

AN ANALYSIS ON VISION OF WOMEN EMPOWERMENT: BEFORE AND AFTER CONSTITUTIONAL ERA

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Women's lives in the medieval period were complex and multifaceted. While they faced significant restrictions and hardships, many women found ways to exert influence and contribute to their societies in meaningful ways. The experiences of women varied widely based on their social status, location, and the specific historical context in which they lived. The women empowerment starts from their house. In India, women's societal roles have changed in the last several years. After let out by the framers and judicial interpreter through their judgment quality of life within the family and sustainable development are largely dependent on women and how Women play major role for the development of future generations. The place of women after implementation of constitution has changed from deprived to privilege within all sphere of life, by providing equal status and rectifying old practices against women. The journey to make women equipped has always been different due to urban and rural areas. The Indian Constitution with its mandate of equality (Art.14), nondiscrimination on the basis of sex (Art.15) positive discrimination in favor of women (or affirmative action) (Art.15(3)) equality and non-discrimination in employment and service conditions (Art.16), right to life and liberty (Art.21) is an important instrument for the protection of women in India. The directive principle of state policy under Part 4 of the Indian constitution direct government to draft action plan towards equality of women.

RESEARCH QUESTION: To analyzing whether the status of women change towards equality with the constitutional law implementation ?

RESEARCH OBJECTIVE

1. To undertake elaborate discussion on historical position and contribution of women.
2. To appreciate the legislative enactments, judicial pronouncement and government schemes are useful tool to bring women empowerment in society.

RESEARCH METHODOLOGY

The objective of study made with reference to various Legislative acts, judicial decisions as precedent, various plan and policies of the government relating to improving status of women towards equality by subjecting Article 14 of the Indian constitution. Art. 14 bars discrimination and prohibit discriminatory laws. The data is already published/ available in public domain hence the study is doctrinal research. The primary and secondary sources is aiding in the collection of information of data.

The strengthening of women's participation in all spheres of life has become a major issue in the discourse of economic and social development in the constitution. Historically, discrimination, societal standards, and unequal chances have prevented women from realizing their full potential. But outcome has been achieved in the direction of gender equality, enabling more women to demonstrate their abilities and make contributions to different facets of society.

The course of empowering women to take charge of their own life and make decisions is known as women empowerment. In addition to challenging and tearing down the social obstacles and gender stereotypes that prevent them from fully participating in society and realizing their full potential, it entails expanding their access to opportunities, resources, and rights.

Women are strong advocates of justice, equality, and human rights in politics and governance. They support laws that advance social welfare, reproductive rights, and gender equity, giving voice to under-represented groups and pushing inclusive agendas.

They transfer values, information, and wisdom that develop self-assurance, empathy, and critical thinking, forming the next generation of leaders and change agents. Women are strong, dependable pillars in their families and societies..

Indeed, there are following a number of ways in which women might be viewed as embodiments of empowerment:-

Leadership: Strong emblems of emancipation are the women who lead in business, politics, science, and other domains. Their leadership roles inspire others and promote good change in addition to challenging conventional gender conventions.

Education: Women are better equipped to make decisions about their lives, professions, and futures when they have access to education and are supported in pursuing their intellectual and academic interests.

Economic Empowerment: When women are financially independent, they can take charge of their life, manage their finances, and support their families and communities. Initiatives that foster equitable pay, financial knowledge, and entrepreneurship help empower women in the workplace. Empowered women are more impending to have access to healthcare, make informed decisions about their own health, and advocate for the health needs of their families and communities. Educating and empowering women has a multiplier effect on society. When women are educated, they are more likely to educate their children, breaking the cycle of poverty and leading to better-educated and healthier future generations.

Women often face discrimination and violence simply because of their gender. Empowering women involves addressing these injustices and creating a more just and equitable society for all. Women's voices and perspectives are vital in decision-making processes at all levels of society. Empowering women politically ensures that their concerns are heard and that policies are inclusive and representative of all citizens. Empowering women can help challenge and change traditional gender norms and stereotypes that limit both men and women. It promotes a culture of respect, equality, and inclusivity.

Promoting inclusion and developing settings where all people, regardless of gender, can flourish and contribute their special skills and viewpoints are vital.

Honoring and appreciating women's talents enhances communities, encourages creativity, and advances society as a whole. Women have traditionally had significant roles as healers, leaders, and custodians of traditional knowledge in a variety of indigenous societies across the globe. For instance, women were highly influential in their communities and had critical roles in decision-making within the Iroquois Confederacy in North America.

PRE-INDEPENDENCE ERA

The Women has always been a Passive part of the society, only thing of enjoyment for men. In some part women was considered as cattle's whose duty to serve the male with no material value. There was no empirical equality between men and women in the society. The Hindu society used to think women has no personal liberty. They denied women to access the education opportunity as they believe that giving women liberty means they shall become tainted and violated. Since no education provided to the women arise the issue of early childhood marriage. The possible source of oppression and limitation is the veil system. Women may occasionally be coerced against their choice to wear veils in an effort to restrict their freedom and regulate their behavior. The act of veiling can be used to limit women's agency and autonomy while enforcing patriarchal norms. Remarriage of widow was restrained. During the pre-independence era, women played a crucial but limited role in society.

Women's duties were frequently restricted to the home, while men were usually viewed as the decisionmakers. They were supposed to take responsibility of the family's needs, raise the kids, and handle household tasks. Nevertheless, women in the preindependence era also had significant responsibilities in a number of societal domains, in spite of these constraints. By taking role in crop collection and field maintenance, they made a contribution to agriculture.

Apart from their duties in agriculture, women also achieved noteworthy advancements in fields of education. After they were allowed the right to an education, they were able to pursue careers in teaching, nursing, banking, secretarial work, printing, engineering, medicine, journalism, and the legal field, among other fields. Additionally, they actively participated in the national movement and helped with the draft's preparation.

Women had a significant and varied role in many facets of society throughout the fight for independence. They actively took part in anti-colonial rallies, boycotts, and marches in support of their countries' independence. They supported and spearheaded women's organizations, worked clandestinely, gave liberation fighters medical attention and support, and raised awareness.

Women made up a significant portion of the participants in the Quit India Movement, boycotts, and peaceful rallies. Women were awarded equal voting rights after independence, and gender equality was inscribed in the Indian constitution. But social issues persisted, with many women experiencing discrimination based on their gender and having little access to jobs and education. In the pursuit of gender equality and the empowerment of women, technology and law play crucial roles. Technological advancements have opened up new opportunities for women, enabling them to access education, healthcare facilities, and finance related opportunities. Furthermore, technology has provided platforms for women to raise their voices, protect and defend their rights, and connect with a global community of supporters. On the other hand, laws and policies are essential in ensuring that women's rights are protected and upheld. They provide a framework for

addressing gender-based discrimination, promoting equal opportunities, and holding perpetrators of violence against women accountable. The Chipkko Movement was a non violent environmental movement that began in the Indian state of Uttarakhand in the 1970s. The movement hold special mainly by rural women, who intended to save their local forests from commercial intrusion and deforestation. To guarantee that laws, policies, funds, and institutions promote gender equality, more has to be done. Discriminatory laws and legal gaps continue to hinder women's enjoyment of their human rights, and comprehensive legislation is necessary to address these issues.

STRUGGLE DURING 19TH CENTURY

1. Child Marriage

The Child marriage has always been societal practice in India in a way girl at young age of below 8 to 10 years has to married off to the older man to ensure security of girl and reduce financial burden of the family. In the occurrence in 18th and the early 19th century, the child marriage practice become cultural and religious belief. Throughout the 19th century, there was a growing movement against child marriage driven by social reformers, women's rights activists, and changing economic conditions. Education and increased awareness about the rights of women and children contributed to legislative changes in many parts of the world. These efforts laid the groundwork for more comprehensive child protection laws and higher ages of consent in the 20th century. The Prohibition of Child Marriage Act (PCMA), 2006 was introduced by criminalizes and Penalize the act of marriage involved with child. The Protection of Children from Sexual offence Act (POCSO), 2012 introduced to restraint the sexual activity with the Person below 18 year of age.

2. Sati

The Sati as the burning of a widow with her deceased husband. The Introduction and increase of the practice of sati as a fire sacrifice inscribed in Puranas. Rajaram mohan roy has always argued that sati practice was not a part shastric text. Many social reformer such as ram mohan roy worked for the champaign for elimination of sati Pratha which is proved to be groundwork for making legal framework. The Indian government passed the Sati (Prevention) Act in 1987, which made the practice of sati ban. The Prevention of sati was one the effort to glorify women towards establishment in the society.

3. Restrict Women Education

A women face various challenges in the way to access education. Girl children assume to play the role of a second mother in households, particularly in rural areas, by taking on home chores including cooking, cleaning, fetching water, gathering wood, and tending to their siblings. This discourages girls from attending school. Annie Besant, Mutthulakshmi Reddy, Kamla Devi Chattopadhaya, Durga Bai Deskmukh, Sarojini Naidu are the other prominent proved to be a moderator by fighting for the right of women. The recognition of equal right of the women to education was recognized.

4. Dowry system

This System refer to where bride's family has to give expensive gifts to groom family and his relative at the time of marriage. The nature of gift is in terms of payment of cash and other valuable property. The footprints of dowry system found in the Vedic Age. Various bans and implications through code also been traced. The Dowry Prohibition Act.1961 was introduced to curb its practice and protect the families from harassment of high demand from groom family. This act main

objective is prohibiting and penalizes the giving or taking of dowry to save women from dowry harassment. The Supreme Court through their judgment in many cases mentioned that dowry death can be presumed if the woman experienced cruelty, both mentally and physically, before her death in the marital house.

POST CONSTITUTIONAL ERA

Constitutional Provisions, Special Laws And National Policies in Support of Women Empowerment

The Framers of constitution realised about the unequal status and importance of women. A woman acknowledged by the Indian Constitution, which gave women equal rights and gave the government more authority. A number of Articles of the Constitution are :

Article 14: Men and women to have equal rights and opportunities in the political, economic and social spheres.

Article 15(1): Prohibits discrimination against any citizens on the grounds of religion, race, sex, caste etc.

Article 15(2): Both men and women will be treated equally , a right to use and access the public place.

Article 16: Equality of opportunities in matter of public job appointments for all citizens.

Article 23 and 24: It protect the both the man and women against exploitation and other human trafficking in human being. The immoral traffic act 1956 which aim at abolishing the prostitution and devadasi system where young girl sexually exploited in the name of tradition.

Article 39(d): Equal pay for equal work for both men and women.

In Randhir singh vs. Union of India AIR 1982 , the Supreme court held that the principle of 'equal pay for equal work' not only fundamental right but can make enforce through constitutional remedies under Article 32.

Article 42: The state to make provision for ensuring first and humane conditions of work and maternity relief to women.

Government has also way forward various specific laws to safeguard the interests of women and for enhancement of their status. These are follow as –

The Hindu Succession Act, 1956 which provides for women the right to parental property.

The Dowry Prohibition Act, 1961 which declares the taking of dowry an unlawful activity and thereby prevents the exploitation of women.

The Equal Remuneration Act, 1976 which provides payment of remuneration equal with men for work of equal value.

The Medical Termination of Pregnancy Act, 1971 which legalizes abortion conceding the right of the women to go for abortion on the ground of physical and mental health.

The Criminal Law Amendment Act, 1983 which seeks to stop various types of crimes against women.

The Indecent Representation of Women (Prohibition) Act, 1986 which prohibits the vulgar representation and deception of women's form and body in the manner which tarnished the image, and against public morality through medium such as- newspapers, cinema, T.V. etc.

The Protection of Women from Domestic Violence Act, 2005 provides for more effective protection of the rights of women guaranteed under the Constitution who are victims.

The Sexual Harrasment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 The Act would guarantee that women are shielded from Sexual Harassment in all workplaces, whether they are open or closed. The Women will participate in the workforce more when they feel secure at work, which will lead to economic empowerment and growth.

The Maternity Benefit Act, 1961 (Amended in 1995): The Maternity Benefit Act of 1961 safeguards a woman's employment during her pregnancy and grants her right to a "maternity benefit," which is full paid leave for the duration of her absence from work. This leave allows the woman to care for her child for a predetermined amount of time prior to and following childbirth, as well as to receive maternity benefits and other benefits. The following are the amendments made to the Maternity Benefit Act of 1961:

- Extend the Maternity Benefit from 12 weeks to 26 weeks for couples with two surviving children and 12 weeks for those with more than two.
- A 12-week Maternity Benefit for both "adopting" and "commissioning".
- Encourage "Work from home."
- CRECHE must be provided for establishments with 50 or more employees.

Right of women to Menstrual leave and free Access to Menstrual Health Products Bill,2022

As Sanitation is the basic need of human beings. According to Article 21 many interpreter provide the substantive meaning to it through various judgments i.e Right to clean and healthy environment. The aim of this bill is to provide 3 days paid leave to the women who are suffering from menstrual period in the area in which women cannot have access facilities related to their problem.

"Menstrual health products" means products used to absorb or collect menstrual flow including menstrual cups, tampons, sanitary towels, panty liners, sanitary pads

The key role of this policy is to provide paid leave for the menstruation. Women have claimed that they are reluctant to enforce the hygienic environment through considerable challenge. In many workplace , women face many challenges due to lack proper facilities i.e clean toilets , water supply and cost effective safe disposal .

Various scheme has been Introduced to the women not only focuses the oscillate in the Society with respect to identity and position but about the basic needs for women.

1. **Pradhan Mantri Awas Yojana** : Home is very basic requirement for every individual. The Pradhan Mantri Awas Yojana – Gramin (PMAYG) was launched with the objective of constructing 2.95 crore houses and made living in a pucca house with basic amenities gives security, self respect, and financial power to the women and uplifts their social inclusion.
2. **Pradhan Mantri Ujjwala Yojana (PMUY)**: The daily act of cooking has been a major health hazard for millions of women in India, especially in rural areas, due to the consumption of traditional biomass fuels that are firewood, cow dung, etc, use as cooking fuels and the indoor air pollution. Its goal is to make clean cooking fuel, such as LPG, accessible to rural and underprivileged households. The scheme has also got global recognition from the International Energy Agency (IEA) which has explained it as a major achievement in improving the environment and health of women.
3. **Swachh Bharat Mission (SBM)**: Sanitation is the basic need of human beings. By analyzing the women fear and sense of insecurity due to lack of toilet. This scheme has launched with aim of over 11.7 crore toilets were constructed in the country.
4. **Jal Jeevan Mission**: It launched with objective to improve the lives of people, especially women and children, by ensuring clean tap water supply to every rural household and public institutions in villages. Goa, Telangana, Gujarat and Haryana and three UTs – A&N Islands, D&N Haveli & Daman & Diu and Puducherry have become ‘Har Ghar Jal’. This help the women and young girls who are forced to spend lots of time and energy every day fetching water for their families.
5. **Stand-Up India and PM MUDRA Yojana**: With these efforts to make the women capable in driving economic growth. As India is growing , hopes and opportunities should not be lacking significantly for women. The women entrepreneurs are core objective of scheme.

Stand up India scheme: It aims to promote entrepreneurship amongst Women, Scheduled Castes (SC) & Scheduled Tribes (ST) categories and help them in starting a greenfield enterprise. These schemes have promoted the entrepreneurship culture at the grassroot-level focusing on economic empowerment and job creation.

6. **POSHAN Abhiyaan** as Malnutrition, in all its forms, includes undernutrition (wasting, stunting, underweight), inadequate vitamins or minerals, overweight, obesity, and resulting diet-related non communicable diseases. In India, through this scheme organizing the set up for monitoring of providing supplementary nutrition and real-time information for prompt supervision for pregnant women and lactating mothers.. who are deprived.
7. **Muslim Women (Protection of Rights on marriage act 2019)**: Abolishment of Triple Talaq by the Hon’ble Supreme court through judgment was historic. The Supreme Court announced through judgement that instant Triple Talaq to be in violation of Article 14 of the Constitution which is issued on August 22, 2017. Even after the Supreme Court’s order and declaring this practice as unconstitutional, the exposure of Triple Talaq remains. The Triple Talaq law brought legal protection for Muslim women who were the victims of this helpless practice for the last several decades. This historic reform improved the existing

conditions of Muslim women and helped them to come out of domestic violence and discrimination they were facing in society.

8. **Pradhan Mantri Matru Vandana Yojana** with the objective of Providing financial assistance to the women during pregnancy and lactation periods. By compensating for the wage loss and expenses incurred during their pregnancy and post-delivery period, this scheme has not only provided economic support to women but has also encouraged them to seek timely medical care, leading to a reduction in maternal and infant mortality rates.
9. **Pradhan Mantri Bhartiya Janaushadhi Pariyojana** for the women, sanitary pads are sold at just ₹1 at more than 9000 PMBJP Kendras covering 743 out of 766 districts across the country. By providing low-cost and high-quality sanitary pads, Janaushadhi Suvridha is making menstrual products more accessible to women who would otherwise have to resort to unhygienic alternatives. by empowering women to manage their menstrual health by facilitating affordable products.
10. **Sukanya Samridhi Yojana** ensure the a small deposit scheme of the Government of India meant exclusively for a girl child. By providing financial security to the girl child, the scheme has empowered women by giving them access to education and by financial support for the future security.

Conclusion

The Societies which ensure women consistent growth have been known to prosper themselves. It is through steps towards the empowerment of women that societies can ensure their growth through various judgments, act, Action plan and schemes of the government. By taking women progress whether in rural and urban area , need to considered as central dimension a necessity, for strengthening India through its journey. In traditional India, the social role of women has been primarily as a wife and mothers. Empowerment in its simplest form means the manifestation of redistribution of power that challenges patriarchal ideology and the male dominance. The concept of Women's empowerment throughout the world has its roots in the Women movement. In running years, there has been a shift in the social role of women in India by providing them equal opportunities in various sectors. Not only after considering the situation, to those women who are blessed with basic amenities but various scheme has also be launched to the deprived class of women who are struggling to get sanitation and hygiene living, housing, water, medical facilities, financial aid etc. The Initiatives to promote women's leadership in politics, business, and other economic fields, as well as mentoring and networking programs which help women to develop the skills and connections by providing them education, healthcare, transportation and other support services by Government , judicial Activism and legislature enactments has always part of women empowerment. The development of future generations depends upon women. The monetary aid advancement can currently be appreciated in accordance to the developed nations through women empowerment by creating self reliant and assured to do change in the system towards positive aspects.