

Women Empowerment in India: Contemporary Issues and Challenges

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Abstract—*In this paper, I will analyze contemporary issues and challenges related to women's empowerment. As a matter of fact the issue of women empowerment has been a concern in many nations and in many arenas for some centuries. Although, there has been formal removal of institutionalized discrimination, yet the mindset and the attitude ingrained in the subconscious have not been erased. Women still face all kinds of indignity and prejudice. Furthermore, in spite of women's contribution in all spheres of life and they enjoy a unique position in every society and country of the world, but they suffer in silence and belong to a class which is in a disadvantaged position on account of several barriers and impediments. India, being a country of paradoxes, is no exception of this. Here too, women, a personification of Shakti, once given a dignified status, are in need of empowerment.*

The objective of the paper is necessary to accelerate this process of change by deliberate and planned efforts so that the pernicious social evil of gender inequality is buried deep in its grave. Finally I will argue awakening of the collective consciousness is the need of the day and such responsibility has to be shared by the State, community organizations, legislators who frame the laws and the judiciary which interprets the Constitution and other laws in order to give a stimulus to the legal reform in the field of women empowerment and to usher in the new dawn of freedom, dignity and opportunity for both the sexes equally.

Keywords: Empowerment. Justice. Inequality. Gender discrimination. Literacy. Maternity Benefit Act. Women Reservation. Work Force Participation. Sex Ratio. Personal Laws. Uniform Civil Code.

Introduction

The issue of women's empowerment has been a concern in many nations and in many an arena for some centuries. Although, there has been formal removal of institutionalized discrimination, yet the mindset and the attitude ingrained in the subconscious have not been erased. Women still face all kinds of indignity and prejudice. In spite of women contribution in all spheres of life and they enjoy a unique position in every society and country of the world, but they suffer in silence and belong to a class which is in a disadvantaged position on account of several barriers.

During the freedom struggle, promises that inspired the enthusiastic participation of women in the national movement have remained unfulfilled, widespread involvement of

ordinary women from different walk of life in various regions. Many of them came out of their homes into "public life" for the first time, often inspired by Mahatma Gandhi, who made their participation an important part of his own political strategy of non-violent non-cooperation movement. The women would have had their own notions of freedom; their goals would have been somewhat different from those of their male counterparts, and their expectations of living in a newly independent country must have been colored by their very unequal and often oppressive social and economic circumstances. The constitution did manage to encapsulate many of hopes and dreams of the time. Indian constitution has offered explicit recognition of equality before law and rejection of any kind of discrimination, including on grounds of gender, along with empowering the state to adopt measures of positive discrimination in favour of women, to neutralize the cumulative socio-economic, educational and political disadvantages they faced. Over time, various legislations banned traditional customs and practices that were clearly unjust discriminatory practices like dowry, child marriage, sati etc. Women empowerment is the call of the day and attempts are to be made to achieve satisfactory results. Everybody should be prepared to fight for the idea and actualize the conceptual vision in practicality.

Contemporary Issues Related to Women

1. Working Women Issues

i. Maternity Benefit:

The Maternity Benefit Act 1961 (recently amended by Maternity Benefit Amendment Act, 2017). The purpose of this Act is to impart social justice to women workers. It protects and preserves the dignity of motherhood by providing for full and healthy maintenance of the women worker and her child during the period of her confinement. The Act provides for payment of maternity benefits in cash for a certain period before and after confinement. Furthermore, it provides for grant of leave and other medical facilities etc. The recent amendment change some of the provisions related to the duration and applicability of maternity leave, and other facilities in the Maternity Benefit Act, 1961. This act is applicable to all establishments employing 10 or more

persons. The duration of maternity leave increase to 26 weeks from 12 weeks. An employer may permit a woman to work from home even after the leave period. It is a mandatory provision requiring every establishment with 50 or more employees to provide crèche facilities within a prescribed distance.

Furthermore, every establishment to intimate a woman at the time of her appointment of the maternity benefits available to her. The amendment recognizes mothers as primary care giver and ignores role of father in childcare. Thus, it perpetuates gender role stereotypes that is fathers don't need to spend time with new-born. As the amendment excludes the men, it may lead employers to pay men more than the women due to different work conditions. It weakens the directive "equal pay for equal work" enshrined in the constitution. The amendment ignores single father or transgender who might want to adopt a child. The amendment may deter employers from hiring female work force, thus making women less desirable as male employees in free market enterprises, perpetuating gender gap in employment. The provisions are limited to the organized sector, thus benefitting less than a quarter of working women.

ii. Low Female Labour Force Participation:

India always had a very low recorded work participation rate for women by global standards, including when the first employment surveys were conducted in the early 1950s. Thereafter, successive surveys by the National Sample Survey Organization (NSSO) have shown hardly any increase in these low rates, which have been marked by a depressing stability over the "socialist planning" as well as the neoliberal reforms phases of economic and social policy. Low recorded work participation of women is often a reflection of the low status of women in society, since the huge amount of unpaid labour that they perform is simply not recognized. Even NSSO surveys don't recognize - those who attend to domestic duties in unpaid fashion within the home; and those who attend to domestic duties and are also engaged in free collection of goods such as (vegetables, roots, firewood, cattle feed, etc.), sewing, tailoring, weaving, etc. for household use. These are all economic activities, and would be recognized as employment, if they led to any payment.

According to Census 2011, a total of 20.5 percent women were employed in the organized sector in 2011 with 18.1 percent working in the public sector and 24.3 percent the private sector. The labour force participation rate for women across all age groups was 25.3 in rural sector and 15.5 percent in urban sector compared with 55.3 and 56.3 for men in the rural and urban sector respectively. The International Monetary Fund Working Paper clearly stated that India has one of the lowest female labour force participation (FLFP) rates among emerging markets and developing countries. Ninety percent of Indian workers are employed in the unorganized sector, where not only are wages for women lower, but the inability to provide flexibility, childcare

benefits and maternity leaves creates disincentives for women to seek work outside the home.

On the other hand, the manufacturing and services sector account for just 18 per cent of rural employment for women. In Agriculture sector, women dominate at 75 per cent workforce and women are losing blue collar jobs while gaining white colour jobs. As men in the family start earning more income, women trend to cut back their work in the formal economy to concentrate more on household activities. In some communities, notably some upper castes, there may be a stigma attached to women working outside the home- especially if it involves work considered 'mental'. It increases family and societal pressures to drop out if the men in the household are earning enough foot the bills. Women are more vulnerable to exploitation and harassment at work in developing countries like India. They are also unable to effectively fight against harassment. The nature of economic growth in the country has meant that jobs were not created in large numbers in sectors that could readily absorb women, especially for those in rural areas.

iii. Wage Disparity:

Gender gap in wages in India is among the highest in the world and that women workers tend to be concentrated in the most low-paid, vulnerable and insecure jobs with poor working conditions. It can be argued that the huge amount of diversity, not only across urban and rural areas but across different States, socio-cultural groups and income classes. Recently released Salary Index Report of online service provider Monster highlights gender gap in India. Gender pay gap is as high as 27 percent. Men earned a median gross hourly salary of Rs. 288.68 while women earned Rs. 207.85. The reason behind gender pay gap is preference for male employees over female employees. The prference for promotion of male employees to supervisory positions, career breaks of women due to parenthood duties and other socio-cultural factors, lack of flexible work policies or extended leave and lack of opportunities in male dominated sectors - Lack of involvement of women in male dominated sectors, for example armed forces and care work by women is undervalued as it is seen as their natural attribute rather than a skill.

iv. Sexual Harassment at Workplace:

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. Inacted in accordance to the act drew on the 1997 judgment of the Supreme Court (known as the Vishaka judgment) to codify measures that employers need to take to address sexual harassment at the work place. But there are various problems in implementation. 70% of the women do not report sexual harassment by superiors due to the fear of repercussions. According to a 2015 research study, 36% of Indian companies and 25% of multinational companies had not yet constituted their Internal Complaints Committee (ICCs) which is mandatory under the Act. There are various cases remain pending in the court for

long time enhancing the agony of victims. The Act does not fix accountability as to who is in charge of ensuring that workplaces comply with the Act.

2. Discrimination Against Women:

i. Declining Sex Ratio:

Globally, the sex ratio stands at around 984. But in India, it was an abysmal 940 in 2011 sex ratio has actually deteriorated since Independence; it was estimated to be 946 in the 1951 Census worse in urban areas (926) than in rural areas (947) and typically lower in higher income locations and among upper castes compared with Scheduled Castes and Schedule Tribes. The child sex ratio (for the age group 0-6 years) is even worse, and has fallen further from 927 in 2001 to 914 in 2011. In general, son preference also casts a shadow on other institutions like marriage. The data from the India Human Development Surveys reveal that women with no children or only daughters were twice more likely to face divorce or separation than women with only sons.

ii. Female Literacy:

Education appears to be one area of progress compared to 70 years ago, but here too the progress has been far too delayed, limited and slow, and indeed very poor compared to most developing countries. Female literacy rates have improved over the past decades, but at 65 per cent in 2011, they were still well below the global average of 80 per cent. Girls' enrolment in primary education has improved significantly to be near universal today, but around one-third of girls now in their teens and early 20s were never enrolled in schools. Dropout rates remain high and there are significant gender gaps in dropout, especially by the time the age of middle school is reached.

iii. Maternal Mortality Rate:

Maternal mortality rates (MMR) have also fallen - 1,300 per 100,000 live births but are now around 170. India is one of the few countries to have failed to achieve the Millennium Development Goals of reducing maternal mortality by 75 per cent compared to its 1990 level, which would have implied an MMR (at the national level) of 103 at most. Country has the shameful distinction of accounting for the highest number of maternal deaths in the world (around 17 per cent), 10 times the number in China, even though China still has a larger population of women of child-bearing age.

iv. Personal Laws and Women's empowerment:

Personal Laws are a set of laws in India that govern various aspects of a person's life like family, marriage, divorce, inheritance, etc. Due to plurality of faith in India, the laws regulating personal matters were left to be governed according to an individual's faith. Various Personal laws have left women vulnerable due to their depiction as the weaker gender of the society. There is a provision in Indian Constitution under the Directive Principle of State Policy to have a Uniform Civil Code (Article 44) and do away with the diversity in laws governing the personal aspects of an individual's life.

As per the mandate under the Article 44, the Uniform Civil Code is seen as the panacea to all these problems. Uniform Civil Code can be a well laid out scheme of laws and regulations governing the personal aspects of an individual's life. It is expected to provide a stable system of judicial procedures dealing with the personal matters along with uniformity and gender just framework. The laws can be well deliberated and debated with the involvement of all the stakeholders. For example, recently the law commission released a questionnaire on Uniform Civil Code to know people's opinion on the issue. A diverse country like India where customs not only vary but may also be opposed to each other may take refuge to legal pluralism which promotes the idea of multiple sources of law as this will accommodate cultural relativism- a cornerstone of human rights. Like in Goa, Uniform Civil Code may guarantee a unified legal structure for the whole country irrespective of religion or ethnicity.

3. Women Reservation:

There has been a historical social exclusion of women due to various social and cultural reasons and patriarchal traditions, due to which even after 70 years of independence, there is no adequate representation of women in political and decision making realm of the country. The percentage of women in the Lok Sabha has gone up by only a small margin from 4.4 percent in 1951 to 11 percent in 2014. In this pace, it will take another 180 years to reach the gender balance. At the same time the reservation in Panchayat was more effective than expected in energizing women and has underscored the need for reservation in higher bodies such as state legislatures and parliaments as well. However, several times the bills were introduced in Parliament but it lapsed due to one and another reason, for instance, the Constitution (One Hundred and Eighth Amendment) Bill, 2008 was introduced in Rajya Sabha with an aim to reserve 33 percent seats in Lok Sabha and State Legislative Assemblies for women. However, bill lapsed with the dissolution of the 15th Lok Sabha.

The reservation for seats for women is a valid and necessary strategy to enhance women's participation in the decision and policy making process. It would ensure considerable political empowerment of the women and pave the way to the achievement of political justice to women as promised in the Preamble and Article 38 of the constitution of India. Reservation is certainly needed to enable women to cross the sociogender hurdles and to give them a level playing ground and equal opportunities as their male counterparts because inadequate representation of women in Parliament and State legislature is a primary factor behind the general backwardness of women at all levels. Reservation is needed for women belonging to the SC/ST communities to enable them to have fair competition with women belonging to the forward classes. Reservation is a sociological concept evolved to bring about social reengineering and reservation for women is needed to make the democratic process inclusive.

Representation of women in policy making machineries is critical to the nation building process.

Conclusion

To bring this discussion as an end, the paper will argue that despite of constitutional safeguards, statutory provisions and plethora of pronouncements to support the cause of empowerment of women, changes in social attitudes and institutions have not significantly occurred. But, there has to be total optimism to achieve the requisite goal. It is necessary to accelerate this process of change by deliberate and planned efforts so that the pernicious social evil of gender inequality is buried deep in its grave. Laws written in black and white are not enough to combat the evil. Awakening of the collective consciousness is the need of the day. A problem as multifaceted as women's self-actualization is too important to be left to a single section of the society. This responsibility has to be shared by the State, community organizations, legislators who frame the laws and the judiciary which interprets the Constitution and other laws in order to give a stimulus to the legal reform in the field of women empowerment and to usher in the new dawn of freedom, dignity and opportunity for both the sexes equally.

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