



# Role of Constitution in Women Empowerment In Corporate Sector

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## Abstract

India is that the largest democratic country within the world, with a population size of 125 crores. The Indian women, however, face innumerable problems reception and in society since their childhood. The most common and unfortunate trait of Indian society is that the women need only basic levels of education and awareness in order that they teach their children after their marriage. The girls in India are encouraged to learn dance, music, child education and an art of cooking at home. The hidden talents of the Indian women are buried under the disguise of House Wife. The present study explores the factors which inhibit the growth and the prospects of women in India. It urges the strong need of the constitutional amendments which facilitate the expansion of the ladies within the areas of education, sports, industry, science and technology. A conceptual model is developed to spice up the Indian economy through the ladies' empowerment. The statistical methods used in the study include Percentages and Mean and Weighted Averages.

## Keywords

Equal opportunities; Women reservations; Financial support; Moral support; Free education

## Introduction

The Supreme Court of India stated that "it is well accepted by thinkers, philosophers and academicians that if Justice, Liberty, Equality and Fraternity, including social, economic and political justice, the goals formulated by the Preamble of the Constitution, are to be achieved; the Indian polity has to be educated with excellence.

Article 51 A(e) states that it is the duty of every citizen in India to renounce practices derogatory to the dignity of women. Section 14 of the Hindu Succession Act, 1956 strives for removing gender based discrimination and effectuating economic empowerment of Hindu women. The Right to Elimination of Gender Based Discrimination (REGD) so as to attain economic empowerment forms part of Universal Human Rights. Article 2(f) of CEDAW States are obliged to take all appropriate measures; including legislation, to abolish or modify gender based discrimination in the existing laws, regulation, customs and practices that constitute discrimination against women. Article 15(3) of the Constitution of India positively protects such acts or actions. The Constitution of India is a basic document which provides for women empowerment within the framework of the plenary provision of Articles 14, 15(3), 21, 39(a), 51A(e) and Preamble. The women are protected within the world of social justice with these Articles. The Government of India took initiation to secure equal rights of women, by introducing the ratification of the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) in 1993 [1].

## Constitutional Provisions for Women in Table -1

- (i) Equality before law for women (Article 14)
- (ii) The State to not discriminate against any citizen on grounds only of faith, race, caste, sex, place of birth or any of them (Article 15 (I))
- (iii) The State to form any special provision in favor of girls and youngsters (Article 15 (3))
- (iv) Equality of opportunity for all citizens in matters concerning employment or appointment to any office under the State (Article 16)
- (v) The State to direct its policy towards securing for men and ladies equally the proper to an adequate means of livelihood (Article 39(a)); and equal pay for equal work for both men and women (Article 39(d))
- (vi) to market justice, on a basis of civil right and to supply free legal aid by suitable legislation or scheme or in the other ways to make sure that opportunities for securing justice aren't denied to any citizen by reason of economic or other disabilities (Article 39 A)
- (vii) The State to form provision for securing just and humane conditions of labor and for maternity relief (Article 42)
- (viii) The State to protect with special care the tutorial and economic interests of the weaker sections of the people and to guard them from social injustice and every one forms of exploitation (Article 46)
- (ix) The State to boost the extent of nutrition and therefore the standard of living of its people (Article 47)
- (x) to market harmony and therefore the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of girls (Article 51(A) (e))
- (xi) Not but one-third (including the amount of seats reserved for ladies belonging to the Scheduled Castes and therefore the Scheduled Tribes) of the entire number of seats to be filled by direct election in every Panchayat to be reserved for ladies and such seats to be allotted by rotation to different constituencies during a Panchayat (Article 243 D (3))
- (xii) Not but one- third of the entire number of offices of Chairpersons within the Panchayats at each level to be reserved for ladies (Article 243 D (4))
- (xiii) Not but one-third (including the amount of seats reserved for ladies belonging to the Scheduled Castes and therefore the Scheduled Tribes) of the entire number of seats to be filled by direct election in every Municipality to be reserved for ladies and such seats to be allotted by rotation to different constituencies during a Municipality (Article 243 T (3))
- (xiv) Reservation of offices of Chairpersons in Municipalities for the Scheduled Castes, the Scheduled Tribes and ladies in such manner because the legislature of a State may by law provide (Article 243 T (4)) xiv

The Constitution of India granted equality to women and empowered the State to require special measures of positive discrimination by eliminating the cumulative socio economic, education and political disadvantages faced by the women. The Fundamental Rights ensure equality before the law and equal protection of law and prohibit any kind of discrimination against women irrespective of religion, race, caste, sex or place of birth, and guarantee equality of opportunity to all or any citizens in matters concerning employment. Articles 14, 15, 15(3), 16, 39(a), 39(b), 39(c) and 42 of the Constitution are of specific importance during this regard

## Important Legal Provisions for Women of India

To uphold the Constitutional mandate, the State has enacted various legislative measures intended to ensure equal rights, to counter social discrimination and various forms of violence and atrocities and to provide support services specially to working women. Although women may be victims of any of the crimes such as 'Murder', 'Robbery', 'Cheating' etc. the crimes, which are directed specifically against women, are characterized as 'Crime against Women'. These are broadly classified under the following categories.

The Indian Penal Code (IPC) and the women protection measures

- Rape (Sec. 376 IPC)
- Kidnapping and Abduction for different purposes (Sec. 363- 373)
- Homicide for Dowry, Dowry Deaths or their attempts (Sec. 302/304-B IPC)
- Torture, both mental and physical (Sec. 498-A IPC)
- Molestation (Sec. 354 IPC)
- Sexual Harassment (Sec. 509 IPC)
- Importation of girls (up to 21 years of age)
- The Crimes identified under the Special Laws (SLL)

Although all laws are not gender specific, the provisions of law affecting women significantly have been reviewed periodically and amendments carried out to keep pace with the emerging requirements.

**Some important acts to safeguard women and their interests are mentioned in Table 2.**

- |  |                             |
|--|-----------------------------|
| (i) The Employees State Insurance Act                  | 1948                        |
| (ii) The Plantation Labor Act                          | 1951                        |
| (iii) The Family Courts Act                            | 1954                        |
| (iv) The Special Marriage Act                          | 1954                        |
| (v) The Hindu Marriage Act                             | 1955                        |
| (vi) The Hindu Succession Act                          | 1956 with amendment in 2005 |
| (vii) Immoral Traffic (Prevention) Act                 | 1956                        |
| (viii) The Maternity Benefit Act                       | 1961 (Amended in 1995)      |
| (ix) Dowry Prohibition Act                             | 1961                        |
| (x) The Medical Termination of Pregnancy Act           | 1971                        |
| (xi) The Contract Labor (Regulation and Abolition) Act | 1976                        |
| (xii) The Equal Remuneration Act                       | 1976                        |
| (xiii) The Prohibition of Child Marriage Act           | 2006                        |
| (xiv) The Criminal Law (Amendment) Act                 | 1983                        |
| (xv) The Factories (Amendment) Act                     | 1986                        |

(xvi) Indecent Representation of Women (Prohibition) Act 1986

(xvii) Commission of Sati (Prevention) Act 1987

(xviii) The Protection of Women from Domestic Violence Act 2005

### **Special initiatives for women empowerment: -**

#### **National commission for women empowerment (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.

#### **Reservation for women empowerment 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.

#### **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 in order to safeguard the bright future of the girl child [2].

#### **National policy for the women empowerment (2001):**

The Department of Women and Child Development in the Ministry of Human Resource Development have prepared a "National Policy for the Women Empowerment" in the year 2001. The goal of this policy is to bring about the advancement, development and empowerment of women.

#### **Women Empowerment Rights: -**

- Women have the right to autonomy, education and job and job shift timings choices.
- Women have the right and social responsibility to decide whether, how and when to have children and how many to have; no woman can be compelled to bear a male child or prevented from doing so against her will. The special paid leave permissions must also be implemented in private sectors as well. The socio-economic structures and norms that impede women's free exercise of their human rights, including their reproductive rights (such as women's legal status, access to education, decision-making powers, poverty level, choice regarding marriage partners and rights within marriage).

The human rights which explicitly recognizes that women's rights are human rights. In response to this expanded definition of human rights, in March 1994, the United Nations Commission on Human Rights agreed to appoint a Special Rapporteur on violence against women and to integrate the rights of women into the human rights mechanisms of the United Nations. The majority of the world's girls and women remain outside this enlarged vision of human rights due to the pervasive, structural and systemic denial of their liberty at the national and community levels worldwide. The Convention on the Elimination of all Forms of Discrimination against Women, approved in 1979, provides concrete ways to bring these international principles to bear at the national level. The government should take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise. In addition, it provides a legal framework for women's empowerment and participation in the development process. It not only guarantees basic human rights and fundamental freedoms, it also lays out policy measures and targets areas of particular concern to women (such as sex roles and stereotyping, affirmative action, trafficking in women, access to health care, education and benefits, and the special needs of rural women). It is important to make efforts to further gender equality and the empowerment of women, i.e., that such effort constitute undue interference in the culture, religion, or traditional practices of a country. Resident coordinators have a special responsibility to

address these concerns and to draw distinctions among traditional practices that harm women and girls and deprive them of their universally recognized human rights, such as gender based violence, forced early marriage, and female genital mutilation, and those that are socially valuable and benefit women.

## Education

The role of equality in education in bringing about equality in all walks of life is fundamental. Girls' education is fundamental to gender equality and women's empowerment. Key areas include life-long education and training, including pre-school provision, the elimination of stereotyped teaching and education materials, diversification of the educational and training opportunities available to women and girls, and the promotion of self-esteem and leadership in girls. Providing employment and job training, as well as literacy training, for women past traditional school age should be an area of special focus, as should enabling pregnant adolescents to continue their schooling.

## Conclusion: -

There must be gender equality in recruitment, selection, salary structures, job responsibilities, along with convenient transportation facilities, free education up to PG, 24-hour vigilance, and family support at home and management support at office will enhance women empowerment nationally and internationally. Though the constitution provides a few safety measures, the women are still in insecure environment. There is a need to implement the acts of constitution without delaying the pending cases in the courts and thus boost up the confidence levels of the women in the light of true women empowerment.

The attribute ranking given by the women reveals that their most preferred attributes which lead to women empowerment are Flexibility of corporate rules, free education to women, moral support, equal opportunities, financial support, vigilance support at offices and convenient transport facilities and finally reservations. The constitutional privileges must also be available in corporate sector as well.

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