



Importance of Legal Empowerment of Women

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Empowerment, Women, Legal Empowerment, Constitutional provisions, Legal aspects.

PRATIBHA J.MISHRA

Head, Department of Social Work, Guru Ghassidas Vishwavidyalaya Bilaspur.

ABSTRACT According to UN Human Development report the human development paradigm contains four main components-productivity equity sustainability and empowerment. Through enhanced capabilities, the creativity and productivity of people must be increased so that they become effective agents of growth. Economic growth must be combined with equitable distribution its benefits. Equitable opportunities must be available both to present and to future generations. And all people, women and men, must be empowered to participate in design and implementation of key decisions that shaped their lives. Human Development is impossible without gender equality. As long as women are excluded from the development process, development will remain weak and lopsided.

Empowerment is widely used word but seldom defined. Long before it became popular, women were discussing about gaining control over their lives & participate in decision-making. The word empowerment captures this sense of gaining control, of participation, of decision-making. More recently the word empowerment has entered the vocabulary of government NGOs international development agencies and United Nations.

Empowerment is a process aimed at changing the nature and direction of systematic forces, which marginalize women and other disadvantaged section in a given context. Empowerment is also visualized as enabling process. It implies fundamental redistribution of power within and between families/societies and an externally induced process or mechanism of change to words women's equality and development.

Empowerment is a process and is not, therefore something that can be given to people. The process of empowerment is both individual self-assertion to collective resistance, protest and mobilization that challenge basic power relations. For individuals and groups where class, caste ethnicity and gender determine their access to resources and power, their empowerment begins when they not only recognize the systematic forces that oppress them but act to change existing power relationships.

Introduction

FACTS RELATED TO WOMEN

Only 52% of women in India make decisions about their own health.

In India, one woman dies every five minutes from a pregnancy related cause.

Regardless of Caste class or age, most Indian women are solely responsible & accountable for invisible & unpaid work with in their homes/households.

Women spend ten times more time on household work than men do.

Men spend less than one hour per week on cooking, while women spend 15 hours per week.

Men have over two hours of leisure in a day, while women have only five minutes.

80% of women are employed in agriculture & informal sectors of the Indian economy but are paid less as compared to their male counter parts.

Half of the total numbers of crimes against women reported in 1999 were related to male tension & harassment at the work place.

Women in India contribute 53% of all hours worked, while men contribute 31%.

Women on an average require 2200 calories per day & yet receive about 1400.

Girls are less likely to receive medical care humane required.

Women are more likely to fall ill than men, yet less likely to receive preventive or curative care.

Nature gave women too much power then law gives them too little.

Women's equality & empowerment is one of the four areas that will be crucial to the survival of our Nation.

Women constitute half of the worlds populations, per formed merely 2/3 rd of work hours, receive one tenth of the worlds income & own less than 1/100 th % of the world's property.

Despite the galaxy of laws of the status of Indian women are methods every 22 minutes & raped every 2 hours in India. The literacy rate among women is only 39% in comparison to the literacy rate of 64% among males. The practice of dowry still prevails in the country & it is not only confirmed to the illiterate & people from the lower strata. A women is killed in less than two hours every day for not satisfying the dowry last of her husband & in laws. The status of women in relation to holding of movable & immovable property is also depressing.

The family & the community play a critical role in perpetuating this situation.

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1. Having control or gaining further control.
2. Having a say or being listened to.
3. Being able to define and create from women's perspective.
4. Being able to influence social choices and decisions affecting the whole society.
5. Being recognized and respected as a equal citizens and human beings with a contributions to make.
6. Capacity buildings and skill development especially the ability to plan, make decisions, organize and carry out activities.

In short empowerment is process of awareness and capacity building leading to greater participation, greater decision-making power and control and to Tran formative action.

In changing the unequal balance of decision making power and control in the relations of men and women- in the household, in work place, in communities, in government, and in the international area- it will lead to women's empowerment.

The process of women's empowerment is multidimen-

sional. It enables women to realise there full potential and empowers them in all spheres of life. Women's empowerment, in fact, begins with the awareness about their rights and capabilities and the understanding as to how the socio-economic and political forces affect them. Empowerment as a concept, therefore, encompasses their political empowerment, economic independence and social upliftment.

With the realization that real development cannot take roots if it bypasses women who not only represent nearly half of the country's total population but represent the very kernel around which societal re-orientation must take place, the Government has directed all its efforts towards removing various gender-biases and thus guarantee women equal status in the real sense as is enshrined in the Constitution of India.

Empowerment is a broader term and has been defined by many social scientists in different ways. The prefix "em" is attached to the noun "power" to create a verb. In Webster's New World Dictionary (1982), this prefix is used to form verbs meaning, "to make, make into or like, cause to be". Thus, "to empower" is to make or cause power. Yet, the actual definitions offered for "empower" are (1) to give power or authority to; (2) give ability to; enable; permit". The Social Work Dictionary (Barker, 1991:74) defines empowerment as the process of helping a group or community to achieve political influence or relevant legal authority. Empowerment is often described as building "Community Capacity", which involves enhancing the aptitude of community groups to procure and manage social and economic resources.

Rappaport (1987:122) defines empowerment as a process, a mechanism by which people, organizations, and communities gain mastery over their affairs, and involve themselves inthe democratic process of their community and employing institutions. Robert Adams (1990:42-43) states that empowerment as a process by which individuals, groups and communities become able to take control of their circumstances and achieve their goals, thereby being able to work towards maximizing the quality of their lives. Sharma (1992:28) opines that empowerment is a process aimed at changing the nature and direction of systematic forces, which marginalize women and other disadvantaged sections in a given context.

According to Karl (1995:14), empowerment is a process of awareness and capacity building leading to greater participation to greater decision-making and control and to transform action. Empowerment is a process of increasing personal, interpersonal or political power so that individuals, families and communities can take action to improve their situations (Lorraine and Robert, 1999). Empowerment essentially means decentralization of authority and power and aims at getting participation of deprived sections of people in decision-making process (Gangrade, 2001:1).

Empowerment is the process by which the disempowered or powerless people can change their circumstances and begin to have control over their lives and this results in a change in the balance of power, in living conditions and in the relationships (Renana Jhabvala, 2001:56).

Thus, on the basis of the definitions of empowerment specified by various social scientists discussed above, the key features of empowerment can be summarized as follows:

Empowerment is a dynamic, multi-dimensional and democratic process of awareness and capacity building.

Empowerment intends to transference or delegation of power and authority.

Empowerment enhances the community capacity and increases personal, interpersonal and political power.

Empowerment is a means by which people, communities and organizations achieve mastery over their affairs by realizing their full identity and power in all spheres of life.

Empowerment helps to improve and maximize the quality of life of the poor and marginalised sections of the society.

Empowerment believes in people's participation especially of deprived sections in decision making process and they should have a greater control over the circumstances those influence their lives.

Thus, 'empowerment' captures the sense of gaining control, of participating, of decision-making. Yet, understanding power is essential before one can discuss what empowering practice is. "Power" is the key word of the term 'Empowerment which means 'control over material assets, intellectual resources, and ideology. The material assets over which control can be established may be of any type – physical, human, financial, labor, etc. Knowledge, information, ideas can be included in intellectual resources and it is typically taken to mean a process of increasing personal, interpersonal, political or economic power, so that individuals; groups; and community can take action to improve their life situation. The focus of empowerment practice is not on adaptation, but on increasing the capacity of individuals, groups and community ameliorate social problems (Gutierrez, 1990b). Power is not a commodity to be transacted; nor can it be given away as alms. Power has to be acquired and once acquired; it needs to be exercised, sustained and preserved. Lucy (1995) describes it as "a process of acquiring, providing, bestowing the resources and the means or enabling the access to and control over such means and resources".

CONSTITUTIONAL GUARANTEES

The Constitution of India guarantee certain rights and privileges to women through Fundamental Rights and Directive Principles. **Article 14** confers on men and women equal rights and opportunities in the political, economic and social spheres. While **Article 15** prohibits discrimination against any citizen on the grounds of religion, race, caste, sex etc. **Article 15(3)** makes a special provision enabling the State to make affirmative discriminations in favor of women. Similarly, **Article 16** provides for equality of opportunities in matter of public appointments for all citizens. **Article (39) (a)** further mentions that the State shall direct its policy towards securing all citizens, men and women; equally, the right to a means of livelihood, while **Article 39 (c)** ensures equal pay for equal work. **Article 42** directs the State to make provision for ensuring just and humane conditions of work and maternity relief. Above all, the Constitution imposes a fundamental duty on every citizen through **Article 19 (A) (e)** to renounce the practices derogatory to the dignity of women.

Post-independent efforts to improve the situation of women begin with the community development in first five-year plan (1951-56). The central social welfare board was setup in 1953. In the second five year plan (1956-61)

women were organized into 'Mahila Mandals' to act as focal point at the grass-roots level for the development of women. The third, fourth and other interim plans (1961-74) accorded high priority to education of women. Measures to improve maternal and child health services were also introduced. In fifth five year plan (1974-78) there was shift in the approach from 'welfare' to "development as the scope of social welfare was enclosed with development services. The sixth five-year plan (1980-85) was landmark as women's development. A separate chapter was included in the plan document. The plan adopted multi disciplinary approach with three-pronged thrust on health, education and employment. In the seventh five-year plan (1985-90) development programmes for women were continued with the objectives of raising their economic and social status and bringing them into the main stream of national development. The eighth five year plan (1992-97) promised to ensure that benefits of development from different sectors do not pass women. Special programmes were implemented to supplement the general development programmes. In ninth five-year plan (1998-2002) emphasis is given on empowering the women by strengthening economic activities and providing support services to them.

In addition to be women specific and women related programmes and important policy guiding documents include:

1. The report of the committee on status of women in Indian-words equality 1974.
2. The working group on village level organization of rural women 1978.
3. The national plan of action for women 1976.
4. National policy on education 1986.
5. National health policy 1983.
6. The national perspective plan for women-NPP (1988-2000)
7. The report of the national commission on self employed women and women in informal sector- Sharam Shakti.
8. The national expert committee on women prisoners (1986)
9. National Nutrition policy 1993.
10. The national plan of Action for the girl child-NPA, 1991-2000.
11. National commission on women acts 1990.
12. 73rd and 74th constitutional amendments for reservation for women in grass root level democratic institutions.
13. On 4th January 2001 national policy on women empowerment was announced in Vigyan Bhawan at Delhi. This policy is based on (i) Social Rights of Women (ii) Cultural Rights of Women (iii) Political Rights of Women (iv) Economical Rights of Women.

The Government continuously strikes to provide institutional support to the nations efforts for the advancement of women with special focus on girl child. At the national level development of women and child development acts

as the machinery with in govt. to guide, co-ordinate and review the efforts of both govt. and NOGs. The NIPCCD through its women's development division department in the areas of research and training. The National Commission for Women (NCW) was setup as a high level statutory body to oversee the implementation of constitutional and legal safe guards and protection of women's rights and privileges. In 1993 Rashtriya Mahila Kosh was introduced.

Legal aspects are:

1. Laws related to labour, which includes factory minimum wages.
2. Laws related to Social Issues, matrimonial rights (i) Domestic Violence Against Women Bill 2001 Adoption Bill etc.
3. Laws related to economic issues (i) property rights (ii) maintenance allowances etc.
4. Laws related to health, Maternity Benefit, MTP.
5. Laws related to political issues (i) right to information (ii) legal rights (iii) fundamental rights (iv) voting as an indication of political participation in India

Surprisingly the South Indian garden city of ban galore known the world over as the hub of IT (Information Technology) revolution and Silicon Valley of India has the highest number of dowry related deaths than any other state. But unfortunately, the law and judiciary, has not been able to do much to fight the 'devil of dowry violence and bride burning.' According to Justice M.F. Saldhana of Karnataka High Court. **"We have a plethora of laws but while some don't make sense, other is contradictory.**

For over the last two years, the local newspaper in Bangalore has been carrying stories on the rapidly increasing cases of bride burning in the city. Similarly burn wards in the hospitals in the city have been reporting a growing number of cases of "Stove Bursts".

To reduce this disparity, we need to change our attitude, mindset & behavior as no laws would change gender bias, which is deeply rooted in our minds & in society. Far this we have to sensitize the people about Gender. The women must be give equal participation with men, from panchayat to parliament, to enable them to make & amend laws more congenial to their own upliftment. The laws must be made more simple & understanding. The property of the man & his wife must be made a property, with equal rights to both partners.

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