



WOMEN'S ENTITLEMENTS: THE PATH WAY FOR WOMEN EMPOWERMENT - A REVIEW

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Abstract

Women's rights and entitlements encompass to achieve social empowerment thereby overall empowerment of women. There are many challenges to girls/women to exercise their fundamental rights due to gender discrimination in addition to prevailing socio-economic conditions. The perceptions towards gender roles restricted girls/women to exercise their rights on par with men. Gender-based violence discourages them to achieve their goals. Government initiation through various women welfare measures can remove all the barriers which girls/women face due to gender bias and entitles them to exercise their fundamental rights. In this context, the present paper focuses on women's rights in general and women's entitlements in particular with a view to analyze how these two are interconnected and helps to achieve women empowerment and examine government welfare measures which entitles women to exercise their rights in relevance to social empowerment of women.

Keywords: Women's rights, Women entitlements, Women empowerment, Fundamental rights, Gender discrimination, Welfare measures

1. Introduction

Women empowerment involves increasing awareness, building self-confidence, expansion of choices, increased access to and control over resources and actions to transform the structures and institutions which reinforce and perpetuate gender discrimination and inequality. (UNICEF). Social empowerment is the basis for various dimensions of women empowerment such as educational, economic, political and psychological empowerment. It is the capacity of women to actively engage in social and cultural life without having to deal with discrimination or violence. Social empowerment includes the ability to exercise the freedoms and rights as well as access to education, healthcare, and legal services, all of which enable women to assert their rights and entitlements, benefits and privileges. Women's rights and entitlements pave the path for women

empowerment. There is a need to understand how women entitlements help to exercise women rights and thereby achieve women empowerment. Women's entitlements include the rights and benefits or privileges claimed for women and girls. Although the terms "rights" and "entitlements" are sometimes used synonymously, they have different connotations and implications in social, legal, and philosophical contexts. Benefits, rights, privileges or advantages bestowed upon individuals or groups by a specific social or legal framework are referred to as entitlements. In other words, all the schemes and programmes being implemented by the government for the welfare of women are generally called as women entitlements which lead to women empowerment. In contrast to rights, entitlements could not be intrinsically linked to ideas of morality or justice. They depend on institutional or societal policies, which are frequently established by elements like need, eligibility criteria, or particular conditions.

Rights are important conditions of social life without which no person can generally realize his/her best self. It is something to which every individual in the community is morally permitted. A right is defined as an entitlement or a justified claim to a particular kind of treatment whether it is positive or negative treatment from others, to support from others or non-interference from others. It is further described as a moral or legal entitlement to have or do something without any budget constraints. Where as an entitlement is a benefit or advantage provided by the government through its welfare schemes to any individual meeting certain eligibility requirements within budget limitations. The Government can protect the rights through granting entitlements within budget limitations in accordance with the state of Government.

Women Entitlements and Government Welfare Programmes

Social welfare programmes are commonly linked to entitlements, whereby individuals may be eligible to receive specific benefits or services on the basis of their socioeconomic status, or other eligible conditions. In contrast to rights, the availability and extent of entitlements may vary on societal attitudes, policy changes, and budgetary restrictions. The supply of entitlements is subject to fiscal considerations and policy judgments, and they are frequently policy-driven, susceptible to shifts in societal or political interests, and may not always be justifiable. Benefits are prone to change based on social, political, or economic factors and are dependent on certain standards and societal norms. Social welfare measures such as housing and unemployment benefits are included in entitlements. (Ramakanth Sharma, 2024)

The Right to Equality which is one of the fundamental rights entitles the prevention of gender discrimination and providing equal opportunities to women in education and employment. Though the Constitution of India guarantees right to education which is the girls' fundamental right, many girls and women cannot exercise their right to education due to the prevailing conditions of gender inequality and discriminatory practices such as poverty, early marriage, and gender-based violence. (UNESCO).

Right to Education empowers women when they exercise their right without any gender discrimination. Certain Entitlements facilitate women to exercise their fundamental rights. When the

government provide free and compulsory education and safe environment in educational institutions without any gender-based violence and encourage girls to continue their education by preventing child marriages then the girls and women can entitles their right to education.

The Government has been initiated various programmes in order to achieve gender equality and encourage girls/women to continue their education and pursue higher education even in professional courses. Basic facilities at schools/colleges including toilet facilities/rest rooms for girls, and skill development centres and computers labs for improving practical knowledge encourages girl students to continue their education. Safe environment in educational institutions is the one of most important prerequisites for girls/women which builds self-confidence among them. Gender friendly atmosphere in educational institutions mould their personalities strong and make them to face any challenges in their lives. Prevention of child marriages would reduce school dropouts and encourage girls to continue their education.

In this connection, the present paper focuses on social welfare measures for girls/women initiated by the Government in order to entitle their rights for gender equality. For this purpose various welfare schemes and programmes which are being implemented by the government are reviewed.

2.1. Need of the Study

Most often Rights and entitlements are used interchangeably. In practice these two are interconnected with each other. Some rights especially women's rights difficult to exercise without entitlements. Hence there is a need to understand how the entitlements protect the women's rights and help women to exercise their fundamental rights and the measures which facilitates women to entitle their rights.

2.2. Objectives

- 1) To review the distinction between rights and entitlements of women
- 2) To examine the women entitlements with a view to understand how it enables women to exercise their fundamental rights.
- 3) To analyze Government welfare measures which entitles women's rights for social empowerment.

2.3. Research Methodology

The present paper is mainly descriptive in nature and based on the reviews of the earlier studies relevant to the topic. Secondary data has been obtained from the reports, and articles published in various journals through websites.

2.4. Limitations

The paper is mainly confined to the right to education, employment and gender equality which entitles the women rights and plays a crucial role in achieving women empowerment.

2.5. Scope of the Study

Harmful gender stereotypes, child marriages and early unintended pregnancy, gender-based violence against women and girls, lack of inclusive and quality learning environment and inadequate and unsafe education infrastructure including sanitation negatively influences the equal right to quality education of everyone. By removing the default traditional gender practices and changing the conventional gender norms girls and women can participate in every field like education and employment. With the government initiatives for the provisions of the basic requirements for girls/women, gender equality can be achieved in all fields and women can be empowered in all dimensions.

3. Literature Review

Reviewing literature gives the clear distinction between women's rights and entitlements. Anupama Katkar (2023) in her article on "Women's rights and gender equality: Milestones and challenges" elaborately explains the journey of women's empowerment in India right from the fought for right to vote, participation in independence movement, historic moment of Hindu Succession Act in 1956, in addition to the promises of Preamble of the India Constitution regarding justice, liberty, equality and fraternity for all citizens regardless of gender. S A Aiyar in Swaminomics, (2010) in his article on "Let's not confuse entitlements with rights" distinguishes rights and entitlements as rights are freedoms from oppression by the state or by society through ethnicity, religion and gender. In other words, rights ensure equality by giving freedom from any form of discrimination. These rights are universal but do not entail government handouts and not limited by budget constraints. On the other hand entitlements are welfare measures entailing government handouts but limited by budget constraints. Steven Yates (1994) in his article on "Rights Versus Entitlements" opines that a free society must recognize the distinction between rights and entitlements in order to distinguish which claims of rights to acknowledge and which to reject as spurious. Legitimate rights are easy to recognize and they can be acted on by individuals without the assistance of government and without forcibly interfering with other individuals. Whereas Entitlements, on the other hand, cannot be fulfilled except through specific government actions which require forcible interference with others. UNESCO (2023) emphasized that states have legal obligations to remove all discriminatory barriers, whether they exist in law or in everyday life, and to undertake positive measures to bring about equality, including in access of, within, and through education. Care India Organization (2024) stated that India is one of the fastest growing countries but our women literacy rate is far below the global standard. The Indian government has enacted several acts and policies like the RTE Act 2008 and NEP 2020 to increase the literacy rate in India. It also highlights the impact of girls' education on their economic, social and health standards which reduces inequality in society. It is obvious that social equality, economic growth, scientific advancement, and cultural preservation all depend heavily on education. The government is making continuous efforts to provide access to quality education to women. The Periodic Labour Force Survey (PLFS) indicates that there has been an increase in women's workforce

participation by 13.9 percent with 22 percent in 2017-18 to 35.9 percent in 2022-23. . Attaining equality between women and men and eliminating all forms of discrimination against women are fundamental human rights and values of the United Nations. Achieving equality between women and men requires a comprehensive understanding of the ways in which women experience discrimination and are denied equality so as to develop appropriate strategies to eliminate such discrimination. (UN 2023). Moniat El Noufous K. El Masri & Nazhat M.Najm (2023) in their work on “How gender differences in entitlements and apprehension manifest themselves in Negotiation” explained that the gender difference in negotiation propensity is theoretically mediated by three constructs: opportunity recognition, entitlement and apprehension.

The purpose of the study is to determine whether gender differences in three predictors of negotiation propensity can be explained by differences in female and male characteristics. The results indicate that masculinity enhances entitlement, which in turn leads to higher levels of negotiation while femininity enhances apprehension, which in turn leads to lower levels of negotiation. Both masculine and feminine characteristics were found to be positively related to opportunity recognition..

To sum up, rights ensure equality by giving freedom from any form of discrimination. These rights are universal but do not entail government handouts and not limited by budget constraints. On the other hand entitlements are welfare measures entailing government handouts but limited by budget constraints.(S A Aiyar in Swaminomics , 2010). Legitimate rights are easy to recognize and they can be acted on by individuals without the assistance of government and without forcibly interfering with other individuals. Whereas Entitlements, on the other hand, cannot be fulfilled except through specific government actions which require forcible interference with others. (Steven Yates, 1994). States have legal obligations to remove all discriminatory barriers, whether they exist in law or in everyday life, and to undertake positive measures to bring about equality, including in access of, within, and through education. (UNESCO, 2023). Attaining equality between women and men and eliminating all forms of discrimination against women are fundamental human rights and United Nations values. (Care India Organization, 2024). Achieving equality between women and men requires a comprehensive understanding of the ways in which women experience discrimination and are denied equality so as to develop appropriate strategies to eliminate such discrimination. (UN 2023). The masculinity enhances entitlement, which in turn leads to higher levels of negotiation while femininity enhances apprehension, which in turn leads to lower levels of negotiation. Both masculine and feminine traits were found to be positively related to the recognition of opportunities. (Moniat El Noufous , 2023)

4.1. Government Provisions for Women Entitlements for Gender Equality

The new Sustainable Development Goals (SDGs) hold real promise to embed advances in women’s rights, and include a specific goal (Goal 5) for gender equality. It includes goals to end gender-based violence, end child marriage and female genital mutilation, and ensure access to sexual and reproductive health. It also includes equal access to education, expanding economic opportunities for women and reducing

the burden of unpaid care work on women and girls. The Right to Equality and right to education are the Fundamental Rights enshrined in the Constitution of India. These rights entails and includes prevention of gender discrimination in treatment of girls/women by enacting Acts which guarantees equal opportunities in education and employment and equal remuneration to both men and women.

The Acts which enable women to exercise their rights and entitlements are as follows.

- The government enacted Right to Education Act 2009 in order to provide equal opportunities in education. This act protects against gender discrimination and removes inequalities and brings gender equality.
- Right of Children to Free and compulsory education for all removes gender disparity in access to education and 'compulsory education' is explained to mean obligation of the appropriate Government to provide free elementary education and ensure compulsory admission, attendance and completion of elementary education.
- Equal Remuneration Act 1976 which provides for payment of equal wages for work of same and similar nature to male and female workers and for not making discrimination against female employees in the matters of transfers, training and promotion etc.
- Violence and harassment significantly impacts the access of girls/women in their opportunities for advancement and socio-economic security. In order to create a safe and supportive environment for girls/women without gender-based violence which is crucial for their education and wellbeing the government has initiated 181 Helpline an emergency response system, Cyber Crime Prevention against Women and Children Scheme, Sexual Harassment of Women (Prevention, Prohibition and Redressal) Act 2013
- In order to prevent child marriages the government has enacted Prohibition of Child Marriage Act 2006.
- In addition, the Government of India introduced CHILD LINE with short code 1098 which is a 24-hour emergency helpline for children in crisis, responds with appropriate measures to all types of child survival needs, including coordinated prevention of child marriage through Police, Child Marriage Prohibition Officer (CMPO), District Child Protection Units, etc..

4.2. Government Initiatives to provide Equal Opportunities to Women in Education

Education is the only tool that can empower the marginalized sections of the society and provide them with more opportunities to achieve financial independence and lead a more enriched life. The National Education Policy (NEP) 2020 will ensure that young girls from disadvantaged and underrepresented groups get an equal opportunity to benefit from the Indian education system. (Care India Organization, 2024). India has made significant strides towards empowering women in various spheres of life including education, health, economy, politics and social justice. One of the main obstacles to the fulfillment of women's rights is the lack

of resources and confidence that many women encounter while attempting to take advantage of chances and expand their horizons. (Anupama Katkar, 2023). Ministry of Labour and Employment (2024) stated that the Government of India has taken several initiatives to increase participation of women in the workforce.

The Government of India has taken various steps to ensure empowerment of women through their social, educational, economic uplifting through various schematic interventions. The schemes and programmes implemented by the Ministry of Women and Child Development for empowerment of girls/women through education and employment includes

- Beti Bachao Beti Padhao (BBBP) Scheme
- One Stop Centre (OSC) and Universalisation of Women Helpline
- Child Protection Services Scheme
- Scheme for Adolescent Girls (SAG)
- Swadhar Greh Scheme
- Ujjawala Scheme
- Working Women Hostel

In order to promote girl's education especially for vulnerable sections of society and have adequate facilities in place to fulfill their special requirements

- Samagra Shiksha,
- Scheme of National Overseas Scholarship,
- Kasturba Gandhi Balika Vidyalaya
- Babu Jagjivan Ram Chhatrawas Yojna
- Swachh Vidyalaya Mission, etc.

In addition, the National Education Policy (NEP) 2020 prioritizes gender equality and the vision is to ensure equal access to quality education for all students, with a special focus on socially and economically disadvantaged groups.

4.3. Government Measures for Equal Opportunities in Employment and Equal Remuneration

The Government of India has implemented several programs and initiatives to improve the employment and quality of work for women. The government initiatives to ensure better opportunities for women workers include social security programs, skill development, better educational opportunities, and legislative reforms. These initiatives have contributed immensely to addressing the gender gaps and improving female workforce participation in the country still, there are several challenges that need to be addressed to encourage the participation of women in the labor market, and several challenges must be addressed, mainly

through proactive initiatives by employers to improve safety, flexibility and social security. (Ministry of Labour and Employment, 2024).

- In order to enhance the employability of female workers, the Government is providing training to them through a network of Women Industrial Training Institutes, National Vocational Training Institutes and Regional Vocational Training Institutes.
- To ensure economic independence of women through skill development and vocational training, the Government has also introduced Skill India Mission.
- The National Skill Development Policy focuses on inclusive skill development, with the objective of increased women participation for better economic productivity.
- Pradhan Mantri Kaushal Vikas Kendras lay emphasis on creating additional infrastructure both for training and apprenticeship for women;
- Flexible training delivery mechanisms, flexible afternoon batches on local need-based training to accommodate women; and ensuring safe and gender sensitive training environment, employment of women trainers, equity in remuneration, and complaint redressal mechanism.

In order to encourage employment of women, a number of enabling provisions have been incorporated in the recently enacted Labour Codes viz.

- The Code on Wages, 2019,
- The Industrial Relations Code, 2020,
- The Occupational Safety, Health and Working Conditions Code, 2020 and
- The Code on Social Security, 2020 for creating congenial work environment for women workers.

Women employment through Entrepreneurship

The government has initiated various programmes for helping the women to set up their own enterprise.

- Stand Up India scheme promotes entrepreneurship amongst women.
- Pradhan Mantri Mudra Yojana for providing loans upto 10 lakhs to the non-corporate, non-farm small/micro enterprises.
- Prime Minister's Employment Generation Programme (PMEGP) Scheme for providing financial assistance to set up new enterprises
- The Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (MGNREGA) mandates that at least one third of the jobs generated under the scheme should be given to women.

4.4. Government initiatives for the Safety of Girls/Women

Safety and security of women and children in the country is utmost priority for the Government. The Government of India has implementing the Umbrella Scheme for Safety, Security and Empowerment of Women as an integrated women empowerment program under the name 'Mission Shakti'. The Ministry of Women and Child Development has been administering various special laws related to women such as

- Protection of Women from Domestic Violence Act, 2005
- Dowry Prohibition Act, 1961
- Indecent Representation of Women (Prohibition) Act, 1986;
- Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
- Prohibition of Child Marriage Act, 2006.
- Juvenile Justice (care and protection of children) Act, 2015,
- Commissions for Protection of Child Rights Act, 2005 and
- Protection of Children from Sexual Offences Act, 2012.
- Criminal Law (Amendments), Act 2013 enacted for effective legal deterrence against sexual offences and
- the Criminal Law (Amendment) Act, 2018 enacted to prescribe even more stringent penal provisions including death penalty for rape of a girl below the age of 12 years.

All are entitled to human rights which include the right to live free from violence and discrimination; to enjoy the highest attainable standard of physical and mental health; to be educated; to own property; to vote; and to earn an equal wage. (Amnesty International organization, 2023)

5. Conclusion

. Women empowerment involved in gaining power and control over their own lives. It increases the personal, social, economic strength of individual and communities. The empowered women and girls must have equal capabilities and equal access to resources and opportunities such as land and employment, but they must also have the agency to exercise their rights, use their capabilities, resources and avail the opportunities to make deliberate choices and right decisions. (UNICEF). Women are entitled to equal treatment. The Government schemes and welfare measures ensure women empowerment through equal opportunities in education, employment and gender equality. The Universal Declaration of Human rights proclaim that all human beings are born free and have equal right to dignity. Similarly Indian Constitution guarantees several rights such as the right to equality, right to life and personal liberty to all its citizens irrespective of gender. Gender equality can be achieved when both women and men enjoy the same opportunities, rights and obligations in different spheres of life. Equality in decision making, economic and social freedom, equal access to education and right to practice an occupation of one's choice. In order to promote gender equality, we need empowerment of women, and concentrate on areas which are most crucial to their well being. Women's

empowerment, economic, social, political, all are entitled to human rights which is vital to the growth of any nation. Hence there is a need to protect and nurture human rights and entails women rights.

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