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31

WOMEN EMPOWERMENT AND RIGHTS IN INDIA

ARUN KUMAR

111 Year Ba Hep, Department of Humanities,
St.Francis De Sales College, Hebbagodi, Bangalore.

J BENET RAJADURAI

Assistant Professor, Department of Humanities – Sociology,
St.Francis De Sales College, Hebbagodi, Bangalore.

Abstract

Among the various issues relating to human rights the issue of women's rights occupies an important position. It is an established fact that women are the primary victims of any kind of violence which in turn leads to the violation of their rights. It is therefore felt necessary to take certain ameliorative steps in order to improve the subjugated condition of women in the traditionally male dominated society. With this urge a number of women's rights instruments has been developed both at international and national level. Some of them, at international level, include Declaration on the Elimination of Violence against Women, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Convention on the Political Rights of Women, Convention on the Nationality of Married Women, Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages etc. Apart from these the other significant events are establishment of the Commission on the Status of Women, declaration of International Women's Year, observing International Women's Day, World Conference of the International Women's Year in Mexico City, declaration of the United Nations Decade for Women, World Conferences in Copenhagen, Nairobi, Beijing and New York etc. This paper intends to analyse the role of women

commission and policy enactments in protecting the rights of women in India.

Key words: Empowerment, Enactments, Discrimination, Implementation

Introduction

The Convention on the Elimination of All Forms of Discrimination against Women is the most important women's rights instrument at the international level that is concerned with the security and endorsement of the rights of women both in public and private spheres. The principle feature of this Convention is that it strictly negates discrimination on the basis of sex and thereby guarantees human rights and freedoms to women in matters related to education, employment, health, political, economic and others. The signatory states are obliged to implement its provisions, in order to ensure women with dignity and respect, so that women's rights can be realised in practice and not merely in laws. The Government of India has signed it in 1980 and Being a signatory to this Convention the Government of India is committed to ensure women in India all those socio-economic, civil and political rights which are enshrined in the Convention and thereby, to protect women from violence, atrocities and exploitation. The Indian Constitution does not contain any provision specifically made to favor women but it provides certain fundamental rights

to all its citizens (equally applicable to men and women) without making any discrimination on the basis of sex. In addition to the Constitutional guarantee of different fundamental rights, a number of Acts has been enacted by the Parliament for the protection of women from cruelties, discriminations, atrocities and violence. Some prominent of them include the Dowry Prohibition Act 1961, Medical Termination of Pregnancy Act 1971, the Indecent Representation of Women (Prohibition) Act 1986, the Commission of Sati (Prevention) Act 1987, the Immoral Traffic (Prevention) Act 1956, the Maternity Benefit Act 1961, the Muslim Women (Protection of Rights on Divorce) Act 1986, the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act 1994, Protection of Women from Domestic Violence Act 2005, the Protection of Human Rights Act 1993 etc. Accordingly a concern has developed for the protection of women's rights in different spheres like, social, economic, and political and others at the national level ratified in July 1993; and it came into force in August 1993.

National Commission for Women Act, 1990:

The National Commission for Women Act was enacted in the year 1990. The Commission consists of a Chairperson who shall be committed to the cause of women and shall be nominated by the Central Government; five members to be nominated by the Central Government from amongst persons of ability, integrity and standing who have had experience in law or legislation, trade unionism, management of an industry or organisation committed to increasing the employment potential of women, women's voluntary organisations (including women activists), administration, economic development,

health, education or social welfare. At least one member each shall be appointed from amongst persons belonging to the Scheduled Castes and Scheduled Tribes respectively [Article 3{2 (a, b)} of the National Commission for Women Act, 1990]. According to section 10(1) of the Act. National Commission for Women shall perform all or any of the following functions, namely: (a) investigate and examine all matters relating to the safeguards provided for women under the Constitution and other laws; (b) present to the Central Government, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards; (c) make in such reports recommendations for the effective implementation of those safeguards for improving the conditions of women by the Union or any State; (d) review, from time to time, the existing provisions of the Constitution and other laws affecting women and recommend amendments thereto so as to suggest remedial legislative measures to meet any lacunae, inadequacies or shortcomings in such legislations; (e) take up the cases of violation of the provisions of the Constitution and of other laws relating to women with the appropriate authorities; (f) look into complaints and take sue moto notice of matters relating to (i) deprivation of women's rights; (ii) non-implementation of laws enacted to provide protection to women and also to achieve the objective of equality and development; (iii) non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships and ensuring welfare and providing relief to women, and take up the issues arising out of such matters with appropriate authorities; (g) call for special studies or investigations into specific problems or situations arising out of discrimination and atrocities against women and identify the

