

The Need of Law: Two worlds for women in one India

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ABSTRACT

According to the Sustainable Development Goal number five, Gender Equality, all sorts of discrimination against women has to stop. Therefore, in response to that Government of India too has taken initiative. It is the firm believer of the government and its administrators that these initiatives will bring positive change in the existing poor condition of women of different sections of the society.

A component of Gender Gap index shows the overall female to male literacy and health rankings is poor. In 2013 India got 101 ranks among 136 countries. OECD's ranked India at 56 out of 86 in year 2012 in Social Institutions Gender Index (SIGI). Indian government improved in one front that is political empowerment but on various other aspects like education, economic, health etc. are lagging behind as compared with the males of the same society.

This research paper critically evaluates the women lives in different spheres like women who got married in early age, women who belong to below poverty line and the women who faced separation from spouse in unplanned way.

This research paper also evaluates the steps taken by the GOI since 2013-14 onwards. The evaluation is done within the bounds of available reports and statistics available or freely accessible.

Keywords

Gender inequality, Fundamental Rights, Indian Constitution, Laws, United nation, Sustainable Development Goals

I. INTRODUCTION

List of issues may seem to be a wild guess for those who advocates the various government scheme like "Beti Bachao Beti Padhao" (BBBP). The National Girl Child Day was started by the Ministry of Women and Child Development in 2008 and in on same day, year 2015, BBBP scheme was launched

for coordinated and convergent efforts to ensure survival, protection and empowerment of the girl child. we must expect the upward trend in both "Beti Bachao" (survival and protection) and "Beti Padhao" (Girl empowerment).

"Beti Bachao, Beti Padhao initiative has yielded many positive results, and there has been an encouraging improvement in the number of girls enrolled in schools," **President Kovind** addressed the joint sitting of the two Houses of Parliament, He quoted some more initiatives like

- Introduced a Bill to increase the minimum age of marriage for women from 18 years to 21 years on a par with men,
- Banks have extended financial help to the tune of ₹ 65,000 crore to more than 28 lakh Self Help Groups in 2021-22,
- provided training to thousands of members of the women self-help groups and made them partners as 'Banking Sakhi' who are delivering banking services to rural households at the doorsteps.
- "Ujjwala Yojana," initiative to provide cooking gas to women in villages,
- Stopped practicing "Triple Talaq" by making it a criminal offence,
- Restrictions on Muslim women from performing the Haj only with Mehram have also been removed,
- Significant reduction in the school dropout rate of Muslim girls and an increase in their enrolment,
- government has provided scholarships to 4.5 crore such students since 2014,
- Gender Inclusion Fund in the National Education Policy to promote learning capability among our daughters,
- all the existing 33 Sainik Schools have started admitting girl students,
- The government has also approved the admission of women cadets in the National

Defense Academy (first batch will be from June 2022),

- the number of women personnel in various police forces has more than doubled as compared to 2014. (Press Trust of India, 2022)

Above legal remedies portray the two contrasting worlds for women in India where in one world the legal provisions are almost absent, they are ignored and not even regarded as human. While these remedies will be implemented women existing world will transform into new world. Where they will have more rights and protection will likely to participate more as workforce and have earnings for self and households. However, it is important these provisions are only a statement or they are really a remedy for problems identified. This research will establish the connection between legal provisions and its possible positive impact on women conditions in future.

Research Methodology

Objectives of the study are:

- To understand the lives of women and what they have to face when they (or they lived as):
 - Early age married women
 - Below Poverty Line (BPL) Women
 - Muslim Women
- To critically evaluate the aid/legal support provided by the government to solve the problems related to above a, b and c.

II. DATA ANALYSIS AND DISCUSSION

we are analyzing the actual facts that reveals the current situation of women facing in reality and we see that the present government initiatives and claims that welfare schemes are have brought the turnaround in women lives.

We walk in the world of women lives

- Early age married women (Bill to increase the minimum age of marriage for women):**
The girls' age for marriage at present is 18 years, due to this, many girls got married when they are pursuing graduation or some other vocational studies. To support the impact of early age marriage on girls education refer the table 1 given below

Table 1: Impacts on Educational Attainment

Indicators	Estimated Impacts
(1) Girls dropping out of school	According to parents in national surveys, marriage is a key reason for dropping out of school

	for girls
(2) Educational attainment for girls	Marrying as a child reduces the likelihood of enrolling in and completing secondary school substantially
(3) Marriage vs. schooling trade-off	Once an adolescent girl is married, it is very rare that she remains in school
(4) Intergenerational effects	Child marriage affects the education of the children of girls marrying early
(5) Education's impact on marriage	Each year of secondary education may reduce the risk of child marriage by six percentage points on average

Sources: Wodon (2017f) for (1), (2) & (3); Wodon and Yedan (2017b) for (4); Wodon and Yedan (2017c) for (5).

Thus, introducing Bill to rise the age of marriage for women from 18 years to 21 years on a par with men will definitively improve.

- BPL Women (Banks have extended financial help to Self Help group):** Self Help Group (SHG) has people from the same socio-economic background. A SHG is an informal association to enhance the member's financial security as primary focus, it mainly consists of women of same community whose members varies from 15 to 20. Needy member gets the support from the contribution of all the women in the form a credit. Generally, all the members belong to Blow The Poverty line(BPL) families. The group build the corpus through regular savings and it will be given as loan to the needy member with clear schedule of repayment.

Every census Government identify and record and prepare the list of BPLs. Government benefits those in the BPL List, through various schemes.

Total SHGs are 76,01,987 each has members lowest 5 to highest 20.

As per the statement if ₹ 65,000 crore given to more than 28 lakh Self-Help Groups in 2021-22. Then 36% of the total SHGs will be covered in this financial aid, this leads to share of each SHG will get ₹ 232,142 on an average. However, upon search there were no criteria or detailed outlined procedure was available as how the disbursement of this fund will be made possible. Thus, this leads to doubts that exactly what benefit it gives to SHGs. We have to wait

further for the status released by the government on its successful implementation.

However, the women in these SHGs belongs to BPL, lives the misery life and have almost nothing to save. They perform odd jobs without safeguards, mostly low wages and not all the days of years.

3. **Muslim Women:** in India women have been socio-economically weaker section of the society. They have been often exploited in the name of religion, rituals and tradition. They are socially, economically and educationally poor and dependent on males (father, uncle, brother, husband and later male children). Muslim Women is not exception among women of other religion.

Triple talaq as per the Islam, it is a deliberate and thoughtful act and it takes months to do so, but in modern days, it is used without warning which upsides down the life of a women. Therefore, there is a confusion over the triple talaq practice among muslims and rest. So the Shayra Bano case 2017 in Supreme Court was become historic in a sense as she was the second women (first was Shah Bano 1985) to fought against the **modern way of triple talaq** as we heard that it is being given through WhatsApp or in fit of anger and saying “Talaq” thrice in one go will end marriage. Actual sense this way of divorce is in itself is unconstitutional, thus leaving women with no support is against fundamental rights. Shayra Bano rightly approached the Supreme court against her husband in the violation of fundamental rights. Her approach proves that doors of court are open and justice can be done. Criminalizing it goes against fundamental rights, i.e. article 25 and 26 freedom of religion, so criminalizing it was not effective as within 2 years of judgement, 473 cases have been recorded.

What is the actual solution required is can only be understood when actual problems is understood, or else expensive machinery of justice is misused. We need to gaze in the lives of Muslim women to know that their situation:

- **Low level of earnings as compared to Muslim men.**
- **Poor educationally and economically as compared to Muslim Men and Hindu women.**

Findings & Conclusion

- Increasing age of marriage will improve prospects for girls to pursue higher education.
- Monetary support extended through banks isn't sufficient nor long lasting.
- Job guarantee schemes is the only remedy to uplift the BPL.

- Law is needed to ensure the equality maintained between Muslim women and Muslim men.
- Law also needed to improve Muslim women workers participation and standard earnings as compared to women of other religions.

Limitation

- Exact status of various steps taken so far not available.
- Banks have been playing role in implementing various welfare schemes but they themselves have not released the detailed status of further extension of Rs 65000 crores to SHGs.
- Some of the steps are long run.

Future path

The laws no matter is partially or fully efficient for the up-lift of the women condition but these laws must be implemented on ground. Thus, a research is essential to cover the aspects of how these laws and provisions will be implemented by the administration.

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