

Sustainable Social Protection : Women Empowerment Across India

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Abstract:

In the Present scenario of the world population it is to be considered that women represent around fifty percent of world population but receive ten percent of the world income and own less than one percentage of world property. so it very much imperative to improve status of women. It is been rightly said by APJ. Abdul Kalam, Former President of India that ‘Empowering women are a pre requisite for creating a good nation, to assure stability in the nation empowerment of the women is indispensable. If the status of the women is improved it will lead to the development towards good family, good society, and good nation. Women empowerment means the process of empowering the females of society by allowing them to have the power of decision-making in all spheres like education, income, or choosing their partners. Women empowerment does not mean that other individual in the society will go powerless or have no power but it is to understand that if a women is empowered her competency towards decision making will surely influence her family’s and her surroundings. This paper discusses whether the concept of women empowerment is a myth or a reality in the Indian context as it focuses on all aspects of women in area of social, political, science and technology, legal and psychological empowerment of women.

Keywords: Women, Empowerment, Supreme Court Cases, Indian Society, Education, Legal Awareness.

Introduction

India is considered to be male dominant society where women were deprived with their basic right and equity under social structure. Most of women where dependent on male for survival due to lack of education, powerless, no share in parent property, lack in medical care which lead women into vulnerable position by making men superior and leaving way for crimes to galore. Hence it is very much essential to empower women in all aspect to yield broad based benefits and ensure equality in opportunity for all.

Women empowerment constitutes the process of empowering women so that they take part in the decision-making in all social spheres like the economy, their own finance and family life¹. Women empowerment allows women to ensure that they can earn their own income, and have the choice of selecting their own partners. Empowerment is mainly the creation of power within individuals over their society, lives and communities². The empowerment is given to women by raising their status in the society through awareness, education, training and literacy. However, gender disparity exists in various forms within India like the lowering of female to male ratio in the previous few decades. The other types of gender inequality

¹Bhat, R.A., 2015. Role of Education in the Empowement of Women in India. *Journal of Education and Practice*, 6(10), pp.188-191.

²Kapila, M., Singla, A. and Gupta, M.L., 2016, June. Impact of microcredit on women empowerment in India: An empirical study of Punjab state. In *Proceedings of the World Congress on Engineering* (Vol. 2).

that are present in India consists of social stereotyping of women, domestic violence, the difference in terms of wage, and commoditisation of women in the society³. Also, the underlying causes for the inequality of women consist of social structure, informal practices and norms.

In India, the societal problems also occur for women of backward classes mainly from the scheduled castes and tribes, and also, the people who are from the economically backward sections of the society. The Indian constitution is found to have a unique approach towards women empowerment by considering its fundamental rights of citizens, preamble and directive principles. The government of India adopts certain essential measure to eradicate discrimination among the gender which is been implemented within the framework of a democratic polity, our laws, development policies, plans and programmes have aimed to women's advancement in different spheres. The issue of empowerment of women and endangering the development objective moved centre stage with the global paradigm shift from growth oriented to a human development approach. In the recent years, the empowerment of women has been recognised as the central issue in determining the status of women.

Social, Economic , Political Empowerment of women

Nobel prize winner Prof Amartya sen emphasized during his trip to India, that why it is essential for India to improve status of women, he stated that unless of women is been ameliorated in the field of health ,education, and population growth of developing nation will remain stagnant. Moreover in India we find gender inequalities so this need to be reduced and women should be allowed to participate in the nation development. Women empowerment defines the process considered for raising the position of women through providing proper education and equal position in society⁴. Offering equal rights to education and employment assists in securing their socio-economic condition.

India has seen many women raising high towards excellence Pratibha Devsingh Patil has been the President of India , lok sabha has 59 women MPs and Agatha sangama the youngest minister of the country. The Lok sabha has elected its first women speaker meira kumar. Indira Gandhi, the first women prime minister of India. Indira nooyi, chairperson and CEO of pepsi co is the fourth powerful woman in the world. Kiran Majumdar shaw is the undisputed corporate queen of India of biocon India and richest Indian women. other than that vidhya mohan chhabaria chairman of Jumbo group, Naina lal kidwai, vice chairperson and managing Director of HSBC securities and capital market Sullaijja Firodia Motwani and Mallika Srinivasam. Dr kiran Bedi was the first female recruit to join the Indian Police service in 1972. Kalpana chawala who was first of member Colombia space shuttle following on her footsteps was another woman of Indian origin is Sunita Williams. Than we have Mother Teresa opened various homes for the poor the most famous of which is 'Nirmal Hriday' and Dr vandana shiva set up her Research Foundation for science, technology and Natural Resources policy in her home town of Dehra dun.

Despite of progresses made by the women effort were made by the government in taking necessary steps and measures. The government of India has passed the National Policy for Women's Empowerment within 2001 with the aim of strengthening the position of women in society. The Women's Commission has been set up to protect the legal rights of women in 1990. The prime goal of this policy is to protect women from

³Bhat, R.A., 2015. Role of Education in the Empowement of Women in India. *Journal of Education and Practice*, 6(10), pp.188-191.

⁴Sharma, P. and Varma, S.K., 2016. Women empowerment through entrepreneurial activities of Self Help Groups. *Indian Research Journal of extension education*, 8(1), pp.46-51.

physical and social abuses⁵. The necessity of promoting the rights of the girl child has encouraged the Indian government to introduce The National Plan of Action (1991-2000) that focuses on protecting girl child from sexual abuse and domestic violence. Inclusion of this plan has supported the government to share equal educational facilities to the girl child. The Equal Remuneration Act (1973) has supported in sharing equal employment facilities to women in the professional area. Following the fair payment cycle assists in avoiding the discrimination faced by women in the professional field. Consideration of the Maternity Benefit Act (1961) has enabled pregnant women to get the medical bonus from the employer. Effective implementation of this policy has enabled women to get paid leave from three-six months. The Indian Parliament has also introduced The Protection of Women from Domestic Violence Act (2005) that helps in controlling physical abuse faced by women in the household. It helps in protecting women from the threat of verbal, physical and emotional abuses. On the other hand, Sexual Harassment of Women at Workplace Act (2013) has also been introduced that benefits in protecting women for sexual assault in the workplace area. The sense of workplace security is beneficial to retain the involvement of female staffs that support in developing their professional career effectively⁶. The Special Marriage Act (1954) mentions about the social security and monetary facilities that need to be provided to married women⁷. Enactment of this law has supported in offering monetary facilities to women even after divorce. The Indian government has taken other initiatives to offer equal rights and facilities to women. The Ministry of Women and Child Development in India has launched “Mahila-E-Haat” program in 2016 that helps aspiring women entrepreneurs to gain financial support for proceeding with their start-up business plan⁸. The government of India has also introduced “BetiBacahaoBetiPadao” plan in 2015 that aims at propagating education of girl child. Considering the program of “Mahila Shakti Kendra” has enabled the government to offer rural women the opportunities of digital literacy, nutrition and skill development. The community engagement program has been launched to promote skill development activities that need to be done by the women⁹. The scheme of Support to Training and Employment Programme for Women (STEP) has been initiated to promote the professional skill of women entrepreneurs. Attending this training program supports in improving the inherent skill of women that facilitates their scope of employment. The Indian government has also thought about launching “Working Women Hostels” program that focuses on providing accommodation to the working women belonging from distinct locations. Considering these initiatives has enabled the Indian government to strengthen the socio-economic position of women extensively.

Crime against women and Leading cases:

1. The case that proves that India is taking steps to foster societal women empowerment is the case of Lata Singh v. State of Uttar Pradesh, which was mainly an inter-caste marriage where Lata left her

⁵ Calvi, R., Lewbel, A. and Tommasi, D., 2017. LATE with mismeasured or misspecified treatment: An application to Women's Empowerment within India. In *ECARES Working Paper 2017-27*.

⁶ Paramanandam, D.A. and Packirisamy, P., 2015. An empirical study on the impact of micro enterprises on women empowerment. *Journal of Enterprising Communities: People and Places in the Global Economy*.

⁷ Jyothi, C. and Nath, C.R., 2015. Women Empowerment through Self-Help Groups. *Trends, Challenges & Innovations in Management-Volume II*, p.258.

⁸ Shetty, S. and Hans, V., 2015. Role of education in women empowerment and development: Issues and impact. *Role of Education in Women Empowerment and Development: Issues and Impact (September 26, 2015)*.

⁹ Donta, B., Nair, S., Begum, S. and Prakasam, C.P., 2016. Association of domestic violence from husband and women empowerment in slum community, Mumbai. *Journal of interpersonal violence*, 31(12), pp.2227-2239.

family to marry a man from a lower caste¹⁰. Lata's brothers, being unhappy with this alliance, had filed the report of a missing person citing Lata's abduction, which had led to the arrest of three members from the family of her husband. In order to drop the charges, Lata had given a petition, which made the Supreme Court to provide a landmark judgment that an adult woman can live with anyone or marry any individual of her choice. This has led to the women empowerment providing the women to choose their own partner. It has also been ordered by the court that the police are required to initiate criminal action against people who decide to commit violence for inter-religious and inter-caste marriages.

The writ petition of this case was from Article 32 Indian constitution is filed with request for issuing the mandamus or writ of certiorari in relation to removing the Session Trial No. 1201 in the year 2001 under section 368 and 366 within Indian Penal Code for abduction due to the FIR No. 336 in the year 2000 registered in the Sarojini Nagar Police Station. The case facts are that a petitioner who was young woman who was 27 years old, a graduate, and was pursuing her Masters in Hindi from the University of Lucknow. After her parents' demise, she continued to live with her brother whose name was Ajay Pratap Singh in Kanpur Road, LDA Colony, Lucknow from where she had completed her graduation and her intermediate. It was alleged in the petition that she left her house on 2nd November 2000 at her own will for getting married to Bramha Nand Gupta at Arya Samaj Mandir who is a businessman of Delhi, and she had to undergo this marriage because she had born a child out of this wedlock¹¹. It is also alleged in the petition that the brothers of the petitioner were very upset at the petitioner's behaviour due to the inter-caste marriage, which had led them to go to her husband's house and show violence to her husband's mother and uncle. It had also let them throw their utensils and furniture out of their house, and locking them in¹². It has also been alleged that the petitioner's brother had tortured her husband's brother by taking illegal possession of their field and selling the crops and the fake missing complaint was also lodged in the police station of kidnapping, which led to the arrest of many members of her husband's family. It was also alleged that the petitioner's husband had also taken possession of her husband's shop at Badan Singh Market, and renamed it as the Gupta Helmet Shop forcibly.

It is also alleged that the brother's of the petitioner had threatened to the murder of petitioner's relatives and husband and to kidnap and kill her as well. The members of the Gupta family were also afraid to go to Lucknow for the threatening of violence by her brother's families, which are mainly of criminal nature. It is also alleged that the petitioner's relatives and husband are falsely framed by her brothers Sashi Pratap Singh, Anand Pratap Singh and Ajay Pratap Singh who were upset about her inter-caste marriage with her husband, Brahma Nand Gupta. It is also stated by the petitioner that the petitioner's brother had not filed any case against them for marrying their sister, and filed only the case of kidnapping, which had further ruined their life. She also produced a copy of the statement that she filed to the Rajasthan's Women Commission in Jaipur for the protection of her husband alleging danger to his life from her brother.

It has also appeared that the petition of protest was filed against the last police report that the allegation of the petitioner was in a mentally unfit state. Nevertheless, after the final complaint, a medical examination of the petitioner had taken place by the medical board in the psychiatric hospital, and the women's in-laws

¹⁰ Indiankanoon.org. 2020. *Lata Singh Vs State Of U.P. & Another On 7 July, 2006*. [online] Available at: <<https://indiankanoon.org/doc/1364215/>> [Accessed 18 April 2020].

¹¹ Rao, N., 2017. Assets, agency and legitimacy: Towards a relational understanding of gender equality policy and practice. *World development*, 95, pp.43-54.

¹² Jha, P. and Nagar, N., 2015. A study of gender inequality in India. *The International Journal of Indian Psychology*, 2(3), pp.46-53.

suffered due to the marriage from her brothers. Therefore, the Supreme Court ruled the case in favour of the petitioner and initiated that such criminal offence by any woman's birth-family against her in-laws only due to inter-caste marriage needs to be reduced by stringent action.

1. The Rape case of Unnao has actually referred to the a girl's gang rape who was 17 years old on the 4th June of 2017 in the Uttar Pradesh in India. On the 16th December of 2019, the politician Kuldeep Singh Sengar was stated to be the convict and on 20th December; he got a life-imprisonment sentence. Moreover, Sengar was also found to be guilty of the death of the father of the girl in judicial custody¹³. Two separate charge-sheets have been filed within the case, where it has been found that the first charge was filed by the CBI on 11th July in 2018, which accused Senegal, who was a previous leader of BJP, and also a Legislative Assembly Member or MLA of Uttar Pradesh.

The second chargesheet was filed after accusation of Sengar, along with his brother, five individuals and three policemen for framing the father of the girl as convict. It has also been alleged that the survivor of the rape had tried to burn herself within the house of Yogi Adityanath, the CM of UP on 8th April 2018. During that time, her father had died in the judicial custody after a few days, and the incidents came to public attention, and it was also reported several times on the national media on April 2018.

The incident that occurred in the case consisted of the fact that the victim got influenced by a woman called Shashi Singh, whose son, Shubham Singh, along with her daughter, Nidhi Singh had moved inside Kanpur for securing employment. On 11th June 2017, she accompanied Shubham Singh, and she was also raped several times by driver, Awdhesh Tiwari and him. She had also alleged that she was assaulted by individuals unknown to her, and she was also sold to a person named Brajesh Yadav for Rs 60,000¹⁴. According to the FIR or First Information Report, a suit was registered in Section 366 and 363 for the Indian Penal Code (IPC) on 20th June 2017 against Shubham Singh, and Awdesh Tiwari. Just after one day, the UP police had located the victim in a village of Auraiya, and sent the girl for a medical check-up. On 22nd June 2017, she had recorded her statement before a Judicial Magistrate under the Section 164 of the Criminal Procedure Code (CrPC). In her statement, she had stated the incident and blamed Awdesh Tiwari, Shubham Singh and Brijesh Yadav as well as other unknown people for gang rape and abduction¹⁵. The case helped in understanding how the concept of women empowerment is still a myth in the Indian context because it is found from the case that the people who are politically connected get extra privilege in the police station than a woman. Such an incident led to severe protests from the media, which had helped in understanding that the girl was abducted and raped by the son and the driver of a BJP MLA in a car. After the incident, the girl's father was also arrested for illegally possessing a gun, and also, no action was taken for his complaint that the elder brother of the accused had violently beaten him. The accused was also tortured inside the police station in judicial custody, where he died the following day. Such a situation had led to the decision to probe the incident from inside the police station, and five police officers in connection with the case have been suspended after the incident had taken place¹⁶. After that, the Supreme Court had decided to intervene within the case in terms of a written letter by the victim's family and the victim to the Chief Justice of India due to the threats that were received. The Supreme

¹³ Indiankanoon.org. 2020. *Sunauvvar Vs State Of U.P. On 9 February, 2017*. [online] Available at: <<https://indiankanoon.org/doc/121209362/>> [Accessed 18 April 2020].

¹⁴ Pathak, M.K., Jha, S.S. and Rai, S., 2018. A case reported under POCSO act and murder. *Journal of Punjab Academy of Forensic Medicine & Toxicology*, 18(2), pp.87-93.

¹⁵ Shukla, M.S., 2019. Sexual violence against women: An Indian perspective. *Journal of the Gujarat Research Society*, 21(8s), pp.828-836.

¹⁶ Gupta, A., 2018. Decoding 'Deterrence': A Critique of the Criminal Law (Amendment) Act, 2018. *ILI Law Review (Summer Issue)*.

Court had also appointed Dharmesh Sharma, who is a District Judge for holding the trial of four cases that is related to Unnao rape.

The bench of Chief Justice of India had transferred the case into the hands of CBI for avoiding evidence tampering, and in the suo moto of proceedings based on the letter by the Unnao family, the survivor who had sought protection has been done by intimidation of the accused¹⁷. The court has also asked the CBI for the completion of the probe in road crash within two weeks, where the UP government has ordered in giving Rs 25 lakh as compensation to the survivor, and it is also stated that the survivor, her lawyer and her family is required to be provided police security.

The case has blatantly portrayed how women empowerment is curtailed in India because it openly shows the method by which a politically connected person is shown privilege, and the girl was victimised during the initial stage¹⁸. When a woman suffers from the torture of sexual abuse, it has been found that the victim takes a lot of courage to file an FIR in the police station. When the police further aggravate the torture of the victim, it becomes more unbearable, and the woman often finds lack of judgment in the whole system. The picture came in front of the media only when the girl wanted to immolate herself in front of the CM office in protest of the crime and the issue.

Legal issues and challenges:

Prejudiced nature of society has created a problem in bringing cases of abuse faced by women in India. Rigid social norms lower the scope of protecting the rights of victims living in rural areas. The unsupportive attitude of parents creates an issue for the female to protect their legal rights¹⁹. The fear of criticism also resists women from sharing the abusive incidents faced in a domestic setting. The patriarchal culture of society has created an issue in getting justice for women. Prejudiced nature of family members creates a problem for the women to bring their issues in court for legal justice. The reluctant attitude of the police official creates an issue for the women to file a legal case against the family members. Keen observation of the case scenario of Lata Singh has helped in detaining about the issues faced by the women to take legal action against the brothers who have abused her husband for their inter-caste marriage. Poor investigation of the police officials has resulted in the arrest of three-member from Lata's in-house's family. Lack of investigation from police officials has enabled her family members to file a legal complaint about her sudden abduction²⁰. The lengthy process of the petition has created a problem for Lata to take drastic legal against the bothers who have physically assaulted her husband. Poor understanding of the functioning of the Indian legal system also creates a problem for the women to get an idea about their legal rights.

Lack of awareness program lowers the scope of sharing valuable information to the women regarding the legal policies that have been considered for securing their position. The case of Unnao rape survivor has explained the delay in the legal process that has created a problem in getting justice in favour of the victim²¹. Lack of investigation by the police officials has led to keep the survivor's father in custody for the prolonged time where he finally died. Delay in justice has made the victim vulnerable, and she tries to

¹⁷ Dutta, N., 2019. 16 Rape victims, representation and resistance in India. *Re-writing Women as Victims: From Theory to Practice*.

¹⁸ Jassal, N. and Chhibber, P., 2019. India in 2018: crises of institutional legitimacy and gender. *Asian Survey*, 59(1), pp.85-97.

¹⁹ Batra, R. and Reio Jr, T.G., 2016. Gender inequality issues in India. *Advances in Developing Human Resources*, 18(1), pp.88-101.

²⁰ Agénor, P.R., Mares, J. and Sorsa, P., 2015. Gender Equality and Economic Growth in India.

²¹ Scott, K., George, A.S., Harvey, S.A., Mondal, S., Patel, G. and Sheikh, K., 2017. Negotiating power relations, gender equality, and collective agency: are village health committees transformative social spaces in northern India?. *International journal for equity in health*, 16(1), p.84.

immolate herself. Lack of evidence has also created a problem in deriving proper justice in this legal case. The political influence of the offender has lowered the chances of bringing the case in fast track court that would have helped in gaining legal justice in a relatively less timespan. Considering these two case examples has helped in addressing the fact that social convention has generated issue in protecting the position of women in India. The convention on the Elimination of all Discriminations Against Women (CEDAW) has declared that the issue of discrimination still threatens the position of women in society²². Article 5 of CEDAW has mentioned about the initiative of state parties that need to be considered to take proper action against the violent activities faced by women in society. Inclusion of strict legal action is essential to deal with the legal problems that create an issue for the women to secure their position in Indian society.

Conclusion:

Presently women have achieved positions in politics, police, public administration and government of India in the constitution has mentioned gender-equality and administered five-year plan to increase the women's social position, yet it has been found that women are subjected to sexual violence, rape, gender pay gap and in terms of choosing their partners. so despite of positive momentum, the pace of progress in safety of women and her protection remains inadequate. Empowerment of a women can be achieved through Education and when women realise the strength of laws conferred on them and believe and practice to strengthen their personalities. The need of time is, women should themselves fight with courage, determination and cooperation without losing the virtues of human dignity and honour

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²²Leach, M. ed., 2015. *Gender equality and sustainable development*. Routledge.

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