



EMPOWERMENT OF WOMEN AND GOVERNMENT EFFORTS:

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The principal of GENDER-EQUALITY and GENDER-JUSTICE has been basis to Indian thinking for over a century. It was fully realized that the progress of the nation was integrally linked with the status of women and for that the advancement of women was placed at the centre stage of Indian planning and policy.

(A) Indian Constitution :

The constitution of India itself has provided women a significant position in the socio-economic life of the Nation. The constitution of India not only grants equality to women but also was the state to adopt measures of „positive discrimination“ in favour of women for neutralizing the cumulative „socio-economic, educational and political disadvantage“ faced by them. The Preamble to the constitution resolves to secure to all its citizens, justice, socio-economic and political, liberty to thought, expression, belief, faith and worship, equality of status. The constitution also promote them all, fraternity assuring the dignity of the individual and the unity and integrity of the nation.

Article 14 confess equal right and opportunities on men and women in the political, economic and social spheres. While article prohibits discrimination on the ground of religion, race, caste, sex etc. Article 15 prohibits discrimination on ground of sex, Article 15(3) enables the state to allow „affirmative discrimination“ in favor of women. Article 16 (1) and 16(2) guarantees equality of opportunity in public employment. Article 30 provide Equal means of livelihood and equal pay for equal work, Humane and just conditions of work and maternity benefit are assured to women by article 42. According to Article 51-(e) the state also imposes a fundamental duty on every citizen to renounce practices derogatory to the „dignity of women“.

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(B) Legislative Measures:

To uphold the constitutional mandate, the state has enacted various legislative measures intended to ensure equal right, Government through Legislations counter social discrimination and various forms of violence as well as atrocities. The basic objective of such type of acts are to provide support service especially to „working women“. So in order to ensure that the constitutional guarantees provided women do not remain „paper guarantees“ and are translated into reality. There has been a support of legislation in favour of women. Changing perceptions among legislators, policy makers and public pressure have resulted in amendment to the existing laws to ensure that exploitation of women ceases. Although all laws are not gender specific, the major provisions effect women significantly. There are mainly three type of Legislations-Social, Economic (for working women) and Political, Some of the significant efforts in this regard are as follows:

B. 1 Social Legislation for General Women:

- 1 **Hindu Marriage Act, 1955 :** Under the HMA, a Hindu follower can not contract a „Second marriage“ with another till the first marriage is dissolved by divorce or decree. The Act permits marriages of people from different religion without changing their religion. The Act was amended in 1976 to provide for the right of the girl to repudiate before attaining maturity marriage as a child whether the marriage had been consummated or not. If this law is violated, the person can be prosecuted by law.
- 2 **Hindu Succession Act, 1956 :** under this, daughter has also right in the property of her father, this act confers the right of absolute ownership over property. The women can make a will leaving her share of property to the heirs.
- 3 **The Child Marriage Restraint (Amd.) Act, 1976 :** Under this Act, the age of marriage for girls has been raised from 15 to 18 and for boys from 18 to 21 years. Offences under this act have been made cognizable.
- 4 **The Medical Termination of Pregnancy Act, 1971 :** It regularizes included abortion by doctors on „humanitarian“ and medical grounds.
- 5 **The Dowry Prohibition Act, 1961 :** Under this act taking or abetting dowry is a social crime. The minimum punishment for taking or abetting dowry has been raised

to five years and a fine of Rs.15,000. A new offence of dowry death has been included in the IPC, consequent to the amendment in the act.

- 6 **Immoral Traffic (Prevention) Act, 1956** : The new Act has made the penal provision most stringent regarding trafficking in women and girls for the purpose of „Prostitution“s, as an organized means of living.
- 7 **The Indian Evidence Act, 1983 (Amd.)**: The IPC and the Criminal Procedure Code have been amended in 1983 to make the offence of „rape“ and other crimes against women most stringent and to made a new provision in the IPC for making cruelty against married woman by the husband or other relative punishable.
- 8 **The Indecent Representation of Women (Prohibition) Act, 1986** : it has been enacted with the objective of having a separate Legislation to effectively prohibit the indecent representation of women through advertisements, books pamphlets etc.

B.2 Labour Legislation for Working Women :

1. **The Factories Act, 1948, the Miners Act, 1952 and the plantation Act, 1951** : Under this Act, Every factory should provide and maintain adequately lighted and ventilated latrines and urinal, in sufficient numbers for male and female workers separately (s-19 b,c,d). Secondly, no women is to be employed in any part of a factory for „pressing cotton“ in which a cotton opener is at work (s-27). Thirdly, adequate and suitable washing facilities for the use of men and women workers separately have to be provided in every factory (s-42 b). fourthly, the act also required the provision and maintenance of „crèches“ in every factory where more than 30 women workers are ordinarily employed (s-48).

This Acts prohibit employment of women between 7 P.M. to 6 A.M. like factory act, mines and plantations also regulate the working hours and connected provision for their safety and health (s-66 (i)(a).

- 2 **The Employee State Insurance Act, 1948** : under this act a new scheme give maternity benefit (84 days/12 weeks leave with wages), disablement benefit (injured women workers) dependent benefit (benefit in the form of pension to dependent). In addition to this Medical benefit (in the form of treatment and attendance at an E.S.I. Hospital, dispensary or clinic Rs.345 per family P.A.) and funeral benefit provides



for women workers (s-46(1), 50(1)).

1. **The Maternity Benefits Act, 1961** : This Act Makes a provision for maternity benefit so that the women can play her productive and reproductive role efficiently. The Act extends to the whole of India and is applicable to every factory, mines, plantation and to every establishment for payment of maternity benefit. The maximum period for which any women is entitle to M.B. is 12 weeks i.e. 6 weeks upto and including the day of her delivery and 6 weeks immediately following the day of delivery. Every woman entitled to maternity benefit, shall also be allowed a medical bonus of Rs.250/- Every women who return to duty after delivery of child; shall in addition to the interval of rest allowed to her, be allowed in the course of her daily work, two breaks of 15 minutes duration each for nursing the child until the child attains the age of 15 months, This Act is based on ILO Maternity Protection

Convention 1919 and the purpose was to support and protect the women in pre and post pregnancy period. There are so many experiences in which founded that so many organizations reuse to employ married women because of maternity benefits burden which will pay be them to women workers. But in many cases supreme Court say it is unconstitutional. Maternity Protection in India is provided by some other Schemes too such as Beedi and Cigar Workers Act, Beedi Cigar Workers Welfare Fund, Newspaper Employee Act, 1955 etc. in spite of this a National Maternity Benefit Scheme (1995) has also been introduced under National Social Assistance Programmers to provide financial assistance to women who are below BPL.

2. **The Equal Remuneration Act, 1976** : The Act provides for payment of equal remuneration to man and women workers, for same work or work as a similar nature. The act also prevent of discrimination on ground of sex, against women in the matter of employment, promotion, training and training). With a view to honour, I.L.O, “Equal Remuneration Convention No. 100”, Govt. of India had rectified it and introduce the above-mentioned Act. the provision relating to „Equal pay for equal work“ is issued as a directive to the state in part IV of the Constitution.
3. **The Contract Labour Regulation Act, 1978** : it regulates the working condition of Contract Labour which includes women, payment of wages and provides for welfare and crèches for the children of working women engaged in construction work.



(C) National Commission for Women, 1990 :

The National Commission for Women (NCW) was set up a National apex statutory body in 1992 in accordance with the NCW Act, 1990. The function of commission is to investigate and examine the legal safeguards provided for women under the constitution and other laws and to recommend measures to Govt. to their effective implementation.

The National Commission for Women is assisted by various committees. These committees work on the issue of social security, prostitution, employment, custodial justice for women, problem of S.C. women. The NCW has also collaborated with national level NGOs by making arrangements. A National Commission on Self-Employed Women has been also set-up by the Govt. to make a comprehensive study of the working and living conditions of poor women in the unorganized sector. Not only this a Department of „Women & Child Development“ has been created by the Govt, for the holistic development of women in India.

(D) Five Year Plan and Empowerment of Women In India:

The five year plans have space for the problems of women. At first the central Social Welfare Board (CSWB) was get up in 1953 which symbolized the „welfare approach“ to the women“s problem. Secondly, the second FYP ((1956-61)) recognized the need for „organization of women as workers“ and the need to perceive the social prejudices from which they suffer. The third FYP (1961-66) centered mainly on female education, maternity benefit, child care, wealth, nutrition and family planning, the forth FYP (1969-74) recommended a programme of „functional literacy“ to equip women with skills and knowledge to perform the functions of a house-wife. Including child care. Nutrition, health care, home economy etc. the sixth FYP recognized that women“s lack of access to resources is a critical factor impeding their development. The seventh FYP emphasizes the „qualitative aspect“ of the development of women. The plan emphasized the need to open new avenues for work to women, as women were perceived a „crucial human resources“ for development of the country. The ninth FYP (1997-2002) emphasized on the „Empowerment“ for development of women. The ninth FYP state that the objective of plain is focus on the Growth with „social justice, and equity. In this plaint it is adopted by the planner the strategy of „women“s component plan“ under which not less that “30 percent of funds/benefits“ æ



earmarked in all the women-related sectors, for women specific programmers. The tenth FYP (2002-2007) has also focus on WCP.

So from the fifth FYP (1974-78) onwards, there has been a marked shift in the approach to women's issue 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 right and legal entitlements of women. The 73rd and 74th Amendment (1993) to the constitution of India have provided for RESERVATION of seats in the local bodies of Panchayats and Municipalities for women, laying a strong foundation for participation in decision making (Political Empowerment) at the local levels. India has also ratify various conventions and human rights instruments committing to secure equal rights for women. Key among them is the ratification of the convention on the elimination of all form of discrimination against women in 1993. The Mexico Plan of action 1975. The Nairobi Forward Looking Strategies (1985), the Beijing Declaration as well as the platform for Action (1995), have been unreservedly endorsed by India for appropriate follow up.

(A) Beijing Declaration, 1995 and National Policy of Empowerment of Women:

The IV World Conference" at Beijing in September 1995, gathered of the 50 anniversary of the Foundation of the United Nations is based on the following principles :

1. Acknowledging the voices of all women everywhere and taking note of the diversity of women and their roles and circumstances, honoring the women who paved the way and inspired by the hope present in the world's youth.
2. Enhancing the advancement and empowerment of women all over the world, including the right to freedom of thought, conscience, religion and belief, thus contributing men, individually or in community with other and thereby guaranteeing them the possibility of realizing their full potential in society and shaping their lives in accordance with own aspirations.

In the conference India had made a commitment to the formulation of a National Policy for Women. The policy would among other things lay down strategies and action points to brings the gap between the constitutional and legal equality enjoyed by women and de-

facto and de-jure situation of women in the country. It would continuously guide and inform action at every level and in every sector by mainstreaming a gender perspective in to all laws, regulations, plans, policies, programmers' and budgetary allocations. The National Policy of EOW 2001 envisaged introduction of a gender perspective in the budgeting process as is „operational strategy” . As a follow up action, a discussion paper on the policy prepared by the Department of Women and Child Development Ministry of HRD), Govt. of India was considered by a core group of experts on 08.11.1995.

(E) Important Programme for EOW:

1 Vocational Training Programme for Women (VTPW), 1977 : This programmers has launched with ILO/SIDA assistance just to provide equitable opportunities for women's employment in the industry and service sectors and in self employment. In this programmers diverse type of training arranged by the organizer like Secretaries Practices, Electronics, Hair & Skin Care, Dress Making, Instrument mechanic, Date Programmers, Computer Software, Architecture (Basic Skills) Dress making, Embroidery, Business services (Advanced Skills) and instructional skills etc.

2 Support of Training and Employment (STEP): Under this programmers women are provided training in new technologies in agriculture, dairying, horticulture, fisheries, handicrafts, handlooms etc.

3 Rashtriva Mahila Kosh (RMK): The RMK, set up in 1993 as a national instrument for extending credit to poor and needy women in the informal/unorganized sector has sanctioned worth 113.50 cr. (upto Oct. 31, 2002), About more than 4.28 cr. women have been benefited through 1046 NGOs. The objective of RMK is to create an environment for

accessing women to sources of credit and to increase the outflow of RMK's funds to the needy women through the intervention of Women Self Help Groups (SHG). The SHG promote saving, build up a thrift fund, builds leaders who manage the activity. Handling money is a process of empowerment of women. It is even greater empowerment, when they learn to apply the funds for income generation and improvement of their economic status.

1 Family Counseling Centers: It is a „Preventive and rehabilitative” services centre for such women and children who are victims of atrocities and family maladjustment.



Since its inception in 1984, the 417 about 27,749 women has been benefited by 417 FCCs during the year 2001-02.

2 Short Stay Homes: it is a national plan of action for the rescue, rehabilitation and reintegration of women and girls trapped in commercial sex. Under this scheme about ten thousand beneficiaries during 2001-02 had been benefited through 328 home services. In addition to this a new scheme has been introduced in last year in the name of „Swadhar“. This scheme provides food, shelter, health, counseling and skill training to women and girls who are in difficult situations.

3 Gender Budgeting in Union Budget : The Ministries of Central Government of India having 41 “Gender Budgeting Cells” like Min. of Power, Rural Development, Small Scale Industries, Tribal affairs, Water Resources, youth Affairs & Sports, Panchayati Raj Institution, Agriculture, Culture, Heavy Industries, Home affairs, information and Broadcasting, Labour & Employment, Law and justice etc. The Expenditure Budget volume- II 2005-06, includes for the first time a statement on Gender-Budgeting Statement.

In order to empower the women and children Govt. of India constituted a Task Force on Women and Children in August, 2000 under the chairmanship of Shri K.C. Pant. The Task Force recommended amendment of “22 Laws” to make them more effective. It is a good sign that related ministries and their departments have initiated necessary action for amending these laws.

Conclusion :

However, there will exist a wide gap between the goals enunciated in the constitution, legislation, policy, plans, programmes and related mechanisms on the one hand and the

„situational reality” of the status of women in India, on the other, This has been analyzed 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) and the Shram Shakti Report (1988). Gender disparity manifest itself in various forms, the most obvious being the trend of continuously declining female ratio in



the population in last few decades (see Table-1) social stereotyping and violence at the domestic and societal levels are some of the manifestations. Discrimination against girl children, adolescent girls and women still persons.

Despite government efforts to play the existing „loopholes“ in the law and to being about reforms, it is obvious that such measures are deemed to fail, unless there is a growing „awareness“ among the women about their needs, for better educational and by law and about their duty to contribute to the gains of development without this awareness and consciousness women cannot emerge as a force to be reckoned with.

It is a fact that only legislation has not been able to bring about the socio-economic transformation in the country. One reason is that women are not aware of the availability of law. The „mass media“ should therefore, be involved in publishing the facilities available, parents should not be allowed to make a will disinheriting them from their rightful share of property. All matrimonial property should be registered in the joint name of husband and wife and the right of the wife to the matrimonial home must be guaranteed, lastly, we can say- “when women move forward, the family moves, the village moves and the Nation moves”.

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