

# The Concept of Women Empowerment and Social Justice in India

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## ABSTRACT

The empowerment and autonomy of women and the improvement of their political, social, economic and health status is a highly important end in itself. In addition, it is essential for the achievement of sustainable development. Empowering women in its simplest form essentially focuses in the making of an environment where women can protest and access their deserved moral upright, equal and expanded opportunity positioned dignity as citizens, where they can take absolute, autonomous decisions in their particular capacities as well as be reformed as sincere equals in society. **The need and obligation for social justice therefore arises in order to give priority to safety of women and their rights and gender equivalence. Social justice is not ordinarily about being gratifying or desirable. Rather the entire notion of social justice instills an immediate and compulsory proposal for achieving the fundamental upright of women aligned concerns and affairs.**

Women empowerment cannot be accessible until and unless women show up confidence, support and cooperation to self-empower themselves. Therefore, this Paper addresses the challenges and realities of this situation. It calls for government, political decision makers, NGOs, and other actors to come forward to ensure women's all round development for making India a developed country.

## 1. Introduction

### Women empowerment meaning :

The nature of empowerment renders it difficult to define. On the one hand, it is often referred to as a goal for many development programmes/projects. On the other hand, it can also be conceived as a process that people undergo, which eventually leads to changes<sup>1</sup>.

"Nelly Stromquist", for instance, defines empowerment as "a process to change the distribution of power both in interpersonal relations and in institutions throughout society" while "Lucy Lazo" describes it as "a process of acquiring, providing, bestowing the resources and the means or enabling the access to a control over such means and resources". The term empowerment has been emerged as a 'development buzzword. The empowerment is easy to 'intuit' but complex to define.

An empowered individual would be one who experiences a sense of self-confidence and self-worth; a person who critically analyzes his/her social and political environment; a person who is able to exercise control over decisions that affect his/her life". It is also a concept that does not merely concern personal identity but brings out a broader analysis of human rights and social justice<sup>2</sup>.

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<sup>1</sup>Retrieved

fromshodhganga.inflibnet.ac.in/jspui/bitstream/10603/161610/8/08\_chapter%203.pdfvisited on 16-4-2019

<sup>2</sup>Retrieved from

https://books.google.co.in/books?isbn=3658116331visited on 16-4-2019

As per the United National Development Fund for women (UNIFEM), the term women's empowerment means: Acquiring knowledge and understanding of gender relations and the ways in which these relations may be changed. Developing a sense of self-worth, a belief in one's ability to secure desired changes and the right to control one's life. Gaining the ability to generate choices exercise bargaining power.

Developing the ability to organize and influence the direction of social change, to create a more just social and economic order, nationally and internationally<sup>3</sup>.

### What is Women Empowerment? :

In spite of different acts and schemes of government to empower the women in the country, they are discriminated and marginalised at every level of the society, whether it is social participation, political participation, economic participation, access to education and also reproductive healthcare. The women's social justice enterprise and ambition therefore, is the involvement of governmental chain of lawyers and social revolutionary, accepting the law and canon to protest all forms of gender based injustice and violence against women and to expand women's avenue to the justice systematization as an integral apparatus to their empowerment<sup>4</sup>.

<sup>3</sup>Retrieved from

shodhganga.inflibnet.ac.in/bitstream/10603/8562/9/09\_chapter%204.pdfvisited on 16-4-2019

<sup>4</sup>Retrieved from

pib.nic.in/newsite/PrintRelease.aspx?relid=180603visited on 14-4-2019

Empowering social justice in terms of education certifies proficiency and self confidence crucial to take part in the full-fledged activity of development formation. It means making women attentive of their rights and establishing a firmness to counterclaim them.

A socio-economic and occupational justice implies a more appropriate aspect of material life by way of sustainable resources and income retained and managed by women. It means diminishing or rather lessening their monetary reliance on their male analogues by making them an important constituent of the human resourcefulness.

A legalized social justice conveys the furnishing of a productive judicial network which is contributory and assistant of women empowerment. It means consigning the discontinuity between what the law exemplifies and what in reality appears.

Socio-political justice means the existence of a political system favoring the participation and dominion by women in the political decision shaping channels as well as in administration and patronage.

The frame of reference of social justice concerns not only the prohibition of distinguishing forms of violence and unfairness against women but also embodies and incorporates all additional rights in general.

Social justice for women monopolizes in binding controversies in the high courts and supreme courts respectively for regulated and proficient improvement as well as the enrollment of management stratagem and women's appropriate legislation.

Improving or rather appreciating women's self esteem and worthiness.

Assembling women's ability through an introduction of social and development revenue by means of a proper coaching.

Operation of diverse bylaws for safeguarding women/children's emancipation and administering a stump of equality in general public is another way of ensuing social justice.

To confirm that women get due importance in reinforcement mechanism, women specific strategy, outlines and projects are executed by various departments through Women fundamental plans.

The social justice of women ensures the setting up of an ambience of communal and state women's authority for reassuring and supporting women's self-help assemblage.

To ensure social justice laws enveloping rights of women and children have been undertaken by the government with regard to distinct committed proposals such as pensions for

poor widows, shelter for women, admittance of mother's name compulsory in school affidavit etc<sup>5</sup>.

### Constitutional Provision :

The Indian Constitution has embodied within itself grounds for gender equality. The Fundamental Rights, Fundamental Duties and Directive Principles together work towards shaping policies and putting safeguards not just for women empowerment in India but also protection. Part III of the Constitution consisting of Articles 12-35 is the heart of the Constitution. Human Rights which are the entitlement of every man, woman and child because they are human beings have been made enforceable as constitutional or fundamental rights in India. The framers of the Constitution were conscious of the unequal treatment and discrimination meted out to the fairer sex from time immemorial and therefore included certain general as well as specific provisions for the upliftment of the status of women.

Justice Bhagwati in *Maneka Gandhi v. Union of India* (AIR 1978 SC 597) said:

"These fundamental rights represent the basic values cherished by the people of this country since the Vedic times and they are calculated to protect the dignity of the individual and create conditions in which every human being can develop his personality to the fullest extent."

Article 14 guarantees the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

Article 15 Prohibition of discrimination on grounds of religion, race, cast, sex, or place of birth.

Article 16 No citizens shall, on grounds only of religion, race, cast, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the state.

Article 21 states as follows: "No person except according to procedure established by law shall be deprived of his life or personal liberty. Fundamental right under Article 21 of the object personal liberty except according to procedure established by law is to prevent encroachment on and loss of life." - Anyone, including women, can seek protection under this.

Article 14 states as follows: This Article guarantees Right to Equality, "The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth." "Gender equality includes protection from sexual harassment and right to work with dignity which is a universally recognised basic human right.

<sup>5</sup>Retrieved from <https://womennow.in> > Inspirevisited on 17-4-2019

Article 19 states as follows: This gives the citizens (which include both women, men and third gender) the Right to Freedom, which among other things guarantees freedom of speech and expression, freedom of movement, freedom of practising trade and profession etc.

Article 23 prohibits trafficking in human beings and forced labour; Article 23 of the Constitution specifically prohibits traffic in human beings.

Article 32 states as follows: This Article gives the right to us to seek constitutional remedies through the Supreme Court of India for violation of Fundamental Rights<sup>6</sup>.

#### **Directive Principles of State policy :**

##### **Article 39**

The State shall, in particular, direct its policy towards securing -

Article 39(a) That equal means of livelihood for both men and women

Article 39(d) That there is equal pay for equal work for both men and women;

Article 39(e) that the health and strength of workers, men and women, and the tender age of children are not abused.

##### **Article 42**

Provision for just and humane conditions of work and maternity relief.

#### **Fundamental Duties**

Parts IV-A which consist of only one Article 51-A was added to the constitution by the 42nd Amendment, 1976. "It shall be the duty of every citizen of India to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religion, linguistic, regional or sectional diversities; to renounce practices derogatory to the dignity of women"

Article: 243 D Reservation of seats. (73rd Amendment - w.e.f. 1-6-1993)

Not less than one-third of the total number of seats Seats shall be reserved for for women belonging The Scheduled Castes; and The Scheduled Tribes, In every Panchayat or any other level<sup>7</sup>.

#### **Statutory Provisions :**

According to provisions under the Equal Remuneration Act, one cannot be discriminated on the basis of sex when it comes to salary or wages. Working women have the right to draw an equal salary.

In the event that an accused is a woman, any medical examination procedure on her must be performed by or in the presence of another woman.

<sup>6</sup>Retrieved from <https://www.facebook.com/sheroesindia/.../women-rights...india...protect...indian-cons...visited on 16-4-2019>

<sup>7</sup>Retrieved from <https://www.clearias.com/directive-principles-of-our-state-policy/visited on 16-4-2019>

The enactment of the Sexual Harassment of Women at Workplace Act gives you the right to file a complaint against sexual harassment. The law enables a sexually harassed woman employee can put in a written complaint to an Internal Complaints Committee (ICC) at a branch office within a period of 3 months as per the Sexual Harassment Act. This complaint further is taken up by the Local Complaints Committee (LCC) at a district level, ensuring investigations start regarding the same if a proper action has not been taken against the employer. The complaint can also be filed by any of the woman's legal heirs on her behalf or any other person who has a written permission given by her to make the complaint.

The act primarily looks to protect a wife, a female live-in partner or a woman living in a household like a mother or a sister from domestic violence at the hands of a husband, male live-in partner or relatives. She or anybody on her behalf can file a complaint.

Section 498 states that whoever, being the husband or the relative of the husband of a woman, subjects her to cruelty, shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine. The complaint registered against an offender makes it a non-bailable one, ensuring a woman's safety and provide protection from domestic abuse. The acts of violence are not limited to physical brutality, but also other forms of abuse like verbal, economic, emotional and sexual<sup>8</sup>.

Victims of sexual assault have a right to anonymity. To ensure that her privacy is protected, a woman who has been sexually assaulted may record her statement alone before the district magistrate when the case is under trial, or in the presence of a female police officer.

All female rape victims have the right to free legal aid, under the Legal Services Authorities Act. It is mandatory for the Station House Officer (SHO) to inform the Legal Services Authority, who arranges for the lawyer.

A woman cannot be arrested after sunset and before sunrise, except in an exceptional case on the orders of a first class magistrate. Further, the law states, "The police can interrogate a woman at her residence in the presence of a woman constable and family members or friends". A woman can also not be detained at night at the police station without legal permission.

If a woman is not in a position to physically go to a police station and file a complaint, there is a provision for virtual complaints where she can lodge a complaint via e-mail or write her complaint and send to a police station from a registered postal address. This provision leads to the SHO (Station House Officer) sending police to the complaint's place to record her.

<sup>8</sup>Retrieved from <https://sheroes.com/articles/women-rights-india/NzExNgvisited on 17-4-2019>

The depiction in any manner of the figure of a woman; her form or body or any part in such way as to have the effect of being indecent, or derogatory to, or denigrating women, or is likely to deprave, corrupt or injure the public morality or morals", is a punishable offense.

Section 354D of the IPC and legal action can be taken against an offender. It has been considered as a legal offense. Stalking has been defined by the law as, "To follow a woman and contact, or attempt to contact such woman to foster personal interaction repeatedly despite a clear indication of disinterest by such woman; or monitor the use by a woman of the internet, email or any other form of electronic communication."

The ruling by Supreme Court mentioned that a woman who is a victim can register her complaint at any police station under the Zero FIR ruling. The Zero FIR is an FIR that can be filed at any police station irrespective of the location where the incident occurred or a specific jurisdiction it comes under. So once that FIR is lodged and investigation and filling are done with a magistrate, it can be moved to the Police Station in whose jurisdiction the case falls under. This ruling was passed to save time that would impact a victim and also lead to an offender getting away scot-free.<sup>9</sup>

### Special Laws For Women Empowerment In India

Specific Laws enacted by the Parliament in order to fulfil Constitutional obligation of women empowerment:

- The equal Remuneration Act,1976
- The Dowry Prohibition Act,1961
- The Immoral Traffic(Prevention)Act,1956
- The Maternity Benefit Act,1961
- The Medical Termination of pregnancy Act,
- The Commission of Satti (Prevention) Act,
- The Prohibition of Child Marriage Act,2006<sup>10</sup>

### International Protection

India is a part to various International conventions and treaties which are committed to secure equal rights of women. One of the most important among them is the Convention on Elimination of all Forms of discrimination against women the Committee is mandated to :

- (a) Receive communications from individuals or groups of individuals submitting claims of violations of rights protected under the Convention to the Committee and
- (b) Initiate inquiries into situations of grave or systematic violations of women's rights. These procedures are optional and are only available where the State concerned has accepted them

The Convention explicitly acknowledges that "extensive discrimination against women continues to exist", and

<sup>9</sup>Retrived from <https://www.indiatoday.in/education-today/gk-current-affairs/story/11-women-righvisited on 17-4-2019>

<sup>10</sup>Retrived from [shodhganga.inflibnet.ac.in/bitstream/10603/3804/1/11\\_11\\_chapvisited on 16-4-2019](http://shodhganga.inflibnet.ac.in/bitstream/10603/3804/1/11_11_chapvisited on 16-4-2019)

emphasizes that such discrimination "violates the principles of equality of rights and respect for human dignity".

**Other important Instruments for women empowerment are :**

- The Mexico Plan of Action (1975),
- The Nairobi Forward Looking Strategies(1985),
- The Beijing Declaration as well as the Platform for Action (1995) and the outcome document adopted by UNGA session of gender Equality and Development& Peace for the 21<sup>st</sup>Century.All these have been whole heartedly endorsed by India for appropriate follow up.

These various national and International commitments ,Laws and policies notwithstanding women's situation on the ground have still not improved satisfactorily. Varied women problem still subsisting ;female infanticide is growing; dowry is still prevalent 'domestic violence against women is practiced; sexual harassment at workplace and other heinous crimes against women are on rise

### Recent Developments

National policy for empowerment of women envisaged at upliftment, development and empowerment in socio-economic and politico-cultural aspects, by creating in them awareness on various issues in relation to their empowerment and introduction of a gender perspective operational strategy. A few laws and legislations are enforced strictly for effective and proper implementation of this policy.

### Government Development

The National Commission for Women has in the last few years introduced several new bills in the parliament from time to time towards eradication of many social evils. Some of the significant enactments are mentioned here.

### The Hindu Widow Re-Marriage Act of 1856 :

In the traditions at Hindu society there was a ban on widow remarriage it was one of the most important evils from which women in the traditional Hindu society suffered a lot. This act allowed widow to remarry and section 5 of this Act ensured her to enjoy all the rights, which a married woman did.

### The Child Marriage Restraint Act of 1929 :

The practice of child marriage was another social evil from which women in traditional Hindu society suffered a lot. Age at marriage for girls was 9 or 10 and after passing this act the minimum marriageable age of women was fixed to 15 years. Later this age was increased up to 18 years.

### The Hindu Women's Right to Property Act of 1937 :

In the traditional society women had no property rights. In the eyes of law she was a minor or ward. This act recognized a widow of a deceased person as a surviving personality with the same right as his in the joint property. Thus, through this Act women in the Hindu society received the property right to a limited extent.

The Hindu Marriage Act of 1955 :

This Act has recognized the equal rights of men and women in the matters of marriage and divorce. Under the provision of this Act either the man or woman can present a

petition in a court of law for divorce, wife has got equal right to divorce husband.

#### **The Hindu Succession Act of 1956 :**

This Act recognized an equal right for women in the matter of inheritance of property. She can inherit the property of her father along with her brothers. She can also sell or mortgage the inherited property or use it for herself. For the first time absolute ownership was conferred to a woman through this Act.

#### **The suppression of Immoral Traffic in Women and Girls Act of 1956-57 :**

This Act aims to deal with the problem of prostitution and to promote the welfare of fallen women. Main objectives of this Act are to reduce the scope of prostitution and to reform prostitution under this Act. Every state is expected to set up protective home and to appoint women police and women social workers. In protective homes these fallen women will be given training in tailoring, toy and basket making and other crafts so that they may earn for their maintenance in proper way.

#### **The Dowry Prohibition Act 1961:**

The main objective of this Act is to abolish giving and taking dowry at the time of marriage. The term dowry refers to a valuable property or thing, which is determined by the parties to a marriage for a marriage. The practice of dowry had produced very bad effects. Dowry system, dowry cases have not been reduced. Still this Act makes some effort in bringing social change. The above mentioned are the important legislations, which brought an upward trend in the status of women in India<sup>11</sup>

#### **Conclusion:**

We all know that women are playing bigger role in economic field ,as workers, consumers, entrepreneurs, managers and investors. We can see women know in almost every field, architecture, medical and IT jobs etc.

They are increasingly seen matching in the fields which were previously reserved for males like police driver's army, pilots, commandos.

In spite of all this women still remain the world's most underutilized resources.

#### **Suggestions:**

As certain women get elected due to reservation in to the set up but their participation is Proxy participation and they act merely as the mouthpiece of the male members of the family. It should be properly checked and banned.

Giving training in the political process of the women

Training at the grass root level.

film maker, actor and musician, can also supports by starting a campaign, debates about women struggle in society, through shows on screen and through running some NGOs, no doubt some of the renounced actors like Amir, Farhan,Rahulbose etc. are working on these grounds but there is a strong need of more.

They should brought up issues like violence against women, female infanticide, and the growing apathy in society concerning these issues.

NGOs should work for poor women and provide them opportunities of self-employment to improve their social and economic status.

The role of the NGOs should be enhanced to generate awareness regarding the legal rights of the women. They can also provide loan facilities

NGOs should also help to cut down on the middlemen and ensure producers get a fair price for their work. They act as facilitators in this process.

NGOs should target and help women by providing credits as they have a history of being better re-payers of loan.

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<sup>11</sup>Retrived from<https://www.un.org/womenwatch/daw/cedaw/visited> on 17-4-2019