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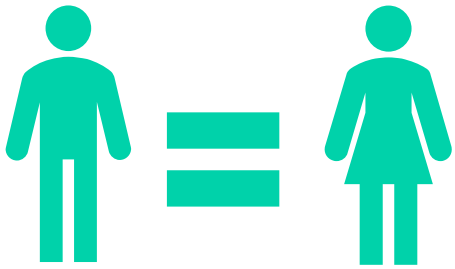

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4.

Women Empowerment through Constitutional Amendment in India

Dr. R.B. Deshmukh,
Assistant Professor, Shri Shivaji Law College, Parbhani.

Abstract: Law is a great weapon which brings the constitutionally desired social, political and cultural changes through the implementation of the constitutional provisions as well as through the constitutional amendments if required. We can find the effects of amendment at micro, macro and national as well as Global level. Principle of Gender Justice ensures us to and adopt and implement the concept of women's empowerment. There are so many statutory and constitutional provisions vis a vis women's rights. The present research paper is an attempt how the women are required to participated in various socio-economic political lives for the happiness and growth of society as well as for implementing the principal of Gender justice.

Key words: Gender Justice, Political participation, Constitutional Amendments, Women Empowerment.

"Local institutions constitute the strength of free nations. A Nation may establish a system of free governments but without municipal institutions, it cannot have the spirit of liberty" *DETOCQUVILLIE.*

Introduction: Every human being born free and all human beings are having dignified life irrespective of sex. In order to achieving the complete equality between men and women, some special treatment provisions for women are required so that principle of gender justice will be implemented.

In different ages women appeared in different forms as a symbol of power, even in the Indian culture female God has been worshiped and equality was maintained in the terms of divinity. To understand the role of constitution in strengthen women participation in local government one needs to focus on status of women sinceVedic period till modern era as far as the Vedic period is concerned it can be said that the status of women was not good and women was subject to restrictions.

Today, across the globe, we are facing so many problems relating women. As we, in our Indian scenario have an adopted the social welfare state. Right of every individual must be protected and respected. India, being progressive democratic nation shouldered responsibility to adopt and implement several guideline and principle provided by National as well as International level.

The position of women in Historic Period: The situation was not different during post Vedic period also where women were suffering from the hardship of male dominating society. The women were practically denied the basic human rights of equality and liberty. They were deprived from the right of property as well as education. Manusmriti had imposed many restrictions upon women.
i e. like child Marriage, Dowry, Sati, Women slaves etc.

Over all the women status continued to decline except in few occasions.

It was after the independence for the first time the Rights of women were taken seriously by the farmers of the Indian constitution by inserting Articles in the Constitution.

Constitutional Provisions vis a vis Human Rights: The constitution of India includes a list of fundamental rights. Part III of the Indian constitution deals with the fundamental Rights (12 to 35) which borne the essential freedoms of the people as well as the directive principles of the state policy are mentioned in Part IV of the constitution covering Articles from 36 to 51.

Article 14 of the Indian Constitution: The concept of equality has been incorporated in Articles 14 to 18 of the Constitution.

Article 14, guarantees that, "The state shall not deny to any person equality before the law or equal protection of the laws within territory of India." India is a secular nation the state does not have religion. Hence India as a state does not discriminate against the citizens on the basis of religion, race, caste, sex or place of birth or any of them. This is a right guaranteed to every citizen under Article 15 of the Constitution.

Article 15 provides that: (1) the state shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth or any of them.

Special Provisions for Women and Children: Article 15(3) is one of the two exceptions to the general rule laid down in clause (1) and (2). Article 15 (3) empowers the state to make special provisions for women and children. Thus, under Article 42 women workers can be given special maternity relief and a law to this effect will not infringe Art. 15 (1) again it would not be violation of Art 15 if educational institutions were established by the state exclusively for women.

Equality of opportunity in matters of public employment Article 16:

1. Provides that there shall be equality of opportunity for citizens in matters relating to employment or appointment to any office under the state.
2. No citizen, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or

discriminated against in respect of any employment or office under the state.

One of the directive principles of the constitution of India is that, the state shall take step to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to work as units of self-government. In pursuance of their directive, nearly all the states made legislation and now nearly whole of the country to day has been covered with panchayats.

Above constitutional provisions clearly specifies that no any human being whether man or woman shall be discriminated on the ground of caste, sex, religion, place of birth or race etc. in which the word sex is the term no discrimination on the caste, sex, religion, etc. was incorporated in the constitution the situation regarding the participation of

women in the political process and governance as well as specifically in rural areas. Even after this provision till the 73rd and 74th constitutional amendments the women participation restricted to 4 to 5%, the reason for this can attributed such as lack of education, lack of political awareness and apathy towards political participation.

After 1992 a milestone development took place in the history in Indian political process that was government decision to bring about 73rd and 74th constitutional amendments to give shape to the concept of gender equality.

73rd& 74th Amendment For Political Empowerment Of Women: The Constitution (73rd amendment) Act 1992 came into effect after having been passed by both houses of parliament and ratified by the state legislature as required by Article 368. The main feature of the amendment is to introduce panchayat system at the grass roots level. The amendment seeks to strengthen the panchayat system by giving it a constitutional base.

A new part, part fourth, has been added to the constitution consisting of Art. 243-243(0). A new schedule, 11th schedule has also added panchayats are proposed to be established at the village, intermediate and district levels and will be directly elected by electorate from territorial constituencies in the respective panchayat area. The detailed provisions are to be made by the states subject to the constitutional provision contained in part fourth.

The Constitution (74th amendment) Act 1992 seeks to strengthen the system of municipal bodies in the urban areas. The idea is to place the local self-government in urban areas on a sound and effective footing both this and 73rd amendment represent measures for decentralization of power and greater participation of people in self-rule. Both 73rd and 74th

amendments seek to decentralizes decision making power from top to bottom and thus strengthen the democracy at grass root level.

Since the 73rd and 74th amendments panchayat raj institutions and the local self-governance institution have formed the basic political structure in the rural community. No society can claim to have given its women equal status, unless they wield given political power at all level. The entry of women into politics is, the most decisive factor that can reorder the power relations between men and women in public arena.

Reservation for women representative in this above institution is recognized as first step to engendering equality, in political structure and providing adequate access for women to political spaces, in rural community.

Soon after the implementation of the amendment, a drastic change was quite visible at all level of governance notably in rural area, where the women participation increased unprecedented. Following is the sum of the factual information regarding women's participation in the local governance.

Panchayati Raj Institute in the states

Sr.No.	States	Types	Institutions
1.	Jammu & Kashmir	One tier	Village Panchayats
2.	Kerala	One tier	Village Panchayats
3.	Manipur	One tier	Village Panchayats
4.	Tripura	One tier	Village Panchayats
5.	Madhya Pradesh	Two tier	1. Village Panchayats
6.	Assam	Two tier	2. Panchayat Samitis
7.	Karnata	Two tier	N.B. Madhya Pradesh &
8.	Orissa	Two tier	Haryana had again reverted
9.	Bihar (23 districts)	Two tier	to three-tier system.
10.	Rajasthan	Three tier	1. Village Panchayats.
11.	Andhra Pradesh		2. Panchayat Samities.
12.	Gujarat		3. Zila Parishads
13.	Himachal Pradesh		
14.	Maharashtra		
15.	Punjab		
16.	Tamil Nadu		
17.	Uttar Pradesh		
18.	Bihar (8 districts)		
19.	West Bengal	Four Tier	1. Village Panchayat

			2. Anchal Panchayat
			3. Anchalik Parishad
			4. Zila Parishads.

To Sum Up: Ongoing discussion it is crystal clear that the participation of women has increased at phenomenal level and the major contribution of the success should be given to the 73rd and 74thamendments who has given the constitutional status to strengthen the women's participation in local governance but in order to achieve the dream of 33% reservation for women at central and state level.

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