

Upliftment of Women through Legal Provisions

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Abstract

Man and women are two pillars of the social structure, their roles duties and rights are complementary and supplementary towards each other. Everyone say that women are equal to men or claim the equality to their equality or superiority, we have to empower them. The full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all field. The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. However, it is important to note that there are also many success stories from within the Panchayat Raj Institutions. Where women's presence has been meaningful, they have been able to make a significant contribution to the life of the community and offer an alternative perspective to the traditional status quo.

Key Words- Empowerment, Conventions, Rights, Equality, Commission

“I measure the progress of a community by the degree of progress which women have achieved.” - Dr. B.R. Ambedkar

I) Introduction

Man and women are two pillars of the social structure, their roles duties and rights are complementary and supplementary towards each other. If one of the pillars is weak, the other cannot bear the burden of the society and the whole structure of the society shall demolish. All women that may be poor or rich illiterate or literate, house wife or working, conservative or modern are subjected to more or less exploitation by her counterpart “the man”.

The man shouldn't exploit, the woman. But ironically, it has happened and goes on happening. The world is dominated by the male community, even though women occupy half of the population of the world and works two third of the total work of the world, more unhygienic condition than the men. Everyone say that women are equal to men or claim the equality to their equality or superiority, we have to empower them. The full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all field.

The Fourth **World Conference on Women held in Beijing in 1995**: declares in its Article 181, that “Achieving the goal of equal participation of women and men in decision making will provide a balance that more accurately reflects the composition of society and is needed in order to strengthen democracy and promote its proper functioning... Without the active participation of women and the incorporation of women's perspectives at all levels of decision-making, the goals of equality, development and peace cannot be achieved.”

Growth and balanced development of any society will be wholly illusory if equal opportunities are not made available to both men and women for their physical, moral, intellectual and, cultural growth and well-being. Development will be a distant dream, without equal participation of both men and women. No process of development can be considered complete, where women continue to remain subjugated, and deprived of equal opportunities for their growth.

II) International Conventions

The Convention on Political Rights of women, 1954- In this convention woman are empowered like- The right to vote in all elections without any discrimination, Eligibility for Election to all publicly established bodies established by national law without any discrimination, women shall be entitled to hold public office to exercise all public functions¹.

International Convention on Economic, Social and Cultural Rights, 1966- Article 3 The State parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present covenant.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 1981: It was ratified by India in 1993. Article 3 discusses appropriate measures, including legislation, to ensure the full advancement of women. Beyond this, Article 7 affirms that signatories should take all appropriate measures to eliminate discrimination against women in the political and public life of the country. It recognizes that, unless countries take active steps to promote this integration, women will never be able to fully enjoy the basic human rights guaranteed in international law.

The Beijing Platform for Action (1995)ⁱⁱ: affirmed that women's persistent exclusion from decision making was substantially hampering the achievement of democratic transformation, women's empowerment and achieving the goals of sustainable development. The BPfA therefore endorses affirmative action for women in the political spheres.

The Inter Parliamentary Union's Universal Declaration on Democracy (1997): asserted that “the achievement of genuine democracy presupposes a genuine partnership between men and women in the conduct of the affairs of society in which they work in equality and complementarily, drawing mutual enrichment from their differences.”

I) Parliament role and Women laws.

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. Under the Constitution and other national and international Commitments, the State is thereby under an obligation to protect and promote the human rights of women, including the right to political equality, without any discrimination on the basis of sex.

A. Constitutional Provisions for Empowerment of women:

- Art. 14 guarantees that the state shall not deny equally before the law and equal protection of the lawⁱⁱⁱ
- Art. 15 prohibits discrimination against any citizen on the ground of sex^{iv}
- Art.15(3) empower the state to make positive discrimination in favor of women and children; State is thereby empowered to make “special provisions”, legislative or otherwise, to secure women's socio-political advancement
- Art.16 provides for Equality of Opportunity in matters of public employment.
- Art. 23 prohibit trafficking in human beings and forced labor;
- Art. 39 (a) and (d) enjoins the state to provide equal means of livelihood and equal pay for equal work;
- Art. 42 enjoins upon the state to make provisions for securing just and humane conditions of work, and for maternity relief;
- Art. 51(e) imposes a Fundamental Duty on every citizen to renounce the practice derogatory to the dignity of women;
- Art. 243D (3) provides that not less than 1/3rd 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;
- Art.243T(3) Provides that not less than 1/3rd of the total number of seats to be filled by direct election in every Municipality shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Municipality^v
- Art. 243T(4) provides reservation of offices of Chairman in Municipalities for SC,ST, women in such manner as the legislature of a State, may by law provide;

The Constitution of India is a progressive document that guarantees equal rights for both sexes, and entitles women to enjoy economic, social, cultural and political rights on an equal footing with men (**Article**

325). It proceeds to consider the appropriate use of legislation to redress inequality and prevent the further infringement of women's fundamental democratic freedoms and human rights

The challenges faced by elected women in local government are often extreme, and have been widely documented by both proponents and critics of women's reservation. However, it is important to note that there are also many success stories from within the Panchayat Raj Institutions. Where women's presence has been meaningful, they have been able to make a significant contribution to the life of the community and offer an alternative perspective to the traditional status quo. Women's panchayats have also successfully campaigned and taken action on pressing issues that impact on women's rights such as alcoholism, child marriage, domestic violence and gambling. Nevertheless, the experiments with reservation in PRIs have demonstrated that it will be necessary to ensure that women access equal opportunities to progress within the political system, and that fixed reservation in the Lok Sabha does not act as a seal on participation. Few women from Panchayat Raj Institutions have of yet managed to progress through the ranks and enter State Assemblies, national legislatures etc. Processes of promotion within decision making bodies must therefore be facilitated, for it is overly simplistic to imagine that prejudice is not dispersed within the institutions of governance themselves.

Women's equality in power sharing and active participation in decision making, including decision making in political process at all levels will be ensured for the achievement of the goals of empowerment. All measures will be taken to guarantee women equal access to and full participation in decision making bodies at every level, including the legislative, executive, judicial, corporate, statutory bodies, as also the advisory Commissions, Committees, Boards, and Trusts etc. Affirmative action such as reservations/quotas, including in higher legislative bodies, will be considered whenever necessary on a time bound basis. Women-friendly personnel policies will also be drawn up to encourage women to participate effectively in the developmental process

B. National Food Security Act, 2013

Object of National Food Security Act, 2013-to provide and nutritional security in human life cycle approach, by ensuring access to adequate quantity of quality food at affordable prices to people to live a life with dignity and for matter connected therewith or incidental thereto. Every pregnant women and lactating mother shall be entitled to

- A. Meal, free of charge, during pregnancy and six month after the child birth, through the local Anganwadi, so as to meet the nutritional standards specified in Schedule II
- B. Maternity benefit of not less than rupees six thousand, in such installments as may be prescribed by the Central Government^{vi}.

The Central and State Government shall endeavor to progressively undertake necessary reforms in the Targeted Public Distribution System (TPDS)-

Sec. 12 (2)(e)-preference to public institutions or public bodies such as Panchyats, self-help groups, cooperatives, in licensing of fair price shop and management of fair price shop by women or their collectives.

Sec.13(1) The eldest woman is not less than eighteen years of age, in every eligible household, shall be head of the household for the purpose of issue of ration cards.

Sec 13(2) Where a household at any time does not have a woman of eighteen years of age or above, but has female member below the age of eighteen years, then, the eldest male member of the household shall be the head of the household for the purpose of issue of ration card and the female member, on attaining the age of eighteen years, shall become the head of the household for such cards in place of such male member.

II) Special Strategies for Women

National Commission for Women- in January 1992, the Government set-up this statutory body with a specific mandate relating to the constitutional and legal safeguards provided for women, recommended remedial legislative measures, facilitate Redressal of grievances and advise the Government on all policy matters affecting women.

The National Plan of Action for the Girl Child (1991-2000) - The Plan^{vii} 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.

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. Apart from above legislation some other special Acts are enacted by Indian parliament for safeguard the interest of women and upliftment^{viii}.

III) Conclusion:

Though we have number of provision in International and National documents such as constitution and many other legal provisions in India but, most of them are limited to black letters only. All implementation should be done strictly, than only it could be called woman empowerment. By Panchayats

Raj Institution woman are elected on Honorable post but today decisions are took by men and woman are acting like rubber stamp.

Reference:

1. Law and Social Transformation- Malik & Raval- Allahabad Law Agency, Faridabad, 3rd edition,2012
2. Indian Constitution- M.P. Jain- Wadhava & Company Nagpur, 7th edition 2016

ⁱ Art I, II, III of The Convention on political Rights of women, 1954.

ⁱⁱ The Fourth World conference on Women 4-5 September 1995 Beijing (China)

ⁱⁱⁱ Air India vs. Nargish Meerza AIR 181 SC 1829

^{iv} C.B. Muthamma vs. Union of India AIR 1979 SC 1868 (Govt. deny the promotion)

^v Art. 243 (D &T) Part IX Panchayats 73rd Constitutional Amendment Acts passed in 1992 by Parliament.

^{vi} Sec.4 National Food Security Act, 2013

^{vii} This plan seeks to prevent female foeticide and infanticide, eliminate gender discrimination, provide safe drinking water and fodder near homes, rehabilitate and protect girls from exploitation, assault and abuse.

^{viii} D) Indian penal Code, 1860.

II) The Married Women Property Act, 1874.

III) Factory Act, 1948.

IV) The Immoral Traffic (Prevention) Act, 1956.

V) The Dowry Prohibition Act, 1961.

VI) The Maternity Benefit Act. 1961.

VII) The Medical Termination of Pregnancy Act, 1971

VIII) The Equal Remuneration Act, 1976.

IX) The Commission of Sati (Prevention) Act, 1987

X) The PCPNDT (Regulation and Prevention of Misuse) Act, 1994.

XI) The Protection of Women from Domestic Violence Act, 2005.