

**ABSTRACT:**

Women account to almost one half of the world's population having enormous potential but being underutilized or unutilized for the multifold development of the nation. Males and females are two pillars on which progression of life is possible. Every civilized society has essentially accepted the importance of equality of sexes has, therefore moved towards making affirmative provisions against gender discrimination. But in spite of the enactment of these provisions, equality between men and women continues to be a goal yet to be achieved. The reason for such a wide gap between the ideal and the practice is not only due to historical reasons but mainly because of the attitude of inferiority and bondage. Historical facts state that at the time of matriarchal families, it is a known assertion that women were physically stronger than men. But, menstruation, pregnancy and child birth have reduced her physical strength and she often depends on men for food and protection. Later, matriarchal families have changed to patriarchal families; and polygamy was introduced. But still that time women enjoyed a highly respectable place in the society. Undoubtedly, the position of women during the Vedic period was glorious on account of freedom and equality accorded to them. During this period, women participated in every walk of life. Women studied in Gurukuls and enjoyed liberty in every sphere. Some great women like Apala, Visvara, Yamini, Gargi, and Ghosa stole the lime light and become front runners in society. They acquired efficiency in art, music and even warfare.

There are more than thirty women female rishis. Spoken of in the rig Veda with hymns in dictating the podium given to them in Vedic society Man could not become spiritual, unless he was accompanied by his wife. If husband was away on a journey, the wife alone performed the various sacrifices, which the couple had offered jointly. During the Post-Vedic era, certain limitations and restrictions were asserted by Manu on the rights and privileges of women and certainly the status of women suffered and they were confined to four walls of their houses. The birth of a girl was treated as a catastrophe for the family. Girls were denied access to education. They were not allowed to undergo the thread ceremony (Upanayana Sanskara). During this period, pre-puberty marriage system was organized, thus the marriageable age of girls was lowered to 9 or 10 years. The position and spite of women can be traced from the classic Hindu doctrine of 'manu-smriti' as a basis of

humanism then existent, describes the duties of women as: "By a girl, by a young woman, or even by an aged one, nothing must be done independently even in her own house. In childhood a female must be subject to her father, in youth her father, in youth her husband, when her lord is dead her sons; If she has no sons upon the near kinsmen of her husband: in default, upon those of her father; if she has no parental kinsmen, upon sovereign; a woman must never give herself as she likes". She should never enjoy independence. The Laws of Manu stated that women were created to be forbears of children and that they may perform religious rites only alongside with their husbands. Both Buddhism and Jainism are considered to be the implied branches of Hinduism in the Indian legal ambit however they vary to a marginal extent. They were ascetic religions; therefore, they have not devoted much attention to the duties and ideals of law. The founders and leaders of both these movements turning into religion shared the indifference to or contempt of womanhood. The Buddha was reluctant to admit women to his Church and the Digambara Jain hold that women can never get salvation except, by first being reborn as man. But Buddhism did not subscribe to this dharma. The Holy Quran relives mankind from the disgrace and provided higher and honorable place to women in the name of human dignity.

"Woman is an incarnation of 'Shakti'—the Goddess of Power. If she is bestowed with education, India's strength will double. Let the campaign of 'Kanya Kelavni' be spread in every home; let the lamp of educating daughters be lit up in every heart" says Narendra Modi. Based on the ideas championed by our founding fathers for women empowerment, many social, economic and political provisions were incorporated in the Indian Constitution which consequentially has resulted in Women participating in areas such as education, sports, politics, media, art and culture, service sector and science and technology. But due to the deep-rooted patriarchal mentality and stigmatizations in the Indian society, women are still victimized, humiliated, tortured and exploited. Even after almost seven decades of Independence, women are still subjected to discrimination in the social, economic and educational front. Various parameters have been laid down for empowering women over a classic period of time. United Nations Population Fund (UNFPA) has identified the following four parameters for empowering women and raising the bar in their ordinary life:—Empowering

women through education, Women's work and economic empowerment, Political empowerment, Empowerment throughout life. Several many committees and commissions have contributed in addressing the problems caused by subjugation and recommending probable solutions towards it, some of which majorly could be quoted as, Durga Bai Desh Mukh Committee on Education of Women 1959, Committee on Status of Women towards Equality, 1974, Rural Women and Mahatma Gandhi National Rural Employment Guarantee Act, 2005. Also the National Commission Women was constituted in 1990 which enabled establishment of SCWs (state) to review the Constitutional and legal safeguards for women; recommend remedial legislative measures, facilitate the redress of grievances and advise the Government on all policy matters affecting women. The Chief architect of the Constitution of India Dr. B.R. Ambedkar and all national leaders not only recognized the unequal status of women and therefore saw to it that women got equal rights. The preamble is the touch-stone to the Constitution. The Preamble solemnly resolves to secure, social, economic and political justice, liberty, equality and dignity to every person, man or woman. Indeed, this classic declaration is the trust of the people collectively with their own great destiny.

The fundamental rights are incorporated in Part III of the Constitution which is deemed to be a distinguishing feature of a democratic state. Article 14 of the Constitution of India confers on men and women equal rights and opportunities in political, economic and social spheres as it permits reasonable classification based on intelligible differentia and a rational nexus with the object sought to be achieved by the act or legislation. Article 15(3) is an exception to the rule against discrimination as provided by clause (1) and as clause (2). Therefore, the provision of maternity relief for women worker in Article 42 is not in contravention. Article 16 of the Constitution of India explicitly mentions equality of opportunities for all and prohibits the discrimination against women. Article 16(1) provides equality of opportunity in matter relating to employment or appointment to any office under the State. Article 16(2) provide specific ground on which citizen are not to be discriminated against each other in matter of opportunity and office under the State. In *Air India Cabin Crew Association v. Yeshaswnee Merchant*, the Court justified a special retirement age of fifty for air hostesses, using the 'but for' test. Also the leading case of *C.B. Muthamma, IFS v. Union of India*, the service rules, and 1961 discriminated against married women in service.

Life and liberty in Article 21 have a humane connotation as has been expounded explicitly by the Supreme Court. In the *Bandhua Mukti Morcha v. Union*

of India, the Court ruled that right to live with human dignity enshrined in Article 21 derives its life breath from the Directive Principles of State Policy. The Supreme Court in, *Vishakhav. State of Rajasthan* held that each incident of sexual harassment of women at the work place is a violation of right to life under Article 21. Article 23 of the Constitution provides for prohibition of increased traffic in human being and forced labor. "Traffic in human being means selling and buying men and women like goods and includes immoral traffic in women and children for immoral" or other purpose. Traffic in human beings means trade in human beings and include devdasi. The ban against traffic in human beings is absolute. Section 2(a) of the Immoral Traffic (Prevention) Act, 1956 defines "brothel" to mean any house, room, conveyance or place or any portion of any house, room, conveyance as place which is used for purpose of sexual exploitation or abuse for the gain of another person or prostitutes. Equal pay for equal work is one of the Directive Principles enshrine in Part IV of the Constitution. Article 39(d) of the Constitution provides that "the State, in particular, directs its policy towards securing that there is equal pay for equal work for both men and women. Article 51(A) (e) seeks to renounce practices derogatory to the dignity of women. This provision seeks to do away with medieval feudal practices like Sati, child marriage and dowry. The Constitution (Seventy Third Amendment) Act, 1992 It is entitled as 'The Panchayats' and consists of provisions from Articles 243 to 243 O. In addition, the Act has also added a new Eleventh Schedule to the Constitution. This Schedule contains 29 fundamental items of the Panchayats. 243(D) prescribes provision for the Reservation of Seats: (1) Seats shall be reserved for SC and ST. 243 (D) (2) reads as "Not less than one third of the total number of seats reserved under Clause (1) shall be reserved for women belonging to the scheduled cases or as the case may be the scheduled tribe". The Constitution (Seventy-Fourth Amendment) Act, 1992 provides for Reservation of Seats in Municipalities (Article 243 T) says that Not less than one-third of the total number of seats reserved under clause(1) shall be reserved for women belonging to scheduled castes, or as the case may be, the scheduled tribes, also, not less than one-third (including the number of seats reserved for women belonging to scheduled castes and scheduled tribes) of the total number of seats to be filled by direct election in every municipality shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Municipality.

The 108th Amending Bill of the Constitution, better known as the Women's Reservation Bill mandating one third reservation in favor of women, avowedly for ensuring their adequate representation in highest/legislative/deliberately body at federal/state

level and thereby empowering women has been passed in the Rajya Sabha with just one vote against it. In his speech delivered by Justice Lahotia on the occasion of the release of the book "Search for a Vision Statement on Women Empowerment vis-a-vis Legislation and Judicial Decisions" prepared by the Indian Trust for Innovation and Social Change and published by the National Commission for Women suggested the following principles to be kept in mind by the judges to achieve the goal of gender justice: (1) Be informed of the historical and cultural background in which the women have lived over the ages and understand their feelings and have regard to their needs as a class;(2) because the women are weaker sections of the society, strike a balance in your approach in dealing with any issue related to gender, or where a woman is victim, in such a way, that the weaker are not only treated as equals but also feel confident that they are equals;(3) Treat women with dignity and honor and inculcate confidence in them by your conduct, behavior and ideology whenever they come to you as victims or seekers of justice; (4) Do not allow them to be harassed and certainly do not do anything yourselves which may amount to harassment of a woman; and (5) make efforts to render a woman victim quick, speedy, cheaper and effective justice—true to its meaning. It may be suggested that mere benevolent legislative reforms for the upliftment of women will not be sufficient. There should be the change in the outlook of the common man.

This change is possible only through proper and effective education. The state must come forward to encourage the remarriage of divorcees and victims of rape in order to accommodate them in the society equally. The person who gets married with a divorcee and the rape victim must be awarded, if not, shall be acknowledged by positive media allocation and not by negative publicity. The Government must provide or organize the awareness camps about free legal aid. It must be done much more frequently at the local level. At the grassroots level, the legal education shall be imparted and a curriculum shall be introduced in the schools, colleges and university diverting attention to problem faced by women and girls in the country and how to deal with these effectively by resorting to legislative provisions. This will enhance the knowledge and awakened students against the evils of the society they are a part of. There is a need to reserve some posts for women in government services as well as in public and private undertakings. Further they should get preference and facilities in the matters of education. Women working as house wives, the value of their work must be assessed and rewarded by men. The house hold work must be evaluated as worthwhile. There is the need of the day to inculcate awakening of the collective consciousness. Women must get all the opportunities to all round development.

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