

A Critical Analyses of the Constitutional Provisions for the Welfare and Development of Women in Manipur.

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ABSTRACT: *The Constitution of India guaranteed different provisions for socio-economic and political development of all sections of people by enjoying all their potential and rights as a citizen. There is no distinction or difference among the people of the country in terms of law under the Constitution in India. But how far these provisions of the constitution are implemented or in what way these provisions are enjoying by the Indian citizen or what are the factors that disturbed to the fulfillment of these provisions etc are the questions that need to be studied in an academic way and that will have to transmit to the civil populac. This small paper is a humble attempt to discuss about the policies and programmes of the Government of India for the welfare and development of women, and the real position of women, who are facing different problems in the name of different customs, cultures, traditions etc.*

I. Introduction

Democracy ensures that every one has the opportunity to exercise their rights and to participate politically, economically, socially and culturally in their respective societies. Then it will create the society which has equal participation of all people, and active use of their rights (with respect for the rights of others) helps to strengthen democracy by ensuring the accountability and legitimacy of the state. It requires sustaining people's rights to equality and non discrimination, to express their views, to choose their governments to a fair trial, and to the full enjoyment of all human rights. The constitution of India embodied different provisions for socio economic and political development of all sections of people by enjoying all their potential and rights as a citizen. Constitutionally and legally there is no distinction or difference among the people of the country. But how far these provisions of the constitution are implemented or in what way these provisions are enjoying by the Indian citizen is the question that needs to be studied in an academic way and that will have to transmit to the society.

Constitutional provision for women in India: In India, women have the right to vote and can contest the election from the beginning of the implementation of the constitution. Even women members were there in the Constituent Assembly of India. In political sphere, India's women in general and Hindu women in particular, stood in the forefront of every movement. Modern Indian women are objects of admiration by people of the rest of the world for the role they played in the country's public life. Women in India have not only reached the highest positions of power, and equal political and civil rights as men without having to fight for them, but they also have been increasingly joining the higher ranks of administration. When we start making a comparison between the role and status of women in modern India and in the other countries of the world, particularly in the matter of emancipation of women, we are struck with unexpected contrasts. The part that has been played by Indian women in the freedom struggle and in the politics has been more important than that played by women in most other countries of the world. While their Western counterparts had to struggle to get political citizenship, Indian women won the franchise at the same time as men i.e at the time of the national independence in 1947, along with favorable legislation in many other areas. In Britain, Emmeline Pankhurst founded the Women's Franchise League in 1903, with her daughter Christabel (1880-1958), the Women's Social and Political Union (WSPU). She fought for women to have the same political status as men. The motto of the Suffragettes was 'deeds, not words'. They fought a long historic struggle for their political equality. In June 1918, the British women over 30 won the right to vote. On 2 July 1928, just three weeks after Emmeline Pankhurst's death, a law was passed allowing all women over the age of 21 to vote¹.

Politically, under a parliamentary democratic government people enjoy liberty, equality and fraternity; there is no discrimination only on the ground of race, caste, sex etc. Constitutionally and legally, no barrier exist in women having equality with the principle for equal pay for equal work has been long accepted by all employees in the country, special laws to protect women from most of the socially degrading customs have been enacted and enforced. To attain the national objectives which are enshrined in the Preamble, the Constitution guarantees certain fundamental rights and freedoms such as freedom of speech, protection of life, personal liberty and prohibition of discrimination or denial of equal protection. One specific provision in Art15 (3), which empowers the state to make 'any special provision for women and children'. This is in violation of the fundamental obligation of non-discrimination among citizen, inter-alia, on the ground of sex. Consequently, this provision has enabled the State to

make special provision for women, particularly in the field of labor legislation like the Factories Act, the Mines Act, Child Labor Prohibition (regulation) Act and so forth. Different Articles like, Art 16(1), Art 16(2), Art 39(a), Art 39(d), Art 39(e), Art 42 etc. are dealt with equality and avoidance of discrimination. Plan provisions for development of women have been receiving attention of the Government of India right from the very First Five Year Plan (1951-56). The shift in the approach from 'welfare' to 'development' of women could take place only in the Sixth Plan (1980-85). Accordingly, the Sixth Plan adopted a multidisciplinary approach with a special thrust on the three core sectors of health, education and employment. The Ninth Plan (1997-2002) made two significant changes in the conceptual strategy of planning for women. Firstly, 'Empowerment of women' became one of the nine primary objectives of the plan. To this effect, the approach of the Plan was to create an enabling environment where women could freely exercise their rights both within and outside home, as equal partner along with men. Secondly, the plan attempted 'convergence of existing services' available in both women specific and women related sectors. With this aim, it directed both the center and the states to adopt a special strategy of 'Women Component Plan' (WCP) through which not less than 30 percent of funds/benefits flow to women from all general development sectors. It also suggested that a special vigil be kept on the flow of the earmarked funds/benefits through an effective mechanism to ensure that the proposed strategy brings forth a holistic approach towards empowering women².

Since independence, the government of India has made concerted efforts towards women empowerment by removing gender biases so that women enjoy equal status vis-à-vis men in the real sense as enshrined in the Constitution of India. Some of the major initiatives taken by the Government are- Child Marriage Restraint Act 1976, Equal Remuneration Act 1976, Dowry Prohibition Act 1961, Immoral Traffic (Prevention) Act 1986, Indecent Representation of Women (Prohibition) Act 1986, Commission of Sati (Prevention) Act 1987, Medical Termination of Pregnancy Act 1971, Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse Act) 1992, 73rd and 74th Amendments in the constitution to provide reservation of seats for Women in Panchayats and Municipalities, Right to Property Act 2005, Domestic Violence Act etc.,

The Government of India set up exclusive Department of Women and Child Development in 1985 and the following organizations:

- National Institute of Public Corporation and Child Development;
- Central social Welfare Board;
- Rastriya Mahila Kosh;
- National Commission for Women
- The Standing Committee on 'Empowerment of Women' set up by Parliament;
- National Commission on Self Employed Women and Women in the Informal Sector.

Important programmes are also initiated by the government for women and children in India through different departments' like-

1. Department of Women and Child Development,

Indira Mahila Yojana (IMY), Hostels for Working Women, Short Stay Home for Women and Girls, Mahila Samridhi Yojana (MSY), Gender Sensitization and Awareness Generation, Support to Training And Employment Programme for Women (STEP), Training Cum Employment Cum Production Center, Balika Samridhi Yojana.

2. Central Social Welfare Board:

Condensed Courses of Education and Vocational Training, Socio-Economic Programme for Women, Crèches for Working/Ailing Mothers' Children, Family Counseling Centers.

3. National Commission for Women:

A statutory body, set up under a Central Act in 1992, the Commission strives to achieve equity, equality and justice; pursues gender justice through intervention in cases of violation of equality, denial; of opportunities and deprivation of women's rights. It arranges counseling and assistance to women victims of atrocities and women in distress all over the country.

Different policies advocating Women's Concerns in India are-National Plan of Action For Women 1976; National Perspective Plan for Women (1988-2000); National Plan of Action for the Girl Child- 1991-2000; Shram Shakti Report of the National Commission on Self Employed Women and Women in the Informal Sector; National Nutrition Policy; National Policy for the Empowerment of Women (draft)-Plan of Action to Combat Trafficking and Commercial sexual Exploitation of women and Children.

Not only the above mentioned activities concerning women in India, the government also have future programmes for women like -Adopting National policy for the Empowerment of Women; Convergence of Women Development Programme at the Central and State Level; Setting up Office of the Commission for Women's Rights; Setting up National Resource Center for Women.

II. Actual Status of Women in India and North East:

It was only in the late 1970s, that women realized that they were winners of a 'hollow fortress' as the social structures had largely remained unchanged. They have got the right to contest election just with the independence of India. Women were elected from the first Parliamentary election of 1952. But the number of women in governmental

ministerial level is not increased with a desirable amount. And those countries where women received the political rights later than India are increasing the number of women in governmental ministerial level higher than India. Table 1 shows comparative figure of Indian women in political decision making power along with some developing countries.

TABLE-I: Women’s Political Participation.

Sl.no.	Year women received rights		Year first women elected (E) or appointed (A) to parliament	Women in Governmental ministerial level	MDG Seats in Parliament held by women (% of total)			HDI rank
	To vote	To stand for election			Lower single house	or Upper house senate 2005		
						1990	2005	
Botswana	1965	1965	1979E	26.7	5	11.1	-	131
Uganda	1962	1962	1962A	23.4	12	23.9	-	144
Namibia	1989	1989	1989E	19.0	7	25.0	26.9	125
Gabon	1956	1956	1961E	11.8	13	9.2	15.4	123
India	1950	1950	1952E	8.4	5	8.3	11.6	177

(Source: Human Development Report 2005).

Women in North East India play very important role in the social life. A study on social life and social change of North East India would be incomplete without a study on women. Women participate in multifarious socio-economic activities, women who are facing a number of problems in the socio- economic spheres often form different organizations. But they face all the problems created by customs, cultures, and religions of their respective societies. During the freedom struggle, many women participated and they became Prime Minister, Chief Ministers, Governors and other dignitaries without taking the privilege of reservations. The courage and contribution of the women of Manipur in the famous Nupilan (women’s war) of 1904 and 1939, Rani Gaidinliu led movement, and many other women led movements in the north east could make a place for them in the history³. In the specific case of the north eastern states where hundreds of tribes are busy to assert their respective strength by number the tasks of enhancing the status of women are very largely compromised with the call of primitive force for the survival of racial identity. Ironically, this is not confined to the tribal ethnic groups such as the Hindus, Muslims and the Christians where successions and religious rites are performed in proverbial and almost providential times⁴. Theoretically women in North East India enjoy a high social status because their societies are egalitarian. Although, the status of women is said to be highest but men in their societies do not treat the women as their equal. The customary laws of the various tribes in this region are in favor of men who continue to be superiority vis-a-vis women in their respective societies. With the implementation of 73rd Amendment Act 1992 there is a scope for more democratic governance through decentralization of structure and powers and responsibilities to the self governing bodies and through involving the people in shaping their own destiny. The Act is to bring far reaching changes towards the realization of the dream of power to the people. But the states of Nagaland, Mizoram, and Meghalaya remain out of the orbit of the 73rd Amendment Act and the hill areas of Manipur, the District council minus the Sixth Scheduled provisions was once there, also do not come under the purview of the 73rd Amendment Act⁵. The government might have reserved 33% of the panchayat seats for women but in backward and remote villages the reservation is just for namesake. In many of the women reserved panchayats, husbands or any other male members of the family actually run the everyday affairs on behalf of their wives or any women relatives. Even though political parties are ambitious about empowerment of women in the state, women rights activists take it with skepticism.

Due to the paternalistic family and male dominated political structures which do not provide space for women in decision making bodies, women constituted 3.1% of the total contestants in the 1996 election and did not occupy more than 6-10% of the total seats in the state legislative assemblies and parliament. In Manipur only six women have been elected in the State Legislative Assembly. Only one women M.P. was elected so far (Kim Gangte). Women’s participation in local level political institutions like village panchayats and municipal bodies has also remained insignificant in spite of the government’s policy of cooption and reservation of seats for women.

There still exists a wide gap between the goals enunciated in the constitution, legislation, policies, plans, programmes and related mechanisms on the one hand and the situational reality of the status of women in India, on the other. This has been analyzed extensively in the Report of the Committee on the Status of Women in India: “Towards Equality,” 1974 and highlighted in the National Perspective Plan for Women, 1988-2000, the Shramshakti Report, 1988 and the ‘Platform for Action, Five Years After-An Assessment’.⁶ Gender stereotyping and violence at the domestic and social levels are some of the ongoing manifestation. The main causes of gender inequality are related to social and economic structure, which is based on informal and formal norms and practices. Consequently,

the access of women, particularly those belonging to weaker sections including Scheduled Caste/ Scheduled Tribes/ Other Backward Classes and minorities, majority of whom are in the rural areas and in the informal, unorganized sector- to education, health and productive resources, among others, is inadequate. There they remain largely marginalized, poor and socially excluded.⁷

Traditionally assigned gender roles circumscribe women's choices in education and careers and compel women to assume the burden for household responsibilities. Initiatives and programmes aimed at women's increased participation in decision making are hindered by a lack of human and financial resources for training and advocacy for political career and accountability of elected officials for promoting gender equality and women's participation in public life. Despite vigorous campaigning by women's groups and despite the states commitment to increasing women's political participation, all political parties have been more than reluctant to file women candidates.

Ideals are also changing with the constitutional guarantee of different opportunities to the women in every sphere of life. Career is the symbol of new aspirations of women. Professionally they are becoming doctors, engineers, teachers, lawyers etc. Liberal political thinking, urbanization, Westernization and industrialization have hardened the perception and experiences of women. But structural constraints are felt in the preference of their family roles that are often conflicting with their professional lives. The working women experience a great deal of pressure both at home and in society. The family expectations demand a traditional feminine role. Therefore, though women have progressive attitude and wider outlook most of them loose interest due to the conservative pressure put by the in laws and husbands.

Although the policies and programmes of the Government seem to be quite useful and effective on papers, the government must take necessary steps to implement these policies at the grass root levels. The implementing authorities or officials are to be made accountable for every action they take. Because, in spite of all the efforts made by the political decision makers, the long established beliefs and notions about female inferiority and the social prescription and prohibitions build around them have proved a hard nut to crack and as a result, women find it difficult to use the existing facilities to remove the hindrances of equality. Arguments for women seat reservation in the parliament as well as in the State Legislative Assemblies are also raised from different quarters. A bill on women reservation of seat is also lying in the Parliament. But a consensus decision on this bill is yet residual and the bill has not yet been passed in the Parliament due to lack of commitment and political will. Political reservations and provision of jobs for some middle class women are not sound methods for empowering women. In North East India, mainly in the tribal societies even after the introduction of Right to Property Act 2005, women do not have land ownership but they are engaged in cultivation, doing all the pre-harvest and post harvest works. We therefore find that in the turn of new millennium women's position in the different walks of life would remain at the low level. In agriculture, women are workers giving only their labor but they have no decision making power in various activities. The decision making power of women is limited since they don't have earning power. Even where they are earner, their decision making power in the household are compromised and curtailed as their outside activities are limited. This is the general feature of women's status in the country. The rhetoric of empowerment is enabling women to become victims of oppressors who should be brought to book. Our judges and lawyers, the police and the criminal justice system in most of the cases fail to give justice to women victims, and the offenders are acquitted most of the time. Policy and its implementation have made many prescriptions in different directions. Many new responsibilities have been added without any reduction in the basic set of deprivations of work burdens; employment and education are becoming tools for family welfare. Ideally, these should have been women's source of freedom; birth control is manipulating for population control rather than relieving women from reproductive burdens.

III. Conclusion

The political equality guaranteed by the democratic constitutions in the form of fundamental rights, political rights etc. is not able to penetrate deeply in the social roots in spite of many policies and programmes of the government. The democratic government has also a great responsibility to create favorable socio-economic and political atmosphere for the empowerment of women, making them capable citizens of the state to discharge their duties in a positive and rightful manner. Women who were subjected to various kinds of subordination and inferiority position due to traditional social norms, beliefs and practices, handed down from generation to generation depicting gender roles are called for to empower themselves from within and from the laws, enactments, policies framed by the government. Democracy promised them the enjoyment of equal political rights with men as candidates as well as voters in the electoral process and equal participation in the decision making process of the state. But in all democratic countries of the world, participation of women in the decision making process are found to be less than men. The question is how this happens after so many covenants, conventions, passed by the United Nations and making women equal with men in their respective constitutions. There still exists a big gap between what is written in the constitution and various laws passed by the governments and what is prevailing in practice for women.

References

Notes:

- [1] Norwegian Center for Human Rights, University of Oslo, Human Killing needs Attention, Ray Vikas Narayan, Edt. Larkiyon ka Inkilab Jindabad, Sahitya Upakram, Etihashbad Prakashan, Allahabad, 8th Edition September 2009, P.71
- [2] Sankaran Kamla, Women, work and Empowerment, in Anjali Gandhi (ed), Women's Work Health and Empowerment, Aakar Books, Delhi, Pp23-24, 2006
- [3] Th. Binarani Devi, Women Emancipation: a way for Removing Gender Discrimination, in Ray B Dutta and Ray Asok Kumar (ed) Women Emancipation, Focus North East India, Om Publication, New Delhi, p325,2008
- [4] Banerjee Amalesh, Women Empowerment and Development, in Ray B.Dutta and Ray Asok Kumar (ed), Dynamics of Power Relations in Tribal Societies of North East India, Om Publication, New Delhi, p1127, 2006
- [5] Th. Binarani Devi, Position, Power and Functions of Women in Kuki Society, in Ray B.Dutta and Ray Asok Kumar (ed), Dynamics of Power Relations in Tribal Societies of North East India, Om Publication, New Delhi, p199, 2006
- [6] Singh K.K, Women Empowerment in Relation to the National Policy for the Empowerment of Women, in Anjali Gandhi (ed), Women's Work Health and Empowerment, Aakar Books, Delhi, 2006, P26.
- [7] Ibid, P.27