

The Position of Women in the Constitution and Society in India

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Abstract: *Women have to play a variety of roles like the political, social, religious, economic and cultural etc. Among these the political role is vital through which they can achieve equal rights, opportunities and status at par with men. Though various efforts have been made by the government to uplift the status of women, but the situation is not very satisfactory yet. There are several provisions made by the constitution to uplift their position, role and status in Indian society. Despite these provisions the status of women in demographic, literacy, employment and political fields is not very satisfactory. It is only through empowerment of women the development of the society and the nation is possible. So a lot of measures are needed to improve their position in society.*

Keywords: Uplift, Constitutional, Rights, Directive Principles, Women Empowerment, Status, Violence, Efforts

Although, women in the early age were expected to become the principal providers of care and support for infants and children, yet, in the changing context, they have to play a variety of roles-political, social, religious, economic and cultural etc. But, among these, the political role is paramount through which women can achieve equal rights, opportunities and status at par with men. The post-independence Indian governments have made enormous attempts to uplift the status of women through constitutional and extra constitutional measures also but, the situation is not very satisfactory even so far. The spirit of the United Nations Declaration of Human Rights has been honoured by the framers of the Indian constitution and policy makers. This has been reflected into various steps like-land reforms, review of minimum wages, equal pay for equal work, protection of civil rights, eradication of untouchability; and other legislative provisions to prevent discrimination in employment on the ground of sex. Again, a National Commission for Women has been constituted to protect the rights of women, to tender suggestions and schemes for the upliftment and improvement in the health and educational conditions of women; and to offer projects for the socio-economic development of women. A national plan for the welfare of boys and girls and a national policy for children are also concrete steps taken for the welfare of women.

Apart from the above steps taken for the upliftment of the political status of women, a landmark attempt has been made by the Panchayati Raj Act through which women have been guaranteed, a reservation of one third seats in Panchayati Raj Institutions (PRI_s). These institutions have been given a constitutional status by the 73rd and 74th constitutional amendment act, 1992. Thus, a new chapter of women's political participation at grass root Indian politics level has started. Several women organisations and feminists are demanding for reservation of seats for women in legislative assemblies and parliament also. Here, it is suggested that a proper evaluation and examination of women's performance and role in PRI_s is required to provide them further opportunity of reservation in higher and apex legislatures bodies.

The architects of the Indian constitution were quite conscious about the dignity and rights of the Indian women. Therefore, they have incorporated several provisions in the

constitution which have paved the way for the post-independence governments to make rules and regulations for the emancipation of Indian women and to uplift their position, role and status in Indian society. Some of the leading provisions are discussed here.

- **Article 14 (Right To Equality)** provides that the state shall not deny any person equality before law or the equal protection of the laws within the territory of India.
- **Article 15 (Right to Social Equality)** envisages that the state shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them. Nothing in this article shall prevent the state for the welfare and upliftment of women and children.
- **Article 16 (Right To Equality for Opportunity in Public Services)** provides that there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the state. Further, **article 16 (2)** declares that no citizen shall on grounds only of religion, race, caste, sex, decent, place of birth, residence or any of them, be eligible for, discriminated against, in respect of any employment or office under the state.

The incorporation of the chapter of **Directive Principles of State Policy** in the constitution was one of the pioneering efforts to protect and improve the socio-economic and political status of Indian women. The provisions of the Directive Principles of State Policy enshrined in the constitution shall not be enforceable by any court, but the principles therein laid down are nevertheless fundamental in the governance of the country. It shall be the duty of the state to apply these principles in the enactment of laws.

- **Article 39** provides that the state shall, in particular, direct its policy towards ensuring that the citizens both men and women equally, have the right to an adequate means of livelihood. **Article 39 (d)** and **39 (e)** respectively make a provision that the state shall make an arrangement to equal pay for work, for both men and women; and further, the state would ensure that the health and the strength of the workers; men and women and the tender age of children are not abused; and that citizens are not forced by economic necessity to enter professions unsuitable for their age or strength.

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- **Article 32** provides for securing just and humane conditions of work and maternity relief.
- **Article 51 (A) and (e)** refers to the fundamental duty of citizens to renounce practices derogatory to the dignity of women.

Thus, it can be said with a considerable degree of certainty that the architects of the Indian constitution have provided equal opportunities and avenues of development to both men and women through constitutional measures. This has resulted in the radical change in the roles and performance of Indian women.

Status of Women in Indian Society

Despite these various constitutional provisions the status of women in India is a matter of serious concern. The violence and crime against women have been ever increasing since independence and so has been the perpetuation of structural and cultural inequality practiced in various forms despite the constitutional and legal guarantees aimed at equality and discrimination in any form. The problem is in fact deep rooted as is to be found in any patriarchal society of which India is one of the best examples. In general, the status of women is evaluated in comparison to the status of men.

The demographic status of women can be evaluated on the basis of sex ratio in India. Since the beginning of the census exercise, sex ratio has always been unfavourable to women. In 1901 the sex ratio was 972 females to 1000 males and in 1951 it was 946 females to 1000 males and according to the 2011 census it is 940 females to 1000 males only. This is a very disturbing trend.

The literacy status is also not satisfactory. Although after independence more and more girls are getting educated and their literacy standard has been improving every year but it is still far less. In 1951 the female literacy rate was 8.86 percent and the male literacy rate was 18.33 percent and it increased to 54.16 percent for females and 75.85 percent for males. There are many reasons for the low literacy of women in India like, the low socio-economic house-hold status; early marriage of girls; lack of schools for girls; lack of women teachers; distance of schools from homes etc. In 2011, the female literacy rate was 65.46 percent and the male literacy rate was 82.14 percent.

In the employment field the status of women is also not satisfactory. Although women constitute a significant part of the work force in India but they lag behind in terms of level and quality of employment. According to the Centre for Monitoring Indian Economy (CMIE), a think tank in the initial four months of 2017 jobs for men increased by 0.9 million and 2.4 million women disappeared from the employment map and only 27 percent Indian women are currently in the labour force. Gradually women are making inroads into hitherto male oriented occupations like engineering, police, management, etc. However, women face discrimination in selection, training and promotion. They are paid lower wages, occupy lower skilled jobs and have less access to skill, training and promotion.

In the political area women in India have been granted franchise right by the constitution. But they are not

adequately represented in parliament, legislative assemblies and local self- government institutions. The maximum percentage of women parliamentarians is in sixteenth Lok Sabha with 62 members which is 11.38 percent of the total members. Women in PRLs are charged that they do not attend the routine meetings of these institutions and often their representatives' like- husband or other family members attend the meetings. Women by the large, have remained passive voters. The male members of their community generally determine their voting behaviour. However, the situation is gradually changing now. In many places in India women have emerged as powerful leaders and have formed powerful pressure groups.

Violence against women is a crude form of displaying men's superiority over women. It is used to put 'women in their proper place' by men. Violence against women takes various forms such as rape, sexual harassment, kidnapping and abduction, dowry deaths, torture, molestation, abuse and domestic violence. Rape, sexual harassment, eve-teasing, molestation and abuse of women and young girls perpetuate the notion that women need male protection at various stages of life. Eve-teasing in educational institutions and public places is rampant. There have been frequent instances where acid has been thrown on young girls in order to deface them. Sexual harassment and abuse at work places are not reported by women for fear of losing jobs and public ridicule. There has been a marked increase in cases of rape against women and even children are not spared. Many cases go unreported due to fear of public stigmatisation and non-cooperation of police.

Mere legislation and constitutional provisions are not enough; true emancipation is required at individual levels. Legislative means can, however be short-term remedy or facilitator. It is only through empowerment of women the development of the society and the nation is possible. Not only should the removal of inequality and imbalance, but improvement in the quality and standard of life of the women be our goal. Following measures are required to be implemented strictly, if we want to achieve the goals of women empowerment and improve the position of women.

- Compulsory and free education for girls up to graduation.
- Reservation of 33 percent of seats in parliament and state legislative assemblies.
- More share of women in decision-making process and planning process.
- Appointment of women administrators on key posts without discrimination.
- Launching of anti-dowry movement and awareness campaign.
- Gender sensitisation of enforcement mechanisms.
- Better training facilities to enhance the skills and efficiency.
- Reform and proper implementation of laws to address issues of gender based violence.
- Summary and in camera trials of rape cases to create confidence in victims.
- Convicted persons in atrocities on women must be given harsh and exemplary punishment.
- Removal of the myth of son preference.

- Granting equal access to property, credit and rewarding occupation.
- To prevent the deteriorating environment and poor quality of living.
- Quick disposal of cases of exploitation, torture, rape and other such crimes.
- Change of attitude of the society towards women.
- More powers to the National Commission for Women.
- Suppression of immoral trafficking in women and girls.
- Awaking the women regarding their rights and privileges.

Therefore, the efforts should be directed towards the all-round development of each and every section of Indian women, not confining the benefit to a particular section. It is a must to protect their chastity, modesty and dignity and ensure their dignified position in society. According to Mahatma Gandhi, "As long as women of India do not take part in public life, there can be no salvation for the country." Hence the women's empowerment is the need of the time to improve their position in society.

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