.87. For sowing the wage gap ratio reduced to 1.38 and for weeding 1.18. For other agriculture operations such as winnowing, threshing and transplanting, the men to female wage ratio varied from 1.16 to 1.28. For sweeping, the 2009 wages were statistically same for men and women in all states of India.

The labour force participation rate of women was 80.7 in 2013. Nancy Lockwood of Society for Human Resource Management, the world's largest human resources association with members in 140 countries, in a 2009 report wrote that female labour participation is lower than men, but has been rapidly increasing since the 1990s. Out of India's 397 million workers in 2001, 124 million were women, states Lockwood.

- **Health**

Immunisation rates for 2 year olds were 41.7% for girls and 45.3% for boys according to the 2005 National Family Health Survey-3, indicating a slight disadvantage for girls. Malnutrition rates in India are nearly equal in boys and girls. The male to female suicide ratio among adults in India has been about 2:1. This higher male to female ratio is similar to those observed around the world. Between 1987 and 2007, the suicide rate increased from 7.9 to 10.3 per 100,000, with higher suicide rates in southern and eastern states of India. In 2012, Tamil Nadu, Maharashtra and West Bengal had the highest proportion of female suicides. Among large population states, Tamil Nadu and Kerala had the highest female suicide rates per 100,000 people in 2012. Some studies in south India have found that gender disadvantages, such as negative attitudes towards women's empowerment are risk factors for suicidal behavior and common mental disorders like anxiety and depression.

- **Gender-based violence**

Domestic violence, rape and dowry-related violence are sources of gender violence. According to the National Crime Records Bureau 2013 annual report, 24,923 rape cases were reported across India in 2012. Out of these, 24,470 were committed by relative or neighbor; in other words, the victim knew the alleged rapist in 98 per cent of the cases. India records a rape rate of 2 per 100,000 people,

Other sources of gender violence include those that are dowry-related and honor killings. NCRB report states 8,233 dowry deaths in the country in 2012. Honor killings is violence where the woman's behavior is linked to the honour of her whole family; in extreme cases, family member(s) kill her. Honor killings are difficult to verify, and there is dispute whether social activists are inflating numbers. In most cases, honor killings are linked to the woman marrying someone that the family strongly disapproves of. Some honor killings are the result of extrajudicial decisions made by traditional community elders such as "khap panchayats," unelected village assemblies that have no legal authority. Estimates place 900 deaths per year (or about 1 per million people). Honor killings are found the Northern states of Punjab, Haryana, and Uttar Pradesh.

- **Son preference**

A key factor driving gender inequality is the preference for sons, as they are deemed more useful than girls. Boys are given the exclusive rights to inherit the family name and properties and they are viewed as additional status for their family. In a survey-based study of 1990s data, scholars[84] found that sons are believed to have a higher economic utility as they can provide additional labour in agriculture. Another factor is that of religious practices, which can only be performed by males for their parents' afterlife. All these factors make sons more desirable. Moreover, the prospect of parents 'losing' daughters to the husband's family and expensive dowry of daughters further discourages parents from having daughters. Additionally, sons are often the only person entitled to performing funeral rights for their parents. Thus, a combination of factors has shaped the imbalanced view of sexes in India. A 2005 study in Madurai, India, found that old age security, economic motivation, and to a lesser extent, religious obligations, continuation of the family name, and help in business or farm, were key reasons for son preference. In turn, emotional support and old age security were main reasons for daughter preference. The study underscored a strong belief that a daughter is a liability.

- **Discrimination against girls**

While women express a strong preference for having at least one son, the evidence of discrimination against girls after they are born is mixed. A study of 1990s survey data by scholars found less evidence of systematic discrimination in feeding practices between young boys and girls, or gender based nutritional discrimination in India. In impoverished families, these scholars found that daughters face discrimination in the medical treatment of illnesses and in the administration of vaccinations against serious childhood diseases. These practices were a cause of health and survival inequality for girls. While gender discrimination is a universal phenomena in poor nations, a 2005 UN study found that social norms-based gender discrimination leads to gender inequality in India.

- **Dowry**

In India, dowry is the payment in cash or some kind of gifts given to bridegroom's family along with the

bride. The practice is widespread across geographic region, class and religions. The dowry system in India contributes to gender inequalities by influencing the perception that girls are a burden on families. Such beliefs limit the resources invested by parents in their girls and limits her bargaining power within the family. The payment of a dowry has been prohibited under The 1961 Dowry Prohibition Act in Indian civil law and subsequently by Sections 304B and 498a of the Indian Penal Code (IPC). Several studies show that while attitudes of people are changing about dowry, the institution has changed very little, and even continues to prevail.

- **Marriage laws**

Men and women have equal rights within marriage under Indian law, with the exception of Muslim men who are allowed to unilaterally divorce their wife. The legal minimum age for marriage is 18 for women and 21 for men, except for those Indians whose religion is Islam for whom child marriage remains legal under India's Mohammedan personal laws. Child marriage is one of the detriments to empowerment of women.

- **Literacy**

Though it is gradually rising, the female literacy rate in India is lower than the male literacy rate. According to Census of India 2011, literacy rate of females is 65.46% compared to males which is 82.14%. Compared to boys, far fewer girls are enrolled in the schools, and many of them drop out. According to the National Sample Survey Data of 1997, only the states of Kerala and Mizoram have approached universal female literacy rates. According to majority of the scholars, the major factor behind the improved social and economic status of women in Kerala is literacy. From 2006-2010, the percent of females who completed at least a secondary education was almost half that of men, 26.6% compared to 50.4%. In the current generation of youth, the gap seems to be closing at the primary level and increasing in the secondary level. In rural Punjab, the gap between girls and boys in school enrollment increases dramatically with age as demonstrated in National Family Health Survey-3 where girls age 15-17 in Punjab are 10% more likely than boys to drop out of school. Although this gap has been reduced significantly, problems still remain in the quality of education for girls where boys in the same family will be sent to higher quality

private schools and girls sent to the government school in the village.

GAP BETWEEN THE LAW AND ITS IMPLEMENTATION

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 strive and adopt measures of positive discrimination in favour of women. We have various laws, policies, plans and programmes aimed at women's advancement in different spheres. However, there exists a wide gap between the goals enunciated in these various forms of development measures and related mechanisms on the one hand and the situational reality of the status of women in India, on the other. This has been analysed 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".

The problem essentially is rooted in gender disparity in India. 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 gender disparity can be understood that it exists by looking at the sex ratio in India which stands at 933. Hence There is the Lack of Implementation of Codified Law.

VARIOUS LAWS FOR WOMEN

The Government of India has taken all efforts to abolish the difference between men and women. According to the Constitution of India, men and women are equal before law. The government is laying special emphasis on the education of girls. The Hindu Widow Remarriage Act, 1856, the Child Marriage Restraint Act, 1929 the Hindu Women's Right to Property Act 1937 and the Hindu Women's Right to Separate Residence and Maintenance Act

1946 were some of the measures that sought to improve social and economic status of women to a very limited extent. Besides the provisions in the Constitution, the following legislations were passed since 1950:

- The Hindu Marriage Act, 1955
- The Hindu Succession Act, 1956
- The Hindu Adoption and Maintenance Act
- The Dowry Prohibition Act, 1961
- Equal Remuneration Act, 1976
- The Maternity Benefits Act.

CONCLUSION

Women are required to realize their rights and being vigilant and aware about what is entitled to them. Women are the present and the future of the nation. At the international level, the UN Charter, the Universal Declaration of Human Rights and Convention on Elimination of All Forms of Discrimination against Women (CEDAW) sought to guarantee better legal status to women. Different NGOs are also working for the upliftment of women and girl child, such as the Foundation to Educate Girls Globally (Education), Rajasthan, Prajwala (Economic Security & Livelihoods), Andhra Pradesh, The Hunger Project (Governance), New Delhi, STEPS Women Development Organisation (Socio-Cultural Rights) Pudukottai, Tamil Nadu,

AdarshSamajSahyogSamiti, SHIS, National Council of Women In India, Centre for Women's Development Studies, National Commission of Women.

"A woman is the full circle. Within her is the power to create, nurture and transform" is rightly quoted by Diane Mariechilss. Women's empowerment doesn't happen in a vacuum, so, from adolescence only, males also need to be sensitized to gender equality and teamwork among the genders so as they grow older and become husbands and fathers, they understand and respect women as equally capable in the family and society as no growth of family and society seems possible in the absence of growth of women.

Women are indispensable part of society, hook of the family as daughter, sister, wife, mother and she is present in different forms in our life. Without her it's difficult to imagine life. Our Society and Nation can only progress when we give women the right to live and grow freely, allow them do make their independent decision; give them equal opportunity in every sphere of life.

"Let us give them wings to fly high. Let her be happy, so that she can give her best to family, society and nation."

Women Empowerment - Issues and Challenges

Sonam Singh*

ABSTRACT

This paper attempts to analyze the status of Women Empowerment in India and highlights the Issues and Challenges of Women Empowerment. Today the empowerment of women has become one of the most important concerns of 21st century. But practically women empowerment is still an illusion of reality. We observe in our day to day life how women become victimized by various social evils. Women Empowerment is the vital instrument to expand women's ability to have resources and to make strategic life choices. Empowerment of women is essentially the process of upliftment of economic, social and political status of women, the traditionally underprivileged ones, in the society. It is the process of guarding them against all forms of violence. The study is based on purely from secondary sources. The study reveals that women of India are relatively disempowered and they enjoy somewhat lower status than that of men in spite of many efforts undertaken by Government. It is found that acceptance of unequal gender norms by women are still prevailing in the society. The study concludes by an observation that access to Education, Employment and Change in Social Structure are only the enabling factors to Women Empowerment.

INTRODUCTION

Women empowerment refers to increasing the spiritual, political, social, educational, gender or economic strength of individuals and communities of women. Women's empowerment in India is heavily dependent on many different variables that include geographical location (urban / rural) educational status social status (caste and class) and age. Policies on Women's empowerment exist at the national, state and local (Panchayat) levels in many sectors, including health, education, economic opportunities, gender based violence and political participation. However there are significant gap between policy advancements and actual practice at the community level. Empowerment of women is essentially the process of upliftment of economic, social and political status of women, the traditionally underprivileged ones, in the society. It is the process of guarding them against all forms of

violence. Women empowerment involves the building up of a society, a political environment, wherein women can breathe without the fear of oppression, exploitation, apprehension, discrimination and the general feeling of persecution which goes with being a woman in a traditionally male dominated structure. Women constitute almost 50% of the world's population but India has shown disproportionate sex ratio whereby female's population has been comparatively lower than males. As far as their social status is concerned, they are not treated as equal to men in all the places. In the Western societies, the women have got equal right and status with men in all walks of life. But gender disabilities and discriminations are found in India even today. The paradoxical situation has such that she was sometimes concerned as Goddess and at other times merely as slave.

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WHY NEED OF WOMEN EMPOWERMENT?

Reflecting into the "Vedas Purana" of Indian culture, women is being worshiped such as LAXMI MAA, goddess of wealth; SARSWATI MAA, for wisdom; DURGA MAA for power. The status of women in India particularly in rural areas needs to address the issue of empowering women. About 66% of the female population in rural area is unutilized. This is mainly due to existing social customs. In agriculture and Animal care the women contribute 90% of the total workforce. Women constitute almost half of the population, perform nearly 2/3 of its work hours, receive 1/10th of the world's income and own less than 1/ 100th the world property. Among the world's 900 million illiterate people, women outnumber men two to one. 70% of people living in poverty are women. Lower sex ratio i.e. 933, The existing studies show that the women are relatively less healthy than men though belong to same class. They constitute less than 1/7th of the administrators and managers in developing countries. Only 10% seats in World Parliament and 6% in National Cabinet are held by women.

REASONS FOR THE EMPOWERMENT OF WOMEN

Today we have noticed different Acts and Schemes of the central Government as well as state Government to empower the women of India. But in India women are discriminated and marginalized at every level of the society whether it is social participation, political participation, economic participation, access to education, and also reproductive healthcare. Women are found to be economically very poor all over the India. A few women are engaged in services and other activities. So, they need economic power to stand on their own legs on par with men. Other hand, it has been observed that women are found to be less literate than men. According to 2001 census, rate of literacy among men in India is found to be 76% whereas it is only 54% among women. Thus, increasing education among women is of very important in empowering them. It has also noticed that some of women are too weak to work. They consume less food but work more. Therefore, from the health point of view, women folk who are to be weaker are to be made stronger. Another problem is that

workplace harassment of women. There are so many cases of rape, kidnapping of girl, dowry harassment, and so on. For these reasons, they require empowerment of all kinds in order to protect themselves and to secure their purity and dignity. To sum up, women empowerment can not be possible unless women come with and help to self-empower themselves. There is a need to formulate reducing feminized poverty, promoting education of women, and prevention and elimination of violence against women.

PROBLEMS AND CHALLENGES FACED BY URBAN WORKING WOMEN IN INDIA

In the history of human development, women have been as vital in the history making as men have been. In fact higher status for women vis-à-vis employment and work performed by them in a society is a significant indicator of a nation's overall progress. Undoubtedly, without the active participation of women in national activities, the social, economic or political progress of a country will deteriorate and become stagnant. But ironically and tragically, women employees in general, are not taken very seriously by their superiors, colleagues, or society at large. Having a career poses challenges for women due to their family responsibilities. Traditionally Indian women had been home makers but in the recent decades, proper education and better awareness, in addition to the ever increasing cost of living has made them to go out and choose careers. In a patriarchal society like India it is still believed that a man is the primary bread winner of his family. Although Indian women have started working outside their homes but still they have a long way to go both culturally, socially and economically, to bring in positive attitudinal changes in the mind-set of people. It is generally perceived that gender bias against working women starts right from the stage of recruitment. Most of the Indian men are not ready to accept that women are capable enough to work side by side with men in all the sectors, other than in a few limited ones like teaching, nursing and in clerical sectors. Their capabilities are generally underestimated as a result of which Indian women have a tendency to opt for less demanding jobs even if they are highly qualified. Women have the responsibilities to effectively manage their multiple roles in 9 domestic

as well as professional lives. Men generally do not offer any help in the households work. This makes the life of working women extremely stressful.

BACKGROUND INFORMATION

While a majority of the women still face discrimination and gender bias, in the last few decades, the number of women successful in politics, technology and business etc. is definitely on the rise. Society has started seeing women in a different perspective. They work as lawyers, nurses, doctors, social workers, teachers, secretaries, managers and officers etc. There is no profession today where women are not employed. However, it is true that working women have to face problems by virtue of their sex. For centuries women have been subjected to exploitation and torture, physically, sexually and mentally. There are innumerable challenge and problems faced by them both at home and workplace. What we generally see today, in addition to various media and journal reports is that in the workplace women generally face mental stress, sexual harassment, discriminatory practices, safety and security issues etc (Martin, 1989). India's patriarchal society thinks of women only as homemakers and sexual objects and is generally subjected to exploitation and torture (Dube, 2001). Women in the Workplace: Women in the workforce earning wages or a salary are part of a modern phenomenon, one that developed at the same time as the growth of paid employment for men; yet women have been challenged by inequality in the workforce (N. Andal 2002). A woman is a social animal. To keep her in captivity, without access to work or finance or interaction with the outside world, is less than fair (Eisenhower, 2002). Economic, social and political empowerment of women is essential for the development of any society. Working women are essential for the development of the society, so empowerment of women is important to the process of upliftment of economic, 10 social, political status of women. Traditionally women have been the under-privileged ones in the society, not enjoying the same rights or standards of living as the other half of the population. According to Robin (2002) "Sexism is the root oppression, the one which, until and unless we uproot it, will continue to put forth the branches of racism, class, hatred, ageism, competition, ecological disaster and economic exploitation. No other human differentiations can be

similarly powerful in reproducing oppressions, and so, women are the real left." Status of women can be broadly defined as the degree of socio-economic equality and freedom enjoyed by women. Economic, social and cultural factors interplay for reinforcing the gender differences in ownership, control and access to land through inheritance, marriage or informal networks (Arun, 1994). Women's economic status in the household, depends on three levels of influence, viz., women's acquired economic and social power, the socio-economic status of their households and the level of support and opportunities in the community (Zhao, 1991). Women's economic well-being is usually enhanced by women acquiring independent sources of income that begets increased self-esteem and improved conditions of their households and the overall level of development in their communities. The gender gap in the ownership and control of property is the most significant contributor to the gender gap in the economic wellbeing, social status and empowerment of women (Andal, 2002) Women have been playing vital roles in households since ages. Now women are also recognized for their value in the workplace and are engaged in wide range of activities of work in addition to their routine domestic work. Building a society where women can breathe freely without fear of oppression, exploitation, and discrimination is the need of the hour, to ensure a better future for the next generation.

Women Empowerment: Dimensions, Needs and Hurdles in India

ECONOMIC EMPOWERMENT

All the poverty alleviation programmes were focussed on women as they were economically more disadvantaged than men and as their upbringing and mainstreaming are critical for the economic development of a nation. And account their significant contributions to the production process. Economic empowerment is a process as well as a stage which is to be reached by designing strategies focusing on building credit worthiness and financial independence among women by removing all the gender-specific barriers which prevent women from gaining access to their rightful share in every spheres of life. Rural women have less access to the resources to generate stable incomes. House hold income is a

poor measure of women welfare because the distribution of income within the household may be quite unequal. Various studies of intra house hold resource allocation indicates that in many regions of the world, there exist a strong bias against women in areas such as nutrition, medical care, education and inheritance. Consequently, in the development discourse, most of the poverty alleviating programmes carry an implied agenda of women empowerment, which starts with access to credit and involvement in income generation which was accepted as sure strategies for economic empowerment. Thus women need economic empowerment because without economic strength, women cannot be able to exercise their rights and entitlements. Without reasonable income security, people lack real freedom to make rational choices and to become socially responsible. Without collective and individual voice, the vulnerable will remain that way. The synergy produced from a group approach is much higher than that of from an individual approach which prompts the policy makers and various agencies to adopt a participatory / group approach in empowering women. The active involvement / participation of women in vibrant groups like SHGs, NHGs and the like enable them to realize the goal of empowerment. Government of India, having realized the power and potential of self-help group approach has started mobilizing the poor women into self-help groups. The recent studies on development issues proved that the sustainable development can be made possible by making women an equally important paradigm of the development process.

POLITICAL EMPOWERMENT

Political empowerment is a process that enables women to increase their mobility and break their isolation, to develop their self-confidence and self-image and to establish their public presence whereby they participate in decision making in an expanding frame work of awareness and critical analysis to control and influence the direction of development. Political equality includes not only equal right to franchise but also more importantly, the right to access to the institutionalized centres of power. Participation of women in Panchayati Raj has been recognized as a step towards equality. Today, one of the issues of concern is the level of women's participation in political life. Political participation

includes the right to vote, right to contest, right to candidature, their role as women as campaigners, members and their involvement in the decision making process and appointment of women at all levels of government. Reserving seats for women in the political institutions will provide them an opportunity to raise their grievances and other related personal and social problems in a formal manner. The participation of women in the electoral process is an indicator of their political consciousness as well as their aspiration for status enhancement. The figures concerning women's common participation has been more or less steadily expanding over the years through various elections as voters and as candidates and in terms of participation in campaigning. The number of women getting elected to representative body has been steadily increasing.

SOCIAL EMPOWERMENT

Social empowerment means a more equitable social status for women in society because the primary responsibility of any human society is to ensure human dignity to all members. It is often argued that facilitating women's access to money is not an effective means for achieving women's empowerment unless it is linked to other kinds of activities like training on awareness of the impact of women's subordination, concept of self-esteem and on the meaning and benefits of empowering women. The approach to gender equity is based on the recognition that all interventions in favour of women must ensure an environment free from all forms of violence against women and also ensure the participation and adequate representation of women at highest policy levels. For today's women, fewer things are in the category of 'not done', compared to the time of independence. One of the recommendations of the National Policy on Education-1986 is to promote empowerment of women through the agency of education and it is considered as a landmark in the approach to women education. The National Literacy Mission is another step towards eradication of illiteracy in the age group of 15-35 years by the year 1988. The universalization of elementary education, enrolment and retention of girls in the schools, promotion of balwadis and crèches, increasing the number of girls' hostel, women's polytechnics and multipurpose institutions , non-formal adult

education and, open and distance education programmes were some of the other steps taken to boost women's education leading to social empowerment. The vision of the Eleventh Plan (2007-2012) is to ensure that every woman and child in the country is able to develop their full potential and share the benefits of growth and prosperity through a participatory approach which empowers them and makes them partners in their own development. When women gain voice in decision making which is to be started within the family, they would be in a position to take decision for improving the poor socioeconomic status. They begin to transform gender relations and so they are to be treated as equal partners in decision making and implementation rather than beneficiaries. However, women's increased participation at the decision making level can only be said to lead to their increased development and empowerment if such International Journal of Commerce and Management Research, Toll Free: 1800-1234-070 50 IMS Business School Presents Doctoral Colloquium – 2017 ISBN: 978-93-85895-57-9 participation enables them to achieve greater control over factors of production, access to resources and the distribution of benefits. Group or collective process always provide a support for empowerment as it exposes its members to local networks and this social interaction results in awareness about local realities which also helps them to overcome the barriers for accessing the resources.

CONCLUSION

The Empowerment of Women has become one of the most important concerns of 21st century not only at

national level but also at the international level. Government initiatives alone would not be sufficient to achieve this goal. Society must take initiative to create a climate in which there is no gender discrimination and women have full opportunities of self-decision making and participating in social, political and economic life of the country with a sense of equality. The popular UNESCO slogan should be considered as an ideal for not only empowerment but also development of women: "Educate a man and you educate an individual; educate a woman and you educate a family"

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Women Participation in Political Area: A Legal Analysis

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ABSTRACT

Male and Female, the two basic components of our human society, depend upon each other and each one of them constitutes about half of the population. Over years sociologists and other scholars have tried to assess the problems faced by women and to study changes in their status around the globe in general and in Indian society in particular. We find that man and woman have been established as the two wheels of a chariot.

But now days this scenario is totally changed. Women are not enjoy the status and freedom as men enjoy. The purpose of this Article is to tell about the participation of women in political arena, so that they will also represent herself in the society at large. Participation of women in politics brings changes in society and make them able in decision making according to her will.

But the reality is that the women participation is very less in political arena because of the male dominancy in the society. Everywhere male wants to be a superior. Women are restricted to represent herself in public. One of the great hurdle is the thinking or mindset of the society towards women.

It is very necessary to provide opportunity to women to represent herself. If women participate in politics then her work and will reflect in governance and they will also think about the status of other women in the society and their rights also. To remove the gender discrimination , the women must be perform in the public and the administration. There are lot of examples in our history , that whenever women get chance , they done very well .

"THERE IS NO CHANCE FOR THE WELFARE OF THE WORLD UNLESS THE CONDITION OF WOMEN IS IMPROVED. IT IS NOT POSSIBLE FOR A BIRD TO FLY ON ONLY ONE WING "

SWAMI VIVEKANANDA

POSITION OF WOMEN IN INDIA

Vedic Period (2500 B.C. to 1500 B.C.)

The position of women during the Vedic period was glorious on account of freedom and equality. During this period, the women participated in every walk of life. Indian women shared a responsible position with men and played an important role in evolving a definite culture and tradition. The Girls were educated like boys. The educated girls had naturally an effective voice in the selection of their life partners. The marriage of girls used to take place at the age of understanding i.e. between 14 to 17 years

that, too, with their consent. Pre-puberty marriages were unknown as there were Swayamvara marriages where women were given a chance of selecting their partners. There were also many instances of love marriages. It can be concluded that both men and women had considerable freedom in selecting their partners though parents often arranged a suitable match. Apart from a literary career women entered fields teaching, medicine, business, military and administration. Widows of this age were permitted to remarry.¹

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Post-Vedic Period (1500 B.C. to 500 B.C.)

After the Vedic period there were perceptible changes in the women's status due to various reasons, among which the most important was the denial of education. With the lapse of time the position of the daughter also changed. During this period there was a gradual decline in women's education. Girls were not allowed to go to the houses of the preceptor or centres of education. Marriage age of the girls continued to be around sixteen. They had some voice in the selection of their life partners. The intention of the Smiriti writers was not to make her a shareholder in the son's property but just to reserve some wealth necessary for her marriage. But the daughter's right of succession in her father's property cannot be said to be established. The study of Vedas became the monopoly of men. Women also ceased to attend public meetings. Widow marriage was prohibited. The practice of 'Sati' was recommended by many of the later authorities and was well established by the end of the sixth century A.D.,

Outstanding examples of Women in History:

It is true that our history recorded instances of outstanding women like Gargi, Maitreyi, Rani Rudrama Devi, Sultana Razia Begum, Lakshmi Bai, Mirabai, Ahalyabai Holkar, Nur Jahan, Mehr-un-nisa, Maham Anga, Chand Bibi, and Tarabai who accomplished great feats in the spheres of literature, art, philosophy, administration, and even warfare.

1. Status Of Women in Vedic and Post-Vedic Period by Puja Mondal , available at: www.yourarticlelibrary.com (05/10/2017)
2. Status Of Women in Vedic and Post-Vedic Period by Puja Mondal , available at: www.yourarticlelibrary.com (05/10/2017)

The above are few of the great Indian women of this period. Other names are, Jahanara Begum – the partisan of Dara Shikoh, Roshan Ara – the partisan of Aurangzeb, Zeb-un-nisa, the daughter of Aurangzeb and Jija Bai, the mother of Shivaji, etc. Jija Bai is considered typical of Indian womanhood.

However, these women belonged to the royal and aristocratic families of society and hence were free from conditions of social disabilities and subjection in which the mass of women lived.

Despite such outstanding instances, the position, status and condition of women in India was poor. They were generally excluded from succession to property and this led to their dependence on men. The joint family was a source of great strength to women. The legal position of Hindu women, especially from the point of view of inheritance, was again, generally speaking, unsatisfactory. Polygamy was permissible and legal.

Widow-marriage was prevalent among the non-Brahmins of Maharashtra, as also among the Jats of the Punjab and the Jamuna valley. In the middle of the 18th century, social evils increased tremendously.

Though women were generally subject to the will of their masters, there were instances of active women participants in political affairs.

Improvement in condition and revival of status of women during the

BRITISH PERIOD

The early years of the 20th century witnessed rapid progress in breaking down prejudices against women's education. A number of women's societies sprang up. The Women's Indian Association was founded by Mrs. Annie Besant in 1917, with the primary aim of promoting women's education. The Federation of University Women was formed in 1920 to affiliate women graduates' associations for more effective advance in the status of women. The National Council of Women was founded in 1925 to federate the Provincial Women's Council and other women's organizations. The first All-India Women's Educational and Social Congress was held in 1926. Socio-religious reform movements like the Arya Samaj³, the Brahma Samaj⁴ and the Theosophical Society gave added impetus to this awakening.

Thousands of women took part in the freedom struggle under Gandhiji's leadership fearlessly facing police lathis and guns. They gradually became conscious of their rights. Soon after the Government of India Act of 1935 introducing provincial autonomy came into effect, many women became ministers in Congress governments. Many women took to studying economics, sociology, science, mathematics, etc.

Social hindrances began to disappear gradually. Purdah almost became a thing of the past.

In the social and political fields, men and women started working side by side. Educated girls began to marry by choice and some of them took to the stage. Music and dancing were assiduously cultivated and some of the women achieved world fame in the arts. In 1914, an All-India Muslim Ladies Conference was organized.

On 26th January, 1931, the Indian National Congress passed a historic resolution on Indian women.

3 Founded by Dayanand Saraswati in 10 APRIL 1875, 4 Founded by Raja Ram Mohan Roy in 20 AUGUST 1828;

AFTER INDEPENDENCE

The improvement in women's position and status became further evident when immediately after the independence, Indian women made their mark by becoming Governors, Cabinet ministers, and ambassadors. Several measures were taken by the Government of India to assign equal status to women in the economic, political and social fields. More avenues were opened to them to show their talents and have a sense of participation in national activities.

The Constitution of India pledges equality of status and opportunity to men and women. The passage of several Acts by the Parliament and the process of social change brought about by industrialization and urbanization during the last few decades have done much for women's emancipation both legally, politically and socially. Now the members of the family are individuals before the law, and the Constitution has guaranteed equal rights to women.

Indian women, like men, have the right to vote and the right to be elected. Mrs. Indira Gandhi, the first woman Prime Minister of India, is the pride of India's women folk. She served for fifteen years and remained the undisputed leader of the most powerful party in India. She was considered to be the most powerful woman in the contemporary world. Women can serve on juries, and there are many women doctors, lawyers and even justices. Constitutionally, they have equal rights. They have the right to own, manage control their own property. Today, a married woman has the right to divorce; a widow can remarry.

The Constitution of India provides for equal rights for all, irrespective of caste, creed and sex. The fundamental Rights guarantees equality of men and women in every walk of life. Article 15 assures that the State shall not discriminate against any citizen on grounds of sex and says: "Nothing in this Article shall prevent the State from making any special provision for women."

Causes of Declining gender ratio: Though India modernized along various dimensions, there is a declining trend of sex ratio. There are causes contributing to this declining sex ratio :-

- Females are under enumerated in the Indian census.
- Indian families prefer sons, and female infants are consequently neglected.
- Frequent and excessive child-bearing has an adverse effect on the health of women and
- Certain diseases have a high incidence in woman.

All these indicate the worsening condition of women as a whole. Its social manifestations may be seen in the increasing incidence of dowry and the declining position of women due to erosion of their economic and social roles. The process of development itself has generated changes, which have widened and increased socio-economic inequalities, in general, and between men and women in particular.

CONSTITUTIONAL PROVISIONS FOR WOMEN IN INDIA

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. 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.

CONSTITUTIONAL PROVISIONS

The Constitution of India not only grants equality to women but also empowers the State to adopt measures of positive discrimination in favour of women for neutralizing the cumulative socio economic, education and political disadvantages faced by them. Fundamental Rights, among others, ensure equality before the law and equal protection of law; prohibits discrimination against any citizen on grounds of religion, race, caste, sex or place of birth, and guarantee equality of opportunity to all citizens in matters relating to employment. Articles 14, 15, 15(3), 16, 39(a), 39(b), 39(c) and 42, of the Constitution are of specific importance in this regard.

- i) Equality before law for women (**Article 14**).
 - (ii) The State not to discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them (**Article 15 (i)**).
 - (iii) The State to make any special provision in favour of women and children (**Article 15 (3)**).
 - (v) The State to direct its policy towards securing for men and women equally the right to an adequate means of livelihood (**Article 39(a)**); and equal pay for equal work for both men and women (**Article 39(d)**).
 - (viii) The State to promote with special care the educational and economic interests of the weaker sections of the people and to protect them from social injustice and all forms of exploitation (**Article 46**).
 - (x) To promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of women (**Article 51(A) (e)**).
 - (xi) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat to be reserved for women and such seats to be allotted by rotation to different constituencies in a Panchayat (**Article 243 D(3)**).
- 5 Bare Act, The Constitution Of India
- (xii) Not less than one- third of the total number of offices of Chairpersons in the Panchayats at each level to be reserved for women (**Article 243 D (4)**).
 - (ix) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of 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 constituencies in a Municipality (**Article 243 T (3)**).
 - (x) Reservation of offices of Chairpersons in

Municipalities for the Scheduled Castes, the Scheduled

Tribes and women in such manner as the legislature of a State may by law provide (**Article 243 T (4)**).

SPECIAL INITIATIVES FOR WOMEN

(i) **National Commission for Women :-** In January 1992, the Government set-up this statutory body with a specific mandate to study and monitor all matters relating to the constitutional and legal safeguards provided for women, review the existing legislation to suggest amendments wherever necessary, etc.

(ii) **Reservation for Women in Local Self - Government :-** The 73rd Constitutional Amendment Acts passed in 1992 by Parliament ensure one-third of the total seats for women in all elected offices in local bodies whether in rural areas or urban areas.

(iii) **The National Plan of Action for the Girl Child (1991-2000) :-** The plan of Action is to ensure survival, protection and development of the girl child with the ultimate objective of building up a better future for the girl child.

(iv) **National Policy for the Empowerment of Women, 2001 :-** The Department of Women & 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.

WOMEN AND POLITICS IN INDIA

The Indian society is full of paradoxes. On the one hand, foreigners come in hordes to our country in search of spiritual solace but on the other hand, Indians rank among the most corrupt people in the world. Again, on the one hand, India is spending millions, nay, billions to send satellites to space to prove its scientific prowess but on the other the state can not provide almost half the population with the basic necessities of food, education, health and shelter.

The same paradox exists in the case of women too. On the one hand, the scriptures put them on a high pedestal. An old Sanskrit proverb is that, where the women are held in reverence there do the gods reside. The traditional belief in the Indian society is that, a society grows if the women grow, if they partake of the spirit of progress, for they are proverbial domestic legislators, they are the matrix of social life. In the Indian mythology, even God is

regarded as half man, half woman-'ardh-narishwara'. On the other hand, according to the UNICEF's recent international report, "The Progress of Nations 1997", more than 5000 dowry deaths occur every year in India.

Women's lives in India and the world over are circumscribed by what can be termed as five 'Ps' Patriarchy, Productive resources access inadequacy, Poverty, Promotion advancement insufficiency and powerlessness. It is estimated that women do two-thirds of the world's work. In exchange they receive only 10 percent of all the income and own a mere one percent of all the world's means of production.

It is a fact that the real social status and the real level of political participation of women cannot be analyzed in isolation. On the contrary it is interlinked with the socio-economic conditions, political climate and inequalities inherent in the traditional social structure, its norms and values, customs and rituals. All these factors together determine the actual social status of women. Not only that, women's status differs according to region, caste, class and religion and also on considerations of tribal, rural and urban areas." The status of a person is a great force in participating wholeheartedly in the developmental process. In the case of women, their inferior status relegated to them due to fundamentalism of tradition and religious beliefs blocked them from active participation in developmental process. There is no denying the fact that greater participation of women in the political process would be a precondition for their economic and social emancipation. However, even though a significantly large number of women vote in the country, yet only a few of them assume the reins of power. Paradoxically, though women have held the posts of President and Prime Minister as well as Chief Ministers of various states in India, the country ranks 20th from the bottom in terms of representation of women in Parliament, as per the World Economic Forum's Global Gender Gap Report 2012.

To remedy the low participation of women electors, India in 1994 established quotas (reservations) vide the 73rd and 74th constitutional amendments to reserve 33 per cent of the seats in local governments for women. The Women's Reservation Bill (108th amendment) has also been introduced in the national

Parliament to reserve 33 per cent of the Lok Sabha seats for women, but the bill is yet to be passed. It

is believed that though increasing the number of women in national government may not guarantee an impact on governance, a critical mass of women in power can bring about transformation in leadership.

A heartening outcome of the reservation bill is the subsequent rise in political participation by women, which went up from 4-5 per cent to 25-40 per cent among women, and gave millions of women the opportunity to serve as leaders in local government. A few states like Odisha established reservations even before the 73rd amendment and they had 28,069 women elected in 1992 and 28,595 women in 1997. The robust health of India's democracy is also reflected in the increasingly large turnouts of women voters in progressive elections at both the national and state levels in the country. In the 2012 elections to Legislative Assemblies, for instance, Uttar Pradesh reported a turnout of 58.82 to 60.29 per cent of the female voters. The states of Arunachal Pradesh, Goa, Kerala, Manipur, Meghalaya, and Mizoram, and the Union Territories of Daman and Diu, and Puducherry also reported higher turnouts among women than men in the 2013 Vidhan Sabha elections (Election Commission, 2013). The turnout of women during India's 2014 parliamentary general elections was 65.63 per cent, only marginally less than the male turnout of 67.09 per cent. In 16 out of 29 states of India, more women voted than men.

This increased female participation was observed in both the rich and poor states in the country.

However, the above chart⁶ shows that this enthusiastic participation in elections does not ostensibly translate into proportionate electoral power for women. In contrast to the encouraging figures pertaining to women voters, the statistics on women's participation in Parliament and Legislative Assemblies, on the other hand, present a grim picture. The recent Assembly elections in four states and one Union Territory bear witness to this fact more resoundingly than even in the past. Despite the remarkable showing by the two women Chief Ministers in West Bengal and Tamil Nadu in these elections, Mamata Banerjee and Jayalalitha, respectively, there was no significant rise in the number of women MLAs in any of the five Assemblies, which now have a female strength of merely 81 out of the total number of 823 MLAs, representing less than 10 per cent of the total legislators. This includes 8 women out of 126 MLAs in Assam, 21 out of 234 in Tamil Nadu, 40 out of 293

Table 1: Women's Participation in the Lok Sabha and the Rajya Sabha

Year	Lok Sabha			Rajya Sabha		
	No. of Seats	No. of Women MPs	% of Women MPs	No. of Seats	No. of Women MPs	% of Women MPs
1952	499	22	4.41	219	16	7.31
1957	500	27	5.4	237	18	7.59
1962	501	34	6.76	238	18	7.56
1967	523	31	5.93	240	20	8.33
1971	521	22	4.22	243	17	7
1977	544	19	3.49	244	25	10.25
1980	544	28	5.15	244	24	9.84
1984	544	44	8.09	244	28	11.48
1989	517	27	5.22	245	24	9.8
1991	544	39	7.17	245	38	15.51
1996	543	39	7.18	223	19	8.52
1998	543	43	7.92	245	15	6.12
1999	543	49	9.02	245	19	7.76
2004	543	45	8.28	245	DNA	DNA
2009	543	59	10.86	245	22	8.98
2014	543	61	11.23	241	28	11.62
Average	530	35	6.59	240.00	21	9

Source: Election Commission of India's website (www.eci.gov.in)

in West Bengal, 8 out of 140 in Kerala, and 4 out of 30 in Puducherry.

The figures at the national level are equally dismal. The above Table depicts an overview of participation of women in the Lok Sabha (lower house) and in the Rajya Sabha (upper house). The participation of women in the Lok Sabha has, in fact, never exceeded 12 per cent since Independence. The proportion of women Members of Parliament (MPs) in the Lok Sabha has increased by only 6 percentage points over the past six decades. In the Rajya Sabha, it has been almost constant at 7 percent of the total seats, with the exception of the 1991 election where it rose to 15.5 per cent. In the 2009 election, only 59 women MPs were elected for a total of 543 seats, and this figure went up by merely 2 to touch 61 in the 2014 elections.

Political representation does not have any direct correlation with literacy or other related parameters. This is indicated by a comparison of female political participation in Kerala and Rajasthan, which lie at two opposite ends of the literacy bandwagon, with the female literacy rates being 92 per cent and 53 per cent in Kerala and Rajasthan, respectively, as per the 2011 Census. Although the women in Kerala enjoy greater freedom of movement along with cultural and educational advantages, this has not been converted into political participation. Even the proportion of women in the state assembly is only marginally higher at 11 percent in the present Assembly in Kerala as compared to 7 per cent in Rajasthan.

One of the key challenges faced by women is lack of education which hinders their political involvement.

We recommend bridging this gap by providing quality education to women in the country. Awareness about their rights and privileges as mentioned in the Constitution can only be ensured once women are appropriately educated. The issue of gender-based violence and provision of safety and security of women should also be addressed on a priority basis to promote gender equality in the social and political arenas. Although the Government of India has initiated the National Mission of Empowerment of Women in 2014 with the broad objective of gender empowerment, the progress of this project is not up to the mark. It is thus imperative to strengthen its functioning and implementation. In addition, there is need for capacity building of prospective women leaders by imparting leadership training to the female members of political parties.

6 Election Commission of India website, (www.eci.gov.in)

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Empowerment of women in India: Constitutional and legal provisions

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ABSTRACT

Empowerment of women means deploying them as more aware individual, who are politically active, economically productive and independent and one able to make intelligent decision in matters that affect them. Women have been victims of exploitations by male dominated society. Women need to be empowered and man need to be oriented about then obligation towards women. Both on national as well as international platform there are numerous laws aimed at empowerment of women in the area of personal labour. Service and criminal and social economics matters. The constitution of India guarantees equality for women. In spite of all these developments the truth remains that wide spread violations of women's rights continue to persist. Though platform of legislations exists. Due to ineffective enforcement women are exploited by the male dominate society.

INTRODUCTION

In spite of women contribution in all spheres of life and they enjoy a unique position in every society and country of the world, but they suffer in silence and belong to a class which is in a disadvantaged position on account of several barrier and impediments. Women's empowerment in legal social and political and economic requires to be enhanced. However empowerment and equality are based on the gender sensitivity of society towards their problems. The intensification of women's issue and rights movement all over the world is reflected in the form of various conventions passed by the United Nations.

In India the framers of constitution while drafting the constitution were sensitive to the problems faced by women and made specific provisions relating to them. In various articles not only mandate equality of the sexes but also authorizes benign discrimination in favour of women and children to make up for the backwardness which has been their old age destiny.

CONSTITUTIONAL PROVISIONS

The constitution of India contains various provisions which provide the equal rights and opportunities for both men and women. The silent features are:

1. Preamble- The Preamble contains the essence of the constitution and reflects the ideas and aims of the people. The preamble starts by saying that we the people of India give to ourselves the constitution. The source of constitution is thus traced to the people men and women of India irrespective of caste, community, religion or sex. The preamble contains the goal of equality of status and opportunity to all citizens.

1. Political Rights- Empowerment of women has been brought by the 73rd and 74th Amendments which reserves seat for women in Gram Panchayats and municipal bodies. Illiteracy lack of political awareness, physical violence and economic dependence are a few reasons which restrain women from taking part in the political process of the country.

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2. Economic Rights- At hand there has been series of legislation conferring equals rights for women and man. These legislation has been guided by the provision of fundamental rights and directive principle of state policy. Laws to improve their condition in matters relating to wages maternity Benefits, equal remuneration and property/succession have been enacted to provide the necessary protection to these areas.

SOCIAL JUSTICE

For providing social justice to women the most important step has been codification of some of personal laws in our country which pose the biggest challenge in this context. In the area of criminal justice the the gender neutrality of law worked to the disadvantage of a woman accused because in some of the cases it imposed a heavy burden on prosecutor for in cases of rape and dowry.

In spite of these laws their non implementation gender insensitivity and lack of legal literacy prevent the dream of constitution makers from becoming a reality.

FUNDAMENTAL RIGHTS

Part III of the constitution consisting of Articles 12-35 is the heart of the constitution. The framous of the constitution were conscious of the unequal treatment and discrimination meted out to the fairer sex from time immemorial and therefore included certain general as well as specific provisions for the upliftment of the status of women.

Article14- Equality before Law

The state shall not deny to any person equality before law or the equal protection of law within the territory of India.

Article15- Prohibition of discrimination on ground of religion, race, cast, sex or place of birth:-

Article15 (1) - Prohibits gender discrimination and **Article 15(3)** lifts that rigour and permit the state to positively discriminate in favour of women to make special provision to ameliorate their social condition and provide political, economic and social justice. The state in the field of criminal law, Service law, labour law etc. has resorted to Article 15(3) and the

court too have upheld the validity of these protective laws this protective discriminatory provisions on the basis of constitution mandate.

Article16- Equality of opportunity in matters of public employment.

According to Article 16 there shall be equality of opportunity for all citizens in matters relating to employment or opportunity to any office under the state. No citizen shall on grounds only of religion race, caste, sex, descent, place of birth, residence or any of them be in eligible for or discriminated against in respect of any employment or office under the state.

Article21- Protection of life and personal liberty.

According to Article 21 of the constitution no person shall be deprived of his life or personal liberty except according to procedure established by law.

Denial of right of succession to women of scheduled tribes amount to deprivation of their right to livelihood under article 21: Madhukiswar vs state of Bihar (1196) SCC125 In vishaka is state of Rajasthan (A.I.R. 1997 S.C 3011) the Supreme Court in the absence of legislation in the field of sexual harassment of working women at their place of work formulated guidelines for their protection.

Article23 - Prohibition of traffic in human being and forced labour-

1. Traffic in human being and beggar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

2. Nothing in this article prevent the state from imposing compulsory service for public purposes and in imposing such service the state shall not make any discrimination on grounds only of religion, race, caste, sex or any of them.

Directive principle of state policy- How ever directive principle of state policy are not enforceable in any court of law, they are essential in the governance of the country and provide for the welfare of the people including women. There are following provisions regarding women's in directive principle.

Article 39- Certain principle of policy to be followed by the states-

Article 39 (a) directs the state to direct its policy towards securing their citizens 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(d) specifically directs the state not to abuse the health and strength of workers men and women. Article 42- Provision for just and humane conditions of work and maternity relief-

Article 42 of the constitution incorporate a very important provision for the benefit of women. It direct the state to make provisions for securing just and human conditions of work and for maternity relief.

The state has implemented this directive principle by incorporating health provisions in the factories Act, maternity benefits Act, Beedi and cigar workers (Condition employment) Act etc.

Uniform civil code Article 44- Article 44 directs the state to secure for citizens a uniform civil code applicable throughout the territory of India. Its particular goal is towards the achievement of gender justice.

Fundamental Duties- Article 51 A(e) related to the women. It states that It shall be the duty of every citizen of India to promote harmony and the sprit of common brotherhood amongst all the people of India transcending religion linguistic regional or sectional diversities to renounce practices derogatory to the dignity of women.

Article 243 (D) - Reservation of seats (73 Amendment). The 73th and 74th amendment of the constitution of India provided for reservation of seats (at least 1/3) in the local bodies of Panchyats and municipalities for women.

Legislative Initiatives towards Empowerment of women in India- In India there are numerous laws aimed at empowerment of women in the in the areas of personal, labour service and criminal and social economic matters. The Fundamental law of the land namely constitution of India guarantees equality for women. It would be proper to refer some of the most

important legislations pertaining to empowerment of women.

1. Indian Penal Code, 1860:

Sections 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 connections with demand of dowry. Sections 312 to 318 deal about punishment for causing miscarriage. Section 354 provides punishment for outraging the modesty of any women, S. 366 deals about kidnapping for marriage against her will. Section 366-A deals about procurement of minor girls for sexual purpose. Section 376 deals about punishment for rape. Section 494 protects women from bigamy. Section 497 deals about protection of married women from adultery. Section 498-A of Indian Penal code deals about subjecting women to cruelty by her husband or relatives and her husband and S.509 provides punishment for uttering words and gesture or act intended to insult the modesty of a woman.

2. Code of criminal procedure, 1973: Under S. 125, code of criminal procedure, a woman has got right to maintenance.

3. Indian Evidence Act, 1872: Sections 113(a), 113(b) and 114(c) provide for presumptions as to abetment of suicide by a married woman within 7 years of marriage, as dowry death of a woman and as to absence of consent of woman for sexual intercourse.

4. Hindu adoption maintenance Act, 1956: Section 18-A provides for obligations of husband to maintain his wife. Section 18(2) provides right of wife to live separately and S.19 provides for maintenance of widow by her father-in-law.

5. 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.

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

7. 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 S.26 of the Act provides right to claim custody of children.

8. The Dowry Prohibition Act, 1961: Under the provisions of this Act demand of dowry either before marriage, during marriage and or after the marriages an offence.

9. 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.

10. The Factories Act, 1948: The provision of this Act provides for health, safety, welfare, and working hours for women labourers working in factories.

11. 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.

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

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

14. The Medical Termination of Pregnancy Act, 1971: The Act safeguards women from unnecessary and compulsory abortions.

15. The Child Marriage Restraint Act, 1976: The Act provides safeguards for girls from child marriage.

16. The Immoral Trafficking (Prevention) Act, 1986: The Act safeguards women from prostitution.

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

18. The Indecent Representation of Women (Prohibition) Act, 1986: The Act safeguards women from indecent representation.

19. The Commission of Sati (Prevention) Act, 1992: It safeguards women from sati.

20. 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.

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

22. The Tamil Nadu Prohibition of Eve-teasing Act, 1988: The Act provides punishment for eve-teasing.

23. 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.

24. The criminal Law (Amendment) Act, 2013: It deals with the amendments in the laws relating to sexual assault in Section 375, 376, 354 and 509 IPC and the relevant sections of the Code of Criminal Procedure 1973 and the Indian Evidence Act 1872.

CONCLUSION

In spite of all these legal developments, the truth remains that widespread violations of women's rights continue to persist. The Forces of globalization and extremism and the unwillingness of other segments of humanity continue to pose a threat to women's human rights. Structural inequalities and power imbalances facilitate such violations. Urge for easy money, at times greed, facilitating a life full of comforts, possibly luxury, has in the recent few years made women more susceptible to exploitation and violence. The law cannot change a society overnight, but it can certainly ensure that the disadvantaged are not given a raw deal. The Courts can certainly go beyond mere legality insulating women against

injustice suffered due to biological and sociological factors. The legislation which take care of rights and privileges of women are numerous in number but due to ignorance and property enforced. The plethora of Indian legislations aims at women empowerment. The Judicial decision rendered by the Indian courts depicts the active role played by the Judiciary to protect women from exploitation at a stage where legislation are uninformed due to lack of adequacy of enforcement machinery.

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Hurdles and Measures

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HURDLES AND MEASURES

Empowerment of women is essentially the process of upliftment of economic, social and political status of women, the traditionally underprivileged ones, in the society. It involves the building up of a society wherein women can breathe without the fear of oppression, exploitation, apprehension, discrimination and the general feeling of persecution which goes with being a woman in a traditionally male dominated structure.

Object: To know the hurdles in achieving women empowerment.

There are several constraints that check the process of women empowerment in India. Social norms and family structure in developing countries like India, manifests and perpetuate the subordinate status of women. One of the norms is the continuing preference for a son over the birth of a girl child which is present in almost all societies and communities. The society is more biased in favour of male child in respect of education, nutrition and other opportunities. Women often internalize the traditional concept of their role as natural thus inflicting an injustice upon them. Poverty is the reality of life for the vast majority women in India. It is the factor that poses challenge in realizing women's empowerment. There are several challenges that are plaguing the issues of women's right in India. Targeting these issues will directly benefit the empowerment of women in India.

Women constitute little less than half of state's population (9.50 crore, 2011 Census). They manage homes, provide care and support to infants and

children and are steadily but gradually present now in both: jobs and business world. Women in the country, as well as in U.P., have been suffering traditionally in social and economic terms. They have been discriminated against in several ways. They often reflect lower literacy rates, economic dependence, and poor nutritional status. Many a time they are victims of violence, sexual abuses, etc. Political leaders, social thinkers and policy makers have been emphasising protection of women and their rights and gender equity. It is well-known that gender bias is still ingrained in our social psyche. Gender equity is not only desirable but imperative and that is why, it has become a policy and programme priority of governments. Women need to be empowered socially and economically so that they become full partners in development processes. The incidence of crimes against women such as chain snatching, eve-teasing, molestation, kidnapping, rapes, physical assaults and dowry deaths is still high. In many such cases even FIRs are not registered. Even child abuse is prevalent. This is indeed a sorry state of affairs. First, there is need to control and minimise incidence of such crimes. Simultaneously, crimes against women and children should be registered and fast-tracked in courts and offenders punished deterrently. Women police station should be strengthened and adequately staffed in social field, women are suppressed domestically and do not enjoy respectable position. They are not regarded as intelligent and powerful enough. They are generally devoted to household work in India's patriarchal society. Such underprivileged conditions of women led them to face domestic violence, sexual abuse both at home and work place and improper opportunities for progress in every area of life.

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The parameters of women empowerment are:

- Raising self-esteem and self-confidence of women.
- Elimination of discrimination and all forms of violence against women and girl child.
- Building and strengthening partnership with civil society particularly women's organisations.
- Enforcement of constitutional and legal provisions and safeguarding rights of women.
- Building a positive image of women in the society and recognising their contributions in social, economic and political sphere.
- Developing ability among women to think critically.
- Fostering decision-making and collective action.
- Enabling women to make informed choices.
- Ensuring women's participation in all walks of life.
- Providing information, knowledge, skills for self-employment.
- Elimination of discrimination against women's participation in the areas of: – Access to food – Equal wages – Property rights – Family resources – Freedom of movement and travel – Access to credit – Control over savings, earnings and resources – Guardianship and custody of children and their maintenance.
- Gender sensitisation training in schools, colleges and other professional institutions for bringing about institutional changes.

India as a country is still recovering from years of abuse in the time of the Raj and more years of economic suffering at the hands of the License Raj. It is only now that globalization, liberalization and other socio-economic forces have given some respite to a large proportion of the population. However, there are still quite a few areas where women empowerment in India is largely lacking.

To truly understand what women empowerment is, there needs to be a sea-change in the mind-set of the people in the country. Not just the women themselves, but the men have to wake up to a world that is moving towards equality and equity. It is better that this is embraced earlier rather than later, for our own good.

SCHEMES AND STRATEGIES FOR WOMEN EMPOWERMENT IN INDIA

- The Immoral Traffic (Prevention) Act, 1956
- The Dowry Prohibition Act, 1961 (28 of 1961) (Amended in 1986)
- The Indecent Representation of Women (Prohibition) Act, 1986. An amendment bill of this act is pending in Rajya Sabha.
- The Commission of Sati (Prevention) Act, 1987 (3 of 1988)
- Protection of Women from Domestic Violence Act, 2005
- The Sexual Harassment of Women at Workplace (PREVENTION, PROHIBITION and REDRESSAL) Act, 2013
- The Pre-Natal Diagnostic Techniques (Regulation and Prevention of misuse) Act 1994
- The criminal law (amendment) Bill, 2013
- Women's Reservation Bill (The Constitution 108th Amendment Bill)
- The Equal Remuneration Act, 1976

CONSTITUTION OF INDIA AND WOMEN EMPOWERMENT

India's Constitution makers and our founding fathers were very determined to provide equal rights to both women and men. The Constitution of India is one of the finest equality documents in the world. It provides provisions to secure equality in general and gender equality in particular. Various articles in the Constitution safeguard women's rights by putting them at par with men socially, politically and economically.

The Preamble, the Fundamental Rights, DPSPs and other constitutional provisions provide several general and special safeguards to secure women's human rights.

PREAMBLE

The Preamble to the Constitution of India assures justice, social, economic and political; equality of status and opportunity and dignity to the individual. Thus it treats both men and women equal.

Fundamental Rights

The policy of women empowerment is well entrenched in the Fundamental Rights enshrined in our Constitution. For instance:

- Article 14 ensures to women the right to equality.
- Article 15(1) specifically prohibits discrimination on the basis of sex.
- Article 15(3) empowers the State to take affirmative actions in favour of women.
- Article 16 provides for equality of opportunity for all citizens in matters relating to employment or appointment to any office.

These rights being fundamental rights are justiciable in court and the Government is obliged to follow the same.

DIRECTIVE PRINCIPLES OF STATE POLICY

Directive principles of State Policy also contains important provisions regarding women empowerment and it is the duty of the government to apply these principles while making laws or formulating any policy. Though these are not justiciable in the Court but these are essential for governance nonetheless. Some of them are:

- Article 39 (a) provides that the State to direct its policy towards securing for men and women equally the right to an adequate means of livelihood.
- Article 39 (d) mandates equal pay for equal work for both men and women.
- Article 42 provides that the State to make provision for securing just and humane conditions of work and for maternity relief.
- Providing equal access to participation and decision making of women in social political and economic life of the nation.
- 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.
- Strengthening legal systems 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 organizations.

The Ministry of Women and Child Development is the nodal agency for all matters pertaining to welfare, development and empowerment of women. It has evolved schemes and programmes for their benefit. These schemes are spread across a very wide spectrum such as women's need for shelter, security, safety, legal aid, justice, information, maternal health, food, nutrition etc., as well as their need for economic sustenance through skill development, education and access to credit and marketing.

FUNDAMENTAL DUTIES

Fundamental duties are enshrined in Part IV-A of the Constitution and are positive duties for the people of India to follow. It also contains a duty related to women's rights:

Article 51 (A) (e) expects from the citizen of the country to promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of women.

OTHER CONSTITUTIONAL PROVISIONS

Through 73rd and 74th Constitutional Amendment of 1993, a very important political right has been given to women which is a landmark in the direction of women empowerment in India. With this amendment women were given 33.33 percent reservation in seats at different levels of elections in local governance i.e. at Panchayat, Block and Municipality elections.

Thus it can be seen that these Constitutional provisions are very empowering for women and the State is duty bound to apply these principles in taking policy decisions as well as in enacting laws.

GOVERNMENT POLICIES AND SCHEMES FOR WOMEN EMPOWERMENT

Whatever improvement and empowerment women have received is especially due to their own efforts and struggle, though governmental schemes are also there to help them in their endeavour.

In the year 2001, the Government of India launched a National Policy for Empowerment of Women. The specific objectives of the policy are as follows:

- Creation of an environment through positive economic and social policies for full development of women to enable them to realize their full potential.
- 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.
- Providing equal access to participation and decision making of women in social political and economic life of the nation.
- 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.
- Strengthening legal systems 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.
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Various schemes of the Ministry are like Swashakti, Swayamsidha, STEP and Swawlamban enable economic empowerment. Working Women Hostels and Creches provide support services. Swadhar and Short Stay Homes provide protection and rehabilitation to women in difficult circumstances. The Ministry also supports autonomous bodies like National Commission, Central Social Welfare Board and Rashtriya Mahila Kosh which work for the welfare and development of women. Economic sustenance of women through skill development, education and access to credit and marketing is also one of the areas where the Ministry has special focus.

SUGGESTIONS

- *Proper awareness for laws should be there that is law should not be restricted to papers only but the implementation of law should be there so that every woman can be familiar with her rights. Significant steps should be taken to implement all the laws which are amended to facilitate detention, prevention and punishment of crimes against women.*
- *[https://ncw.in/frmLLaws Related to Women.aspx](https://ncw.in/frmLLaws%20Related%20to%20Women.aspx) accessed on 24th December 2013*
- *India Women's Empowerment - IFAD/OE. The Republic of India; Tamil Nadu Women's Development Project: Completion Evaluation, Report. IN Rome. 2000, 340.*
- *Sandhya Rani Das, "Empowerment of Women: A Holistic Approach", Women Education and Development, Discovering Publishing House, New Delhi, 2006, pp. 42-43.*

महिला सशक्तीकरण : सम्भावनायें व चुनौतियाँ

लेखक – सोनम सिंह
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महिला सशक्तीकरण का तात्पर्य :

आसान भावों में कहा जाये तो महिला सशक्तीकरण से तात्पर्य महिलाओं को भाक्ति माली बनाने से है। जिससे वह अपने जीवन से जुड़े फैसले स्वयं ले सकती हैं और परिवार व समाज के अहम् मुद्दों में अपना योगदान दे सकती हैं।

समाज में उनके अधिकार को प्राप्त करने के लिये सक्षम बनाना महिला सशक्तीकरण है।

अपने क्षेत्र में खास उपलब्धियां पाने वाली कुछ महिलाओं का उदाहरण दंकर हिलाओं की उन्नति को नही दर्शाया जा सकता है असल मे परिवर्तन आना चाहिये आम महिलाओं के जीवन में।

आम महिलाओं के जीवन मे परिवर्तन नकी सोच में परिवर्तन उनकी स्थिति में परिवर्तन ही असल में महिला सशक्तीकरण है।

यह बात महिलाओं को अभी भी सीखनी है कि कोई भी आपको भाक्ति नहीं देता आप उसे बस लेना सीखें।

भारत के प्रधानमंत्री श्री नरेन्द्र मोदी जी का कहना है कि “भारतीय महिलायें जिस तरह से मल्टीटास्किंग करती है उन्हें और सशक्त होने की आवश्यकता नहीं है।”

प्राचीन काल मे भारतीयसमाज में महिलाओं की स्थिति

किसी भी राष्ट्र , समाज की उन्नति , दशा व स्थिति का अनुमान वहाँ की महिलाओं की स्थिति से लगाया जा सकता है। पुरातन काल में महिलाओं की स्थिति आधुनिक युग से श्रेष्ठ थी पुरातन भारतीय समाज में महिलाओं को बराबरी का अधिकार प्राप्त था। धार्मिक अनुष्ठान , राजनीतिक फैसले आदि में उनकी सहभागिता अनिवार्य थी।

लगातार भारत पर होने वाले विदेशी आक्रमणों की वजह से महिलाओं की स्थिति में गिरावट होती गयी। आज यह स्थिति है कि हम महिला सशक्तीकरण पर चर्चा कर रहे हैं।

जो नारी भाक्ति का स्वयं रूप है जिसे प्रकृति ने सामर्थ्यवान बनाया है उसे स शक्तीकरण की आव यकता क्यों पडी ? यही अपने आप में एक बड़ा प्रश्न है।

भारत मे महिला सशक्तीकरण की आवश्यकता क्यों

भारत एक पुरुश प्रधान समाज है यहाँ अधिकतर महिलायें घर परिवार की जिम्मेदारियों उठाती हैं। उन पर कई तरह की पाबंदियों भी होती हैं। “भारत में महिलाओं के अधिकार सीमित और कर्तव्य असीमित है।”

भारत में लैंगिक असमानता के चलते भी महिलाओं के अधिकार सूक्ष्म हो गये हैं।

*Asst. Prof., CTE, IPEM Ghaziabad

**Asst. Prof.CTE, IPEM Ghaziabad

भारत में महिलाओं की वर्तमान स्थिति

बहुत ही संघर्ष के बाद महिलाओं की वर्तमान स्थिति में कुछ सुधार हुआ है। महिलाओं की स्थिति में सुधार की गति बहुत धीमी है।

2017 में महिला फाइटर प्लेन चलाने के लिये चयन हुआ है भारत को आजाद हुये 70 साल हा गये हैं। 70 साल बाद महिलायें फाइटर प्लेन चलाने व आर्मी में आने के लिये तैयार हुयी है। भारत की शिक्षा व्यवस्था या सामाजिक ढाचें में ऐसी क्या कमी थी की इस मुकाम पर आन के लिय भारत को 70 साल लग गये।

वर्तमान में महिलायें हर क्षेत्र व भाक्ति को अजमाने लगी है। महिला सशक्तिकरण का अर्थ सिर्फ भाक्ति का संचय नहीं है अपितु उस भाक्ति के प्रयोग की क्षमता का समुचित विकास है।

महिलाओं को समाज की मुख्य धारा में लाना ,निर्णय लेने की क्षमता का विकास करना, उनमें पराआश्रिता की भावना और हीन भावना को समाप्त करना ही सशक्तिकरण है।

भारत में महिलाओं की स्थिति सरकारी आंकड़ों के अनुसार :

- 1 भारत में प्रतिवर्ष एक लाख पच्चीस हजार महिलायें गर्भवस्था के दौरान मृत्यु का शिकार हो जाती है।
- 2 70 प्रतिशत ग्रामीण गर्भवती महिलायें निरक्षर है।
- 3 प्रतिवर्ष जन्म लेने वाली लडकियों में से 30 प्रतिशत लडकियाँ अपना 15 वॉ जन्मदिन नहीं देख पाती है।
- 4 पूरे विश्व में काम के घण्टों में महिलाओं का योगदान 60 प्रतिशत है फिर भी वह मात्र एक प्रतिशत सम्पत्ति की मालिक हैं।
- 5 महिलायें पुरुशों से छह घण्टे अधिक काम करती है फिर भी उनको महत्वहीन समझा जाता है।
- 6 राजनीति क्षेत्र में भी उनको 10 प्रतिशत से ज्यादा नेतृत्व प्राप्त नहीं है।
- 7 कार्यस्थल पर 50 प्रतिशत से अधिक महिलायें उत्पीडन का शिकार होती हैं दिन प्रतिदिन यह प्रतिशत बढ़ता ही जा रहा है।

महिला सशक्तिकरण को बढ़ावा देने के लिये संविधान के प्रावधान:

- 1 संविधान में अनुच्छेद 74 के अन्दर स्त्री व पुरुश की समानता पर चर्चा है।
- 2 विधवा पुर्नविवाह अधिनियम,1956
- 3 हिंदू उत्तराधिकार अधिनियम 1956 में सम्पत्ति का अधिकार प्रदान किया है।
- 4 कार्य क्षेत्र पर समानता , सम्मान व सुरक्षा के लिये फैंक्ट्री अधिनियम 1976
- 5 दहेज निशेध अधिनियम 1961
- 6 प्रसुति लाभ अधिनियम 1961
- 7 अश्लील चित्रण निवारण अधिनियम 1986

सरकार द्वारा किये गये प्रयास:

“यत्र नारी पुज्यते तत्र रमते देवता”

महिलाओं को देवी रूप में पूजने भर से देश के विकास की जरूरत पूरी नहीं होगी।

हर क्षेत्र में महिलाओं का सशक्तिकरण करना होगा।

महिला सशक्तिकरण की दिशा में प्रयासरत सरकार ने 1985 में महिला एवं बाल विकास आयोग की स्थापना की। तथा 31 जनवरी 1992 को राष्ट्रीय महिला आयोग की स्थापना की। 1992 से इस दिन अन्तरराष्ट्रीय महिला दिवस मनाया जाने लगा।

महिलाओं के उत्थान के लिये सरकार द्वारा महिला समृद्धि योजना ,इंदिरा महिला योजना , बालिका समृद्धि योजना, बेटी बचाओ बेटी पढाओ,स्वयं सिद्धा योजना ,जैसी अनेक योजनायें चलायी जा रही है।

महिलाओं की भागीदारी के बिना किसी राष्ट्र की उन्नति की कल्पना करना भी असम्भव है। जिस प्रकार एक पक्षी का एक पंख के सहारे उडान भरना असंभव है

शिक्षित महिला एक ऐसा हथियार है जो समाज व देश पर अपने हुनर तथा ज्ञान से सकारात्मक प्रभाव डालती है

महिलाओं को स्वयं अपनी जिम्मेदारी समझनी होगी। उच्च शिक्षित महिलाओं को चाहिये खुद को सशक्त बनाये, आर्थिक रूप से आत्मनिर्भर स्वावलम्बी व स्वामिभानी बनें।

महिला सशक्तीकरण की दिशा में चाहे जितने प्रयास कर लो यदि समाज की मानसिकता में बदलाव नहीं आता है तो सभी प्रयास व्यर्थ हैं। विशेषतः महिलाओं को स्वयं अपनी मानसिकता में परिवर्तन लाना होगा।

महिलाये स्वयं को अबला नहीं सबला समझे। महिलाओं को नीचा दिखाने वाली सामाजिक परम्परायें समाप्त होनी चाहिये। उत्पीडित महिलाओं को सरकारी व गैर सरकारी संगठनों से तुरंत सहायता मिलनी चाहिये। लड़कियों के लिये अनिवार्य शिक्षा का प्रावधान होना चाहिये।

महिलाओं की सशक्तीकरण की भुर्रुआत बचपन से ही हो जानी चाहिये। परिवार की इसमें सबसे बड़ी भूमिका होगी। बचपन से ही लड़की को विचारों की स्वतंत्रता व अपने जीवन लक्ष्यों को चुनने की स्वतंत्रता देनी होगी। तभी लड़की अपने जीवन मूल्यों को समझ पायेगी।

नारी ईश्वर की एक सशक्त परिकल्पना है, बस कमी है तो उसको स्वयं को पहिचानने की समर्पण भाव के कारण वह अपनी पहचान भूलती जा रही है। महिलाओं में जागरूकता लानी होगी की देश और समाज की प्रगति उनकी भागीदारी के बिना संभव नहीं है।

दिन प्रतिदिन महिलाओं के प्रति अपराध बढ़ रहे हैं वे और असुरक्षित होती जा रही हैं। बढ़ते अपराधों की वजह से महिलाओं का बाहर आना जाना व कार्य करना मुश्किल होता जा रहा है। उनके लिये करियर बनाने के दरवाजे बन्द होते जा रहे हैं।

जरूरत है इन्ही बन्द दरवाजों को खोलने की। जिससे एक नयी रोशनी मिल सके।

इस कड़ी में एक दरवाजा आत्मनिर्भरता का भी हो सकता है। आर्थिक आत्मनिर्भरता महिलाओं व पुरुषों दोनों के लिये जरूरी है।

बचपन से ही लड़कियों को सिखाया जाता है कि घर का काम काज व खाना बनाना सीखना बहुत जरूरी है। जरूरत है कि यह भी सिखाया जाये की कमाना भी जरूरी है। आर्थिक रूप से सक्षमता परिवार व अपने लिये जरूरी है।

किताबी ज्ञान के साथ साथ व्यवहारिक ज्ञान भी आवश्यक है। लम्बे चौड़े भाषणों वाद विवाद मात्र से महिलाओं का उत्थान संभव नहीं है।

जरूरत है समाज में जागरूकता लाने की महिला सशक्तीकरण रूपी पौधे को अपने प्रयासों से सींचने की आवश्यकता है।

महिला सशक्तिकरण एवं महिला अधिकार संरक्षण - एक विश्लेषणात्मक अध्ययन

लेखक - मिथिलेश कुमार यादव
सह लेखक - शोधछात्र
बीर बहादुर सिंह पूर्वांचल विश्वविद्यालय जौनपुर

महिला सृष्टि निर्माता की अद्वितीय कृति है! महिला के आभाव में सृष्टि की कल्पना भी नहीं की जा सकती ! महिला का त्याग और बलिदान भारतीय संस्कृति की अमूल्य निधि है वैदिक साहित्य के अध्ययन से पता चलता है कि उस युग में नारी का बड़ा समादर था । विवाह का उद्देश्य महज काम-वासना की पूर्ति नहीं, उससे ऊपर पत्नी के साथ मिलकर गृहस्थ-धर्म (यह धर्म ही था, समझोता नहीं) का पालन धर्मानुष्ठान, यज्ञ-सम्पादन और श्रेष्ठ सन्तान की प्राप्ति ही था। घर-गृहस्थी में ही नारी की प्रधानता न थी, स्त्री के बिना कोई धार्मिक कृत्य, अनुष्ठान सम्पन्न नहीं हो सकता था ! त्रिवेदिक काल के पथमार्ग में स्त्रिया युद्ध द्वारा जीत कर या छीनाझपटी से प्राप्त नहीं की जाती थी ! कन्या का पिता उपयुक्त वर खोजकर (विद्वान ऋषि को प्राथमिकता) सप्तपदी विधि से उसका विवाह-संस्कार करता था !

वेदकालीन समाज पितृसत्तात्मक होने से उसमें पुत्री से पुत्र को वरीयता दी गई । पुत्र- कामना का वर्णन यत्र-तत्र मिलता है ! श्रेष्ठ पुत्र-प्राप्ति के लिए देवताओं से प्रार्थना ही नहीं की जाती थी, इसके लिए अश्वमेघ यज्ञ, पुत्रेश्ठी यज्ञ, पुंसवन संस्कार, नियोग भी कराए जाते थे । लेकिन इसका विशेष कारण था ! युद्धों में पुरुष-हानि की क्षतिपूर्ति जात-वृद्धि और वश वृद्धि की कामना ज्ञानार्जन में जीवन बिताते हुए ऋषिकाए बनने वाली कुमारियों ब्रह्मवादिनी कहलाती थी। वे वेद-अध्ययन के साथ अध्यापन भी करती थी, यज्ञ-कर्म भी करवाती थी ! ऋग्वेद के अनेक सूत्रों की रचना इस ऋषिकाओं या ब्रह्मवादिनियों द्वारा की गई है। घोषा, लोपामुद्रा, अपाला, शचीमौलोमी, वाग्मणी, विश्वंभरा आदि प्रसिद्ध नामों में से कुछ कवित्रिया थी, कुछ शास्त्रज्ञ

स्वतंत्रता पूर्व भारत में स्त्रियों से सम्बंधित अधिनियम एवं वैधानिक प्रावधानों की व्यवस्था की गई एवं स्वातन्त्रोत्तर भारत में भी महिलाओं के संरक्षण के लिए सर्वाधिक प्रभावशाली कानून और संवैधानिक उपबंधों की व्यवस्था की गई है ! हमारे विधि निर्माताओं ने दांडिक कानून अधिनियमित किये हैं । जिनका उद्देश्य महिला-अधिकारों के उन उल्लंघनों का चुनाव करना है। जो समाज की सुव्यवस्था के लिए खतरा है। निःसंदेह दांडिक विधान का अन्य उद्देश्य है अपराधी को समाज में किसी महिला के चुनिंदा अधिकारों के उल्लंघन के दमन के लिए दंडित करना । फिर भी दण्डित न्याय व्यवस्था के विश्लेषण से यह स्पष्ट संकेत मिलता है कि संवैधानिक और विधिक उपबन्धों के होते हुए भी महिलाओं के प्रति हिंसा जारी है । यह स्थिति महिलाओं की निरक्षरता, विधिक सेवाओं तक अल्प पहुँच और अपने अधिकारों के प्रति महिलाओं की अज्ञानता के कारण और अधिक जटिल हो गई है। भारत में महिलाओं की स्थिति सम्बन्धी समिति ने दिसम्बर, 1974 में 'समानता की ओर' शीर्षक के तहत सरकार को अपनी रिपोर्ट प्रस्तुत की । यह रिपोर्ट जो अपने डाटाबेस में मूल्यवान और देश में महिलाओं के प्रति व्यापक और सतत भेदभाव के प्रस्तुतिकरण में प्रभावशाली है, फरवरी 1975 में राज्य सभा में पेश की गई । सभा ने 13 मई, 1975 को इस पर विचार किया और एक प्रस्ताव स्वीकृत किया, जिसमें प्रधानमंत्री से आग्रह किया गया कि वह भारतीय महिलाओं पर निरंतर होने वाले आर्थिक और सामाजिक अन्यायों, असमर्थताओं और भेदभाव को यथा संभव समाप्त करने वाले विशिष्ट प्रशासनिक और विधायी उपायों का एक व्यापक कार्यक्रम प्रारंभ करे । 27 मई, 1976 को रिपोर्ट पर लोक सभा में भी विचार किया गया इसके अतिरिक्त 6 जुलाई, 1977 को रिपोर्ट के क्रियान्वयन पर 'आधे घंटे की चर्चा' भी हुई ।

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**Asst. Prof.CTE, IPEM Ghaziabad

महिला सशक्तिकरण एक वैश्विक विशेष है। यह सक्रिय, बहुस्तरीय प्रक्रिया है जो महिलाओं को अपनी पहचान व शक्ति को सभी क्षेत्रों में महसूस करने के योग्य बनाता है महिलाओं के साथ सभी क्षेत्रों में असमानता का व्यवहार किया जाता है। महिलाओं को आर्थिक, सामाजिक, राजनीतिक, स्वास्थ्य, शिक्षा, चिकित्सा, पोषण और कानूनी सभी क्षेत्रों में भेदभाव का व्यवहार किया जाता है। इसलिए महिलाओं को सशक्तिकरण की जरूरत है। महिलाएं जो कुल जनसंख्या का लगभग 50 प्रतिशत भाग का प्रतिनिधित्व करती हैं तथा कुल किये गए कार्य के 2/3 घंटों तक कार्य करती हैं। तो भी कुल विश्व आय का केवल दसवां भाग ही उनके हिस्से आता है व एक प्रतिशत से भी कम सम्पत्ति पर ही उनका अधिकार है। यह आर्थिक वितरण विधि द्वारा निर्मित है जो भारतीय महिलाओं के सन्दर्भ में भी सत्य है और ग्रामीण महिलाओं के सन्दर्भ में तो कटु सत्य है। यह कैसी आजादी या बराबरी है? कारण एक नहीं अनेक हैं फिर भी प्रारम्भिक तौर पर प्रमुख कारण है अधिकार, सिर्फ अधिकार की गूंज अधिकार और कर्तव्य का संतुलन नहीं, श्रम और योग्यता से अधिकारों का अर्जन नहीं, अधिकारों की मांग या छीना-झपटी, स्त्री-पुरुष में सहयोग नहीं, प्रतिद्वन्द्वता, प्रकृतिदत्त, पूरकता नहीं, मात्र बराबरी। एक ऐसी दुनिया जिसमें स्त्री-पुरुष के अधिकार समान हों अब हमारी सोच का प्रमुख विषय है। हमें यह नहीं, समझ लेना चाहिए कि केवल आर्थिक स्थिति बदलते ही पूर्ण परिवर्तन हो जाएगा। यद्यपि मानव विकास क्रम में आर्थिक व्यवस्था एक आधारभूत तत्व है। जो व्यक्ति की नियता है किन्तु इसके बावजूद नैतिक, सामाजिक, सांस्कृतिक आदि व्यवस्थाओं में भी परिवर्तन की पूरी जरूरत है जिनके बदले बिना नई स्त्री का आर्षिभाव सम्भव नहीं होगा।

महिला सशक्तिकरण की अवधारणा सम्पूर्ण विश्व के विभिन्न नारीवादी आन्दोलनों विशेष रूप से तृतीय विश्व के नारीवाद लेखकों के बीच हुए विभिन्न आलोचनात्मक संवादों व वाद-विवादों का परिणाम है। महिला सशक्तिकरण के अनेक निहितार्थ हैं। वस्तुतः नारी सशक्तिकरण का प्रश्न बहुआयामी है किन्तु मूल रूप में यह महिलाओं के बुनयादी मानव अधिकारों का प्रश्न है। लोकतांत्रिक मानकों के अनुरूप यह महिलाओं के मूल लोकतांत्रिक अधिकारों का भी प्रश्न है साथ ही यह मात्र विधि सुरक्षा नहीं, प्रदत्त अधिकारों की प्राप्ति के लिए अवसरों की उपलब्धता का प्रश्न है। सामाजिक, सांस्कृतिक, आर्थिक,

राजनैतिक, व्यक्तिगत, सामूहिक, वैश्विक सभी क्षेत्रों में सभी स्तरों पर। वर्तमान भारत में गत कुछ वर्षों में अनेक मंचों से यह प्रश्न इसलिए उठा है कि विगत पाँच दशकों में देश में लोकतंत्र की अनेकानेक उपलब्धियों के बावजूद आधी जन आबादी को भी दर्जा मिलना चाहिए था। वह उससे वंचित है। महिलाओं के सशक्तिकरण का तात्पर्य उन्हें अधिक शक्ति या सत्ता दिया जाना है। अर्थात् महिला का अधिक सुविधापूर्वक कार्य करने के लिए उनमें चेतना एवं उन क्षमताओं का विकास किया जाना ताकि वे जीवन के प्रत्येक क्षेत्र में अपनी सहभागिता निभा सकें।

1. महिलाओं के विरुद्ध बढ़ते अपराधों को दृष्टिगत रखते हुए उत्तरदायी कारकों की खोज करना एवं उन सामाजिक मान्यताओं का पता लगाना जो स्त्रियों की दयनीय स्थिति के लिए उत्तरदायी हैं।
2. महिला सशक्तिकरण की के संबंध में भारत की स्थिति का वैश्विक स्तर पर तुलनात्मक अध्ययन एवं भारतीय संदर्भ में महिलाओं के पिछड़ेपन के कारणों को चिन्हित करना।
3. महिला सशक्तिकरण की अवधारणा में महिला अधिकार संरक्षण की भूमिका का अवलोकन एवं महिला सशक्तिकरण हेतु उठाये गए कदमों का विश्लेषण करते हुए अन्य उपायों की पहचान करना।
4. महिला अधिकार संरक्षण में संदर्भित विधानों की भूमिका का अवलोकन करना एवं इन विधानों के लागू होने में होने वाली व्यवहारिक कठिनाईयों का पता लगाना।
5. विषय क्षेत्र का तुलनात्मक एवं विश्लेषणात्मक अध्ययन करते हुए संदर्भित सुझावों की पहचान करना।

शोध नियमों के अनुसार प्रस्तुत शोध सैधान्तिक, विश्लेषणात्मक, तुलनात्मक एवं नवीन व्यवहारिक पद्धतियों को अपनाते हुये शोध लेख को मौलिकता प्रदान करने का प्रयास किया गया है। इस शोध कार्य हेतु आवश्यक सामग्री विभिन्न राष्ट्रीय एवं अंतर्राष्ट्रीय पुस्तकालयों इंटरनेट एवं शोध संस्थानों आदि में उपलब्ध साधनों के आलावा प्राचीन संदर्भ ग्रन्थों से एकत्र किया जाना अनुमन्य है। इन संदर्भ आधारित पुस्तकों के आलावा विभिन्न आयोगों के प्रकाशनों, आत्मलेखों, समाचार पत्र-पत्रिकाओं, राजनैतिक दलों के घोषणा पत्रों एवं राजनेताओं के भाषण इत्यादि से लेखन सामग्री संग्रहित कर विश्लेषणात्मक अध्ययन है।

महिला सशक्तिकरण महिला अधिकार संरक्षण—

महिला सशक्तिकरण एक गतिशील व बहु पक्षीय प्रक्रिया है जिसके द्वारा महिलाओं के जीवन के प्रत्येक पक्ष में अपनी शक्ति व पहचान की अनुभूति होती है। सशक्तिकरण को सबसे सरल रूप में पुरुष प्रभुत्व की विचारधारा को चुनौती देने वाली शक्ति के पुनः वितरण वाली व्यवस्था में देखा जा सकता है। यह एक ऐसी संरचना व संस्थानों का परिवर्तन है जो लिंग भेदभाव को पुनर्बलित कर उसे कायम रखना चाहती है ! यह एक ऐसी प्रक्रिया है जो नारी को इस योग्य बनती है कि वे संसाधनों व सूचना श्रोतों पर नियन्त्रण कर सकें। सशक्तिकरण का अर्थ है, सामाजिक न्याय और समता या महिला की स्वतंत्र पहचान या उनके इंसान के रूप में स्वीकार करना, घर में उसके लिए बराबर का स्थान होना चाहिए ! सशक्तिकरण में अवसरों में बढ़ोतरी व समानता, विभिन्न समूहों आयु वर्गों आदि के मध्य क्षमता, वृद्धि करण भी शामिल है, इससे मानव की अंतर्निहित शक्तियाँ व्यक्तिगत और सामाजिक स्तरों पर व्यक्त होती है। सशक्तिकरण एक ऐसी प्रक्रिया है जो प्रत्येक को अपने जीवन के निर्णय लेने की प्रक्रिया में व्यक्तिगत एवं सामूहिक स्तर पर क्षमता तथा विश्वास पैदा करता है, और उत्पादन के स्रोतों पर नियंत्रण स्थापित करने योग्य बनता है। सशक्तिकरण की प्रक्रिया प्रत्येक को अपने अधिकारों, उत्तरदायित्वों सामाजिक, आर्थिक, भौक्षिक राजनैतिक अवसरों के प्रति जागरूकता पैदा करता है। सामूहिक तथा सामुदायिक गतिविधियों में भाग लेने की क्षमता पैदा करता है।

एक महिला का सशक्तिकरण अनिवार्य रूप से सभी महिलाओं के सशक्तिकरण के जुड़ा हुआ है। इसलिए सशक्तिकरण को एक सामाजिक, आर्थिक, नैतिक, धार्मिक एवं मनोवैज्ञानिक प्रक्रिया मानते हुए इसके संबंध में कुछ सामान्यकरण किया जा सकता है, जो निम्नलिखित है।

महिला सशक्तिकरण एक ऐसी सामाजिक विधि है जो स्त्रियों पर किये जा रहे अत्याचारों व दमन को निष्प्रभावी बनाती है। अगर स्त्रियाँ अपने स्तर पर निर्णायक कार्यवाही नहीं करेगी तो उनके परम्परागत उत्पीड़कों द्वारा इसी प्रकार उनका उत्पीड़न होता रहेगा।

महिलाओं द्वारा सशक्त होने के निर्णय के माध्यम से ही प्रारंभिक स्तर पर उनके बीच राजनैतिक सक्रियता बढ़ रही है।

इसी के द्वारा स्त्रियाँ अपनी कार्यक्षमता का विकास कर समाज व समुदाय में एक अहम् भूमिका निभा सकती है।

महिला सशक्तिकरण सामाजिक समता व समान वृद्धि स्तर के समानार्थक शब्द है। इसको दूसरों के अधिकारों का हनन करके नहीं बल्कि जहाँ कहीं भी आपसी सहयोग संभव हो, से प्राप्त किया जा सकता है।

महिला सशक्तिकरण से बहुसंख्यक समाज में स्त्रियों के सन्दर्भ में परम्परागत मूल्यों का अधिक आदर होगा। महिलाओं का उद्देश्य पुरुषों से शक्ति छीनना नहीं है बल्कि उस स्तर पर उनका आदर करना है जिसके वे वास्तव में अधिकारी हैं।

महिला सशक्तिकरण हेतु कार्यनीतियों — महिलाएँ जाति, वर्ग, नस्ल और राष्ट्र के भेदभाव के परे उपेक्षित समूहों का एक केन्द्र बिन्दू रही है फिर भी सामाजिक विकास कार्यनीति में परिवर्तन के संदर्भ में महिलाओं की स्थिति बहुत सोचनीय है। हमें इस बात पर विचार करना होगा कि महिला सशक्तिकरण का प्रक्रिया मात्र एक सांविधानिक नहीं रहे जो कि ऊपर से दी जानी है बल्कि यह एक ऐसी प्रक्रिया में परिवर्तित हो जिसे नीचे से पहल के द्वारा सक्रिय किया जा सके। वास्तविकता में महिला सशक्तिकरण का उद्देश्य अधीनस्थता के ढाँचे को तोड़ना होना चाहिए ! महिला सशक्तिकरण हेतु यह आवश्यक है कि महिलाएँ अपनी मानसिक प्रवृत्ति में सकारात्मक परिवर्तन लाये कि समाज में उनका भी महत्वपूर्ण स्थान है। सरकार से अपेक्षा की जाती है कि वह इस दिशा में चलाए जाने वाले कार्यक्रमों एवं आंदोलनों को इस प्रकार से प्रचारित करे कि वह “स्त्री बनाम पुरुष लड़ाई” का रूप नहीं ले सके ! बालिकाओं एवं महिलाओं की शारीरिक, मानसिक एवं भावनात्मक स्थिति को ठीक तरह समझने के लिए आवश्यक है कि उनकी बात सुनी जाए, समझी जाए और तर्क के साथ समझाई जाए। इस हेतु उनके पालकों को आवश्यक प्रशिक्षण दिया जाना चाहिए। महिलाओं की स्थिति में क्रांतिकारी परिवर्तन लेने के लिए वर्तमान में आवश्यकता इस बात की है कि उन्हें प्रदत्त संवैधानिक समानता को एक सशक्त साधन के रूप में उपयोग किया जाए। महिलाओं से भी इस बात की अपेक्षा की जाती है कि वह स्वयं उन नीतियों व योजनाओं के निर्माण में अपनी सक्रिय भागीदारी सुनिश्चित करें जो उनके लिए बनानी जा रही हो अथवा उन्हें व्यापक रूप से प्रभावित करती हो समाज में व्याप्त संरचनात्मक, अभिवृत्त्यात्मक व सांस्कृतिक

बाधाओं के अतिरिक्त महिलाओं हेतु पूर्व निर्धारित लैंगिक भूमिकाओं पर भी पुनर्विचार किया जाए, यह समय की मांग है। पंचायती राज व्यवस्था में महिलाओं को प्राप्त भागीदारी को प्रतीकात्मक से वास्तविक सहभागिता के रूप में परिवर्तित करने हेतु उन्हें अपने कार्यों से संबंधित सुचनाएं, प्रशिक्षण के अतिरिक्त पारिवारिक एवं स्थानीय शासकों का सहयोग सुनिश्चित किया जाए ! शहरों के साथ ही गांवों में महिलाओं का शोषण और उत्पीड़न रोकने के लिए महिलाओं में शिक्षा के प्रसार के अतिरिक्त जुड़ो-कराटे का प्रशिक्षण जैसे रक्षात्मक उपायों तथा कानूनी अधिकारों की जानकारी भी दी जानी चाहिए। यौन उत्पीड़न रोकने जैसे रक्षात्मक उपायों तथा कानूनी अधिकारों की जानकारी भी दी जानी चाहिए। यौन उत्पीड़न रोकने के लिये सुप्रीम कोर्ट द्वारा दिए गए निर्देशों का सख्ती से पालन करवाना सरकार की जिम्मेदारी है। महिलाओं के मामलों में पुलिस की अक्रियाशीलता एक बड़ी समस्या रही है। समय-समय पर प्रशिक्षण कार्यक्रम आयोजित कर पुलिसकर्मियों में महिलाओं के विरुद्ध होने वाले अपराधों के प्रति सक्रिय तथा संवेदनशील बनाया जा सकता है। महिला संबंधी कानूनी में व्याप्त विसंगतियों को भी शीघ्रतापूर्वक दूर किया जाना चाहिए ताकि उन्हें पुरुषों के सामान कानूनी और वास्तविक रूप में सभी मानवाधिकार प्राप्त हो सकें महिलाओं को रोजगारोन्मुखी व्यावसायिक प्रशिक्षण दिया जाना आवश्यक है जिससे उनकी कार्यकुशलता में वृद्धि के साथ-साथ आर्थिक निर्भरता को कम किया जा सके।

अतः हमें ध्यान रखना होगा कि महिलाओं में अपार क्षमता निहित है। इन्हें सबल और सशक्त कर हम देश को सामाजिक, आर्थिक और राजनैतिक रूप से सुदृढ़ बना सकेंगे। देश के प्रथम प्रधानमंत्री जवाहरलाल नेहरू का यह कथन आज भी प्रासंगिक है "जब महिलाएं आगे बढ़ती हैं, तो परिवार आगे बढ़ता है, समाज आगे बढ़ता है और राष्ट्र भी अग्रसर होता है।

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- 2 Rowling, J.K. (2001) Harry Potter and the Sorcerer's Stone. London: Bloomsburg Children's.
- 3 Tyagi, R.M, and Malik, S.P. (2007) Job Satisfaction Working Paper No 46, Indian Institute of Travel Management, Gwalior.
- 5 Jacoby, W. G. (1994). Public attitudes toward government spending. American Journal of Political Science, 38(2), 336-361. Retrieved from <http://www.jstor.org>.

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IPEM made a modest beginning in the year 1996, with Management and Computer Application Programmes. Today the IPEM Group of Institutions is in the forefront of imparting knowledge in the fields of Law, Education, Management and Information Technology. The IPEM Law Academy is NAAC Accredited and Affiliated to Chaudhary Charan Singh University, Meerut and approved by the Bar Council of India. IPEM Law Academy offers LL.B (3 years) and B.A.LL.B (5 Yrs) courses. The LL.B (3 years) course was introduced in 2005 with 180 seats and B.A.LL.B (5 years Integrated) course was introduced in 2012 with 120 seats. This is reflected in the performance of the Students as we have 100% result with maximum 1st divisions. We provide the best placements to the students.

IPEM Law Academy has a spacious self contained campus spread across five acres of land. The infrastructure and layout of the Academy are planned in such a congenial manner that it is a learner's paradise.

In the course of their studies, the students are encouraged to visit the Parliament, the Supreme Court, High Courts and the District Courts; to participate in wide-ranging programs such as Seminars, Workshops, Symposiums, Conferences, Debates, Case Analysis Competitions, Guest Lectures and Moot courts. They are offered unique opportunity to put theory into practice by being a part of 'IPEM Legal Aid Clinic', the various Legal Aid Camps regularly organized by the institute, and Internship programmes.

Full encouragement is given to the students to become futuristic in their approach and endorse the quality of being 'Legal Professionals' of tomorrow. Students of Law are encouraged to pursue career options in various areas like Academics, Judicial Services, Advocacy, Law Consultancy, Law Officer, Legal Advisor, Armed Forces, Real Estate, and Legal Correspondents in Media or being placed in LPO / Law Firms. Besides these, Law graduates are considered more suitable and preferred by employers in other areas of employment also.

Located on NH-24 Bypass (Near Vijay Nagar, Ghaziabad), adjoining East Delhi, NOIDA & Greater Noida (West), the IPEM Law Academy is well connected by all modes of public transport also.

"Admission into professional course is not an achievement but an opportunity to hone one's professional skills and one must not let it pass by"

-Rephrased from the words of **Hon'ble Dr. Zakir Husain, former President of India**

Moot Court helps in learning what we learn in real courts although in restricted conditions. A Moot Court Competition simulates a court hearing (usually an appeal against a final decision), in which participants analyse a problem, research the relevant law, prepare written submissions, and present oral arguments. Moot court involves appellate cases as opposed to those at the trial level, which are often called "mock trials"; Judges are usually Law Professors, Advocates from the Community, and even members of the Judiciary.

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