

UNDERSTANDING WOMEN EDUCATION AS CATALYST FOR EMPOWERMENT THROUGH THE LANCES OF FEMINIST JURISPRUDENCE

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Abstract

Women's psychological, social, political, and economic development is greatly influenced by their level of education. Education is a crucial tool for marking a woman's existence and reflecting her individuality, in addition to being a way to attain economic independence. Numerous factors, including social, demographic, political, and economic ones, influence women's education. The low level of education among women can be attributed to these factors. Women's empowerment can be positively impacted by their education. The Indian Constitution gives the State the authority to implement affirmative action policies aimed at advancing strategies and tactics for women's empowerment.

Women's education significantly improves their quality of life. It is a significant step toward the empowerment of women. Therefore, the most crucial element in empowering women is education. A legal philosophy founded on the political, economic, and social equality of the sexes is known as feminist jurisprudence. Feminism is a contentious idea these days. The goal of feminist jurisprudence is to understand why women are in subordinate positions. This essay examines how education contributes to women's empowerment from a feminist legal perspective.

It is remarkable how education for women improves their life. For women's empowerment, it is a significant milestone. Therefore, women's education is the most crucial component of their empowerment. The legal concept of feminist jurisprudence is predicated on the equality of the sexes in society, politics, and the economy. Nowadays, feminism is a contentious idea. The philosophy of feminist jurisprudence aims to understand the causes of women's subordination. This essay uses feminist jurisprudential perspectives to examine the role that education plays in women's emancipation.

Key words: Education, women empowerment, Constitution of India, Legislative Provisions, Schemes, Policies, Feminist jurisprudence.

Introduction

There are men and women in society. Women and men are equal from birth. Both men and women are essential to the formation and growth of their

families as well as to society at large. Women serve as both breadwinners and distributors of bread. With a man, she works shoulder¹. She was

¹Dr. S.R. Myneni, Sociology, Allahabad Law Agency, Reprint 2012, 481

regarded as "Saha Dharma Charani" since she and men participate in all activities equally. The socially assigned status of men and women in Indian society is what defines the position of dominance in relationships between men and women. Since ancient times, males have controlled women as a group, and women's standing in society has been subservient."² Despite making up half of the population, women are significantly less advanced than men in social, economic, and political spheres. It is important to note that women's journey from the past to the present has been a shaky one. One could describe the role of women in the modern era as remarkable. Previously regarded as the experts in domestic duties, women are now credited with helping to shape the nation. Let's examine ancient, medieval, and contemporary periods to have a better understanding of women's status.

Women in ancient India

Women held significant positions in ancient Indian civilization. It was a high-level role. The profusion of goddesses in antiquity was meant to promote respect for women. The god's place, Ardhanareeshwar, was worshipped by half males and half women. In Vedic society, women participated in religious ceremonies and tribal meetings. Women were dependent on their male husbands for the entirety of their lives, but there is no evidence that they were barred from social or domestic activities. Monogamy was common. Women may use a swayamvara marriage to choose their mate. After prospective grooms came at the bride's house, the bride in this type of marriage selected her spouse. Examples of the Swayamvara ceremony can be found in the epics of the Ramayana and Mahabharata. This continued into later class families. Widows could choose to separate from their husbands and remarry.³

The status of women changed in all spheres of life as the times changed. Women's political right to join assemblies was taken away from them in the later Vedic era. Child weddings also became a reality. Women seeds like Gargi, Maitreyi, and Hemadri are mentioned. As time went on, the Golden Vedic principles of equality and unity started to wane, and women's status steadily worsened. Women were excluded from studying the Vedas, reciting Vedic mantras, and performing Vedic rites during the time of Smritis because they were grouped with the Shudra. Epics and Puranas were composed during the Puranic Period, which came after the Vedic period. Women were completely denied the freedom to own property in the economic sphere. They were not allowed to perform penances, make religious pilgrimages, or offer prayers and sacrifices in the religious areas.

Buddhism emerged as a reaction to Hinduism. In the light of abovementioned disabilities during the periods of *Brahmans* and *Puranas*, during Buddhist period the status of women improved a little but there were no radical changes. In the religious field women got a superior position. They had their own "Sangh" called 'Bhikshuni Sangh' guided by the similar rules and regulations as those of monks. The 'Sangh' opened to them many avenues for cultural activities, social services, and public discourses. In social fields they had honourable place. However, in economic and political arenas their status remains unchanged.⁴

Women in Medieval Period

According to historians, the medieval era was considered to be the worst time for women. The numerous foreign conquests that occurred in medieval India led to a decrease in women's status since the invaders brought their own culture with them. Indians also started treating their women in this way as a result of their worldview, which

²Navendu K. Thakur, *An Introduction to Sociology*, Central Law Publications, second edition 2011, 252

³Vinita Pandey, *Indian Society and Culture*, Rawat Publications, Reprint 2018, 456

⁴*Supra* note 2

views women as the property of their father, brother, or husband. Women were completely denied access to education as the "purdah" or "veil" system spread. The restriction on the women's freedom of movement caused their status to further decline. From this moment on, society began to view a girl as a source of suffering and a burden that required special attention and protection from the invaders. A terrible cycle began, with women at the bottom of it. New atrocities including child marriage, Sati, Jauhar, and restrictions on girls' education came forth as a result. Between the 11th century and the British occupation of India in the middle of the 18th century—nearly 700 years—there was a general deterioration in social institutions, political structure deconstruction, mass migration, and economic depression in India. All of these led to the overall deterioration of women's standing as well. However, the "Bhakti movement" that occurred in the 15th century brought new companions into women's social and religious lives. Women were urged to educate themselves throughout this movement. However, the women's lives did not significantly change as a result of this campaign.

Women in the British period

Throughout the 18th, 19th, and early 20th centuries, India was under British Domination, which altered the country's social and economic structure. A slight improvement in women's quality of life can be seen during this time, but there has also been significant progress in the eradication of gender disparities in areas such as education, employment, and social rights. The introduction of industrialization, the breakdown of the caste system, social reform movements, women's organizations, and the passing of social legislation all contributed to the improvement of women's status during this time. During this time, the concept of educating women first appeared. Christian missionaries began to trust women's education after the Bhakti movement. In 1824, the first school for girls was established in Bombay.

In 1882, the Hunter Commission was established alongside Lord Dalhousie to highlight the importance of female education. Girls were not admitted to Calcutta, Bombay, or Madras universities until 1875. The literacy rate among Indian women rose from 0.6 percent in 1901 to 39.42% in 1991 after girls were permitted to pursue higher education in 1882. The rural literacy rate is still significantly lower than the urban one, but it can be inferred that, despite the low number of girls enrolled at all levels, there has been a notable increase in the number of female students at all levels starting in 1941.

Mahatma Gandhi, Annie Besant, Maharishi Karve, Ishwar Chand Vidyasagar, Raja Ram Mohan Roy, Swami Vivekanand, and Swami Dayanand Saraswati were among the social reformers who championed women's social and political rights. These reformers were successful in raising social awareness of women's equality and liberation.

Women in modern India (Post independence period)

In contemporary India, women's status is somewhat contradictory. Even though she is at the top of the achievement ladder, she is also suffering from the brutality that her own family member has inflicted upon her. Though they have made great strides in modern times, women still have a long way to go. Despite overcoming numerous obstacles and proving themselves, they have not yet received their just compensation in India. India's sex ratio demonstrates that discrimination against women persists in Indian society. According to the 2011 census, India has 933 females for every 1000 males, far fewer than the global average of 990 females.

Significant progress has been made in the advancement of women since India gained its independence. During India's post-independence era in the 1960s and 1970s, women everywhere fought for equality with males. Gender equality is

recognized under the Indian Constitution. The following clauses give women rights:

1. The Preamble of our Constitution speaks of equality of status and opportunity and of social, economic, and political justice.
2. Article 14 assures equality before law and the equal protection of laws.
3. Article 15 and 16 prohibit any type of discrimination on the ground of sex. These Articles even provide for the special provisions relating to the protection of women.
4. Article 21 assures the Right to life and personal liberty. It has paved way for the upliftment of women in many ways like ensuring the right to have reproductive choices.
5. The Directive Principles of State Policy refer to women under following Articles:
 - a. Article 39(d) asks the State to direct its policy to see that there is equal pay for equal work for both men and women.
 - b. Article 39(e) seeks the State to see that the health and strength of men and women workers is not abused.
 - c. Article 42 requires the State to provide for maternity relief and make provision for securing just and human conditions.
6. Political powers were given to women in local bodies as per Article 243 (D)(3), (4) of the Constitution. Nari Shakti Vandan Adhiniyam ensure the reservation of seats up to 33 percent for women in the House or Assemblies.
7. Article 51- A (e) of Fundamental Duties promotes to renounce practices derogatory to the dignity of women.

Legislative measures to uplift the status of women in India

1. **National Commission for Women Act, 1950:** The National Commission for Women was established under this Act with the aim to investigate and examine the matters relating to

the safeguards provided for women under the various laws of the land.

2. **Hindu Marriage Act, 1955:** The chief aim of the Act is to prohibit the polygamy.
3. **Hindu Succession Act, 1956:** The women have the right to sue, sale, mortgage or dispose of the inherited property.
4. **Hindu Adoption and Maintenance Act, 1956:** This Act permits the Hindu Women to adopt a child and claim maintenance under certain circumstances.
5. **Hindu Minority and Guardianship Act, 1956:** This Act has sanctioned women to guard her daughter throughout her life and in case of a son for the first five years.
6. **The Dowry Prohibition Act, 1961:** The evil persists deep rooted in our society. This Act aims at destroying this dowry system by imposing the imprisonment and fine.
7. **The Equal Remuneration Act, 1976:** This Act provides for the equal pay to men and women for equal work.
8. **The Immoral Traffic (Prevention) Act, 1956:** The aim of this Act is to make the acts punishable where the women and children are sold like goods.
9. **The Child Marriage Restraint Act, 1976:** This Act has raised the age of marriage of a girl to 18 years and of boy to 21 years.
10. **The Medical Termination of Pregnancy Act, 1971:** This Act legalizes the abortion on health grounds.
11. **The Indecent representation of Women (Prohibition) Act, 1986:** This Act is made to prohibit indecent representation of women through advertisements or in publications, writings, figures or in any other matter.
12. **The Commission of Sati (Prevention) Act, 1987:** This Act is made to provide for more effective prevention of commission of Sati and its glorification and for matters connected herewith or incidental thereto.

13. **The Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994:** This Act is made to prohibit the misuse of Pre-natal Diagnostic Techniques for the determination of sex of fetus, leading to female feticide and to punish for violation of the provisions of the legislation.
14. **The Family Courts Act, 1984:** This Act is enacted to provide for the establishment of Family Courts with a view to promote conciliation, and secure speedy settlement of dispute relating to marriage and family affairs and for matters connected therewith.
15. **The Maternity Benefit Act, 1961:** The aim of the Act is to regulate the employment of women in certain establishments for certain period before and after child birth and to provide for maternity benefit and certain other benefits to the working women.
16. **The Employees' State Insurance Act, 1948:** The E.S.I. 1948 also provides the maternity benefits to insured women in case of confinement or miscarriage or miscarriage or sickness arising out of pregnancy, confinement, premature birth of child or miscarriage.
17. **The Muslim Women (Protection of Rights on Marriage) Act, 2019:** This Act intends to safeguard the interest of Muslim women by providing them the legal protection against the whimsical and irrational pronouncement of Triple Talaq.
18. There are number of protective provisions in the Criminal Procedure Code, Indian Penal Code and Evidence Act for the offences against women.

Women empowerment:

One definition of empowerment is the process of establishing a social setting where important choices that could lead to societal change can be made. By gaining experience, power, and understanding, it fortifies the natural talent. Women's empowerment has emerged as one of

the most significant topics of our day. The phrase "women empowerment" basically refers to the ability of women to govern their daily life in terms of social, political, and economic aspects; this ability allows them to rise from the background to the forefront. Women's empowerment has long been a major concern in India. Even though there has been some improvement in recent decades, gender equality remains a major obstacle for Indian women. These difficulties include things like prejudice and limited access to jobs and education.

In India, women's standing has been drastically shifting. Given that women have been actively participating in all spheres of life, including politics, sports, education, and other areas, thanks to constitutional guarantees of equality and dignity, the government designated 2001 as the year of women's empowerment by enacting a national policy to provide Swashakti to women.

As previously said, governments have established numerous laws to enhance and promote women's status and to foster the ideal environment for women's empowerment. Women's empowerment in our nation has been made possible by constitutional protections against discrimination. India's approach to women's concerns has changed significantly since the fifth Five Year Plan (1974–79), moving from focusing on women's welfare to development while maintaining the importance of women's empowerment. The Convention on Elimination of All Forms of Discrimination Against Women (CEDAW), which India adopted in 1993, is one of several international conventions and human rights instruments that pledge to protect women's equality. Steps for Women Empowerment by the Government.

The Ministry of Women in Child Development is administering the Support to Training and Employment Program of Women (STEP)

Scheme with the goal of helping economically marginalized and asset less women become self-sufficient. The scheme also aims to provide training for the skilled upgradation development of entrepreneurial skills, asset creation, and mobilization into small viable groups to enable beneficiaries to take up employment-cum-income generation activities. The government established a National Commission for Empowerment of Women, which was notified on March 8, 2010. The commission's mission is to implement women-centric programs in a mission mode to achieve better coordination. The Ministry has also periodically introduced a number of programs to empower the disadvantaged population in a comprehensive and long-lasting way by addressing their economic, social, and political issues through capacity development initiatives and forming Self Help Groups (SHGs). A few of the Ministry's initiatives and initiatives are listed:

1. Priyadarshini Yojana;
2. Swarnajayanti Gram Swarozgar Yojana (SGSY);
3. Rashtriya Mahila Kosh (RMK) Scheme;
4. India Vision 2020 Document;
5. Help Lines for Women; etc.

Education of Women:

"If you Educate a man, you educate an individual; if educate a woman, you educate a family" -Mahatma Gandhi

Everybody's life is greatly impacted by education. It is a crucial instrument for attaining equality and a human right. Promoting women's empowerment via education is one of the main suggestions of the 2020 National Policy on Education. Self-governance, self-sufficiency, and self-maintenance are all components of empowerment. According to the 1993 International Convention on the Prevention of Discrimination Against

Women (ICDAW), education is one of the most crucial ways to equip women with the knowledge, abilities, and self-assurance they need to fully engage in the process of development. Women's education improves society as a whole. Compared to men's education, it has a greater influence on poverty and development. For women to be economically empowered, education is essential. It takes center stage, but for a long time, most women, particularly those living in rural areas, have been denied this right and have been forced to endure extremely dehumanizing duties and practices. Girls who have an education are more equipped to succeed in their social, professional, financial, and familial life. It is also one of the most important elements lowering the infant death rate and enhancing child health. The duty of educated women is enormous, and they play a big part in influencing the mental and behavioral characteristics of the next generation.⁵

Her main responsibility is to raise and mould the next generation of women leaders. Educated women understand the importance of health care and know how to obtain it for themselves and their children. Education makes them more self-assured and conscious of their rights. Parents with a good education take their kids' academic performance very seriously. The children's lives will be more impacted by the mother's education than the father's. Women who are empowered can stand next to men. They are not less capable than men and can perform any task that a man can, frequently even better.

Women Education is Women Empowerment -Government initiatives:

Few are listed below:

- Beti Bachao, Beti Padhao
- Sarv Shiksha Abhiyan
- Kasturba Gandhi Balika Vidyalaya Scheme
- Rashtriya Madhyamik Shiksha Abhiyan

⁵<https://www.skillrary.com/blogs/read/role-of-education-in-women-empowerment>; accessed on 10-02-2024

- National Scheme of Incentives to Girls for Secondary Education
- Support to Tribal Girls for Education
- Udaan Scheme
- Mahila Samakhya Program
- Saakshar Bharat Program
- National Rural Education Mission
- Pradhan Mantri Gramin Digital Sakshatarta Abhiyan

Women's education is desperately needed. Despite numerous laws and programs aimed at empowering women, women continue to face obstacles in achieving equal status because of a lack of knowledge and awareness.

Feminist Jurisprudence:

The legal theory known as feminist jurisprudence is predicated on the idea that men and women are equal in society, politics, and the economy. It is a new school of legal thought that covers a wide range of topics and legal issue theories. By investigating the connections between gender, sexuality, power, individual rights, and the legal system, feminist jurisprudence assesses and critiques the law. The goal of feminist jurisprudence is to develop and uphold equal social, economic, political, and legal rights for women through a variety of movements and philosophies. A feminist is someone who believes that women should have equal rights. The outcome of feminist movements, feminist theory looks at women's social roles and experiences in order to comprehend the nature of gender inequality. The goal of feminist jurisprudence is to understand why women are in subordinate positions. It looks for the underlying reasons why gender discrimination still exists in society. India has laws protecting women's rights, but these laws are not properly applied. In particular, societal perceptions about women must shift.⁶

⁶Dr. Kalpana Devi, Prof. Dr. S.N. Sharma, *Feminist Jurisprudence and Women Rights in India*, Bharati Law

Conclusion

The promotion of women in various fields is the goal of our laws, plans, programs, and developmental policies within the framework of a democratic polity. In order to protect women's rights, India has also ratified a number of international accords. The women's movement and a vast network of NGOs A strong grassroots presence and a deep grasp of women's issues have served as inspiration for initiatives aimed at empowering women. Nowadays, working women in particular are regularly mobilized to attain equality with men through women's conferences and seminars. The government and women's voluntary organizations have both been involved in the fight for a new social order. Indian women have achieved equality with males in all spheres of life, as well as empowerment and emancipation. In terms of politics, society, the home, and education, the majority of women still fall well short of their aspirations for empowerment.⁷

Bibliography

Nussbaum, M.C., *Women and Human Development: The Capabilities Approach* (Cambridge University Press, 2000)

Agnes, F., *Law and Gender Inequality: The Politics of Women's Rights in India* (Oxford University Press, New Delhi, 1999)

Kapur, R., *Gender, Alterity and Human Rights: Freedom in a Fishbowl* (Edward Elgar Publishing, 2018)

Agarwal, B., *A Field of One's Own: Gender and Land Rights in South Asia* (Cambridge University Press, 1994)

Jha, J., Ghatak, N., Menon, N., Dutta, P., and Mahendiran, S., *Women's Education and Empowerment in Rural India* (Social Science Press, 2019)

Review, April – June, 2018, p. 47, Published in Articles section of www.manupatra.com; accessed on 09-02-2024.

⁷*Supra* note 3

Singh, A. K. (ed.), *Education and Empowerment in India: Policies and Practices* (Routledge India, 2016)

Kabeer, N., “Resources, Agency, Achievements: Reflections on the Measurement of Women’s Empowerment” 30, *Development & Change* 435–464 (1999) DOI <https://doi.org/10.1111/1467-7660.001255>

Agarwal, B., “Bargaining’ and Gender Relations: Within and Beyond the Household”, 3(1), *Feminist Economics* 1–51 (1997)

Nussbaum, M. C., “Capabilities and Human Rights”, 66, *Fordham Law Review* 273–300 (1997)

Malhotra, A. and Mather, M., “Do Schooling and Work Empower Women in Developing Countries? Gender and Domestic Decisions in Sri Lanka”, 12(4), *Sociological Forum* 599–630 (1997)

Malhotra, A., Schuler, S.R. and Boender, C., “Measuring Women’s Empowerment as a Variable in International Development” *Background paper for World Bank Workshop on Poverty & Gender*, 2002