



**FACULTY OF JURIDICAL SCIENCES**

**COURSE: LLM TWO YEARS Constitutional & Administrative Group /Criminal group/ corporate & business group**

**Semester-II**

**SUBJECT: Law and social transformation in India**

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**NAME OF FACULTY- DR. SHIV KUMAR TRIPATHI**

# Lecture-14



The Protection of Human Rights Act, 1993;

This act provides for the constitution of a National Human Rights Commission 1993 and State Human Rights Commission for better protection of Human Rights and enforcement of the same. Empowered to deal with all cases of human rights violation by public servants, the powers of NHRC include inquiry into violations of human rights or their abetment, review of constitutional and legislative safeguards for the protection of human rights to ensure their effective implementation; undertaking research in human rights; visiting jails and other places of custodial detention under the supervision of Government; reviewing factors including terrorism which inhibit the enjoyment of human rights; recommending remedial measures and encouraging non-Governmental organizations and institutions working for human rights. The NHRC has the powers of a civil court to summon persons and record evidence and investigate both suo motu and individual complaints and violation of human rights. Every proceeding before the Commission is a judicial proceeding under the law.

National Policy for the Empowerment of Women (2001)

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.

Within the framework of a democratic polity, our laws, development policies, Plans and programs have aimed at women's advancement in different spheres. From the Fifth Five Year Plan (1974-78) onwards 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.

India has also ratified various international conventions and human rights instruments committing to secure equal rights of women. Key among them is the ratification of the Convention on Elimination of All of Discrimination against Women (CEDAW) in 1993.

The Mexico Plan of Action (1975), the Nairobi Forward Looking Strategies (1985), the Beijing Declaration as well as the Platform for Action (1995) and the Outcome Document adopted by the UNGA Session on Gender Equality and Development & Peace for the 21st century, titled "Further actions and initiatives to implement the Beijing Declaration and the Platform for Action" have been unreservedly endorsed by India for appropriate follow up.

Policy also takes note of the commitments of the Ninth Five Year Plan and the other Sectoral Policies relating to empowerment of Women.

The Women's movement and a wide-spread network of no-Government Organizations which have strong grass-roots presence and deep insight into women's concerns have contributed in inspiring initiatives for the empowerment of women.

However, there still exists a wide gap between the goals enunciated in the Constitution, legislation, politics, plans, programs, 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, 1989 and Platform for Action, Five years After- An assessment”

Gender disparity manifests itself in various forms, the most obvious being the trend of continuously declining female ration in population in the last few decades. Social stereotyping and violence at the domestic and societal levels are some of the other manifestations. Discrimination against girl children, adolescent girls and women persists in parts of country.

The underlying 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 Castes/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. Therefore, they remain largely marginalized, poor and socially excluded.

The goal of this Policy is to bring about the advancement, development and empowerment of women. The Policy will be widely disseminated so as to encourage active participation of all stakeholders for achieving its goals. Specifically, the objectives of this Policy include.

Creating an environment through positive economic and social policies for full development of women to enable them to realize their full potential

The de-jure and de-facto enjoyment of all human rights and fundamental freedom by women on equal basis with men in all spheres-political, economic, social, cultural and civil.

Equal access to participation and decision making of women in social, political and economic life of the nation.

Equal access to women to healthcare, quality education at all levels, career and vocational guidance, employment, equal remuneration, occupational health and safety, social security and public office etc.

Strengthening legal systems aimed at elimination of all forms of discrimination against women

Changing societal attitudes and community practices by active participation and involvement of both men and women.

Mainstreaming a gender perspective in the development process.

Elimination of discrimination and all forms of violence against women and the girl child; and

Building and strengthening partnerships with civil society, particularly women's organizations.

## Panchayati Raj Institution

The 73rd and 74th Amendments (1993) to the Indian Constitution have served as a breakthrough towards ensuring equal access and increased participation in political power structure for women.