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WOMEN EMPOWERMENT THROUGH CONSTITUTIONAL PROVISION

Dr. Saheb Ali H. N.

Principal, K.C.T. College of Education, Gulbarga, Karnataka.

ABSTRACT

A constitution embodies the legal framework of a nation state. (MacIlwain, 1947) It constitutes and establishes the high institutions of the national life and does the structuring of the government of the state. It establishes the apparatus, organization and system of government; lays down the organic and basic rules which must regulate the composition and functions of the principal organs of state, the government and its agencies, (Wheare 1966), authorities and instrumentalities – the executive, the legislature and the judiciary; and maps down their powers, spheres of their activities and interrelations.

KEYWORDS: Women Empowerment , national life, organization.

INTRODUCTION:

The transfer of power took place from the British Crown and the British Parliament to the Constituent Assembly on the appointed day namely, August 15, 1947, and the Indian Constitution came into force from 26th January, 1950 (India 1981).

The Constitution of India, unlike that of Britain, is a written one. "The Constitution is a self contained code, except with a mention of the Indian Interpretation Act, 1897. Divided into XXII parts, it originally contained 395 Articles grouped in many Chapters. The form of the constitution is as described by Dr. Ambedkar, in his speech in

the Consenbly, federal, and the nature of government prescribed under it is parliamentary.

The Constitution of India opens with a preamble. The preamble was drafted by B.N. Rau in his memorandum of May 30, 1947 and later it was reproduced in the Draft of October 7, 1947. The Drafting committee considered it formally and decided that it should be restricted to defining the special features and the basic socio-economic objectives of the Republic.

CONSTITUTIONAL PROVISIONS FOR EDUCATION:

In the Indian Constitution, education is both a Union and a State subject. It means that both the centre and the state are responsible for its expansions and progress. Our Constitution has guaranteed free and compulsory education to every child up to the age of 14 years. It is the responsibility of the Centre and the States to see that every individual is equipped with the necessary knowledge, skills and attitudes to discharge his duties as a responsible and cooperative citizen so that the proper



functioning of democracy in the Nation and also at the international level can be maintained with its limited resources in all aspects like social, economic, political, educational and familial, etc.

There are a number of Articles and Clauses in the Constitution which directly or indirectly make provision for education and apportion educational responsibilities to the Centre and the States. Briefly speaking the Constitution of India makes the following provisions for education:

1.Article 15(1): “The state shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them”.

2.Article 15(3): “Nothing in this article shall prevent the State from making any special provision for women and children”.

3.Article 16(1): “There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the state”.

4.Article 28(1): “No religious institution shall be provided in any educational institution wholly maintained out of state funds”.

5.Article 29(2): “No citizen shall be denied admission into any educational institution maintained by the state or receiving aid out of state funds on grounds only of religion, race, caste, language or any of them”.

6.Article 30(1): “All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice”.

7.Article 30(1A): “In making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, referred to in Clause (1), the state shall ensure that the amount fixed by or determined under such law for the acquisition of property is such as would not restrict or abrogate the right guaranteed under the clause”.

8.Article 30(2): “The state shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of minority, whether based on religion or language”.

9.Article 39(a): “The state shall, in particular, direct its policy towards securing that the citizens, men and women, equally have the right to an adequate means of livelihood”.

10.Article 39(d): “That there is equal pay for equal work for both men and women”.

11.Article 39(e): “That the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength”.

12.Article 45: “The state shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years”.

13.Article 46: “The State shall promote with special care the educational and economic interest of the weaker section of the people and, in particular, of the Scheduled castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation”.

14.Article 257(1): “The executive power of every state shall be so exercised as not to impede or prejudice the exercise of the executive power of the Union, and the executive power of the Union shall extend to the giving of such directions to a state as may appear to the Government of India to be necessary for that purpose”.

15.Article 282: “The Union or a State may make any grants for any public purpose, notwithstanding that the purpose is not one with respect to which parliamentary or the legislature of the State, as the case may be, may make laws”.

Comments on Constitutional Provisions regarding Women Education:

Women complain that they make the largest minority in India and yet they suffer from a variety of social and economic disabilities which prevent them from fully exercising their human rights and freedoms in the society. Though the circumstances have now changed but only upto sometime ago-child-marriage, especially of female children, was common. Widow marriage was prohibited, even if the widow somehow succeeded in

escaping from the funeral pyre of her deceased husband where she was expected to be burnt alive. A divorce was generally looked down upon and the remarriage of a divorcee was socially disapproved.

If some of these problems still persist in varying degrees it is not due to any lacunae in the Constitutional provisions against them. For our Constitution has made explicit provisions against these social discriminations and evils against women and has been playing an important role in changing deeply rooted social attitudes. During the last three decades a number of laws have been registered with a view to ensuring equality of status and opportunity for women.

The following articles in the Constitution of India make specific provisions for the education of women:

Article 15(1) states: “the State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them”.

Article 15(3) states: “nothing in this article shall prevent the State from making any special provision for women and children”.

Article 16(1) states: “there shall be equality of opportunity for all citizens in matters relating to employment or appointment of any office under the State”.

Article 39(a) states: “The citizen, men and women equally have the right to an adequate means of livelihood”.

In the Indian Constitution it is assured that no one is discriminated against on the basis of sex. But in reality social taboos have historically been retarding the progress of women, especially in the field of education. The following table shows the slow educational progress of women during 1921 and 1937.

Table-1: Recognised Educational Institutions for Girls

Year	Arts Colleges	High Schools	Middle Schools	Primary Schools	Special Institutions	Total
1921-22	12	120	548	22,579	258	23,517
1926-27	18	145	656	26,621	316	27,756
1931-32	20	218	787	32,564	380	33,969
1936-37	31	297	878	32,273	404	33,983

The table given above is indicative of the slow educational progress of women in India. By 1947, the total enrolment of girls in all primary schools in the country was 34,75,165. Some of the states had no separate schools for girls and had adopted the pattern of coeducation at the primary level. The number of secondary schools for girls was 2,370 and the number of Arts and Science colleges 59. The total number of girls on roll at the college stage was 23,237. There were only 56,090 girls in the special schools.

In 1946-47 for every 100 boys in the primary school, there were only 36 girls. The corresponding figure in the middle school was only 22 and in the secondary school only 14, and in the university only 7 (Kohli, 1983). This shows that before the Constitution of India came into force, the girls had far less opportunities for education than the boys.

Article 6(1) of the Constitution provides that there shall be equality of opportunity for women not only in the field of education but also in the field of employment. But the following table (Table-2) presents a dismal picture of male-female ratio in different employment fields.

Table-2: The Industrial Distribution of workers in 1951 (percentage)

	Cultivators	Agricultural labourers	Livestock, forestry, fishing, hunting, plantations, orchards and other activities	Mining and quarrying	Construction	Trade & Commerce	Transport storage and Communication	Other Services
Male	54.4	16.4	2.4	0.4	1.4	6.1	1.9	7.8
Female	54.7	34.5	2.3	0.3	0.9	2.8	0.3	5.6

It is observed from the table that at the time of India becoming a Republic, the bulk of the women workers were engaged in cultivation. The condition of women peasants was miserable beyond description. In trade and commerce the sex ratio was even more dismal. There were in this field only 2.8 percent women workers in comparison to 6.1% of men workers.

CONCLUSION:

In view of the deploring low status and representation of women in various walks on Indian life and society, at the dawn Independence and at the time of the drafting and promulgation of the Indian Constitution, it was felt necessary to make certain specific provisions in the constitutions and also to take certain practical measures, to rectify the discriminations and injustices of the past, and, thereby to uplift women to the level of parity with men. The decades since Independence have been singular progress of women in various fields. The framers of our Constitution and the Members of the Constituent Assembly have shown tremendous insight and farsight in making suitable constitutional provisions for safeguarding the educational and other interest of women who have had suffered centuries of neglect.

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