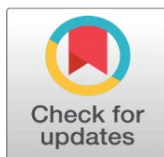
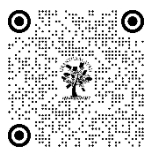


WOMEN EMPOWERMENT AND RIGHTS IN INDIA

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ABSTRACT

Among the various issues relating to human rights the issue of women's rights occupies an important position. It is an established fact that women are the primary victims of any kind of violence which in turn leads to the violation of their rights. It is therefore felt necessary to take certain ameliorative steps in order to improve the subjugated condition of women in the traditionally male dominated society. With this urge a number of women's rights instruments has been developed both at international and national level. Some of them, at international level, include Declaration on the Elimination of Violence against Women, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Convention on the Political Rights of Women, Convention on the Nationality of Married Women, Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages etc. Apart from these the other significant events are establishment of the Commission on the Status of Women, declaration of International Women's Year, observing International Women's Day, World Conference of the International Women's Year in Mexico City, declaration of the United Nations Decade for Women, World Conferences in Copenhagen, Nairobi, Beijing and New York etc. This paper intends to analyse the role of women commission and policy enactments in protecting the rights of women in India.

Keywords: Empowerment, Enactments, Discrimination, Implementation

1. INTRODUCTION

The Convention on the Elimination of All Forms of Discrimination against Women is the most important women's rights instrument at the international level that is concerned with the security and endorsement of the rights of women both in public and private spheres. The principle feature of this Convention is that it strictly negates discrimination on the basis of sex and thereby guarantees human rights and freedoms to women in matters related to education, employment, health political and others

The signatory states are obliged to implement its provisions, in order to ensure women with dignity and respect, so that women's rights can be realised in practice and not merely in laws. The Government of India has signed it in 1980 and being a signatory to this Convention the Government of India is committed to ensure women in India all those socio-economic, civil and political rights which are enshrined in the Convention and thereby, to protect women from violence, atrocities and exploitation. The Indian Constitution does not contain any provision specifically made to favor women but it provides certain fundamental rights to all its citizens (equally applicable to men and women) without making any discrimination on the basis of sex. In addition to the Constitutional guarantee of different fundamental rights, a number of Acts has been enacted by the Parliament for the protection of women from cruelties, discriminations, atrocities and violence. Some prominent of them include the Dowry Prohibition Act 1961, Medical Termination of Pregnancy Act 1971,

the Indecent Representation of Women (Prohibition) Act 1986, the Commission of Sati (Prevention) Act 1987, the Immoral Traffic (Prevention) Act 1956, the Maternity Benefit Act 1961, the Muslim Women (Protection of Rights on Divorce) Act 1986, the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act 1994, Protection of Women from Domestic Violence Act 2005, the Protection of Human Rights Act 1993 etc. Accordingly a concern has developed for the protection of women's rights in different spheres like, social, economic, and political and others at the national level ratified in July 1993; and it came into force in August 1993.

2. NATIONAL COMMISSION FOR WOMEN ACT, 1990

The National Commission for Women Act was enacted in the year 1990. The Commission consists of a Chairperson who shall be committed to the cause of women and shall be nominated by the Central Government; five members to be nominated by the Central Government from amongst persons of ability, integrity and standing who have had experience in law or legislation, trade unionism, management of an industry or organisation committed to increasing the employment potential of women, women's voluntary organisations (including women activists), administration, economic development, health, education or social welfare. At least one member each shall be appointed from amongst persons belonging to the Scheduled Castes and Scheduled Tribes respectively [Article 3{2 (a, b)} of the National Commission for Women Act, 1990].

According to section 10(1) of the Act. National Commission for Women shall perform all or any of the following functions, namely: (a) investigate and examine all matters relating to the safeguards provided for women under the Constitution and other laws; (b) present to the Central Government, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards; (c) make in such reports recommendations for the effective implementation of those safeguards for improving the conditions of women by the Union or any State; (d) review, from time to time, the existing provisions of the Constitution and other laws affecting women and recommend amendments thereto so as to suggest remedial legislative measures to meet any lacunae, inadequacies or shortcomings in such legislations; (e) take up the cases of violation of the provisions of the Constitution and of other laws relating to women with the appropriate authorities; (f) look into complaints and take sue moto notice of matters relating to (i) deprivation of women's rights; (ii) non-implementation of laws enacted to provide protection to women and also to achieve the objective of equality and development; (iii) non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships and ensuring welfare and providing relief to women, and take up the issues arising out of such matters with appropriate authorities; (g) call for special studies or investigations into specific problems or situations arising out of discrimination and atrocities against women and identify the constraints so as to recommend strategies for their removal; (h) undertake promotional and educational research so as to suggest ways of ensuring due representation of women in all-spheres and identify factors responsible for impeding their advancement, such as, lack of access to housing and basic services, inadequate support services and technologies for reducing drudgery and occupational health hazards and for increasing their productivity; (i) participate and advise on the planning process of socioeconomic development of women; (j) evaluate the progress of the development of women under the Union and any State; (k) inspect or cause to be inspected a jail, remand home, women's institution or other place of custody where women are kept as prisoners or otherwise, and take up with the concerned authorities for remedial action, if found necessary ;

(l) fund litigation involving issues affecting a large body of women; (m) make periodical reports to the Government on any matter pertaining to women and in particular various difficulties under which women tail; (n) any other matter which may be referred to it by Central Government. The Commission shall, while investigating any matter has all the powers [section 10(4) of the Act] of a civil court trying a suit and, in particular in respect of the following matters, namely: (a) summoning and enforcing the attendance of any person from any part of India and examining him on oath; (b) requiring the discovery and production of any document; (c) receiving evidence on affidavits; (d) requisitioning any public record or copy thereof from any court or office; (e) issuing commissions for the examination of witnesses and documents; and (f) any other matter which may be prescribed.

3. EMPOWERMENT AND RIGHTS

The constitution of India has given special attention to the needs of women to enable them to exercise their rights on equal footing with men and participate in national development. It aims at creation of an entirely new social order

where, all citizens are given equal opportunities for growth and development and that no discrimination takes place on the basis of race, religion, caste, sex, etc., Planned development was considered to be the most efficient way for solving the numerous problems of poverty which had caused various imbalances and discriminations among vast numbers of people. The policy measures had serious implications for Indian women. Framing of the five year plans was the first major step taken in the direction of welfare state: Jawaharlal Nehru, the first Prime Minister of India and the pioneer of five year plans, stressed on welfare of women, children and tribals in our country. The planning commission's "Plans and Prospects for social welfare in India 1951 – 1961" spells out social welfare services as intending to cater to the special needs of persons and groups who, by the reason of same handicap-social, economic, physical or mental are unable to avail or are traditionally denied the amenities and services provided by community. The committee on status of women, in its report "towards equality", has mentioned, "women are considered to be handicapped by social customs and social values and, therefore, social welfare services have specially endeavoured to rehabilitate them. The Planning Commission defined three major areas in which they had paid special attention to women's development. (a) Education, (b) Social welfare and (c) Health. A planned approach to provide special thrust to the welfare of women was adopted with the launching of the first five year plan in 1951. The First Five Year Plan (1951–56) contemplated welfare measures for women. To implement welfare measures for the benefit of poor women, the Central Social Welfare Board (CSWB) was established to deal with the problems of women. The CSWB recognized and realized the need for organising women into Mahila Mandals or women's club as an approach to community development.

The Second Five Year Plan (1956 – 61) intimately concentrated overall intensive agricultural development. However, the welfare approach to women's issues was determined recognizing women as workers. Further, protection against injuries at work, maternity benefits and crèches for their children. It also suggested immediate implementation of the principal of equal pay for equal work and provision for training to enable women to compete for higher jobs. The Third Five Year Plan (1961 – 66) sincerely recognized the greater importance of education for women which has been a major welfare strategy for women. This plan allocated the largest share for expending social welfare services and condensed courses of education. As regards to wealth, maternal and child welfare programmes were proclaimed in terms of maternal and child welfare, health education, nutrition and family planning. Thus the emphasis on women education was continued during the Fourth Five Year Plan also (1969 – 1974). The basic policy was to promote women's welfare as the base of operation. The outlay on family planning was stepped up to reduce the birth rate through education. Immunization of pre-school children and supplemental feeding, expectant and nursing mothers. Need for training women in respect of income generating activities and their protection was stressed in the Fifth Five Year Plan. Further, the fifth plan also recommended a strategic programme of functional literacy to equip women with skills and knowledge to perform the functions as a good housewife. Under the health programmes, the primary objective was to provide minimum public health facilities integrated with family planning and nutrition for vulnerable groups, children, pregnant and lactating mothers.

The Fifth Year Plan was happened to be during the decade of International Women's decade and the submission of the Report of the Committee on the status of women in India (CSWI) "Towards Equality". The CSWI had comprehensively examined the rights and status of women in the context of changing social and economic conditions and the problems relating to the advancement of women. The CSWI reported that the dynamics of social change and development had adversely affected a large section of women and had created new imbalances and disparities. It was realized that constitutional guarantees of equality would be meaningless and unrealistic unless women's right to economic independence is acknowledged and their training in skills as contributors to the family and the national economy was improved. Consequently National Plan of Action (1976) providing the guidelines based on 'United Nations' World Plan of Action for women' came into force. The National Plan of Action identified areas of health, family planning, nutrition, education, employment, legislation and social welfare for formulating and implementing of action programmes for women and called for planned interventions to improve the conditions of women in India. The women's welfare as development bureau was setup in 1976 to act as a nodal point within the Government of India to co-ordinate policies and programmes and initiate measures for women's development.

The Sixth Five Year Plan stressed the need of economic independence educational advance and access to health care and family planning as essential for women's development. So the strategy was threefold: of education, employment and health. They are independent and dependent on the total developmental process. The Seventh Five Year Plan sought to generate awareness among women about their rights and privileges. The long term objectives of developmental programmes in the Seventh plan were to raise women's economic and social status in order to bring them into the

mainstream of national development and recognized the importance of women in contributing to the various socioeconomic, political and cultural activities. The seventh plan emphasized the need to open new avenues of work for women and perceive them as crucial resource for the development of the country. Another salient and crucial recognition was the need for organisation of women workers and unionization. Under the plan, a new scheme, "Women's Development Corporation" has been taken up for promoting employment generating activities by supporting schemes from women's group and women from poorer sections of society. A women's development planning and monitoring cell was also set up for collection of data and monitoring of plan programmes. A very significant step therein was to identify and promote beneficiary oriented programmes which extended direct benefits to women. During the 7th Plan period, the Indian Parliament adopted a National Policy on Education 1986 included a chapter on Education for women's equality. The strategy in the Eighth Plan was to ensure that the benefits of development from different sectors did not bypass women and special programmes were implemented to complement the general programmes. The main objective of Eighth Plan was to extend the reach of services to women both qualitatively and quantitatively. Panchayati Raj institutions are involved in the designing and implementation of women's programmes. The approach of the Eighth Plan made a definite shift from development to empowerment of women. In order to meet the needs of women and children, there had been a progressive increase in the plan outlays over the time of eight 296 five year plans. The outlay of Rs. 4 crores in the First Five Year Plan (1951 – 56) had gone up to Rs. 2000 Crores in the Eighth Five Year Plan . The Ninth Five Year Plan came into effect from April 1, 1997.

An approach paper had been developed by the Planning Commission and accepted by the National Development Council, which had become basis for developing Ninth Five Year Plan. In this approach paper focus was laid on empowerment of women and people's participation in planning and implementation of strategies. An important objective in the Approach paper was the empowerment of women. In planning process, empowerment at the outset, means choices for women and opportunities to avail of these choices. The supportive environment should be provided to women at all stages by the home, school, religion, government and work place .

A supportive environment was one that gender sensitive. In all regional meetings, participants asked for gender sensitisation or training at all levels in public and private sectors. Women are facing problems like feminisation of poverty, inadequate investment in social sectors, increasing violence against women and stereotyped portrayal of women in private and state media especially television. There is necessity for information and training opportunities, reservations and social services etc., and people's involvement is necessary for the success of any programme. Empowerment is about choices and the ability exercise women's choices will be limited unless they are more involved in policy-making. The 9th Five Year Plan is an attempt to bring in women's issues within the policymaking spheres. The Government has set up a national resource units for women which acts as an apex body for promoting and incorporating gender perspectives in politics and programmes of the government. To achieve the goals laid down therein, a number of initiatives have been launched. They include enactment of legislation to ban sex determination tests so as to prevent female foeticide. Equally important is the fact that the state governments are also drawing up plans of action to cater to local requirements and ensure the holistic development of the girl child. The 73rd and 74th Constitutional Amendment Acts of 1993 ensure reservation of 1/3 of seats for women in all elected offices of local bodies, in rural and urban areas. In the rural areas, women have thus been brought to the centre-stage in the nation's efforts to strengthen democratic institutions . The Tenth Plan aims at empowering women through translating the recently adopted National Policy for Empowerment of Women (2001) into action and ensuring 'survival' protection and development of children through rights based approach . The Eleventh Plan Approach paper aimed to raise the sex ratio for the age group 0 – 6 to 935 by 2011 – 12 and to 950 by 2016 – 17.

4. CONCLUSION

To sum up, planned development has been considered to be the most effective way of solving the numerous problems come in the way of eradicating poverty, reducing imbalances and preventing discriminations among vast number of poor people living in rural areas, especially of rural poor women folk. In this process various policies and programmes intended for empowerment of women have been implemented for which special budget allocations are made in Five Year Plans. Besides, various schemes are being implemented to uplift socio-economic status of rural poor women and paving a path for their empowerment. Thus the government has been making sincere efforts to empower women in socio-economic and politico-cultural aspects, so that a welfare state and a prosperous nation can be built.

CONFLICT OF INTERESTS

None.

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