

Role of Constitution in Women Empowerment in Corporate Sector

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Abstract

India is the largest democratic country in the world, with a population size of 125 crores. The Indian women, however, face innumerable problems at home and in society since their childhood. The most common and unfortunate trait of Indian society is that the girls need only basic levels of education and awareness so that they teach their children after their marriage. The girls in India are encouraged to learn dance, music, child education and an art of cooking at home. The hidden talents of the Indian women are buried under the disguise of House Wife. The present study explores the factors which inhibit the growth and the prospects of women in India. It urges the strong need of the constitutional amendments which facilitate the growth of the women in the areas of education, sports, industry, science and technology. A conceptual model is developed to boost up the Indian economy through the women empowerment. The statistical methods used in the study include Percentages and Mean and Weighted Averages.

Keywords: Equal opportunities; Women reservations; Financial support; Moral support; Free education

Introduction

The Supreme Court of India stated that “it is well accepted by thinkers, philosophers and academicians that if Justice, Liberty, Equality and Fraternity, including social, economic and political justice, the goals formulated by the Preamble of the Constitution, are to be achieved; the Indian polity has to be educated with excellence.

Article 51 A(e) states that it is the duty of every citizen in India to renounce practices derogatory to the dignity of women. Section 14 of the Hindu Succession Act, 1956 strives for removing gender based discrimination and effectuating economic empowerment of Hindu women. The Right to Elimination of Gender Based Discrimination (REGD) so as to attain economic empowerment forms part of Universal Human Rights. Article 2(f) of CEDAW States are obliged to take all appropriate measures; including legislation, to abolish or modify gender based discrimination in the existing laws, regulation, customs and practices that constitute discrimination against women. Article 15(3) of the Constitution of India positively protects such acts or actions. The Constitution of India is a basic document which provides for women empowerment within the framework of the plenary provision of Articles 14, 15(3), 21, 39(a), 51A(e) and Preamble. The women are protected within the area of social justice with these Articles. The Government of India took initiation to secure equal rights of women, by introducing the ratification of the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) in 1993 [1].

Constitutional Provisions for Women

The Constitution of India granted equality to women and empowered the State to take special measures of positive discrimination by eliminating the cumulative socio economic, education and political disadvantages faced by the women. The Fundamental Rights ensure equality before the law and equal protection of law and prohibit any kind of discrimination against women irrespective of religion, race, caste, sex or place of birth, and guarantee equality of opportunity to all citizens in matters relating to employment. Articles 14, 15, 15(3), 16, 39(a), 39(b), 39(c) and 42 of the Constitution are of specific importance in this regard (Table 1).

Important Legal Provisions for Women of India

To uphold the Constitutional mandate, the State has enacted various legislative measures intended to ensure equal rights, to counter social discrimination and various forms of violence and atrocities and to provide support services especially to working women. Although women may be victims of any of the crimes such as 'Murder', 'Robbery', 'Cheating' etc. the crimes, which are directed specifically against women, are characterized as 'Crime against Women'. These are broadly classified under the following categories.

The Indian Penal Code (IPC) and the women protection measures

- Rape (Sec. 376 IPC)
- Kidnapping and Abduction for different purposes (Sec. 363-373)
- Homicide for Dowry, Dowry Deaths or their attempts (Sec. 302/304-B IPC)
- Torture, both mental and physical (Sec. 498-A IPC)
- Molestation (Sec. 354 IPC)
- Sexual Harassment (Sec. 509 IPC)
- Importation of girls (up to 21 years of age)
- The Crimes identified under the Special Laws (SLL)

Although all laws are not gender specific, the provisions of law affecting women significantly have been reviewed periodically and amendments carried out to keep pace with the emerging requirements.

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Received June 07, 2016; Accepted August 01, 2016; Published August 10, 2016

Citation: Kumar TNS, Mahathi K, Thirthala S (2016) Role of Constitution in Women Empowerment in Corporate Sector. Arabian J Bus Manag Review 6: 267. doi: 10.4172/2223-5833.1000267

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(i) Equality before law for women (Article 14)
(ii) The State not to discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them (Article 15 (i))
(iii) The State to make any special provision in favour of women and children (Article 15 (3))
(iv) Equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State (Article 16)
(v) The State to direct its policy towards securing for men and women equally the right to an adequate means of livelihood (Article 39(a)); and equal pay for equal work for both men and women (Article 39(d))
(vi) To promote justice, on a basis of equal opportunity and to provide free legal aid by suitable legislation or scheme or in any other way to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities (Article 39 A)
(vii) The State to make provision for securing just and humane conditions of work and for maternity relief (Article 42)
(viii) The State to promote with special care the educational and economic interests of the weaker sections of the people and to protect them from social injustice and all forms of exploitation (Article 46)
(ix) The State to raise the level of nutrition and the standard of living of its people (Article 47)
(x) To promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of women (Article 51(A) (e))
(xi) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat to be reserved for women and such seats to be allotted by rotation to different constituencies in a Panchayat (Article 243 D(3))
(xii) Not less than one-third of the total number of offices of Chairpersons in the Panchayats at each level to be reserved for women (Article 243 D (4))
(xiii) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality to be reserved for women and such seats to be allotted by rotation to different constituencies in a Municipality (Article 243 T (3))
(xiv) Reservation of offices of Chairpersons in Municipalities for the Scheduled Castes, the Scheduled Tribes and women in such manner as the legislature of a State may by law provide (Article 243 T (4)) xiv

Table 1: Constitutional privileges for women of India.

Some important acts to safeguard women and their interests are mentioned in Table 2.

Special initiatives for women empowerment

National commission for women empowerment (January 1992): The Government set-up this statutory body with a specific mandate to study and monitor all matters relating to the constitutional and legal safeguards provided for women, review the existing legislation to suggest amendments wherever necessary.

Reservation for women empowerment in local self-government: The 73rd constitutional amendment acts passed in 1992 by parliament ensure one-third of the total seats for women in all elected offices in local bodies whether in rural areas or urban areas.

The national plan of action for the girl child (1991-2000): The plan of action is to ensure survival, protection and development of the girl child in order to safeguard the bright future of the girl child [2].

National policy for the women empowerment (2001): The Department of Women and Child Development in the Ministry of Human Resource Development have prepared a “National Policy for the Women Empowerment” in the year 2001. The goal of this policy is to bring about the advancement, development and empowerment of women.

Swami Vivekananda on Women Education

Women education and the empowerment are not in the hands of others, the powers are inherently present in the women. Vivekananda considered that women to be the incarnation of power and asked men to respect them everywhere. He reiterated that unless Indian women secure a respectable place in this country, the nation can never march forward. The important features of his scheme of female education are to make them strong, fear-less, and conscious of their chastity and dignity. He insists that men and women are equally competent in the academic matters, and they also must have an equal companion role in the home administration as well as in the wellbeing of their family. Vivekananda distinguished the difference in perception about the

(i) The Employees State Insurance Act	1948
(ii) The Plantation Labour Act	1951
(iii) The Family Courts Act	1954
(iv) The Special Marriage Act	1954
(v) The Hindu Marriage Act	1955
(vi) The Hindu Succession Act	1956 with amendment in 2005
(vii) Immoral Traffic (Prevention) Act	1956
(viii) The Maternity Benefit Act	1961 (Amended in 1995)
(ix) Dowry Prohibition Act	1961
(x) The Medical Termination of Pregnancy Act	1971
(xi) The Contract Labour (Regulation and Abolition) Act	1976
(xii) The Equal Remuneration Act	1976
(xiii) The Prohibition of Child Marriage Act	2006
(xiv) The Criminal Law (Amendment) Act	1983
(xv) The Factories (Amendment) Act	1986
(xvi) Indecent Representation of Women (Prohibition) Act	1986
(xvii) Commission of Sati (Prevention) Act	1987
(xviii) The Protection of Women from Domestic Violence Act	2005

Table 2: Important acts to safeguard women.

status of women in the West and in India. “The ideal woman in India is the mother, the mother first, and the mother last. The word woman calls up to the mind of the Hindu, motherhood; and God is also called Mother”.

The empowerment of women was essential to the declarations and platforms for action of the 1990 World Conference on Education for All, the 1992 United Nations Conference on Environment and Development, the 1993 Human Rights Conference, the 1994 International Conference on Population and Development, the 1995 World Summit for Social Development, and the Regional Preparatory Conferences for the 1995 Fourth World Conference on Women. This increased appreciation for and understanding of women's role in the development process has also been reflected in the goals and priorities of women organizations

and agencies. In this regard, the United Nations called upon to play a key role in facilitating inter-agency cooperation on gender equality and equity and the empowerment of women, with particular emphasis on operational activities at the country level. It stresses that the empowerment and autonomy of women and the improvement of their political, social, economic and health status is both a highly important end in itself and necessary for the achievement of sustainable human development. The economic, social, political and legal empowerment of women is the focal point of the present generation of India.

The creation of gender-sensitive development policies depend upon the accurate and accessible information about women at both the national and international levels. In this regard, it is vital that a common data base of gender and age-disaggregated statistics be available to all government agencies, and also that common methodologies and statistical indicators be used in data-gathering. This disaggregation is vital to follow-up actions targeted at the well-being of girls, adolescents and women and to identify areas in the life-cycle of women during which gender disparities are greatest. There is also a great need to promote research; gather facts and compile statistics concerning domestic violence; encourage research about the causes, nature, gravity and consequence of violence against women; and test and analyze the effectiveness of measures to thwart gender-based violence and document its recovery process. The unsocial practices based on male child preference, early marriage, education up to schooling and dowry are the causes of the retardation of the progress of the women empowerment. Reproductive and sexual health are affected by the economic, social, cultural and educational environment in which girls are born, grow to womanhood, marry and repeat the process in starting their own families [3].

Women Empowerment Rights

- Women have the right to autonomy, education and job and job shift timings choices.
- Women have the right and social responsibility to decide whether, how and when to have children and how many to have; no woman can be compelled to bear a male child or prevented from doing so against her will. The special paid leave permissions must also be implemented in private sectors as well. The socio-economic structures and norms that impede women's free exercise of their human rights, including their reproductive rights (such as women's legal status, access to education, decision-making powers, poverty level, choice regarding marriage partners and rights within marriage).

The human rights which explicitly recognizes that women's rights are human rights. In response to this expanded definition of human rights, in March 1994, the United Nations Commission on Human Rights agreed to appoint a Special Rapporteur on violence against women and to integrate the rights of women into the human rights mechanisms of the United Nations. The majority of the world's girls and women remain outside this enlarged vision of human rights due to the pervasive, structural and systemic denial of their liberty at the national and community levels worldwide. The Convention on the Elimination of all Forms of Discrimination against Women, approved in 1979, provides concrete ways to bring these international principles to bear at the national level. The government should take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise. In addition, it provides a legal framework for women's empowerment and participation in the development process. It not only guarantees basic human rights and fundamental freedoms,

it also lays out policy measures and targets areas of particular concern to women (such as sex roles and stereotyping, affirmative action, trafficking in women, access to health care, education and benefits, and the special needs of rural women). It is important to make efforts to further gender equality and the empowerment of women, i.e., that such efforts constitute undue interference in the culture, religion, or traditional practices of a country. Resident coordinators have a special responsibility to address these concerns and to draw distinctions among traditional practices that harm women and girls and deprive them of their universally recognized human rights, such as gender-based violence, forced early marriage, and female genital mutilation, and those that are socially valuable and benefit women.

Education

The role of equality in education in bringing about equality in all walks of life is fundamental. Girls' education is fundamental to gender equality and women's empowerment. Key areas include life-long education and training, including pre-school provision, the elimination of stereotyped teaching and education materials, diversification of the educational and training opportunities available to women and girls, and the promotion of self-esteem and leadership in girls. Providing employment and job training, as well as literacy training, for women past traditional school age should be an area of special focus, as should enabling pregnant adolescents to continue their schooling.

Violence against Women

Violence against women is not the issue of any particular region or group; it is an ugly universal, crossing the frontiers of ideology, social class and ethnic identity. At the individual level, violence disrupts the lives of women, limits their options, undermines their confidence and self-esteem, and impairs their health psychologically as well as psychically. It denies them their human rights and hinders their full participation in society. Violence against women deprives society of the full participation of women in all aspects of development, not just in terms of hours of labor missed due to violence, but also in terms of the cost of services to the victims. It also has serious consequences for the mental and bodily health of dependent children.

Support to Women Welfare Organizations

The government and social organizations need to support the women empowerment organizations and inculcate awareness and educating programs, the political participation and leadership of women.

In global business organizations the top management eliminates the status and income differentials between men and women. These gender disparities can actually be sharpened or further entrenched. The top management must ensure that the tasks of all staff reflect gender mainstreaming in an appropriate form, and foster similar efforts among colleagues. Instruments to ensure that gender mainstreaming occurs include: the performance appraisal process; the program me review process; gender training for staff; on-going consultation and dialogue with representatives of civil society; and inter-agency workshops on the mainstreaming of key concerns such as gender, the environment, poverty, governance and the like.

Objectives of the Study

- To assess the factors which influence the women empowerment in global business organizations.
- To study the impact of demographic and psychographic variables

on women empowerment in globalization.

- To frame a model that helps the women empowerment.

Research Methodology

The present study is explorative in nature. It comprises a structured questionnaire to elicit the opinions of the respondents. The sample comprises of 100 women respondents. The data analysis methods applied in the study, are simple percentages, mean and weighted averages (Tables 3 and 4).

Data Interpretation

From Figures 1-7 it is clear that the women empowerment is enhanced by the factors mentioned above. Gender discrimination in recruitment, interview and selection, gender discrimination in salary structure, gender discrimination at job responsibilities, free education to girl’s up to PG, convenient transportation at job sites, family support and top management support at work place, 24 hours security measures at work place will influence the women empowerment in view of the changing global trends (Figure 8).

Conclusion

There must be gender equality in recruitment, selection, salary

structures, job responsibilities, along with convenient transportation facilities, free education up to PG, 24 hour vigilance, and family support at home and management support at office will enhance women empowerment nationally and internationally. Though the constitution provides a few safety measures, the women are still in insecure environment. There is a need to implement the acts of constitution without delaying the pending cases in the courts and thus boost up the confidence levels of the women in the light of true women empowerment.

The attribute ranking given by the women reveals that their most preferred attributes which lead to women empowerment are Flexibility of corporate rules, free education to women, moral support,

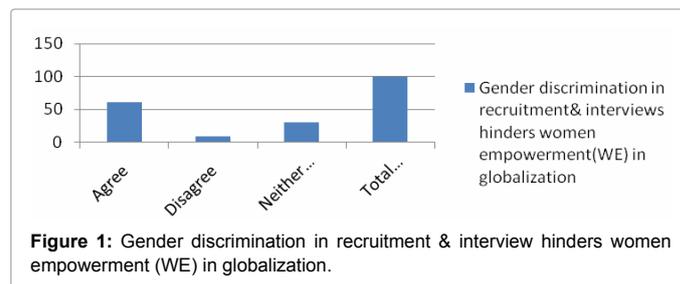


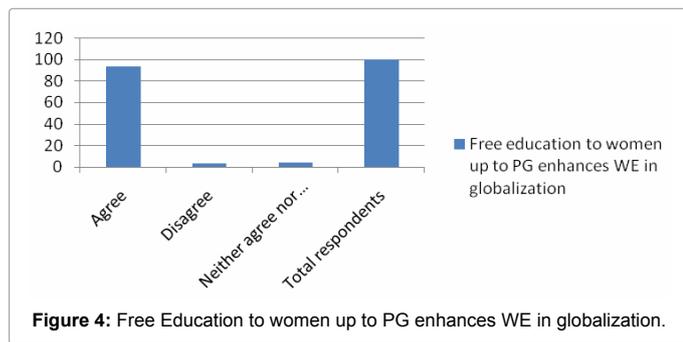
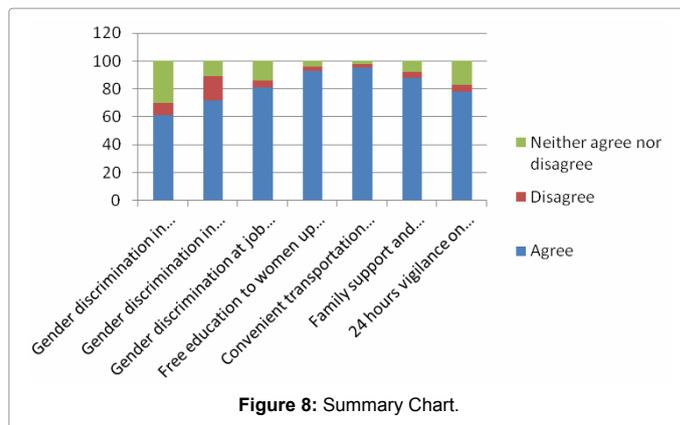
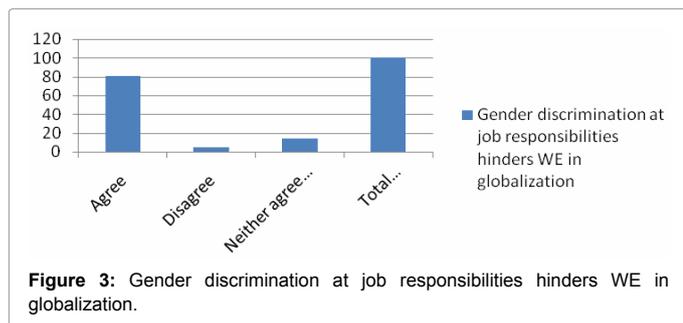
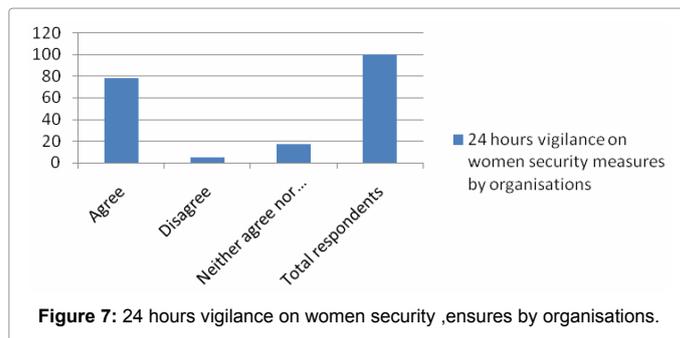
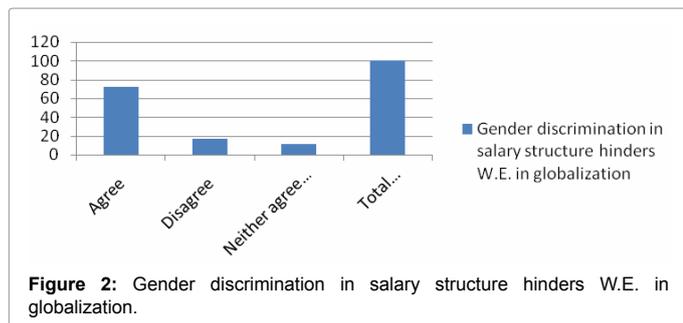
Figure 1: Gender discrimination in recruitment & interview hinders women empowerment (WE) in globalization.

S.no	Factors (Points to each option on Likert Scale)	Agree (3)	Neutral (2)	Disagree (1)	Total respondents	Total Score	Weighted Average
1	Women Reservations (Gender discrimination in recruitment& interviews hinders women empowerment(WE) in globalization)	61	9	30	100	231	2.31
2	Financial Support (Gender discrimination in salary structure hinders W.E. in globalization)	72	17	11	100	261	2.61
3	Equal Opportunities (Gender discrimination at promotions, and job responsibilities hinders WE in globalization and weakens their confidence levels)	81	5	14	100	267	2.67
4	Free Education Support (Free education to women up to PG enhances WE in globalization)	93	3	4	100	289	2.89
5	Flexibility of rules of Corporate Culture (Convenient job timings and free and safe transportation facilities to women in companies, colleges enhances WE in globalisation)	95	3	2	100	293	2.93
6	Moral Support (Family support and management support to women enhances WE in globalisation)	88	4	8	100	280	2.8
7	Vigilance Support(24 hours vigilance on women security measures by organisations)	78	5	17	100	261	2.61

Table 3: Data analysis.

S.No	Attribute	Rank
1	Women Reservations	7
2	Financial Support	5.5 (Tie)
3	Equal Opportunities	4
4	Free Education	2
5	Flexibility of Corporate Rules	1
6	Moral Support	3
7	Vigilance Support	5.5 (Tie)

Table 4: Attributes and ranks.



equal opportunities, financial support, vigilance support at offices and convenient transport facilities and finally reservations. The constitutional privileges must also be available in corporate sector as well.

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