



ISSN: 0975-833X

Available online at <http://www.journalcra.com>

INTERNATIONAL JOURNAL
OF CURRENT RESEARCH

International Journal of Current Research
Vol. 16, Issue, 01, pp.26960-26965, January, 2024
DOI: <https://doi.org/10.24941/ijcr.46632.01.2024>

RESEARCH ARTICLE

A PARADIGM SHIFT TOWARDS WOMEN LED DEVELOPMENT: A SOCIO LEGAL STUDY

*Dr. Neena Hamid

Senior Assistant Professor, Department of Law and Forensic Science, Apex Professional University,
Arunachal Pradesh

ARTICLE INFO

Article History:

Received 19th October, 2023
Received in revised form
18th November, 2023
Accepted 15th December, 2023
Published online 30th January, 2024

Key words:

Discriminatory, Equality, Trajectory,
Justice, Nation.

*Corresponding author:

Dr. Neena Hamid

Copyright©2024, Neena Hamid. This is an open access article distributed under the Creative Commons Attribution License, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Citation: Dr. Neena Hamid. 2024. "A Paradigm Shift Towards Women Led Development: A Socio Legal Study". *International Journal of Current Research*, 16, (01), 26960-26965.

ABSTRACT

There is a proverb saying "Educate a man, you will educate but one, educate a woman, you will educate a nation." Education here just does not mean merely teaching the three R's-reading, writing & arithmetic, but to make them aware of their rights and also realize the discriminatory treatment given to them. Economic independence is a vital aspect of empowerment. Women have been central to the grand vision of New India. India needs not just women's development but women-led development that makes women the leading force of our development trajectory. Women are realising their word in all walks of life. They are demanding gender equality and justice in every sphere and helping themselves to become empowered. **Objectives:** To analyse the role of education in women empowerment which led to development of the society. **Methodology:** the humble approach of this paper is a descriptive study based on secondary sources of data which is doctrinal in nature.

INTRODUCTION

Prime Minister Narendra Modi stressed the importance of women – led development and said a nation was always empowered by its women, while giving the valedictory address at the National Conference of Women Legislators recently. He also said that women are better in adopting technologies than men. They are specially gifted by god in this aspect. He called for thinking beyond "women development," and move towards "women –led development". A country is always empowered by its women.

Women-Led Development: India has shifted from the notion of "Women's Development" to "Women -Led Development" in recent years. The shift reflects a change in mindset from seeing women as passive recipients of development programs to active participants and leaders in the development in the development process.¹ Women -led development refers to a development approach that focuses on the active participation and leadership of women in various aspects of social, economic, and political development. It recognizes the importance of gender equality and women's empowerment as key drivers of sustainable development. Women led development is rooted in the principles of gender equality and human rights. It acknowledges that sustainable development cannot be achieved without addressing the specific needs, priorities and contributions of women.

By empowering women and creating an enabling environment for their leadership, women-led development seeks to foster inclusive and equitable societies that benefit everyone.² Acknowledging that women's empowerment is a process in which women increase their choices and freedom to participate, negotiate, influence and hold accountable institutions that affect their lives is a step in the right direction. However, women's empowerment will be achieved only when women perceive gender empowerment as a meaningful goal worth striving for. This necessitates harnessing women's power, utilizing their potential and encouraging women to work towards goals defined by them. Creating conditions wherein these goals are a possibility demands the incorporation of women's voice and agency as central prerequisites in gender empowerment policies and programmes (World Bank 2014). The World Bank (2002) identifies empowerment as being about increasing people's choices and freedom of action to participate in, negotiate with, influence, control and hold accountable, institutions that affect their lives.³ Empowerment is a multi- faceted, multi-dimensional and multi-layered concept. Women's empowerment is a process in which women gain greater share of control over resources material, human and intellectual, like knowledge information, ideas and financial resources like money- and access to money and control over decision making in the home, community, society and nation and to gain "power".⁴ The grim scenario of women having no voice in their own houses has undergone major transformation in recent times.

²Id.

³ Supra note 1, p.51.

⁴ Ibid

¹Article by Ranjeet Shah "Women-led development", Civil Services Chronicle, July,2023, p.7

The modern women is no longer confined to the four walls of the house. Women are now realizing their worth in every way and demanding gender equality and justice both at home and in the workplace. They have broken the glass barrier in almost every field, be it technology, space science, sports or the armed forces. Almost every fifth woman is an entrepreneur both in urban as well as in rural India.⁵

Women Empowerment	Women-Led Development
<p>1. Women empowerment refers to the process of enabling to have control over their lives, make choices, and participate fully in all spheres of society.</p> <p>2. It emphasizes the individual agency and capacity building of women to overcome gender-based discrimination and achieve their potential.</p> <p>3. It often focuses on improving access to education, healthcare, economic opportunities, and decision-making power for women.</p> <p>4. It involves addressing systemic barriers and promoting gender-responsive policies, laws and social norms.</p>	<p>1. Women-led development emphasizes the active participation and leadership of women in driving the development agenda.</p> <p>2. It recognizes that women's perspectives, experiences, and expertise are essential for creating sustainable and inclusive development outcomes.</p> <p>3. It focuses on promoting women's leadership in policymaking, governance, and decision-making processes at all levels, from local communities to national and international arenas.</p> <p>4. It aims to change power dynamics and ensure that women's voices are heard, valued and integrated into development strategies.⁶</p>

Role of Education

Historically, education occupied prominent position in India. The priestly class in ancient India studied to gain knowledge while the Kshatriyas and the Vaishyas studied for specific purposes like statecraft, warfare or running a business. The ancient learning systems were oriented towards earning a living. Internationally also India was the top destination for students from other countries coming in for higher studies. Nalanda, one of the biggest centres, had all the branches of knowledge, and housed up to 10,000 students at its peak. After independence, the policy makers worked hard to transform the elitist system of education created by the British into a mass based system, built on principles of equality and social justice.

The importance of education for empowerment of girls is undeniable.⁷ Education has empowered woman to a large extent and where women are educated, empowerment has happened the fastest. It has enabled women to take decisions about marriage, parenthood and careers etc.,. Education has also created awareness about opportunities outside of marriage, giving her financial independence and reducing her dependence on 'the man in her life' be it father or husband. She now no longer needs to tolerate domestic violence or mental abuse at home. With women population being around 50 percent of the total population of the world, they have every right to be treated equally with men in every sphere of life. Women's education in India plays a very important role in the overall development of the country.

Government initiatives

Women is the procreator, the mother of tomorrow and shaper of the destiny of civilization. However, often in our society the birth of a girl child is an unwanted phenomenon. Despite innumerable campaigns by the government for promoting gender equality, female feticide and infanticide has continued.⁸

Some of the government schemes are mentioned below

- Training and Employment Programme for Women (TEP), 1986
- Rastriya Mahila Kosh (RMK) 1993

⁵Ibid

⁶Id.

⁷Kurukshetra, January 2016, P. 14.

⁸Article by Dr Amrit Patel, "Potential of Beti Bachao, Beti Padhao Programme", Kurukshetra, January, 2016, p.28.

- Mahila Samridhi Yojana, 1993
- Pradhan Mantri Rozgar Yojana (PMRY), 1993
- Indira Mahila Yojana, 1995
- Swadhar Greh Scheme, 2001
- Pradhan Mantra Matru Vandana Yojana (PMMVY), 2010
- National Mission for Empowerment of Women (NMEW), 2011
- Rajiv Gandhi scheme for Empowerment of Adolescent Girls, 2011
- Priyadarshini Yojana, 2011
- Rajiv Gandhi National Creche scheme, 2012
- Beti Bachao Beti Padhao (BBBP) 2015
- Women Help Line Scheme, 2015
- Nand Ghar Yojana, 2015
- Sukanya Samridhi Yojana, 2015
- Mahila-e-Haat, 2016
- Pradhan Mantri Ujjwala Yojana, 2016
- Maternity Benefit Program, 2017
- Mahila Shakti Kendra (MSK), 2017
- Nari Web Portal, 2018
- She-Box Portal, 2018
- New draft National Policy, 2019
- Deen Dayal Upadhyay Antyodaya Yojana (Day-NRLM)
- National Repository of Information for Women (NARI)
- National Nutrition Mission (NNM) Pradhan Mantra Mudra Yojana
- Stand up India
- Start up India
- SHGS under the National Rural Livelihoods Mission
- Pradhan Mantri Jan Dhan Yojana
- Mahila Police Volunteers (MPVs)⁹ etc.

Education provides the surest instrument for attaining sustainable development of a high order in a country.¹⁰ Department of Education has initiated schemes to reduce the gender gap in the education of children, they are as-

Early Child Care Education Centres (ECCE)

These centres are set up to ensure better enrolment and retention of girls in the primary schools. Since the girl-child has the responsibility to look after the young siblings and is therefore deprived of school education, an ECCE centre attached to the school would ensure that girls would come to school. It is intended that if school-going girls have access to such centres, they would get enrolled in schools, and would be retained in schools. The scheme also envisages provision of good quality education to such girls. At the ECCE centres, the physical and psychological growth and development of all children in the 3-6 age group, is provided for. The education department at the district level has the responsibility for Sarva Shiksha Abhiyan and Department of social welfare (through the integrated Child Development Services Programme) has the responsibility for running the ECCE Centres.¹¹

National Programme on Education for Girls at Elementary Level (NPEGEL)

Since education is a concurrent subject, this national programme is also being implemented at the state level in some select districts and blocks since 2003. It is intended to increase the enrolment rates of girls belonging to SC/ST communities at the elementary stage. The scheme intends to focus attention on the educationally deprived sections and to encourage the enrolment, retention and quality education of the girls belonging to the SC/ST communities. It offers materials incentives such as stationery and introduces additional

⁹Article by Shahin Razi, "Harnessing Women Power for Development", Yojana, March 2019, pp. 51-55.

¹⁰ Kurukshetra, January 2016, p. 41.

¹¹Article by Dr. Arpita Sharma, "Beti Bachao, Beti Padhao Programme: An Eagle's Eye View", Kurukshetra, March 2015, p.6.

incentives like awards, remedial teaching and bridge courses as well as development of a model upper primary school in each cluster.¹²

Kasturba Gandhi Balika Vidyalaya (KGBV)

The scheme draws its legitimacy from the thrust in national policy documents as well as international discourse that refers to bridging the 'gender gap'. Following this thrust, the scheme is being implemented in educationally backward blocks with a wider gender gap. The scheme is intended for girls belonging to the scheduled castes (SCs), scheduled tribes (STs), other backward classes (OBCs), religious minorities and below poverty line (BPL) households. Funded by the government of India, under the Sarva Shiksha Abhiyan, the basic idea behind the scheme is to give a second chance for mainstreaming rural girls belonging to deprived social backgrounds who could not study up to or beyond class V. The second opportunity consists of the facility to stay in a hostel while studying for the upper primary stage of elementary education namely classes VI to VII. They are set up in areas where there are a minimum of 50 school going girls who are school drop-outs. As all the girls are primary school drop-outs, they are above 10 years of age and are mostly in their teens.¹³

Innovative scheme for the adolescent girls

In order to create and sustain the interest of girls in education, they are trained to produce items that can be used in their daily lives. They are also offered components of empowerment strategies such as personal development, confidence building abilities, and life-skills oriented education.¹⁴

SABLA

SABLA is a centrally sponsored programme of Government of India initiated on April 1, 2011 under ministry of women and child development. The program would cover adolescent girl 11-18 years old under all ICDS projects in selected 200 districts in all states/ UTs the country. The basic objectives of the scheme are to enable self-development and empowerment of adolescent girls, improvement in their health and nutrition status, spread awareness about health, hygiene, nutrition, adolescent reproductive and sexual health, family and child care. The programme also aims at upgrading their home-based skills, life skills and vocational skills. The project will also include bringing back the out-of-school adolescent girls under the ambit of formal and non-formal education. The adolescent girls will also be guided about the existing public services, post offices, banks, police stations and others.¹⁵ SABLA mainly aims at reducing the dropout rate of adolescent girls by increasing their literacy rate and work participation under the Rajiv Gandhi Scheme for Empowerment of Adolescent Girls.¹⁶

Kishori Shakti Yojana

National adolescent girl scheme- the scheme for adolescent girls was put into operation from November, 1991. Now the scheme has been renamed as Kishori Sakti Yojana, is implemented as a component of ICDS scheme in limited number of ICDS project. This scheme was modified as various baseline surveys clearly revealed that the health, nutrition, education and social status of adolescent girls are at sub-optimal level. The AG scheme in its present form is being implemented through Anganwadi centres in both rural and urban settings. Under the scheme, the adolescent girls who are unmarried and belong to families below the poverty line and school drop-outs are selected and attached to the local Anganwadi Centres for six-monthly stints of learning and training activities. The objective of the scheme is to increase self-confidence, boost moral and give dignity.

¹² Ibid, p.7.

¹³ Id.

¹⁴ Id.

¹⁵ Article by Shalender Sharma, et.al., "Gender context of school education: progress and challenges", Yojana, September, 2016, Pp.58-59

¹⁶ Kurukshetra January 2016, p. 38

The adolescent girls scheme has been designed to include 2 sub-schemes viz. scheme-I (Girl to Girl Approach) and Scheme-II (Balika Mandal). The scheme-I has been designed for adolescent girls in the age group of 11-15 years belonging to families whose income level is below Rs.6400/ per annum. Apart from that, AG scheme with some modification and content enrichment was also experimented in other areas. Under the SIDA supported ICDS programme in 47 blocks of Tamil Nadu, modified AG Scheme was successfully implemented. Again in Rajasthan and Andhra Pradesh, State specific intervention for Adolescent Girls have been implemented. In World Bank assisted ICDS projects, the AG Scheme with additional inputs like deworming and IFA supplementation etc are also being implemented.¹⁷

Mahila Samakhya (Education for Women's Equality)

Was the first major scheme launched by the central government that owed its genesis to the National Policy on Education (1986) recognizing the empowering potential of education and education as an agent of basic change in the status of women. The basic objectives of Mahila Samakhya are:

- As a gender-based program, to create an ambience in the society for tolerance and mutual respect for women
- To ensure that education becomes accessible to the socially and economically marginalized women and girls
- To encourage and promote a gender-based discourse in society
- To enhance the self-image and self-confidence of women and enable them to critically analyze their role as individual women and as members of society so that they can begin to challenge that role collectively and initiate a process of social change
- To collectively participate in decision making and seek equal rights and opportunities for a more egalitarian society
- To enhance participation of women and girls in formal and non-formal education programs. Education department of the ministry of human resource development, government of India, launched Mahila Samakhya as a major program for bringing about women's development as well empowerment in 1989 on a pilot basis in 6 states of India, with funding from the Netherlands Government.¹⁸

Beti BachaoBeti Padhao

Child sex ratio, defined as number of girls per 1000 of boys between 0-6 years of age, has been on decline in India since 1961- from 945 in 1991 to 927 in 2001, and further to 919 in 2011. A 2012 UNICEF report ranked India 41st among 195 countries. Haryana has the worst sex ratio among all states in the country, standing at just 879 females per 1000 males. Keeping in mind this skewed figure, Prime Minister Narendra Modi will launch Beti Bachao Beti Padhao scheme on January 22, 2015 at Panipat in Haryana. Under the scheme, a multi-sectoral strategy governed by the core principles of respecting, protecting and fulfilling the rights of girls and women, including the ending of gender based violence will be adopted. The scheme started with Rs. 100 crore initial corpus funds and is likely to move ahead with its well thought-out plan and direction. The welfare measures voiced are for protecting and planning the lives of the down trodden daughters of this country.¹⁹

Impact of women-led development on society

As per the latest Annual Periodic Labour Force Survey (PLFS) Report, the estimated labour force participation rate(LFPR) on usual status for women of age 15 years and above in the country was 30.0/32.5/ and 32.8/ during 2019-20, 2020-21 and 2021-22, respectively, which shows an increasing trend. The global FLFPR is 52.4 percentage (ages 15+), and has been at a similar level for the last three decades. However, in developing countries and emerging

¹⁷ Article by Dr. Arpita Sharma, "Measures to Empower Adolescent Girls", Kurukshetra, January 2016, pp. 36-37

¹⁸ Supra note 1, p.7

¹⁹ Ibid, p. 8.

economics, there is a significant variation. In the middle east, North Africa, and South Asia, this rate is approximately 25 percent, whereas it reaches up to approximately 66 percentage in East Asia and sub-Saharan Africa. Interestingly, we don't see such a trend variation in men's LFPR, which stands at approximately 80 percent across economies.²⁰ In the Indian context, women-led development brings specific advantages that are tailored to the unique challenges and opportunities within the country. Following²¹ are some positive effects of women-led development on society from an Indian perspective:

1. **Women empowerment:**

Women-led development promotes the empowerment of Indian women, who have historically faced various forms of discrimination and inequality.

- By providing equal opportunities, education, and resources, women can break barriers, gain confidence, and assert their rights. Empowered women become agents of change, contributing to the overall progress of the society.

2. **Economic Growth and Poverty Alleviation:**

Women's economic empowerment is directly linked to India's economic growth and poverty reduction efforts. Women-led business and entrepreneurship contribute to job creation, income generation, and economic diversification.

- When women have access to resources, credit facilities, and skills training, they can start and grow businesses, leading to improved household incomes and upliftment of communities.

3. **Education and skill development:**

Women-led development prioritizes education and skill development for girls and women. Investing in education equips women with knowledge, critical thinking skills, and the ability to make informed decisions.

- Educated women are more likely to enter the workforce, pursue higher education, and actively contribute to society, driving India's human capital development.

4. **Improved health and well-being:**

Women's leadership in development initiatives focuses on improving healthcare access and addressing health-related challenges.

- Women-led programmes promote maternal and child health, reproductive health and nutrition, leading to reduced maternal and infant mortality rates.
- Women leaders play a crucial role in raising awareness about health issues and driving behaviour change within their communities.

5. **Political representation and governance:**

Women-led development emphasizes women's participation in politics and governance. Increasing women's representation in legislative bodies, local governments, and decision-making positions leads to more inclusive and effective governance.

- Women leaders advocate for policies that address gender based violence, social welfare, and women's rights, bringing about positive social and legislative changes.

6. **Social transformation and challenging gender norms:**

Women-led development challenges traditional gender norms and stereotypes prevalent in Indian society. By promoting women's leadership and showcasing their capabilities, it challenges the perception of women as passive participants.

- This cultural shift encourages society to value and respect women's contributions, leading to greater gender equality and social transformation.

7. **Grassroots development and community building:**

Women-led development often focuses on grassroots-level initiatives that address local challenges and engage communities.

- Women's participation in community development projects leads to bottom-up decision-making, sustainable development, and the preservation of cultural heritage.

• Women leaders act as catalysts of change, mobilizing communities and fostering collaboration.

8. **Sustainable agriculture and environmental conservation:**

Women play a significant role in agriculture, especially in rural areas of India. Women-led development promotes sustainable agricultural practices, land rights for women farmers, and access to resources and training.

- Women's involvement in environmental conservation and climate change adaptation ensures the sustainable use of natural resources the sustainable use of natural resources and protection off ecosystems.²²

9. **UN and civil society research** has consistently argued that investment in girls' education has significant benefits for girls, women, their families, wider communities and societies:

- An extra year of primary school boosts girls' eventual wages by 10-20 percent and an extra year of secondary school by 15-25 percent.
- When women and girls earn income, they reinvest 90 percent into their families, as compared to only 30-40 percent for a man.
- Education gives girls the confidence to marry later, and gives women greater influence in household decisions. Educated women tend to have smaller families, their children are better nourished, more likely to survive and are far more likely to do well at school themselves.
- Education also encourages active citizenship by giving girls and boys the knowledge to influence the direction of society and to engage in politics and democracy as adults.
- These examples illustrate how education generates cumulative social benefits for people, particularly girls and women. However, there are disparities in access to, and the quality of education enjoyed by learners and in learning outcomes among populations and groups due to social, economic and cultural factors. Sixty nine million primary school aged children still do not attend school. In majority of low income countries girls have less access to education than boys at all levels of education. 759 million adults lacking literacy skills today, two-thirds are women, a statistic that reflects the depth of gender disparity in access to education.²³

Gender Equality & Social Justice: Gender equity or equality, is a desideratum throughout the world but has remained elusive for many women folk the world over. The unequal status of women in every society is being offensive to human dignity and also violation of human rights. Regarding empowerment of women, several instruments have been adopted in the international and regional and local levels, yet, empowerment of women remains to be transformed into action in real and effective terms. No circumstances whatsoever can be regarded or invoked as an excuse or justification, for denying equality to women at par with men.²⁴ The principle of gender equality is enshrined in the Indian constitution in its preamble, fundamental rights, fundamental duties and directive principles. The constitution not only grants equality to women, but also empowers the state to adopt measures of positive discrimination in favour of women.²⁵ Although every charter of human rights states that men and women are born equal and the same has been quoted in article 14 and 15 of the Constitution of India, the same is far from true. The deep rooted belief that women deserve to be treated lesser than their male counterparts largely contributes to the rampant, continuous and unyielding violence against women extending to unfair or lack of access to

²²Ibid, p.10.

²³Article by Dr. Arpita Sharma, "*Beti Bachao, Beti Padhao Programme: An Eagle's Eye View*", Kurukshetra, March 2015, p.10.

²⁴ Stuti Deka, Justice Shafiqul Haque Reflection & Juridical Thoughts, First Edition, March, 2015, p.153

²⁵Article by Dr. Sheetal Sharma, "*Gender equality and women empowerment*", Kurukshetra, March 2015, p.12

²⁰Supra note 16, p.10.

²¹Supra note 18, p.9.

education, health, employment, property and influence.²⁶ Within the framework of a democratic polity, our laws, development policies, plans and programmes have aimed at women's advancement in different spheres. From the fifth five year plan (1974-78) onwards, there has been a marked shift in the approach to women's issues from welfare to development. In recent years, the empowerment of women has been recognized as the central issue in determining the status of women. The National Commission for Women was set up by an Act of Parliament in 1990 to safeguard the rights and legal entitlements of women. The 73rd and 74th Amendments (1993) to the Constitution of India have provided for reservation of seats in the local bodies of Panchayats and Municipalities for women, laying a strong foundation for their participation in decision making at the local levels.²⁷ There are just a few examples of the reforms implemented in the past decade. Efforts have been made across various areas, including legislation, social programmes, and awareness campaigns, to promote gender equality and protect women rights in the last 10 years²⁸

- Criminal Law (Amendment) Act, 2013 (Nirbhaya Act)
- Maternity Benefit (Amendment) Act 2017
- The Protection of Children from Sexual Offences (Amendment) Act 2019
- The Muslim Women (Protection of Rights on Marriage) Act, 2019
- Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
- Women Reservation Act, 2023 (106th Constitutional Amendment Act)

Governments and societies have put in a lot of effort to combat domestic violence through comprehensive legal frameworks, increased awareness campaigns, and support services for survivors. Initiatives such as helplines, safe houses, and counselling programmes can provide crucial support to victims and help break the cycle of violence.²⁹

Challenges: On 25th September 2015, UN General Assembly declared 17 sustainable development goals and 169 targets to complete the work of Millennium Development Goals in next 15 years. The first five goals talk about poverty in any form, hunger, food security, healthy lives, education for all and gender equality. They are indivisible and balance the economic, social and environmental dimensions. These goals can be realized only by fostering gender equality, and not otherwise. In India, women constitute 48 percent of total population. Government concerns for gender equality focus on the need to address the problems faced by women and girls in day-to-day life this disadvantaged position of female population pervades social and economic sphere, starting with the birth preference for male children. Differences are seen within the intra-household between girls and boys in investment on nutrition, health and education, resulting in malnourishment and lack of education in the girl child.³⁰

Low participation of women in work force: According to the PLFS, we have approximately 166 million women either working, seeking work, or available for work. Out of the population of working women, more than 90 percent work in the informal sector. They are either self-employed or casual workers, pre-dominantly in agricultural and construction sectors. This means that they face increased exploitation,

poor working conditions, lack of mobility, and higher risk of violence. Thus, discourages women from entering the workforce.³¹

Patriarchal social norms: A recent NITI Aayog report states that women in India spend 9.8 times more time than men on unpaid domestic chores (against a global average of 2.6 as reported by UN Women). Globally, unpaid care work is the key reason that women are outside the labour force whereas for men it is "being in education, sick, or disabled". Additionally, deep-rooted social norms and lack of agency leave women with little choice in their employment decisions. A 2023 report by State Bank of India suggests that unpaid women's total contribution to the economy is around INR 22.7 lakh crore-approximately 7.5 percent of India GDP. There is low support in Indian society for working women. This arises from patriarchal structures, which dictate that women prioritise their domestic responsibilities over professional aspirations.³²

Marital Rape: Prior to 2013, the definition of 'rape' under Section 375 of the Indian Penal Code, 1860, was a narrow one, including only sexual intercourse within its ambit. It was only after the famous Nirbhaya gang-rape case the Criminal Law (Amendment) Act, 2013 (Anti-Rape Bill) was passed under which the definition was enlarged to include acts like penetration, insertion of objects, etc. However, a noticeable peculiarity is that the definition of rape, even after the amendment, does not recognise 'marital rape' as 'rape', unless the wife is under 15 years of age. The stand taken against criminalizing it is that it would lead to degradation of the institution of marriage in our society.³³

Sarpanch-Pati Culture: The concept of 'Sarpanch Pati' refers to the scenario where men relatives (mostly husbands) of elected women run office in place of them, while the women are expected to play a subservient role. Thus, it perpetuates gender inequality by marginalizing women and restricting their participation in governance. It undermines women's agency and reinforces patriarchal norms. Recognizing this issue, efforts are being made to promote genuine women's representation in local governance, such as through reservation of seats for women in panchayats and encouraging women to contest elections on their own merit.³⁴

Right to Religious Identity: Similar is the situation under the Parsi women who marry outside their community are said to have lost their religious identity. The children of a Parsi man married outside the community, can become a Parsi. However, the children of a Parsi woman married outside the community cannot become a Parsi. A Parsi woman married outside the community is not allowed to visit the Tower of Silence and attend her parents' funeral rituals. However, the supreme court and Parsi trust went against this age-old traditions and stated that a Parsi woman married outside the community would be allowed to visit the 'Tower of Silence' to attend her parents' funeral rituals.³⁵

CONCLUSION

India ranks 148th in a list of 193 countries based on the percentage of elected women representatives in their national parliaments.³⁶ Women empowerment is a constant battle and it is not a battle which can progress without co-operation from the society as a whole. Taking the right to equality and the right against discrimination enshrined in the constitution of India, teachers and all educational administrators are duty bound to ensure a non-discriminatory environment in school. Teachers and headmasters do not have the freedom to discriminate on the basis of caste, religion, gender, ability or economic status. Taking the constitution of India as the guiding spirit, teachers, administrators

²⁶ Article by- Geeta Luthra, "From Sati to Mary Kom: A Fight for Right in Progress", Yojana, September 2016, p.40.

²⁷ Supra note 25.

²⁸ Article by Rekha Sharma, "Women empowerment recent reforms", Yojana, September 2023, p.61.

²⁹ Ibid, p.59.

³⁰ Article by Utsav Kumar Singh, "Meeting gender parity", Kurukshetra, January 2016, p.32-33.

³¹ Supra note 1, p.10.

³² Id.

³³ Id.

³⁴ Ibid, p.11

³⁵ Id.

³⁶ source: www.aljazeera.com, Date 23/04/22, Time 4.16pm

and community leaders need to be told that any violation of the right to equality and the right against discrimination will invite strict penal action. It is said that a school is a microcosm of the society in which we live. Gender and education is not easy to unravel. Given the layers of inequalities and the growing prevalence of caste and communitybased mobilization, there is need to go beyond standard indicators of enrolment and transition and go deeper into the schooling experience of children. Meaningful access can enable reduced dropout rates, smoother transitions between different levels of education, higher learning levels and most importantly, an equal platform for all children to achieve an excellent education³⁷.

Legal empowerment happens when marginalized people or groups use the legal mobilization i.e., law, legal systems and justice mechanisms to improve or transform their social, political or economic situations. Legal empowerment approaches are interested in understanding how they can use the law to advance interests and priorities of the marginalized. Women represent half the world's population, and gender inequality exists in every nation. Though alternative media can act as a platform or bridge to surpass the barrier of essential communication and information: education is a fundamental and pre-requisite of all human beings. Until women are given the same opportunities that men are, entire societies will be destined to perform way below their true potential. There are no short cuts and the government and civil society organizations need to take this issue seriously and address it in every context. A curriculum that is needed is not just "free" of biases, but one that actively encourages critical thinking and foregrounds gender in the construction of knowledge. The immediate issues to be tackled now are as - awareness on gender equality, education for women, medical aid and health issues, safety in public transport system, women safety cells, campaigns on sensitization towards women and children, Cybercrime cells, crisis management centres, awards for role models, parents and other categories. These initiatives will provide a pathway to the young generation. As our prime minister said 'Beta beti ek saman'; this should be everyone's mantra. No nation, society, and family can flourish and be happy if fifty percent of its population, i.e. women and girls, are not respected, free and happy. Not just in India, but in most countries of the world, women have been discriminated against, excluded from decision making at all levels, marginalised and disempowered.

Although every charter of human rights states that men and women are born equal and the same has been quoted in Art- 14 and 15 of the constitution of India, the same is far from true. Combating violence, ending child marriage, promoting political and economic empowerment, safeguarding sexual and reproductive health rights, protecting land rights, and implementing gender-responsive budgeting are crucial steps towards achieving gender equality. It is only through collective efforts, involving governments, civil society, and individuals, that can create a more equitable and inclusive world for women. The Supreme Court of India's recently released handbook on combating gender stereotypes will give a fresh impetus to the quest towards a gender-just legal order.³⁸

REFERENCES

1. Civil Services Chronicle, ISSN NO. 0971-4073 Vol XXXIV No.12, July,2023
2. Drishti Current Affairs Today, Issue 9, February 2024.
3. 5NFHS-III(2005-2006): international institute for population sciences(IIPS) and macro international, 2007, national family health survey(MFHS-3), 2005-2006: India, Vol I (Mumbai:IIPS)
4. Jain, d. 1990 development theory and practice: insights emerging from women's experience, economic and political weekly, 25(27)
5. UN Women, sex ratios and gender biased sex selection: history, debates and future directions(NEW DELHI,UN Women and UNFPA, 2015)
6. Shalender Sharma, crossing barriers: access to education(challenges), yojana, January 2016
7. National policy on education 1986 (as modified in 1992)
8. Yojana, September 2016, January 2016, June 2017, September 2023,
9. Kurukshetra, January 2016,December 2023, January 2024.
10. <http://mhrd.gov.in/sites/upload-files/mhrd/files/document-reports/padhe-bharat-badhe-bharat>
11. <http://cbseonline.nic.in/regnd/udaan.html>
12. Assam tribune dated January 29, Sunday 2017

³⁷Article by- Vimala Ramchandran, "Women & Girl's Education", Yojana, January 2016, pp.34-35

³⁸Supra note28, p.57.