

## **National Seminar**

### **Women empowerment in India**

Namaskar,

Mr Chairman and President of Agarwal Jatiya Shiksha Parishad;

Professor Srivastava, Vice Chancellor University of Allahabad;

Guest of Honour Dr. Baweja;

Prof. Kadambri Gupta, Head Zoology Department, University of Jammu;

Teachers of the College, Organizers of this seminar;

Dear Students;

Ladies and Gentlemen

I am proud of the positive role played by the Allahabad Degree College since its inception in 1956 in dispensing higher education to girl students, in uplifting their social status and in brining about gender equality.

The choice of today's topic of lecture “women empowerment in India: Issues and perspectives,” is quite an apt subject for discussion in this National Seminar sponsored by University Grant Commission and organized by such a glorious institute of women education.

It is a privilege and honour for me to be in midst of galaxy of renowned personalities and experts in the field connected with women empowerment. I am humbled by their presence and have doubts about my credentials to address such an august gathering. Nonetheless, I would like to share some of my thoughts within the constrains of my office as a sitting judge.

A general perception is “man has subjugated women to his will, used her as a means to promote his self gratification to minister his sensual pleasures, to be instrumental in promoting his comfort; but never has he desired to elevate her to that

rank she was created to fill. He has done all he could to debase and enslave her mind; and now he looks triumphantly on the ruins he has wrought". Therefore, we talk about women empowerment.

Few Indian texts also suggest that the primary duty of women is to serve one's husband. However, a peep into the past would reveal that the status enjoyed by Indian women in early vedic age was better and superior to that of women in some other countries. In the early Roman society women were treated as chattal. In France, they were recognized as creatures responsible for the destruction of society. The Chinese regarded them as devil's soul. Japanese men preferred to live unmarried life. Arabs buried their daughters alive considering them as sign of disgrace.

The injunction of Manu prescribed that a women could never be independent; as a daughter she has to be under surveillance of her father; as a wife of her husband and as a widow of her son but the vedic period can still be best termed as the period of feminine glory in India A careful study of vedic scriptures suggests that women in India during the vedic era used to enjoy equal status with men in all fields of life. Maharshi Patanjali and Katyayana in their works suggest that women of vedic period were educated. Rig Veda gives an indication that women of that time were married at a mature age and were probably free to select their husbands. The mention of Gargi and Maitreyi in religious scriptures as some of the women sages and seers points out that women in vedic era were educated and enjoyed good status equal to that of men. Men and women together performed religious duties and 'no yagya' without wife was possible.

In the post vedic period the status of women suffered a setback.

Invasion of India by Alexander and later by Muslims further degraded the position of Indian women who for security reasons were put behind the 'purdha'. It gave rise to various social evils such as adoption of purdha system, practice of Sati

and Jauhar, child marriage, polygamy and ban on widow remarriages.

The revival of status of women in India started with the Bhakti movement. A noted female saint-poet Meerabai who belonged to the princely Rajpoot family of Rajasthan is cited as an example for such revival. After the Bhakti movement Guru Nanak preached the message of equality between men and women.

The actual reformity period of Indian women started during British Raj. The Social Reform Movement of the 19<sup>th</sup> Century and the Nationalist Movement of the 20<sup>th</sup> Century raised question on status of women. Raja Ram Mohan Roy, Ishwar Chandra Vidyasagar, M.G. Ranade and Mahatama Phule pitched their voice against the unjust practices prevailing against women. Mahrashi Dayanand Saraswati, Swami Vivekanand and Annie Besant worked for the revival of the old vedic society which was considered to be ideal for women.

Raja Ram Mohan Rai succeeded in getting the practice of Sati abolished.

Ishwar Chandra Vidyasagar's crusade for upliftment of women led to the enactment of the Hindu Widow's Remarriage Act 1856.

The preamble which is recognised key to the Constitution of India starts with the expression "We the people of India" which takes within its fold both men and women of the country irrespective of cast, region or religion and thus sets women at par with men.

Justice Bhagwati in **Meneka Gandhi Vs. Union of India AIR (1978) SC 597** observed:-

"Fundamental rights represent the basic values cherished by the people of this country since the Vedic times and they are calculated to protect the dignity of the individual and create conditions in which every human being can develop his personality to the fullest extent".

Articles 14, 15 and 16 of the Constitution of India provides everyone equality

before law; prohibits discrimination on the ground of sex, cast and religion etc., and equal opportunities to all citizens, men and women, in the matter of employment or appointment to any office under the State. Social justice is further emphasised and dealt with in the Directive principles of the State Policy.

In post independence era several important legislations for checking social malpractices against women and for securing social and economic justice to them were passed by the Parliament .

A giant step to resolve matrimonial disputes in the shortest possible time devoid of legal technicalities was taken by enacting Family Courts Act ,1984.

National Commission for Women Act was passed in 1990 wherein a commission has been established for redressal of grievances of women and for suggesting ways for improvement of their social, economic and political life.

In 2005 Prevention of Women against Domestic Violence Act, 2005 has been passed to shield women from violence at home.

The Indian judiciary has also played a pivotal role as a socio-economic reformer for the upliftment of women in the country.

The Indian Foreign Service Rules required a written permission of the government for a woman member of the service for getting married. The Apex Court in **C.B. Muthumma Vs. Union of India (1979) 4 SCC 260** without any hesitation struck down the aforesaid rule on the ground of discrimination.

In another historic judgment in **Githa Hariharan Vs. Reserve Bank of India AIR 1999 SC 1149** the Court observed that gender equality is one of the basic principles of our Constitution and held that a mother can act as a natural guardian even when the father is alive.

In **Bodhisattwa Gautam Vs. Subhra Chakraborty in (1996)1 SCC 490** the Supreme Court ruled that rape was not only an offence under the Penal Code but

was also a violation of a woman's right to live with dignity and personal freedom.

In an internationally acclaimed judgment in ***Vishaka Vs. State of Rajasthan (1997) 6 SCC 241***, the Supreme Court in the absence of legislation in the field of sexual harassment of working women at the place of their work, formulated guidelines for their protection and observed:-

*“Gender equality includes protection from sexual harassment and right to work with dignity which is a universally recognised basic human right. The common minimum requirement of this right has received global acceptance. In the absence of domestic law occupying the field, to formulate effective measures to check the evil of sexual harassment of working women at all workplaces, the contents of international conventions and norms are significant for the purpose of interpretation of the guarantee of gender equality, right to work with human dignity in Articles 14,15,19(1) (g) and 21 of the Constitution and the safeguards against sexual harassment implicit therein and for the formulation of guidelines to achieve this purpose.”*

In ***Neera Mathur Vs. LIC, AIR 1992 SC 392*** the court recognised that privacy was an important aspect of personal liberty. In this case, the Supreme Court was shocked to learn that an LIC questionnaire sought information about the dates of menstrual periods and past pregnancies, and the petitioner was terminated for not providing correct information to the LIC. The Supreme Court held that the questionnaire amounted to invasion of privacy and that, therefore, such probes could not be made. The right to personal liberty guaranteed under Article 21 included the right to privacy.

In ***Gautam Kundu Vs. State of West Bengal (1993) 3 SCC 418*** the Apex Court laid down that a child born of a married woman is deemed to be legitimate unless contrary is proved and that Courts can not order a blood test to prove paternity as a matter of course.

An organization 'Kalyani' brought 4 cases involving fake conversion of Hindus to Islam to contract bigamous marriage. The Supreme Court in ***Sarla Mudgal Vs. Union of India (1995) 3 SCC 635*** observed that no community can oppose introduction of common civil court for all citizens of territory of India and held that until a Hindu Marriage is dissolved on the ground specified under the Hindu Marriage Act none can remarry and conversion to Islam by itself would not dissolve the marriage and permit the husband to marry again.

The various legislative enactments, All India women conferences, NGO's specially self employed women's Association (SEWA), declaration of 1975 as the International Women's year and celebration of 10<sup>th</sup> March as the International Women day every year have all played a major role in strengthening the women's right in India.

Today, in India women are not on their knees. They are back on their feet. We have a women President, and a women Speaker in the parliament. The Chief Minister of U.P, is again a women and so is the Governor in Uttrakhand. In addition, many women judges have adorned the Bench of the Supreme Court and High Courts. Indian administrative service is also full of women officers who have brought laurels. The Private Sector is also dominated by women executives. In short I must say women have excelled in all spheres. They have proved they are not less than any men.

Notwithstanding the unique position they now in enjoy in society, they continue to suffer in silence.

One of the reasons being that even an educated and economically well off women is considered dependant upon her father, husband, brother or son.

Empowering women means to inspire them to muster courage to break the chains of social and religious customs and practices that have traditionally kept them

suppressed and dependent and to make them realise their true power and beauty.

Empowerment of women is an essential prerequisite for transforming a developing country into a developed country and education is the key constituent for ensuring women empowerment.

We have sufficient infrastructure and the laws as well as women welfare organizations to look after the socio economic and political interest of women. The Government and the judiciary both are playing effective role in mitigating injustice meted out to the fairer sex. In Hindu philosophy women is benevolent bestower of property and at the same time malevolent and destructive. She is goddess 'Laxmi and Durga' at the same time. Therefore, the only reform to my mind is to bring about some change in the mindset of male counterparts towards women at all places whether it be home, office or workplace or public place. We as men should stop dominating the will, the ideas and the decisions of the ladies. They should be free and independent and looked upon with respect and reverence. Such a minor change in the attitudes of males would bring about a major change in removing gender disparity, according equal status to women and empowering them in real sense. It will make the women of the nation march along side with men at their own beats and pace so as to place the country in the position of a Jagat Guru.

I take opportunity to call upon my countrymen to bring about a little change in thinking.

**Jai Ma Bharti**

*Key note address of Hon'ble Justice Pankaj Mithal as Chief Guest in the inaugural session of the National Seminar sponsored by U.G.C. held on 30.10.2010 at Agarwal Degree College, Allahabad, a Constituent college of the University of Allahabad.*