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## 9. Gender Equality and Women's Empowerment

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### Abstract

Gender equity that provides a level playing field for men & women so that they have a fair chance to realize equal outcomes are a pre-condition for ensuring gender equality and human rights. The ultimate goal in gender equality is to ensure that women and men have equitable access to, and benefit from society's resources, opportunities and rewards. And, as part of this, women need to have equal participation in defining what is valued and how this can be achieved.

The purpose of this study is to study the role of empowering women and achieving gender equality in the sustainable development. To achieve this purpose, use qualitative methodology, with secondary sources as instruments of data collection. The place of women in society is also relegated to contributing minimally to the social development of the country. In addition, women's rights are not properly being protected in order for women to participate in various the issues of their country but are subjected to abysmal violations. Moreover, women are highly affected by environmental problems, and less emphasis is given to their participation in protecting the environment. The fact that women constitute half the entire population of the country makes empowering them to be an active part of all development initiatives in the country a compelling circumstance. Hence, this paper calls for the strong commitment of the government to empower women and utilize all the potentials of the country to bring about sustainable development.

**Keywords:** Women's empowerment, Gender equality, Human Rights

### Introduction

Gender equality, equality between men and women, entails the concept that all human beings, both men and women, are free to develop their personal abilities and make choices without the limitations set by stereotypes, rigid gender roles and prejudices. Gender equality means that the different behaviour, aspirations and needs of women and men are considered, valued and favoured equally. Gender equality implies that the interests, needs and priorities of both women and men are taken into consideration recognizing the diversity of different groups of women and men. Equity is a means. Equality is the result. Gender equality between women and men refers to the equal rights, responsibilities and opportunities for women and men and girls and boys. Equality does not mean that women and men will become the same but that women's

and men's rights, responsibilities and opportunities will not depend on whether they are born male or female.

### **Empowerment of Women**

The labour laws for empowerment of women are based on principle of gender justice. They are as follows:

- Equal Remuneration Act, 1976 ensures equal opportunity, equal treatment and equal wages.
- Maternity Benefit Act, 1961 provides 90 days paid leave for working women
- The Factories Act, 1948 – Section 34 provides that the State government can lay down rules prescribing weights that may be carried by men and women.
- The Contract Labour (Abolition and Regulation) Act and Rules- separate provision of utilities for women and fixed working hours.
- Women in the unorganized sector don't get benefits of the labour laws in spite unorganised workers' social security. act, 2008. no. 33 of 2008.

### **Gender Equality and Human rights in India**

For Indian citizens, the constitutional guarantees for empowerment of women are as follows:

#### **Fundamental Rights ensure empowerment of women thro'**

- Article 14- equal rights and opportunities for men and women in the political, economic and social sphere
- Article 15- prohibition of discrimination on the grounds of sex, religion, caste etc
- Article 15(3) - empowers the State to take affirmative measures for women
- Article 16- provides for equality of opportunities in the matter of public appointments
- The directive Principles ensure empowerment of women thro'
- Article 39- enjoins the state to provide an
- adequate means of livelihood to men and women and
  - Equal pay for equal work
- Article 42- State to ensure the provision for just and humane condition of work and maternity relief.
- Article 51v (A) (e) - fundamental duty on every citizen to renounce the practices derogatory to the dignity of women.

Articulation of the demands and alternatives suggested by the women's movement constantly refer to the Fundamental Rights in the Constitution of India.



### **Women in the Informal Sector**

The informal sector as opposed to the formal sector is often loosely defined as one which workers do not have recognition as workers and work without any social protection. In the informal sector, women workers are forced to work without contracts, without social security with low wages under bad working conditions. In the absence of health insurance, income security, it is difficult for women workers in informal sector to place importance on their health. The lack of income security often has direct consequence on the access to education for the children of women workers in informal sector. They are not able to study and alleviate the poverty. Often children get absorbed into the informal sector themselves as adults due to lack of education or as children to help adults earn more (e.g. home based workers, vendors, self-employed) Unorganised labour is usually perceived as 'poor' and as a beneficiary, consequently there are provisions in the national budgets to help them out of their poverty and vulnerability. They are treated as beneficiaries of anti-poverty programs. The main concern of informal sector workers is irregular employment (Patel & Karne, 2006).

### **Informal Sector and Rag pickers**

Mumbai produces 6000 metric tons (600 truckloads) of garbage every day, of which around 7 to 8% is collected by rag pickers. Rag pickers are highly vulnerable because they have few assets and few alternative livelihood options. Because of their hazardous working conditions the rag pickers suffer many more illnesses and injuries than the general population. Rag pickers live in constant fear of displacement, while others simply sleep on the pavements. Illiteracy among rag pickers and their children is high, and access to formal training or employment is non-existent. Many rag pickers have limited knowledge of their rights as citizens, including basic rights like access to free primary education.

### **Skills Training for Women**

Women are not taught specific skills and are themselves diffident to take up skill training. The government's existing ITI network has a low number of women students. There is a need for improvement of courses and optimal use of space and teachers.

### **Policy for Women's Employment**

A policy for women's employment has to include strategies for challenging the sexual division of labour and gender ideology inside as well as outside the workplace. Policies for access- include access to employment, education, training, credit etc.

- Policies to improve the quality of employment, including her position in the household.
- Policies to preserve employment and to protect material and human resources and assets.

### **Proper Implementation of Laws and Schemes for Working Women**

1. The existing labour legislation, i.e. the Industrial Disputes Act, the Factories Act, the E.S.I.S. Act and the Minimum Wages Act, should not be withdrawn but strengthened to cover all workers.
2. Some mechanism is required to evaluate the value of work under ERA.
3. Minimum wages need to be strictly implemented with ward level committees of workers.
4. Employment Guarantee Scheme-The central and state government has to ensure macro policies that will absorb workers in labour intensive units and occupations. The Employment Guarantee Scheme needs to be expanded and improved for urban workers. The focus of such employment schemes can be on building infrastructure, slum development and housing. The National Renewal Fund should be extended to cover the unorganised sector and a substantial part should go into the retraining of workers.

### **Legal Protection for Informal Sector**

Legal protection has to be given to the informal sector worker in the form of regular employment, notice period, compensatory pay or some form of unemployment insurance. It has been a long-standing demand of the representatives of the informal sector workers, trade unions and NGOs (Non Governmental Organisations) that workers should be registered as daily or piece rated workers with an identity card. This single act would provide information on the number of irregular workers and access to them for welfare measures. Social welfare for the informal sector workers can be implemented by levying a cess on employers in industrial estates. Social services can be dispensed to the workers through existing government infrastructure and tripartite boards.

### **Rag-pickers' need:**

Recognition as workers, Supplementary development programs, Vocational training for skill up gradation, Provision for maternity benefit and post natal medical facilities, Protection against domestic violence and sexual harassment, Family benefits, Medical reimbursements, Retirement benefits (old age pension), Insurance schemes and policies, Compulsory savings schemes, Micro finance schemes and interest free loans, Legal guidance and awareness (Patel and Karne, 2006).

### **Emphasis on Education and Skills**

A clear emphasis needs to be given to education, type of education of poor and especially of women. Women's access to employment is limited (amongst other reasons) because of lack of education and skills. The central and state government has a free education policy for girls but



there is no follow up on the number of dropouts. Girls usually drop out from the high school. Special attention and incentives should be given to girls and parents for them to return to school.

### **Violence against Women**

Violence against women (VAW) is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women. VAW is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men. VAW constitutes a violation of the rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those rights and freedoms. Definition of gender based violence: VAW prevents the full implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), a landmark international agreement that affirms principles of fundamental human rights and equality for women and girls initiated by the UN and adopted by the member countries. According to CEDAW, the term gender-based violence "GBV" includes actual or threatened physical, sexual and psychological violence occurring in the family or community. VAW is understood as

- I. Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, widow burning, female infanticide, pre-birth elimination of girls, crimes against women and girls in the name of honour, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
- II. Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;
- III. Physical, sexual and psychological violence perpetrated or condoned by the State wherever it occurs.

### **The PCPNDT Act, 2002:**

Adverse child sex ratio due to pre birth elimination of girls has posed a major threat to the survival of girls and women in India (Patel, 2010). In this context strict implementation of Pre-conception and Prenatal Diagnostic Techniques (Regulation and Prevention of Misuse) Act (2002) is mandatory.

Prenatal Diagnostic Techniques (Regulation and Prevention of Misuse) Act was enacted in 1994 by the Centre followed by similar Acts by several state governments and union territories of India during 1988 (after Maharashtra legislation to regulate prenatal sex

determination tests), as a result of pressure created by Forum Against Sex-determination and Sex-preselection. But there was a gross violation of this central legislation. There is a need to provide public education through electronic media, community radio, seminars and public meetings on the following laws having direct bearing on women.

### **Conclusion**

The Indian state has been pro-active so far as legal safeguards for women are concerned. The provision of protection of women is key intervention in the Twelfth Five Year Plan. Ministry of Women and Child Development has launched public education on laws concerning women. It has set out proactive, affirmative approaches and actions necessary for realizing the rights of women and providing equality of opportunity. Involvement of civil society groups, women's groups, educational institutions and judicial activism can strengthen these efforts.

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