

Women equality: is it really exist in Indian society?

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Indian society made up of different religions and languages and every religion teaches us to treat women with respect and dignity. But in the Indian society there are many ill practices which harass women mentally and physically such as practice of dowry, pardapratha, female infanticide, sexual harassment at work place, domestic violence and other kinds of discriminatory practices. The reasons are many behind these practices but main reason can be accounted for the dominating nature of male in Indian society where women is considered subordinate to men from home to workplace.

In present era, we are talking about the women empowerment which aims on giving women strength and skills to rise above form the despairing situation and educate men regarding women issue which encourages them to respect women as equal to them. Now, the question arises does it really exist practically in India? This paper will focus on the various steps taken to improve the status of the women and how far it is successful to achieve the goal of equality. For this purpose, the literature will be reviewed and then understand and analyzed the concept of women status.

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Introduction

Women constitute almost 50% of the world's population but India has shown disproportionate sex ratio whereby female's population has been comparatively lower than males. As far as their social status is concerned, they are not treated as equal to men in all the places. In the Western societies, the women have got equal right and status with men in all walks of life. But gender disabilities and discriminations are found in India even today. The paradoxical situation has such that she was sometimes concerned as Goddess and at other times merely as slave

Constitution of India and women status

India's Constitution makers and our founding fathers were very determined to provide equal rights to both women and men. The Constitution of India is one of the finest equality documents in the world. It provides provisions to secure equality in general and gender equality in particular. Various articles in the Constitution safeguard women's rights by putting them at par with men socially, politically and economically.

The Preamble, the Fundamental Rights, DPSPs and other constitutional provisions provide several general and special safeguards to secure women's human rights.

Preamble

The Preamble to the Constitution of India assures justice, social, economic and political; equality of status and opportunity and dignity to the individual. Thus it treats both men and women equal².

Fundamental rights

The policy of women empowerment is well entrenched in the Fundamental Rights enshrined in our Constitution. For instance:

- Article 14 ensures to women the right to equality³.
- Article 15(1) specifically prohibits discrimination on the basis of sex⁴.

²INDIA CONST. PREAMBLE.

³INDIA CONST. art. 14.

- Article 15(3) empowers the State to take affirmative actions in favor of women⁵.
- Article 16 provides for equality of opportunity for all citizens in matters relating to employment or appointment to any office⁶.

These rights being fundamental rights are justiciable in court and the Government is obliged to follow the same.

Directive principles of state policy

Directive principles of State Policy also contains important provisions regarding women empowerment and it is the duty of the government to apply these principles while making laws or formulating any policy. Though these are not justiciable in the Court but these are essential for governance nonetheless. Some of them are:

- Article 39 (a) provides that the State to direct its policy towards securing for men and women equally the right to an adequate means of livelihood⁷.
- Article 39 (d) mandates equal pay for equal work for both men and women⁸.
- Article 42 provides that the State to make provision for securing just and humane conditions of work and for maternity relief⁹.

Fundamental duties

Fundamental duties are enshrined in Part IV-A of the Constitution and are positive duties for the people of India to follow. It also contains a duty related to women's rights:

Article 51 (A) (e) expects from the citizen of the country to promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of women¹⁰.

Other constitutional provisions

⁴INDIA CONST. art.15, cl. 1.

⁵INDIA CONST. art.15, cl. 3.

⁶INDIA CONST. art. 16.

⁷INDIA CONST. art.39, cl. a.

⁸INDIA CONST. art.39, cl. d.

⁹INDIA CONST. art. 42.

¹⁰INDIA CONST. art. 51A.

Through 73rd and 74th Constitutional Amendment of 1993, a very important political right has been given to a woman which is a landmark in the direction of women empowerment in India. With this amendment women were given 33.33 percent reservation in seats at different levels of elections in local governance i.e. at Panchayat, Block and Municipality elections.

Thus it can be seen that these Constitutional provisions are very empowering for women and the State is duty bound to apply these principles in taking policy decisions as well as in enacting laws.

Specific laws for women empowerment in india

Here is the list of some specific laws which were enacted by the Parliament in order to fulfill Constitutional obligation of women empowerment:

- **The equal remuneration act, 1976:**An act to provide for the payment of equal remuneration to men and women workers and for the prevention of discrimination, on the ground of sex, against women in the matter of employment and for matters connected therewith or incidental thereto.¹¹
- **The dowry prohibition act, 1961:**THE DOWRY PROHIBITION ACT, 1961, aptly prohibits the giving or taking of dowry¹².
- **The immoral traffic (prevention) act,1956:** The Immoral Traffic (Prevention) Act, 1956 is an Act which provides in pursuance of the International Convention signed at New York on the 9th day of May, 1950, for the prevention of immoral traffic. It protects women and children from forceful flesh trade¹³.
- **The maternity benefit act, 1961:** The objective behind the enactment of Maternity Benefit Act, 1961 (hereinafter the Act) was to regulate the employment of wom-

¹¹*Equal remuneration act, 1976*, LABOURGOV (Jan 06,2018, 10:28 A.M.), http://labour.gov.in/sites/default/files/equal_remuneration_act_1976_0.pdf.

¹²*Dowry Prohibition Act, 1961*, NCW (Jan 06, 2018, 10:31A.M.), http://ncw.nic.in/PDFFiles/Recommendations_and_suggestions_on_Amendments_to_the_DOWRY_PROHIBITION_ACT_1961.pdf.

¹³*The Immoral Traffic (Prevention) Act, 1956*, HRLN(Jan 06, 2018, 10:36 A.M.), <http://www.hrln.org/hrln/child-rights/laws-in-place/1715-the-immoral-traffic-prevention-act-1956.html>.

en for certain period before and after child-birth and to provide them maternity benefit¹⁴.

- **The medical termination of pregnancy act, 1971**:lays down the conditions under which a pregnancy can be terminated, the person or person who can perform such terminations, and the place where such terminations can be performed¹⁵.
- **The commission of sati (prevention) act, 1987**: An Act to provide for the more effective prevention of the commission of sati and its glorification and for matters connected therewith or incidental thereto¹⁶.
- **The pre-conception & pre-natal diagnostic techniques (regulation and prevention of misuse) act,1994**: Sex selection is a deep rooted problem in India. Families who discriminate against girl children prefer to abort the child before it is born. The boy child is preferred since he will carry on the family name, provides for the elders and is not a burden on the family at the time of marriage. In 1994 the Government of India in an attempt to stop female foeticide passed the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act¹⁷.
- **The sexual harassment of women at work place (prevention, protection and) act, 2013**:An Act to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto¹⁸.

Above mentioned and several other laws are there which not only provide specific legal rights to women but also gives them a sense of security and empowerment.

Women empowerment schemes¹⁹

1 BetiBachaoBetiPadhao Scheme

¹⁴*Maternity benefit act, 1961: an overview*, LAWFARM (Jan 06,2018, 10:38A.M.), <https://www.lawfarm.in/blogs/maternity-benefit-act-1961-an-overview>.

¹⁵*Summary – Chapter 2*, NOKOMIS (Jan 06, 2018, 10:45 A.M.), <http://elearning.nokomis.in/uploaddocuments/Legal%20Aspects%20of%20Healthcare/Chap%202%20Laws%20Pertaining%20To%20Health/Summary/Summary1.pdf%20chap%202.pdf>.

¹⁶*The Commission of Sati Prevention Act and Rules*, WCD (Jan 05, 2018, 10:49 A.M.),<http://www.wcd.nic.in/act/commission-sati-prevention-act-and-rules>.

¹⁷*Pre-natal Diagnostic Techniques Act, 1994*, CHILDLINEINDIA (Jan 06, 2018, 10:56 A.M.), <http://childlineindia.org.in/Pre-natal-Diagnostic-Techniques-Act-1994.htm>.

¹⁸*The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*, LAWMIN (Jan 06,2018, 10:59 A.M.)[http://lawmin.nic.in/ld/P-ACT/2013/The%20Sexual%20Harassment%20of%20Women%20at%20Workplace%20\(Prevention,%20Prohibition%20and%20Redressal\)%20Act,%202013.pdf](http://lawmin.nic.in/ld/P-ACT/2013/The%20Sexual%20Harassment%20of%20Women%20at%20Workplace%20(Prevention,%20Prohibition%20and%20Redressal)%20Act,%202013.pdf).

¹⁹*Women Empowerment Schemes*, WCD (Jan 05, 2018, 21:27P.M.) <http://www.wcd.nic.in/schemes-listing/2405>.

- 2 One Stop Centre Scheme
- 3 Women Helpline Scheme
- 4 UJJAWALA : A Comprehensive Scheme for Prevention of trafficking and Rescue, Rehabilitation and Re-integration of Victims of Trafficking and Commercial Sexual Exploitation
- 5 Working Women Hostel
- 6 Ministry approves new projects under Ujjawala Scheme and continues existing projects
- 7 SWADHAR Greh (A Scheme for Women in Difficult Circumstances)
- 8 Support to Training and Employment Programme for Women (STEP)
- 9 NARI SHAKTI PURASKAR
- 10 Awardees of Stree Shakti Puruskar, 2014 & Awardees of Nari Shakti Puruskar
- 11 Awardees of Rajya Mahila Samman & Zila Mahila Samman
- 12 Mahila police Volunteers
- 13 Mahila E-Haat
- 14 Mahila Shakti Kendras (MSK)

Conclusion

In conclusion, it can be said that women in India have many laws in favour such as Constitutional and other legal provisions and also the aid of Government's various welfare schemes which are trying to empower the women in India. Apart from this, their participation in employment- government as well as private, in socio-political activities of the nation and also their presence at the highest decision making bodies is improving day by day. However, the goal of equality is far away and the real problem lies in the male-dominated system of our society which considers women as subordinate to men. The need of us is to educate at primary level both boys and girls about the equality in order to stop the discriminatory practices for the long run.