



WWJMRD 2017; 4(2): 211-213

www.wwjmr.com

International Journal

Peer Reviewed Journal

Refereed Journal

Indexed Journal

UGC Approved Journal

Impact Factor MJIF: 4.25

E-ISSN: 2454-6615

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## Women and Agenda of Inclusive Growth: Legal Perspective

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**Abstract**

Since Law and society enjoy a close relationship, Law as a tool for social change is also bound to be changed accordingly. That's why we prefer to be over here in order to initiate the dialogue in this regard. In the present world of Liberalization, Privatization and Globalization the golden fruit of Development can only be plucked by using the ladder of Equality, Liberty and Fraternity.

**Keywords:** What is the woman; Liberalization, Privatization and Globalization

### 1. Introduction

As you know that we are living in a society which is always of progressive nature and not vegetative, it keeps on changing time to time. With the changing pattern of the society, all the ingredients of a society also kept on changing, be it any part of social sciences or even sciences etc. for example - at one point of time in India, Bigamy was not an offence but after the lapses of some period of time, Bigamy had been declared as an offence by our policy-makers. Now in the present contemporary World even the Live-in relationships have been given a protection by our Apex Court while interpreting our Fundamental Rights in present context. So this is all about the social transformation in the present context.

Since Law and society enjoy a close relationship, Law as a tool for social change is also bound to be changed accordingly. That's why I prefer to be over here in order to initiate the dialogue in this regard. In the present world of LPG, (Liberalization, Privatization and Globalization) the golden fruit of Development can only be plucked by using the ladder of Equality, Liberty and Fraternity. It is in this background that I am going to present my paper on the topic of Women and Agenda of Inclusive Growth: A Legal Perspective.

Keeping this in mind I would like to highlight the agenda of 12th Five Year Plan for the years of 2012-2017, which is having its theme of more faster, sustainable and inclusive growth which can never be realized unless and until we uplift this vulnerable segment of society in the form of women

**What is the woman?** Is she a womb? Is she a commodity or a living being like rest of us? Why is she identified with reference to him always (like we always use Mrs. 'X' or Mrs. 'Y' in order to identify a married woman? Does 'he' ever link himself to 'her' like this? These are the questions which really need to be contemplated. Our first Prime Minister Pt. Jawahar Lal Nehru once said, "You can tell the condition of a nation by looking at the status of its women." Contrary to the same, in India, a woman. Confronts secondary treatment in the hands of different institutions; socially, politically, legally and economically. "Women Constitute half the world's population, perform nearly two-third of its work hours, receive one-tenth of the world's income, and less than one-hundredth of the world's property."<sup>1</sup> These are the data as per the report of United Nation (1980)

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1. <sup>1</sup>United Nations Report, Program of Action for the Second Half of the UN Decade for Women, 1980.

## Development of Thought

In the post-colonial world a number of statutory provisions have been made in order to safeguard the interest of women. Right from our Constitutional Objectives as inserted in the very Preamble of our Constitution i.e. to secure Equality of status and opportunity and to promote Fraternity, assuring the dignity of each individual, a number of other Constitutional protections have been given for protecting the interest of women. Like Article 15(3) which makes the special provisions for the protection of women or various other provisions as inserted in Part-IV which comprises of Directive Principles of State Policies or in part-IV-A which comprises of Fundamental Duties. Further the 73<sup>rd</sup> and 74<sup>th</sup> Amendment of Constitution which made the provisions for the greater participatory role for women in Panchayati Raj institutions at grass root level can be rightly said a innovative approach for the betterment of women. In 2005, Amendment in Hindu Succession Act, 1956 seems to be of great worth; whereby a daughter of a coparcener has been declared as a coparcener herself and all the rights related to ancestral property has been given to the women on equal footing with the male counterpart. Furthermore the enactment of Protection of Women From Domestic Violence Act, 2005 is also a welcome step in order to protect the interest of women in particular.

## Evaluation of Legal Policies

By inserting the various legal provisions we have probably won the battle but, still we need to fight the war against gender discrimination in our day to day life. In any patriarchal society, women are second class citizens and widows third class. She has equal legal rights but, still unawareness, customary practices and other social construction prevent their full expression. Very often daughters are persuaded by the family and by the mother herself to relinquish her share so that she can continue her association with the natal home. The arguments given are that the natal family had acquired huge expense at the time of the marriage in solemnizing the same or on dowry. Further the day today expenses on customary practices like: Bhaat, teez, Bhaidooz<sup>2</sup> etc. after the marriage, are to be borne by the parental family. Most women do require the emotional support from the parental family. But this support comes in lieu of willing away her property right. Ironically, by making the legal provisions like: - Amendments of 2005 in the Hindu Succession Act, 1956, which have created the legal rights as far as ownership of property is concerned, the existing social constructions, prevailing customary practices have hijack these rights and left this segment of the society in a situation of helplessness. The shocking fact, that has come to light in a survey by the Mathura District Legal Services Authority (DLSA) on the "Plight of Forsaken/Forlorn Women — Old and Widows Living in the religious place like Vrindavan in

the State of UP."<sup>3</sup> Which highlighted that the bodies of widows who die in government-run shelter homes in Vrindavan are taken away by sweepers at night, cut into pieces, put into jute bags and disposed of as the institutions do not have any provision for a decent funeral. This, too, is done only after the inmates give money to the sweeper! This kind of sorry state makes us realize about the pathetic conditions of a single woman particularly after the death of her husband. M Taking cognizance of a report published in *The Hindu* on August 11, 2011 on the plight of the widows living in Vrindavan in Mathura district of Uttar Pradesh, Justice Altamash Kabir, Executive Chairperson of the National Legal Services Authority, had asked the U.P. State Legal Services Authority to survey the conditions of the women. In that survey it was found that in most cases widows are denied remarriage even after the death of their husband in childhood or young age. While some are forced to leave the marital home and native place by the family members just to division of share in the family property or to avoid maintenance in old age and bearing the burden of a non-productive family member, many others leave their homes due to physical and mental torture.

At the same time 73<sup>rd</sup> and 74<sup>th</sup> Amendment of our Constitution may have inserted the provisions regarding the participatory role of the of women in the panchayati Raj Institutions at the grassroots level, but the ground reality whereby they are being governed by their counterpart is not hidden to anyone in the present society. Further the Protection of Women from Domestic Violence Act, 2005 is also seems to be a paper tiger in reality. As per the 5<sup>th</sup> monitoring report of the PWDWA brought out by the Lawyer's Collective and International Centre for Research on Women, the Protection officers are discouraging women from seeking justice and are pushing them in to "settlement". On the question raised by this body while survey that- is Domestic Violence a family affair? 57.1 % of Delhi's protection officers said 'yes', which indicate that they still don't see it as a social problem.<sup>4</sup>

## Conclusion

So there is no dearth, as such, of the Legal provisions as far as the protection of the interest of women are concerned but the evil resides in the way of proper implementation of the statutory laws. We are best in making the law but worst in implementing the same.

India with a largest demographic dividend is very much capable of playing a greater global participatory role in the World economy. India is having the largest chain of working professional qualified women in the world, which can contribute a lot in the Nation's growth. It is the high time to have such social movement, whereby we can deconstruct all our social constructs of gender discrimination and to achieve in particular the shorter mission in the form of more faster, sustainable and inclusive growth and in general the Constitutional goals of

2. <sup>2</sup> These are some customary practices wherein, on some particular occasions gifts are to be given to girl by her natal family.

3. <sup>3</sup> The Hindu, "Dignity denied even in death for Vrindavan widows" 08-1-2012

4. <sup>4</sup> The Tribune, "Protection officers hardly of any help to victims: survey", 31-01-2012

justice, liberty, equality and fraternity by awareness, sensitization, imparting skills and building capacities with in this vulnerable segment of the society. It really needs to be understood that sex is biological thing but gender is a social construct.

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1. United Nations Report, Program of Action for the Second Half of the UN Decade for Women, 1980.
2. These are some customary practices wherein, on some particular occasions gifts are to be given to girl by her natal family.
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