

# WOMEN EMPOWERMENT AND HUMAN RIGHTS: A STUDY

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## ABSTRACT

*The principle of gender equality is enshrined within the Indian Constitution in its Preamble, elementary Rights, elementary Duties and Directive Principles. The Constitution not solely grants equality to women, however additionally empowers the State to adopt measures of positive discrimination in favors of women. Among the framework of a democratic polity, our laws, development policies, Plans and programmes have aimed toward women's advancement in numerous spheres.*

*Women's equal right to development has been called a universal good. However, the realization of their right to development is beset by challenges rooted in the inequalities that pervade their lives. For women, the right to development does not simply require consideration of how income ability to enjoy their human rights; human poverty, in the sense of women's lack of voice and participation in decision-making within their families and societies, also impacts upon their lives and further reinforces their powerlessness.*

**Keyword:** Human Rights, Gender equality, Women, Constitutional provision

## 1. INTRODUCTION

The Constitution of Asian country not solely grants equality to women however additionally empowers the State to adopt measures of positive discrimination in favor of women for neutralizing the additive socio economic, education and political disadvantages long-faced by them elementary Rights, among others, guarantee equality before the law and equal protection of law; prohibits discrimination against any national on grounds of faith, race, caste, sex or place of birth, and guarantee equality of chance to all or any voters in matters regarding employment.

## 2. THE UNIVERSAL DECLARATION AND WOMEN

The Declaration presents the right to development as an umbrella right, in which all other internationally recognized human rights are taken into account; moreover, it introduces two key elements in the process of development: popular participation and fair distribution of benefits. Article 2 (3) proclaims: "States have the right and the duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom." Hence, the Declaration provides that development should be a

broadly participatory right, one that requires the State to take special and effective measures to ensure the active role of women. Similarly, fair and equal distribution of resources cannot be accomplished without female as well as male participation in the process (understood as popular participation earlier)

"Everyone" has the correct to a social and international order during which the rights contained within the Declaration is totally accomplished. The word "everyone" covers here not solely men however additionally women and girls. The "rights of man" was the most term employed in the eighteenth century once the seeds of contemporary human rights were planted. At that point, the "rights of man" was, to an outsize extent, understood virtually to mean the rights of somebody. Such associate interpretation was mirrored in legislation and court applies throughout the nineteenth century. The Universal Declaration provides that the rights it contains shall be enjoyed while not distinction; notwithstanding, it still contains male language in several components. a lot of this will be explained in terms of fashion, whenever the private function word "his" is employed rather than "his or hers." there's little question, however, that at the time the Declaration was written, there was still a lingering, dominant perception that the person was the most actor, notably in family relations, as is proved within the language of Article twenty three (3): "Everyone United

Nations agency works has the correct to simply associated favorable remuneration making certain for himself and his family an existence deserve human dignity, and supplemented, if necessary, by alternative means that of social protection". An identical formulation is found in Article twenty five.

Over time, however, it's return to be understood that a "family" commonly consists of a minimum of 3 completely different and quite separate persons – the person, the women, and therefore the kid – which every of them has his/her own human rights and his/her own separate existence within and out of doors the family context, among the general framework of universal rights. The method of modification within the conception of family life started with endeavors to make sure formal equality and step by step developed into recognition that the accomplishment of equality would, in fact, need special measures and, to some extent, special rights. This was 1st recognized with relevancy women, and later additionally with relevancy girls.

Shortly when the institution of the Commission on Human Rights, the Commission on the standing of women was established. Attention to the equal standing and rights of women has been improved over time through variety of world conferences on this subject, as well as the Fourth World Conference on women, control in Peking in 1995. The conferences have contributed to efforts towards developing a comprehensive and third-dimensional approach to the protection of the human rights of women.

Positive trends are noted with relevancy the elimination of sex-based discrimination in national legislation. In some countries, special programmes are adopted to strengthen the social rank of women and to encourage gender equality within the work additionally as women's participation in political and decision making. In world conferences and in human rights bodies, perennial appeals are created for the obliteration of ancient practices touching the health women and girls.

### **3. CONSTITUTIONAL PROVISION IN FAVORS OF WOMEN IN INDIA**

- Equality before law for girls (Article 14)
- The State to not discriminate against any national on grounds solely of faith, race, caste, sex, place of birth or any of them (Article fifteen (i))
- The State to form any special provision in favors of women and girls (Article fifteen (3))
- Equality of chance for all voters in matters regarding employment or appointment to any workplace below the State (Article 16)
- The State to direct its policy towards securing for men and girls equally the correct to associate adequate means that of keep (Article 39(a)); and equal purchase equal work for each men and girls (Article 39(d))
- To promote justice, on a basis of civil rights and to supply free legal aid by appropriate legislation or theme or in the other thanks to make sure that opportunities for securing justice aren't denied to any national by reason of economic or other disabilities (Article thirty-nine A)
- The State to form provision for securing simply and humane conditions of labor and for maternity relief (Article 42)
- The State to market with special care the academic and economic interests of the weaker sections of the folks and to shield them from social injustice and every one types of exploitation (Article 46)
- The State to lift the extent of nutrition and therefore the customary of living of its folks (Article 47)
- To promote harmony and therefore the spirit of common brotherhood amongst all the folks of Asian country and to renounce practices uncomplimentary to the dignity of women (Article 51(A) (e))
- Not but common fraction the quantity of seats reserved for girls happiness to the regular Castes and therefore the regular Tribes) of the entire number of seats to be crammed by direct election in each council to be reserved for girls and such seats to be assigned by rotation to completely different constituencies in an exceedingly council (Article 243 D(3))
- Not but one- third of the entire variety of offices of Chairpersons within the Panchayats at every level to be reserved for girls (Article 243 D (4))
- Not but common fraction including range of seats reserved for girls happiness to the regular Castes and therefore the regular Tribes) of the entire number of seats to be crammed by direct election in each Municipality to be reserved for girls and such seats to be assigned by rotation to completely different constituencies in an exceedingly Municipality (Article 243 T (3))
- Reservation of offices of Chairpersons in Municipalities for the regular Castes, the regular Tribes and girls in such manner because the general assembly of a State might by law give (Article 243 T (4)).

## 4. SPECIAL INITIATIVES FOR WOMEN

### 4.1 National Commission for women

In January 1992, the govt. set-up this statutory body with a particular mandate to review and monitor all matters regarding the constitutional and legal safeguards provided for girls, review the present legislation to counsel amendments where necessary, etc.

### 4.2 Reservation for girls in native Self –Government

The 73rd Constitutional modification Acts passed in 1992 by Parliament guarantee common fraction of the entire seats for girls altogether no appointive offices in native bodies whether or not in rural areas or urban areas.

### 4.3 The National arrange of Action for the lady kid (1991-2000)

The arrange of Action is to make sure survival, protection and development of the lady kid with the last word objective of build up a more robust future for the lady kid.

### 4.4 National Policy for the direction of women, 2001

The Department of women & kid Development within the Ministry of Human Resource Development has ready a “National Policy for the direction of Women” within the year 2001. The goal of this policy is to achieve the advancement, development and direction of women.

## 5. JUDICIAL PRONOUNCEMENTS

The verdict in these eight cases, which were fought to provide justice to one woman, continue to bring hope to several women facing circumstances that undermine their dignity and their fundamental right to equality.

### 5.1. Vishaka v. State of Rajasthan

Bhanwari Devi, a social worker from Rajasthan, was brutally gang-raped by five men for preventing a child marriage. Determined to seek justice, she decided to go to court. In a shocking decision, the trial court acquitted all five accused. Vishaka, a Group for Women’s Education and Research, took up the cause of Bhanwari Devi. It joined forces with four other women’s organisations, and filed a petition before the Supreme Court of India on the issue of sexual harassment at the workplace.

On August 13, 1997, the Supreme Court commissioned the Vishaka guidelines that defined sexual harassment and put the onus on the employers to provide a safe working environment for women.

### 5.2. Mary Roy v. State of Kerala

Women from the Syrian Christian community in Kerala were prevented from inheriting property due to patriarchal traditions. This decree was challenged by Mary Roy, a woman's right activist and educator. After the demise of her father, she filed a case against her elder brother when she was denied equal share in the family's inheritance. Though the plea was rejected by the lower court, the Kerala High Court overruled the previous judgment.

In 1986, the Supreme Court delivered a landmark judgment that granted Syrian Christian women the right to seek an equal share in their father's property.

### 5.3. Lata Singh v. State of Uttar Pradesh

Lata Singh was an adult when she left her family home to be joined in matrimony with a man from a lower caste. Her brothers, who were unhappy with the alliance, filed a missing person report, and alleged Lata had been abducted. This resulted in the arrest of three people from her husband's family.

In order to get the charges dropped, Lata Singh filed a petition which resulted in the landmark judgment by the Supreme Court that allowed an adult woman the right to marry or live with anyone of her choice. The court further ordered that the police initiate criminal action against people who commit violence against those who decide on inter-religious or inter-caste marriages.

### 5.4. Roxann Sharma v. Arun Sharma

Roxann was involved in a bitter child custody battle with her estranged husband. A court in Goa granted her interim custody of their child, but Arun Sharma whisked their son away and refused to let Roxann meet the child. She filed a case against him, which led to the landmark judgment pronounced by the apex court regarding children caught in a legal battle between parents.

The Supreme Court ruled that when estranged parents are involved in a legal tussle over the custody of a child who is under the age of five years, the custody of the child will remain with the mother.

### 5.5. Tamil Nadu v. Suhas Katti

This case led to the first conviction under the Information Technology Act, 2000. The victim was being harassed by the accused, Suhas Katti, when she refused to marry him. He would send defamatory and obscene messages to her online in a Yahoo message group. To add to her agony, she began to receive phone calls from unknown people soliciting sex work.

The victim filed a complaint in February 2004, and within seven months the accused was convicted. In an age of merciless trolls and other forms of online harassment, this judgment acts as a tool that woman can use to safeguard their dignity.

### 5.6. Laxmi v. Union of India

In 2006, Laxmi, an acid attack victim, filed a petition seeking measures to regulate the sale of acid and provide adequate compensation to the victim. Taking cognizance of the number of cases relating to acid attacks against women on the rise, the Supreme Court imposed stringent regulations on the sale of acid in 2013.

The ruling banned over the counter sale of acid. Dealers can sell the acid only if the buyer provides a valid identity proof and states the need for the purchase. It is mandatory for the dealer to submit the details of the sale within three days to the police. It also made it illegal to sell acid to a person below 18 years.

### 5.7. Centre for enquiry into Health and Allied themes (CEHAT) v. Union of India

With the advent of pre-natal diagnostic techniques that could determine the sex of a foetus, the growing trend of aborting female foetuses was observed. In a bid to curtail female feticide, the government of India issued the PNDA Act in 1996. The provisions of the PNDA Act, however, were not being effectively implemented by the state and central government.

The Centre for Enquiry into Health and Allied themes filed a petition which led to the Supreme Court directing the Central and State governments to enact the provisions of the act immediately, and banned all advertisements relating to pre-natal sex determination techniques.

Thus, by recognizing all these rights we can say that even the Judiciary has played a significant role in the process of empowering the women,

## 6. CONCLUSION

While much has been done to integrate women's experiences into development discourse and human rights, the condition and situation of women in the world today seem to indicate that the knowledge we have gained has not led to any improvement in their lives. In addition to ongoing discrimination, women continue to be excluded from participating in both public decision-making processes and also in decisions about resource distribution, family size and income usage at the family level. That this continues illustrates the lack of State

accountability vis-à-vis the delivery of women's human rights, including development-related ones.

This suggests that women are still undervalued. It is need of the hour to move beyond rhetoric and yet more elaborate analyses of human rights to actually delivering them, and thereby honoring our collective humanity.

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