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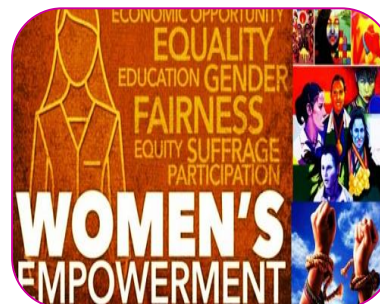


INDIAN GOVERNMENT SPECIAL INITIATIVES FOR WOMEN CONSTITUTIONAL AND LEGISLATIVE PROVISIONS

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ABSTRACT

The consequences of allowing globalization to continue uncontrolled are hard to predict but would certainly include massive and irreversible damage to the cultural ethos of developing countries by spreading unrestricted westernization. The question is how to turn the media into an effective tool for promoting constructive change and faithfully representing the multiple roles of the women today in terms of presenting the true Indian women (Nari's) images infant of our own and worlds' society as achiever both at home and in the labour force. This scenario may lead anyone to comprehend a totally un-Indian view of Indian with big heart keeping in mind the requirements of present day modernization as well as the needs of reinforcement of Indian cultural ethos. This, only, can help solve many of present day our socio-political problems, as these are simple outcomes of misconception of grand old Indian Society by our policy planners. Keeping this broad background an attempt is made in the present investigation to portray the women in the media profession.



KEY WORDS: Fundamental Rights, government of India, political, social and economic.

INTRODUCTION :

1. CONSTITUTIONAL PROVISIONS

The Indian constitution grants equality to women and also empowers the state to adopt measures of positive discrimination in favour of women to neutralize the cumulative socio-economic, educational and political disadvantages faced by them. The principle of gender equality is enshrined in the Preamble, Fundamental Rights, Fundamental Duties and Directive Principles of the Indian constitution. Article 15 of the Indian constitution forbids discrimination on grounds of caste, religion, sex, race and place of birth, whereas Article 16 ensures equal opportunities of employment. Some of the provisions of Indian constitution safeguarding the women rights include: Equality before law for women

(Article 14); State not to discriminate against any citizen on grounds of religion, race, caste, sex , place of birth or any of them (Article 15 (1)); State to make special provision in favor of women and children (Article 15 (3)); Equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State (Article 16); State to direct its policy towards securing for men and women equally, the right to an adequate means of livelihood (Article 39(a)); Equal pay for equal work for both men and women (Article 39(d)); To promote justice, on a basis of equal opportunity and to provide free legal aid by suitable legislation or scheme or in any other way to ensure that opportunities for securing justice are not

denied to any citizen by reason of economic or other disabilities (Article 39 A); State to make provision for securing just and humane conditions of work and for maternity relief (Article 42); State to promote with special care the educational and economic interests of the weaker sections of the people and to protect them from social injustice and all forms of exploitation (Article 46); State to raise the level of nutrition and the standard of living of its people and the improvement of public health (Article 47); To promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of women (Article 51(A) (e)); Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat to be reserved for women and such seats to be allotted by rotation to different constituencies in a Panchayat (Article 243 D(3)); and not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality to be reserved for women and such seats to be allotted by rotation to different constituencies in a Municipality (Article 243 T 3) etc.

2. LEGISLATIVE PROVISIONS

The government of India has enacted several women-specific legislations to uphold the constitutional mandate and to protect women against social discrimination, violence and atrocities and also to prevent social evils like child marriages, dowry, rape, practice of sati etc. The 'crime against women' under various legislations of government of India could be broadly classified within two categories: First, the crimes identified under the Indian Penal Code (IPC) which includes Rape (Sec. 376 IPC); Kidnapping & Abduction for different purposes (Sec. 363-373); Homicide for dowry, dowry deaths or their attempts (Sec.302/304-B IPC); Torture, both mental and physical (Sec. 498-A IPC); Molestation (Sec. 354 IPC); Sexual harassment (Sec. 509 IPC) and importation of girls (up to 21 years of age). Secondly, the crimes identified under the Special Laws (SLL) which are though not gender specific, but some do have special provisions to safeguard women and their interests. It includes The Employees State Insurance Act, 1948; The Plantation Labor Act, 1951; The Family Courts Act, 1954; The Special Marriage Act, 1954; The Hindu Marriage Act, 1955; The Hindu Succession Act, 1956; Immoral Traffic (Prevention) Act, 1956; The Maternity Benefit Act, 1961 (Amended in 1995); Dowry Prohibition Act, 1961; The Medical Termination of Pregnancy Act, 1971; The Contract Labor (Regulation and Abolition) Act, 1976; The Equal Remuneration Act, 1976; The Child Marriage Restraint (Amendment) Act, 1979; The Criminal Law (Amendment) Act, 1983; The Factories (Amendment) Act, 1986; Indecent Representation of Women (Prohibition) Act, 1986; Commission of Sati (Prevention) Act, 1987; and The Marriage (Amendment) Act, 2001 etc.

The constitutional and legislative provisions in India not only grants equality and protection to women, but also empower the state to adopt measures of positive discrimination in favour of women. In India, within the framework of a democratic polity, laws and development policies, programs have been aimed at women's advancement in different spheres of life. From Fifth Five Year Plan (1974-78) onwards, there has been a marked shift in the approach to women's issues in India, from welfare to development of women. India has also ratified various international conventions and human rights instruments committed to secure equal rights of women. Important among them is the ratification of the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) in 1993; 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 the UNGA session on Gender Equality and Development & Peace for the 21 st century titled 'Further actions and initiatives to implement the Beijing Declaration and the Platform for Action ' have been endorsed by India for appropriate follow up.

3. GOVERNMENT POLICY

The Government of India had ushered in the new millennium by declaring the year 2001 as 'Women's Empowerment Year' to focus on a vision 'where women are equal partners like men'. The objective of government policy in India has been to bring about development, advancement and

empowerment of women in the country through active participation of all stakeholders. The government has attempted to create an environment through positive political, economic and social policies for complete development of women. Government policy has been to promote women's participation in political, social and economic life of the nation and identical access to health care, quality education, career and vocational guidance, employment, equal remuneration, occupational health and safety, social security and public office etc. The objective has been also to strengthen legal system aimed at elimination of all forms of discrimination against women and changing the societal attitudes and community practices by active participation and involvement of both men and women.

INSTITUTIONAL MECHANISM

Government of India intends to strengthen the institutional mechanisms which exist at the Central and State levels, through provision of adequate resources, training and advocacy skills to effectively influence macro-policies, legislation, programmes etc. to achieve the empowerment of women in India. Government initiative includes the formation of the National and State Councils to oversee the operationalization of the policy on a regular basis. The National Council to be headed by the Prime Minister and the State Councils by the Chief Ministers with broad in composition having representatives from the concerned Departments/Ministries, National and State Commissions for Women, Social Welfare Boards, representatives of Non-Government Organizations, Women's Organizations, Corporate Sector, Trade Unions, financing institutions, academics, experts and social activists etc. the government also intends to establish National and State Resource Centers on women with mandates for collection and dissemination of information, undertaking research work, conducting surveys, implementing training and awareness generation programs, etc with link up with Women's Studies Centers and other research and academic institutions through suitable information networking systems.

The government proposal also includes strengthening of institutions at the grass-roots and district level. Government intends to organize and strengthen women's into Self-Help Groups (SHGs) at the Anganwadi/Village/Town level through its programmes and help them to institutionalize themselves into registered societies and to federate at the Panchayat/Municipal level. These societies will bring about synergistic implementation of all the social and economic development programs by drawing resources made available through Government and Non-Government channels, including banks and financial institutions and by establishing a close Interface with the Panchayats/ Municipalities.

4. INDIAN GOVERNMENT SPECIAL INITIATIVES FOR WOMEN

Special initiatives were taken by government of India for building confidence and self dependency across Indian women. Some of them include: (i) National Commission for Women was set-up as a statutory body in January 1992 with specific mandate to study and monitor all matters related to constitutional and legal safeguards provided for women, review the existing legislation to suggest amendments wherever necessary, etc.

(ii) Reservation for Women in Panchayats & Municipalities (Local Self Government): The 73rd Constitutional Amendment Act was passed in 1992 to ensure one-third of the total seats for women in all elected offices in local bodies whether in rural areas or urban areas.

(iii) The National Plan of Action for the Girl Child (1991-2000) to ensure survival, protection and development of the girl child with the ultimate objective of building up a better future for the girl child.

(iv) National Policy for the Empowerment of Women (2001) to bring advancement, development and empowerment of women in all spheres of life through creation of a more responsive judicial and legal system sensitive to women and mainstreaming a gender perspective in the development process. The strengthening and formation of relevant institutional mechanisms and implementation of international obligations/ commitments and co-operation at the international, regional and sub-regional level was another commitment.

(v) The Protection of Women from Domestic Violence Act, 2005: It provides for more effective protection of the rights of women guaranteed under the constitution who are victims of violence of any kind occurring within the family and for matters connected herewith or incidental thereto. It provides for immediate and emergent relief to women in situations of violence of any kind in the home.

(vi) Ministry of Women and Child Development (MWCD) was created in January 2006 and is the nodal Ministry of the government of India for the advancement of women and children.

(vii) Implemented ESCAP Project on Improvement of Statistics on Gender Issues during 1994-96 by organizing the first National Workshop on Improvement of Statistics on Gender Issues in 1994 followed by Second National Workshop in 1995, at New Delhi. These workshops laid the foundation of identifying various relevant issues including data requirement, data gaps in the field of gender statistics and indicators on gender issues. Started bringing out the regular Annual publication "Women and Men in India" since 1995.

(viii) National Plan of Action (NPA) was prepared in 1998 for Improvement of Statistics on Gender to bridge the data gaps. In a meeting held at Rome in December 2007 in wake of Global Gender Forum, it was decided by IAEG that India would chair an Advisory Committee for capacity development in Gender Statistics.

CONCLUSION

Some of the provisions of Indian constitution safeguarding the women rights include: Equality before law for women ; State not to discriminate against any citizen on grounds of religion, race, caste, sex , place of birth or any of them ; State to make special provision in favor of women and children ; Equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State ; State to direct its policy towards securing for men and women equally, the right to an adequate means of livelihood ; Equal pay for equal work for both men and women ; To promote justice, on a basis of equal opportunity and to provide free legal aid by suitable legislation or scheme or in any other way to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities ; State to make provision for securing just and humane conditions of work and for maternity relief ; State to promote with special care the educational and economic interests of the weaker sections of the people and to protect them from social injustice and all forms of exploitation ; State to raise the level of nutrition and the standard of living of its people and the improvement of public health ; To promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of women ; Not less than one-third of the total number of seats to be filled by direct election in every Panchayat to be reserved for women and such seats to be allotted by rotation to different constituencies in a Panchayat; and not less than one-third of the total number of seats to be filled by direct election in every Municipality to be reserved for women and such seats to be allotted by rotation to different constituencies in a Municipality etc.

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Government policy has been to promote women's participation in political, social and economic life of the nation and identical access to health care, quality education, career and vocational guidance, employment, equal remuneration, occupational health and safety, social security and public office etc. The objective has been also to strengthen legal system aimed at elimination of all forms of discrimination against women and changing the societal attitudes and community practices by active participation and involvement of both men and women.

National Policy for the Empowerment of Women to bring advancement, development and empowerment of women in all spheres of life through creation of a more responsive judicial and legal system sensitive to women and mainstreaming a gender perspective in the development process.

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