



LEGAL FRAMEWORK ON EMPOWERING WOMEN IN INDIA

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Abstract

Traditionally Indian women's position has been one of general subordination to men. Even in the matriarchal societies, the actual power holders in the families were men. The UNO in 1948 opened the doors of freedom to women all over the world by recognizing equality as a fundamental human right irrespective of sex, race etc., as a result the women of today is striving to bridge up the centuries – old gap between the man and the so called woman's sphere of work. Women, despite being considerable in number received only a small share of development opportunities. Women constitute one-half of the segments of population in India and women are vital and productive workers in India's national economy. Though women in India constitute one third of the total labour force productivity enhancing women productivity.

Key Words: Women, Empowerment, Individuals.

Introduction

The very creation of the universe, women played various managerial and non-managerial roles in the decision making process. The oldest and the best evidence is how Eve persuaded Adam to eat the fruit from the forbidden tree. All religious and philosophies attach due respect to women. In the modern society, governments have initiated policy documents to protect the rights of women and to prevent atrocities against them. These policies have converged into a strategy of women's empowerment. Women were excluded from education, better jobs and from participation in political system. Data on the position of women in the world today says, apart from the fact that they do two-thirds of the worlds work; earn just 10% of the world's income and own 1% of the worlds propertyⁱ.

The United Nations, report (1993)ⁱⁱ asserts that no country treats women as well as it treats men. Despite the vast numerical strength, women occupied a marginalized position in the society because of several socio-economic constraints. Therefore, unless women are empowered, their status in the society cannot be improved. Improving women productivity and quality of life implies a multi-dimensional contribution to overall growth and development. Accordingly, in order to improve the status and participation of women the government initiated different measures. In all the cities and villages of India, the women today are breaking the social and psychological barriers and are assuming new responsibilities. Women's economic horizon once confined to domestic servant hood or labour on the farm has expanded considerably. Women from all shades of life started working in other fields. It is inevitable that women employees are increasingly staffing today in the organizations. Modern India has facilitated the entry of women into all fields of activity and their empowerment that was rare about three four decades ago.

The Concept of Empowerment

Empowerment differs in meaning to people. As such, it becomes important to clarify the term. Nelly Stromquist defines empowerment as "a process to change the distribution of power both in interpersonal relations and in institutions throughout the society"ⁱⁱⁱ. Similarly, Lucy Lazo described, "It is a process of acquiring, providing, bestowing the resources and the means of enabling the access to a control over such means and resources"^{iv}. According to the country report of Government of India presented at fourth World Conference on Women at Beijing. "Empowerment means working from a portion of enforced powerlessness to one of power. It would promote Women's inherent strength and positive self-image"^v. Srilatha Balliwala has rightly observed, "the term women's empowerment has come to be associated with women's struggle for social justice and equality"^{vi}. According to Kiran Devendra, "empowerment to women means equipping women to be economically independent, self-reliant, having a positive self-esteem to enable them to face any difficult situation and they should be able to participate in development activities and in the process of decision-making"^{vii}. According to Kelter and Mberwe, "empowerment is a process whereby women become capable to organize themselves to increase their own self-reliance, to assert their independent right to make choice and to control resources, which will assist in challenging and elimination their own subordination"^{viii}. Promila kapur views empowerment as "a process in which women get her share of control over resources - material, human and intellectual like knowledge, information, ideas and financial resources like money and access to money and control over the decision in the home, community, society and nation, and to gain power"^{ix}.



On the basis of these definition, it can be concluded that empowerment is a process in which, women gain control over their own lives by knowing and claiming their rights at all levels of society, viz., international, national, local and household. It is nothing but a religious, cultural and legal struggle against oppression, injustice and discrimination. In short, it is an ability to organize and mobilize for change. It enables the women to direct their own life and reach a stage where, they are most likely to succeed in whatever they attempt to do. It is an ongoing process and not an end itself. Thus in reality women empowerment is to empower herself and not to overpower men. In other words empowerment of women is the process by which the disempowered or powerless women could change. Their circumstances and power to have decision making of their own –lives. Empowerment results in a change in the balance of power, in the living conditions and in the relationships. To achieve this, women must be free to decide about their income and should gain self –confidence. Keeping this in mind, government of India enacted several legislations from time to time to raise the status of women^x. Women's empowerment without two things is impossible. The first is education and the second is economic independence. It's not just enough to make women literate. They have to be provided with an education that will shape and change their outlook and educate the woman to re-define herself and her role in the society.

Role of Education in Empowering Women

In the context of development, education is an instrument that brings about equality of opportunity. Denial of education to women, due to the restrictive social attitudes and the pre-conceived notions regarding women's non-productive roles, has resulted in the perpetuation of an unequal status. Due to their ignorance, women were exploited and tortured for ages. That they comprise half of our society without which national development is deteriorating, is a deliberate blunder. Being a male dominated society, where men monopolize women's rights. An illiterate woman does not know her position in the family. Consequently, she becomes a puppet in the hands of her husband and dances to his tune. However, education has unveiled the ignorance and illiteracy. The other important contribution of women education is awareness about their status. Lok Sabha Speaker, Shri Somnath Chatterjee has said that Empowerment emanates from education. Particular attention should be paid to the educationally backward regions and States, to the minority communities, weaker sections, women, etc. who have suffered for historical and other socio-economic reasons. The rural areas and villages should be the focal point for such emancipation. In today's knowledge-driven society, if not literate and educated, cannot access the benefits of empowerment^{xi}. The first international congress at Instanbal, Turkey in 1993 on population, literacy and development on the eve of twenty first century, stress was laid on various levels of education to accelerate the pace of development. The action framework comprises four outlines such as:

- Policies, programming and institutional coordination.
- Conceptualization and content levels of education.
- Strategies for the development of educational actions.
- Logistic approach.

Within the framework of education, information and communication activities, literacy programmes are carried through various channels like school students - girls and dropouts to make them aware of the development programmes. Communication plays a major role to create awareness among people about various development schemes that helps to increase economic conditions of the individuals. Information keeps them updated about the new employment scheme both in public and in private sectors. Education coordinates all and set their mind to improve the per capita income, increase quality life etc. In short, literacy is the key factor to accelerate the path of development. The present day women are more educated by overcoming the obstacles in the professional field than men. Women is the one who are striving to reach the top in this global village and moving with better focus and vision than men. In this new economy dominated by e-learning facilities it is clear that women are more into online learning compared with men. The employment of women in India is increased due to the role of education and education is a precursor to empowerment of women.

The Indian Woman's Corporate World

The Indian woman travelled a long way and is one of the few in the world who did not have to fight for the right to vote. The freedom movement against the colonial British rulers ensured that women fought for freedom alongside the men. From the onset of independence, Indian leaders made it clear that the participation of women in the workforce was imperative for the country's progress. That was the clarion call for Indian women to empower themselves and play a role in the socio- economic and political growth of India^{xii}.

However, the situations in corporate India would not have been the same without the path created by the trailblazers, the initial handful of women who chose to step into the male dominated businesses. These women entered the workforce at a



time when the male employer had earmarked certain roles considered as appropriate work for women. This blazed attitude was perhaps a global reason that tended to exclude women from earning more and taking on a more challenging leadership role. It is only of recent origin that Indian women have taken up leadership roles. Questioned women were not at the top recently, Bachhi Karkaria, columnist, The Times of India has said that huge changes have happened in the last decade. In addition, women were not there in the beginning. This is because they were not groomed for the top. Now women are being groomed for the top. While Indian women are more successful in the spheres of education, medicine, media and even politics, women leaders in the corporate are still rare. Possibly, this may be an indication of glass ceiling existing in the scenario^{xiii}.

At the second women's conference on redefining the role of the women' held on March 7, 2005 in Mumbai Shekhar Gupta, Editor in Chief, the Indian express has expressed that glass ceiling applies to many categories. Media and Banking are the two important sectors where the percentages of women employees are rising. Of the two, media, being a liberal and equal profession, sees a huge increase in women employees^{xiv}. Glass ceiling exists in the corporate sector due to the glass ceiling in the families. Somewhere along the way, the Indian woman has not been able to escape from the traditional controls of the patriarchal society. Indian women are still in a culture that worships the male. Marriage is necessary and arranged marriages are still prevalent. Motherhood is seen as the ideal role for the Indian woman. While a lot of emphasis is given to the education of girls, they continue to play second fiddle at home and the workplace. Women might be under-represented in corporate India and occupy few plum posts, but they are getting more opportunities, are more qualified than before and the corporate environment is much more conducive than it was before for women. In spite of this, women have not made inroads into the top management. They found that when people adhere to their traditional sex roles they easily get social approval and acceptance; on the other hand, violation brings criticism. Women are still straddling the traditions and modern trends to reinvent themselves to meet these challenges. Consequently, Women may start to believe that they are less capable of managing than men. Thus, it is very important that programmes come up with initiatives that break sex stereotype barriers and society sees people as capable workers based on their merits and not their gender.

The encouraging fact is that with the spread of the BPO industry in India, young women are entering the corporate world in large numbers. They are increasingly opting for professional career oriented courses and subsequently a job in the corporate sector, rather than the traditional jobs. This is because there are equal opportunities in the corporate sector and more promising career growth. To encourage women in the corporate sector, according to K.V. Kamath, MD and CEO, ICICI Bank the answer lies in creating a true equal opportunity workplace that is completely gender neutral. The management is in fact blind to gender while selecting people for the job positions^{xv}. The issues that are still not adequately addressed in the Indian corporate sector are the availability of day care and flexi-options. Women still fall back on their extended family for support. They give up travelling jobs a miss and often give up promotions that would necessitate a change of place, as that would mean relocating the entire family.

Empowerment of Women Executives

The idea of empowerment has gained popularity in corporate and academic circles due to the widespread perception that by delegating more decision- making authority to organisation members, productivity and performance will be enhanced. The concept of empowerment is widely referred to these days but not so clearly defined and understood. The following definitions provide a rich variety of diverse themes and reflect the understanding of the proponents and the practitioners of the concept.

Empowerment in simple words means providing employees with proper environment, tools and resources that enable them to give their maximum potential and for management to help them achieve their goals by delegation, training and developing^{xvi}. Conger and Kanungo defines empowerment as a process of enhancing feeling of self-efficacy among organisational members through the identification of conditions that foster powerlessness and through their removal by both formal and organisational practices and informal techniques of providing efficacy information^{xvii}. Empowerment is the cutting edge "technology" that provides both the strategic advantage companies are seeking and the opportunity people are seeking. Empowerment can assist to tap the knowledge, skills, experience and motivation of every person in the company. The real essence of empowerment comes from releasing the knowledge, experience and motivational power that is already in people but is being severely underutilized^{xviii}. The formula for competitive success rests with empowered dynamic efforts. Approaches that facilitate involvement from all levels of the organisation can make a difference^{xix}. Combining the definitions above it is understood that empowerment is the process of releasing the full potential of employees in order for them to take on greater responsibility and authority in the decision-making process and providing the resources for this process to occur. The core



dimension of workplace culture with focus on women empowerment in the emerging corporate scenario needs to be located in a specific context that deserves both compliments and criticism. Empowerment can be understood against a backdrop of attitude of organization towards women discrimination against women, men's confidence in women demands on performances, career pursuits of women as perceived in the attempts for vertical mobility, reward system recognizing the achievements made by women. By and large the so called sexual harassment and ill-treatment, as conceived by most of the thinkers, as found to be disappearing from work-places in the light of growing realization about their productive contribution.

Though the association of women with the organization is found to be a boon for its growth, it cannot be vice-versa. The woman's perception of the organization still needs to be demystified by giving utmost care in accommodating the passions and fashions of womenfolk in the organization. There seems to be unfinished revolution in the regard, even though it is found, women at the center stage of organization. Mere elevation to a center stage in the organization cannot be presumed as a progress on the women empowerment front. But at the same time it also signals the positive outlook in the managerial class. An exciting trend in today's organisation centers on empowerment. Other labels attached to this trend are "participative management" and "participative decision-making" regardless of the term one prefers, the underlying process is the same. The earlier general perception about the women is that they are weak and cannot take decision. They are soft at heart or kindhearted. This is not true in the present global scenario. Maximum number of organisations prefers women as middle- level managers and feels that they are more disciplined and loyal comparatively with men. The men interacting with softness in the workplace it is treated as that he is good at heart. But women at workplace interact with the colleagues with same kind of softness it is totally looked in a suspected angle spreading stories in the organisation. Impression of these issues related to women unless the organisation, are strong in their culture and maintain no gender bias, cannot provide a platform for the effective women managers. The earlier detailed study of the subject, irrespective of the gender difference and biological disparities, women have displayed, at crucial times, an array of abilities like tolerance, patience, forbearance, concentration, team spirit and even determination. A website^{xx} on this subject credits women with the following essential qualities that enable them to function as efficient managers:

- Women are equally better to men at empowering teams and staff
- Women encourage openness and more accessible
- Women leaders respond more quickly to calls for assistance
- Women are more tolerant to differences, so that they are more skilled at managing diversity
- Women identify problems more quickly and accurately
- Women are better at defining job expectations and provide valuable feedback.

Further the women have an innate desire to build up things, be they business relationships, collective approaches or cooperative initiatives. Women are also better communicators and motivators. Well-experienced women tend to hone their innate abilities to carry the team with them. Women even motivate those associated with them. In today's workplace, employees have multiple jobs and fleeting loyalty, technology enables even tiny companies to compete in global marketplaces. The ability to make staff feel charged up, valued and individually recognized is a definite competitive edge. By communicating company goals more readily and expressing appreciations women tend to be better at making staffers feel valued and rewarded. Translating into cost-effective recruiting and being able to operate with stable and loyal employees. It is also the opinion of researchers women managers are demonstrating increased capabilities in the areas of solving problems, controlling functionaries, leading teams, managing clients, exploring business opportunities and formulating business plan^{xxi}. So, it is for the organisation to take advantage of empowering their women executives in accomplishing the goals. Increasing the organisational efficiency and reputation in the society. The women executives in an organisation are empowered under two main domains internal factors and the external factors. The internal factors are the factors in the organisation that makes possible for the empowerment of women executives. Government, society, technology and media are the external factors having their own contribution in empowering the women executives. Consequently empowering the women executives benefits the individuals and the organisations.

Role of Government in Empowering Women

Government plays a pivotal role among the external factor in empowering the women. Numerous laws were enacted, both in the pre-independence and in the post-independence period to raise the position of women in India. The reforms in personal laws governing marriage and inheritance, labour laws ensuring human conditions of work, maternity benefits and welfare of workers and social laws seeking protection to women against immoral traffic and exploitation tried to remove the disabilities that contributed to the subordinate status of women in the Indian society. In spite of the enactment of a number of social



legislations women lagged behind men in different spheres. In order to improve their social status in the society both the central and the state governments introduced more number of progressive measures from 1967 to 2000A.D. No doubt, the progressive measures implemented before 1967 help improve the position of women, but the efforts made from 1967 had a definite direction in the progress of women and their empowerment in the social, economic and political spheres. Some significant measures laws relating to women, passed after independence are

- The Legal Practitioners (Women) Act, 1923.
- Child Marriage Restraint Act 1928 Amended In 1978.
- The Employees State Insurance Act 1948, The Factory Act 1948 And The Mines Act 1951.
- The Special Marriage Act 1954
- The Hindu Marriage Act 1955.
- The Hindu Succession Act, 1956 (& amended in 2005),
- The Hindu Adoption and Maintenance Act 1956.
- The Hindu Minority and Guardianship Act 1956.
- Immoral Traffic Prevention Act 1956.
- Devadasis Abolition Act 1958.
- The Hindu Widow Remarriage Act 1959.
- The Dowry Prohibition Act 1961.
- The Maternity Benefit Act 1961.
- The Medical Termination Of Pregnancy Act 1971.
- Equal Remuneration Act 1975.
- The Bonded Labour System (Abolition) Act 1976.
- The Contract Labour (Regulation) Act 1978.
- The Family Courts Act 1984
- Indecent Representation Of Women (Prohibition) Act 1986.
- Pre-Natal Diagnostic Technique (Regulation and Prevention of Misuse) Act, 1994.
- Domestic Violence Act 2005.

Besides enacting the series of liberal and progressive sounding legislations for women, the government had taken measures in the direction of providing justice to women by protecting them against social evils. They are:

- Government of India had established a special cell to help women in distress.
- The central government had appointed a woman minister to deal with women's issues.
- Social vigilance groups were established to help the aggrieved person and
- National plan of legal literacy have been evolved to raise the legal status of women.
- Institutional Empowering Mechanisms- Parliamentary Committee on Empowerment of Women and National Commission for Women.

The policies and programmes for economic and social development initiated by the government brought positive results in the improvement and widening of opportunities for women to participate in the social processes in a more effective manner. Education, vocational, training, health services, family planning, welfare and development programmes sought to change and improve the conditions of living and mental horizon of women. The latest technology development and their impacts on the economy invited several women to contribute for the national development. The women executives' contribution is realized through accomplishing their goals through their organisational efforts and their personality development. Women are empowered by relenting the knowledge and exposure in their mind. The media is acting as a powerful tool in exposing the environment context around women. In fact housewives and other women are empowered to the large extent through availability of updated information of media. The humiliation and recurrent embarrassment of social shackles and cultural impediments for women development is also overcome due to the increase in the literacy rate among the women. Women working in business enterprise are no longer seen as aberrations. Men today work under female bosses without raising social censure and shock. Women traveling on work assignments, working in night shifts, women engineers in the manufacturing sector are no longer a taboo in the society. Empowerment has an important role for women executives to have a balanced portrayal in the organisation. So it necessitates exploring the empowerment of women executives in the organisation.



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