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## **Legal and Policy Framework on Women Welfare: An Inclusive Growth Strategy**

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**Abstract:** *Indian economy is progressive at the global phase in spite of certain social backlogs like corruption, normative social structure, social evils, violence against women, depriving the down trodden minority. Overall development and growth is not uniform across all the sectors of the society. Large mass has been kept outside the development strategies. Social, political and economic protocol has to be monitored which ensure sustainable development assuring greatest welfare to the nation. A uniform and common growth strategy shall implement and accelerate the deprived. Formulation of common developmental plan which is unique may bypass the diversities of incredible India. This type of inclusive growth strategy shall create a platform for the broader benefits by emphasizing equality in allocating the resources, providing opportunities and services to every section of the society. Vision is kept highly on the pro-poor growth of the deprived. In Social structure men were kept unjustifiably superior which planted paternal bias, powerlessness and dependence of women. It boosted opportunities for vulnerability and crimes against women in the society, as violence is opposed to reason, human rights and welfare state principles. Hence, the legal system should ensure Education, Freedom, Dignity, Safety and Justice to women in all spheres highlighting the constitutional perspectives of gender equality. This paper tries to analyse the constitutional safeguards, legal mechanisms, developmental policies for women empowerment.*

**Key Words:** *Development, Inclusion, Women, Legal System, Empowerment*

### **Introduction**

India adopted liberalized policy framework for entrepreneurship, encouraged private capital investments and foreign direct investment after 1990 which created platform for growth of economy at the global level. The development was focused through service orientation from agricultural betterment. The wave of Information Technology and allied services also aided for the growth process. In terms of economic growth India is expected to overtake China,

Japan or Burma in recent future. The development of the countries was not uniformly shared with the urban and rural masses as the rural women, children, backward classes and minorities often were excluded from the growth story. The task of feeding, housing, clothing, education and employment to India's growing population, which is expected to reach nearly 1.5 billion by 2030, has become a great challenge. Bringing them into the economic mainstream both as producers and consumers of goods and services must be kept as the base for the inclusive growth. Inclusive growth strategy aims to curb poverty, developing human resource, provision for health and creating opportunity to work. The allocation of resources must be focused on weaker sections of the society like women, child, minorities, disabled and so on. This paper focuses on the women welfare as an inclusive growth strategy by the government. The attribute of including women in inclusive growth is focused through creating platform for opportunity to increase their income, build capability to enhance their capacity to exploit available opportunities, providing ample access by providing the means to bring the opportunities with their capacity and finally, ensuring their security by protecting their self against a temporary or permanent loss of livelihood.

### **Need for Inclusive Growth in India**

History of women in India has been eventful. Women, constitute half of total population, should be included in the task of nation building. But instead, are treated as the 'weaker sex'. Women suffer from many disadvantages as compared to men in terms of literacy rates, labour and autonomy. Social evils like Child marriage, Sati, Purdha, Jauhar, Devadasi practices in the society during the medieval period diluted the status of women. Despite this there are several challenges that remain and key issues which need to be addressed urgently. These include ensuring Women's Safety, Protection and Empowerment and improving the Child Sex Ratio. The findings highlighted the need to urgently address the unabated decline in the Child Sex Ratio (0-6 years) in India, which has fallen from 927 in 2001 to an all time low of 918 females per 1000 males in 2011. "Beti Bachao Beti Padhao" is a major initiative taken in 2015 to tackle this problem by the central government. Since Independence the Constitution made a deliberate radical departure from the inherited social system, by granting women equal social status. The government began to direct its effort towards mainstreaming women into the national development process by various acts to ensure equality, social justice and fraternity. These commitments are embodied in several enabling

legislations, policies (such as the National Policy for the Empowerment of Women 2001, Five Year and Annual Plans and programmes. The lack of education leads to lack of self reliance and self-confidence hence, social, economic and political empowerment through education is the need of the day. The process of women empowerment is conceptualized in terms of personal assertions, self-esteem, confidence building, ability to protect themselves, full participation of women in democracy (political empowerment) the education of girls (social empowerment); the eradication of gender barriers in employment (economic empowerment); and land rights and legal machinery (legal empowerment) freedom and autonomy in the family (Domestic empowerment) At the community level one important strategy of empowerment of female heads is promotion of 'self help group'. Increased support for women SHGs in the National Rural Livelihood Mission and in MGNREGS where women have a share of Rupees 115.54 crores (53% per cent ) during 2013-14 is remarkable. Successful linkages between SHGs and Micro-Finance institutions such as Rashtriya Mahila Kosh (RMK), NABARD, Small Industries Development Board of India (SIDBI) besides private microfinance institutions have helped in generating additional income, jobs and in creating small enterprises for women. The Government is emphasizing special reservations to women by which they are encouraged to hold positions in politics, public administration, army, intelligence etc. Women should be encouraged to avail education, occupations, vocational training programmes relating to health, family-life, nutrition, child care, home-management, women's rights, civil responsibilities etc.

### **Methodology**

The Researcher used Descriptive Research Design for this study. The data was collected from secondary sources such as Text books, Journals, Reports, Magazines, Web links and published research works. In this study an attempt is made to analyse the constitutional provisions for women justice and equity, legal protection against various offences against Women and their Victimization, Domestic and Economic Empowerment strategies and special initiatives by the government which facilitate for the inclusive growth of the women in India is discussed in this paper.

### **1. Gender Equity through Constitution of India**

The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles.

The Constitution not only grants equality to women, but also empowers the State to adopt measures of positive discrimination in favour of women. Within the framework of a democratic polity, our laws, development policies, plans and programmes have aimed at women's advancement in different spheres. India has also ratified various international conventions and human rights instruments committing to secure equal rights of women. Key among them is the ratification of the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) in 1993. The Constitution of India not only grants equality before law but also equal protection of law to women (Article 14), The State not to discriminate against any citizen on grounds of religion, race, caste, sex, place of birth or any of them (Article 15 (i)), The State to make any special provisions in favour of women and children (Article 15 (3)), Equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State (Article 16), The State to direct its policy towards securing for men and women equally the right to an adequate means of livelihood (Article 39(a)) and equal pay for equal work for both men and women (Article 39(d)), To promote justice, on a basis of equal opportunity and to provide free legal aid by suitable legislation or scheme or in any other way to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities (Article 39 A), The State to make provision for securing just and humane conditions of work and for maternity relief (Article 42), but also empowers the State to adopt measures of positive discrimination in favour of women for neutralizing the cumulative socio economic, education and political disadvantages faced by them. The State to promote with special care the educational and economic interests of the weaker sections of the people and to protect them from social injustice and all forms of exploitation (Article 46), The State to raise the level of nutrition and the standard of living of its people (Article 47), To promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of women (Article 51(A) (e)), Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat to be reserved for women and such seats to be allotted by rotation to different constituencies in any Panchayat (Article 243 D(3)), Not less than one-third of the total number of offices of Chairpersons in the Panchayats at each level to be reserved for women

(Article 243 D (4)), Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality to be reserved for women and such seats to be allotted by rotation to different constituencies in a Municipality (Article 243 T (3)), Reservation of offices of Chairpersons in Municipalities for the Scheduled Castes, the Scheduled Tribes and women in such manner as the legislature of a State may by law provide (Article 243 T (4)).

## **2. Women Welfare against Women Victimization**

### **Legislative Measures**

To uphold the Constitutional mandate, the State has enacted various legislative measures intended to ensure equal rights, to counter social discrimination and various forms of violence and atrocities and to provide support services especially to working women. Although women may be victims of any of the crimes such as 'Murder', 'Robbery', 'Cheating' etc, the crimes, which are directed specifically against women, are characterized as 'Crime against Women'. Many Crimes are Identified Under the Indian Penal Code (IPC) for protecting women's dignity. They are Rape (Sec. 376 IPC), Kidnapping and Abduction for different purposes (Sec. 363-373), Homicide for Dowry, Dowry Deaths or their attempts (Sec. 302/304-B IPC), Torture, both mental and physical (Sec. 498-A IPC), Molestation (Sec. 354 IPC), Sexual Harassment (Sec. 509 IPC), Importation of girls (up to 21 years of age). The legislators had formulated many acts for protecting offences against women. They are, The Protection of Women from Domestic Violence Act, 2005, Commission of Sati (Prevention) Act, 1987, Indecent Representation of Women (Prohibition) Act, 1986, and The Prohibition of Child Marriage Act, 2006. There are some acts preventing prostitution and trafficking. They are Prevention of Prostitution (Act 1923), UP Naik Girls Protection Act, 1929, The Bombay Devadasi Protection Act, 1934, Prevention of Dedication Act, 1934, Madras Devadasi Act, 1947 and Suppression of Immoral Traffic Act 1956.

## **3. Women Welfare through Domestic Empowerment.**

The Central government had formulated some Special Laws but all laws are not gender specific. The provisions of law affecting women significantly have been reviewed periodically and amendments carried out to keep pace

with the emerging requirements. Some Acts which have special provisions to safeguard women and their interests are The Family Courts Act, 1954, The Special Marriage Act, 1954, The Hindu Marriage Act, 1955, The Hindu Succession Act, 1956 with amendment in 2005, Immoral Traffic (Prevention) Act, 1956, Dowry Prohibition Act, 1961, The Medical Termination of Pregnancy Act, 1971, The Criminal Law (Amendment) Act, 1983.

#### **4. Women Welfare through Economic Empowerment**

The status of Indian women has undergone considerable change. Though Indian women are far more independent and aware of their legal rights, such as right to work, equal treatment, property and maintenance, a majority of women remain unaware of these rights. There are other factors that affect their quality of life such as age of marriage, extent of literacy, role in the family and so on. In many families, women do not have a voice in anything while in several families the women may have a dominating role. The result is that the empowerment of women in India is highly unbalanced and with huge gaps. Those who are economically independent and literate live the kind of life that other women tend to envy about. This disparity is also a cause for worry because balanced development is not taking place.

##### **4.1. Discrimination at Workplace**

However, Indian women still face blatant discrimination at their workplaces. A major problem faced by the working women is sexual harassment at the work place. Further, women employees working in night shift are more vulnerable to such incidents. Nurses, for example, face this problem nearly every day. There is nothing that is done in hospitals to tackle and address the danger they face. Such blatant disregard of current Indian laws is one reason why sexual harassment at the workplace continues to increase. Indian women are often deprived of promotions and growth opportunities at work places but this doesn't apply to all working women. A majority of working women continue to be denied their right to equal pay, in spite of having Equal Remuneration Act, 1976 and in many cases some women are underpaid when compared to their male colleagues. This is usually the case in unorganized labours, some small scale sectors and contract labour-oriented industries.

##### **4.2. Safety of Working Women while Traveling**

Typically, the orthodox mindset in the Indian society makes it difficult for a working woman to balance her domestic environment with the professional

life. In some families, it may not be acceptable to work after six o'clock. Despite some recent positive momentum, the pace of progress in realizing women's safety, protection and empowerment has not been adequate. This is reflected in the National Crime Records Bureau data, which highlighted that 3,09,546 incidents of crime against women (both under Indian Penal Code and other laws) were reported during the year 2013, as against the 2,44,270 cases reported during 2012, showing an increase of 26.7% (despite the fact that not all crimes against women are reported). The policy commitment to ensuring the safety, security and dignity of women NAVDISHA - National Thematic Workshop on Best Practices for Women and Child Development 20-21 January 2015 Panipat, Haryana Organised by Ministry of Women and Child Development, Government of India and Government of Haryana Ministry of Women and Child Development and girls in public and private spaces was reaffirmed – including through the Twelfth Plan provisions, the Criminal Law (Amendment) Act, 2013 and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013. Those families that do accept these working hours may experience considerable anxiety every day about a woman's safety while traveling. So many issues affect a working woman because she is closely protected or watched by her family and the society. According to survey conducted by ASSOCHAM, on 1000 women professionals, around 80 per cent of the households expect their daughters-in-law to prioritize household requirements over the official work. Further, many of them are physically and psychologically abused, by their in-laws and husband but they do not complain or let others know about it, particularly if they have children.

#### **4.3. Working Women can Claim Maintenance**

A woman's legal right to claim maintenance from her husband is recognized under section 125 of the Criminal Procedure Code. Section 24, of the Hindu Adoption and Maintenance Act, 1956, entitles a woman to claim maintenance from her estranged husband. Also, the claim for maintenance is extendable to her minor children. Further, these laws provide that maintenance can be claimed even prior to divorce, during separation. Initially, it was believed that a working woman in India is not entitled to claim maintenance, as she is capable of maintaining herself. However, the ambiguity was cleared by a significant decision in *Bhagwan V. Kamla Devi*, (1975) 2 SCC 386. The Supreme Court held that a working woman can claim maintenance from her



estranged husband, if her monthly income is not enough for her maintenance. Further, the Court clarified that the term 'Unable to maintain herself' does not require a woman to be absolute destitute, to entitle her for maintenance. The legal right of a woman pertaining to equal pay at the work place remains unaddressed most of the time because few women are confident enough to complain. About right to maintenance, it is restricted, if she remarries or converts to another religion. Further, there have been instances where the Court has ordered women with substantial earnings, to pay maintenance to their husbands. The legislators have formulated many laws for the protection of Health, Safety and Welfare of employee. They are: The Factories (Amendment) Act, 1986, The Equal Remuneration Act, 1976, The Contract Labour (Regulation and Abolition) Act, 1976, some social security legislations like The Maternity Benefit Act, 1961 (Amended in 1995), The Plantation Labour Act, 1951, The Employees State Insurance Act, 1948, The Workmens Compensation Act, 1923.

### **5. Government Endeavors**

Government of India has stepped up for inclusive growth by launching many initiatives which are innovative, flexible and reform oriented such as Rural Infrastructure (Bharat Nirman), Employment (Mahatma Gandhi National Rural Employment Guarantee Scheme), Regional Development (Backward District Development Program), Education (Sarva Shiksha Abhiyan), Rural Health (National Rural Health Mission) and Urban Infrastructure (National Urban Renewal Mission). In January 1992, the Government set-up National Commission for Women a statutory body with a specific mandate to study and monitor all matters relating to the constitutional and legal safeguards provided for women, review the existing legislation to suggest amendments wherever necessary. The 73<sup>rd</sup> Constitutional Amendment Act was passed in 1992 by Parliament which ensure Reservation for Women in Local Self - Government i.e. one-third of the total seats for women in all elected offices in local bodies whether in rural areas or urban areas. The National Plan of Action for the Girl Child (1991-2000) to ensure survival, protection and development of the girl child with the ultimate objective of building up a better future for the girl child. The Department of Women and Child Development in the Ministry of Human Resource Development has prepared a "National Policy for the Empowerment of Women" in the year 2001. The goal of this policy is to bring about the advancement, development and



empowerment of women. National Policy on Adult Education included with Vocational Education with a state level planning for non-traditional areas and provided after 8<sup>th</sup> class which provides diversification of course. Training of teachers and other educational personnel through restricted teacher's evaluation method, decentralization of curriculum planning, development and implementation. All the trainers should be trained through in-service programme. Research and Development of Women Studies at Universities and Social Science Research Institution was developed under eighth plan. The findings of these centers should be consulted in the curriculum planning and development. Women Study courses should be introduced at undergraduate level, problems of women should be adequately covered by the courses and experts from different women centers and organizations should be involved in curriculum development. Women Studies should be extended to colleges and other higher educational institutions. Representation of women at educational hierarchy such as Women teachers in schools (primary, middle and high) should be at least 50%, Accommodation facility, Promotions in the educational hierarchy and Women should be involved in framing recruitment or service procedures, guidelines for promotion etc. National Literacy Mission also contributed for women education. Primary Education Act passed in 1961 in various states under Constitutional Amendment of 1976. Some of the subjects of education have been placed under joint responsibility of state and central government. The center is responsible to determine the standard of higher research, science education, technical education and higher education. All educational institutions of above mentioned kinds are run on the finances obtained from Center. Hence these are under the control of Central Ministry of Education.

### **Prescriptions: Collective Efforts for Inclusive Growth**

There is no chance for the welfare of the world, unless the condition of women is improved. It is not possible for a bird to fly on only one wing said Swami Vivekananda. But through centuries society has been trying to fly on only one wing denying women their rightful place. The greatest champions of women have been great men like Gandhiji, Raj Ram Mohan Roy, Ishwarachandra Vidyasagar, Maharshi Karve. The very concept of women empowerment shows that society as such has given a raw deal to women who comprise nearly fifty per cent of the population and women themselves have to come forward to fight for their rightful place in all walks of life and

prevent their exploitation in every field. India has the potential of becoming a leading economy and has the unique opportunity to make that growth inclusive, provided there is willingness on the part of all sections of society to put in hard and disciplined work, together with serious, sustained and purposeful planning. Better governance, more and better educational institutions, higher agricultural productivity, controlled inflation and improvement in infrastructure are some of the major and more important steps required in this direction. There is a need for more public-private partnerships. The private sector should take more social responsibility and contribute towards making growth more inclusive. Education is extremely important for improving the skill levels of the population so that everyone can be an equal partner in the country's growth. More and better universities, schools and technical institutes should be created. Inflation, which is running amok today, affects the poor man the most, severely limiting inclusiveness of growth. Finally, rights of women, children, minority communities and the other marginalised sections of society must be constantly watched and protected if we wish to reach our goal of a truly developed society.

### **Conclusion**

Political empowerment of women is only a part of overall mainstreaming of women. Economic and social empowerment of women need to be given greater importance. Non-governmental organizations are playing a significant role in the empowerment of disadvantaged women. Empowerment by itself may not place women on an equal footing with men. The greatest need of the hour is change of social attitude towards women. If we take the classic case of dowry, it is still rampant and virulent even among the highly educated classes. Women's empowerment means a lot, but the ultimate goal of the equalization of man and women would materialize only when her complimentary role is recognized by the society.

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