

## WOMEN SOCIAL STATUS IN EXISTING SOCIAL SCENARIO

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### *Abstract*

*The term women rights refers to freedom and entitlement of Women & girls of all ages. These rights may or may not be ignored or suppressed by law, local customs & behavior in a particular society. women in India carry a strong desire for freedom. The status at which women reached during the present era is not achieved due to the kindness of men or due to natural progress; it is rather achieved through a long struggle & sacrifice on women's part. The legal status of Women in India has been subjected to many changes; many acts were also passed for benefits, welfare and development of women which were accepted by the society. It is pleasant to talk about women liberation, but no one has really given them freedom despite of all the laws. Constitute provide many rights to the women but the practical fact is that she does not get her actual rights. The status of women has to start from the social framework, social structure, and cultural norms. Value systems influence social expectations regarding the behavior of both men & women & determine a woman's role along with her position in society to a great extent. The significance and the purpose of the paper is to make people aware about the status of women in our society, firstly freedom should be given to them so that they can feel empowered. The present paper presents the social status of women in India and focuses on the gap between the position and role according to the laws and constitution.*

### **Introduction**

Women Empowerment means to inspire women with courage to break free from the chains of limiting beliefs, patterns, societal and religious conditions that have traditionally kept women suppressed and unable to realize their true values, beauty and power. But still Indian women are facing different obstacles in male- dominating society. Women have been given equal rights in our constitution, but they are still subjected to discrimination, ill-treatment and enjoy lower status as compared to men.

Either educated or uneducated women, all they have to be remain in rules and Limitations. This way, these narrow thoughts, orthodox thinking, religious rules and unavoidable responsibilities are bringing depression, anxiety, guilt and nostalgia. As a result of which there is a growing concern and resentment particularly among educated women and educated working women against all such customs and rituals which lower down their status in society. That's why social freedom is necessary for avoiding nostalgia, Social freedom means the will of women.

The Preamble specifically declares that one of the main purposes of the constitution is to secure social economic and political justice along with equal status and opportunities to all the citizens irrespective of their sex, this has resulted in a number of protective legislations which are beneficial for the women. According to the Human Development Report 1993 prepared by the United Nations Development Programme (UNDP), There are four basic forms of Women's participation :

1. Household participation - In domestic work and childcare.
2. Economic participation - As a producer/ consumer of economic resources.
3. Social and Cultural Participation- As members of family and community.
4. Political Participation - As a Voter.

The above definition of parameters of household, economics, Social, cultural and political participation were the ones that we use in our study to understand women's understanding.

#### **Indian constitution and status of women:**

The constitution of Indian Union came into being 26<sup>th</sup> January 1950. It is the supreme law of India. Makers of the constitution were well aware about the position of women in contemporary circumstances. The Preamble of the constitution declares about the social, economical and political justice and equality of status and opportunity for all men and women. Fundamental rights are equally granted for both men and women. Both have equal role in nation building. Finally women in India enjoy complete equality with men in civil and legal matter. Legally, a woman has the right to choose where to live and whom to elect. A National Commission was formed in 1992, the major responsibility of this commission was to oversee the working of Constitutional safe- guards for women.

**Directive Principles** of State Policy also focus on women status with these provisions:

Article 39(a): Right to an adequate means of livelihood for men and women equally.

Article 39(d): Equal pay for equal work for both men and women.

Article 39(e): Protection of health & strength of workers, men, women & children from abused forced by economic necessities.

Article 42: Provision for justice and human conditions of work and maternity relief.

Article 43(73<sup>rd</sup> and 74<sup>th</sup>) Constitutional Amendment: The passing of this amendment can be considered as the greatest events for the empowerment of the women as one third of the seats were reserved for women in the panchayat raj institutions.

**Fundamental Rights** are equally granted for both men and women:

Art. 14 ensures equality before law and equal protection of law.

Art. 15 prohibits discrimination on the ground of religion, race, caste, gender or place of birth.

Art. 15(3) and (4) empowers the state to make any special provision for the welfare of women and children.

Art. 16(1) guarantees equality of opportunity for all citizens in matters relating to employment or appointment to any office under the state.

Furthermore, Art. 16(2) forbids discrimination in respect of any ground i.e., religion, race, caste, sex, decent place of birth or anyone of them in respect of any employment of office under state.

Art. 23 prohibits traffic in human beings and forced labour.

**Social Welfare Legislation for women:**

The Dowry Prohibition Act, 1961.

The Maternity Benefit Act, 1961.

Equal Remuneration Act, 1976.

Medical Termination of Pregnancy Act, 1971.

The Indecent Representation of women (Prohibition) Act 1986.

Domestic Violence Act, 2005.

The Family Courts Act, 1984.

Special Protection of Women in Factories, Mines and Plantations.

The Immortal Trafficking (Prevention) Act, 1994).

The Pre- Natal Diagnostic Techniques (Regulations & Prevention of Misuse) Act, 1994.



The inclusion of women's rights in the charter of human rights is reflected in the passing of Convention on elimination of all forms of discrimination against women in 1981, called CEDAW. Along with this, recent judicial decisions in the area of employment and professional concerns.

Women have also brought the gender issue to the centre stage. The main object of is to trace the development of law in matters involving gender issues in the field of employment and profession. In the Industrial Laws, the women have a special position due to their gender inequality. The constitution of India contains number of provisions to protect the interest of women and also to prohibit gender discrimination.

In fact the architects of our Constitution went a step further and cast upon its citizens a fundamental duty to renounce practices derogatory to the dignity of women. These fundamental tenets were translated into numerous laws to provide protection and promote the cause and welfare of women. In relation to the employment area, women have strongly raised their voice against gender discrimination, particularly, in the field of recruitment, promotion and wages rates for women, maternity rights. The working women have been provided with various benefits, concessions protection and safe guards under different labour legislations in order to protect and provide security, against various risks peculiar to nature. The women workers not only enjoy better rights but also they have better remedies in factories, mines and other industries. In addition to that they enjoy some special privileges of maternity benefits with wages, prohibition of work in dangerous operations and in mines below grounds and equal remuneration for equal work.

As against the general prohibition against discrimination [Article 15(1) & (2)], Clause (3) of Article 15 authorized the State to confer special rights in favour of women which are denied to men. It implies that while the State can discriminate in favour of women, it cannot do so in favour of men against women. Again, reserving one third of the total seats for women in elected bodies [Article 243D and J] is protected. The "special provision" which the State may make under Article 15(3) can be in the form of either reservation or affirmative action. In the arena of education, greater is the gender disparity. The availability and accessibility of education facilities at every level is of prime importance especially in rural areas to ensure girls' Participation in education. Each five year country's development plans since 1950 set new directions of women's education - quantitative expansion as well as several other dimensions of women's educational development. The Central Advisory Board of Education (CABE) Committee reconstituted by the GOI to examine existing schemes,

incentives and special measures aimed at reducing gender parity and increasing the participation and retention of girls, in all sector of education.

### **Crime against Women:**

Women have generally had a lower status than men throughout history. Men tend to occupy leadership positions in all societies, including very primitive ones. Centuries have come and centuries have gone, but the plight of women is not changed. Time has helplessly watched suffering in the form of discrimination, exploitations, degradation, aggression, humiliation. Crime rates are much higher in big cities than in either small cities or rural areas. There is a litany of theory about the connection between cities and crime. Lack of sounds, education and skill generating learning, deteriorating law and order situation, fall of moral values, inequality in sharing power and decision making , there are some major causes that increase crime against women.

Official statistics show that there has been a dramatic increase in the number of reported crime against women. Many cases do not registered with the police due to social stigma attached to rape cases. Women die because of dowry deaths and at least die each day in "Kitchen- Fires".

The term for this is "bride - burning" and is criticized with in India itself. India has second number of 'CHILD- MARRIAGE' United Nations says. The highest rate of child marriages is in Bangladesh. Child marriage is worse than rape, says Delhi Court.

### **Conclusion:**

Position of women remains pathetic despite all efforts of Government and non Governmental agencies after the independence. Only a small number of women could up, that too in big town with the access to modern education and limited employment opportunities. It has to be understood in the social context that "Men and Women are equal" means they are equal in all respect. Equality provides social justice, it makes a full human being with the holistic approach. Today in 21st century multidimensional developments deeply changed the status of women positively, but still there is a long way to go ahead. Policy makers , civil society, media religion and NGOs along with Government should jointly work for effective preventive measures to provide relief to the victim. Indian women in present era, somehow becoming more and more conscious of their constitutional and statutory rights. This consciousness has awakened in them a sense of urgency in experiencing equity and social justice.

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