

**ADDRESS OF THE HON'BLE SRI JUSTICE S.R. NAYAK, JUDGE, A.P. HIGH COURT AND
THE PRESIDENT OF THE A.P. JUDICIAL ACADEMY AT THE INAUGURATION OF THE WORKSHOP
ON "WOMEN – LAW AND EMPOWERMENT" AT SRI VENKATESWARA UNIVERSITY, TIRUPATI
ON 21-10-2001**

At the threshold, I congratulate the Post-Graduate Department of Law, Sri Venkateswara University and Department of Law, Sri Padmavathi Mahila Visvavidyalayam, Tirupati, in organising this Workshop on a critical subject like "Women - Law and Empowerment" in collaboration with the Andhra Pradesh Judicial Academy. The Andhra Pradesh Judicial Academy, ever since its inception in the year 1991, has been very active and in the forefront in organizing various seminars, symposiums, workshops etc., on matters of contemporary relevance, significance and utility. The present workshop on "Women - Law and Empowerment" organized in partnership with the Andhra Pradesh Judicial Academy, is in the line of the activities carried on by the Academy, and intended to take stock of successes and failures of the laws, programmes and strategies intended for emancipation and empowerment of women, and to focus on the preventive as well as curative aspects of the problems. The first Millenium Year of 2001, is named after "Empowerment of Women year" by the Government of India with an aim to uplift the women in the society. This can be achieved only when the woman is uplifted in the society, economically, socially and politically. Every year, all over the world 8th March is celebrated as "International Women's day" with an aim to provide equality to women and to provide them a sound social and economic life. In spite of several international and national declarations and conventions, women by and large, remain to be neglected lot. Today the vast majority of women are victims of exploitation of feudal and religious fundamentalists. In many parts of the world, women are still being treated as a commodity and as a result, more atrocities on women are on the rise. Women in India, according

to 1991 census number 407-1 Million out of country's population of 846-3 Million which has now crossed one billion. Thus, in 1991, women formed 48-1% of India's population. This segment even after more than five decades of political emancipation and 54 years of self governance remains discriminated, oppressed and ignored. It is said "God could not be everywhere, so He created Women". This pride quote is a testimonial to the position of women. India has a rich Vedic heritage and culture and down from the ancient times, her status has been described as follows:

"She depends on father in childhood,
She depends on husband in womanhood,
She depends on son as a mother in her old age"

This total dependence which has been deep-rooted in the Indian psyche is one of the greatest barriers to empowerment of women. Onset of different Laws were boons to the society of women which help as an instrument to eclipse and erase this total dependence, and gift the women, her empowerment. Women is the bearer of the human life. She gives everything in her power to sustain life. She is enriching the human life by her mere presence. She is adding depth, strength, colour and fragrance to the human life. But in return, what she is gaining for herself is very little. She, who bears, rears and nurtures a child into a man, is remaining as secondary to the man, in family and society. It is a universally known fact that woman has been considered as inferior to man in every respect, till recently. Even now, one can clearly visualize that woman is yet to travel long distance on uneven path, full of obstacles, before pronouncing herself confidently that "she is

enjoying equal rights on par with men, in all respects". It is the same with any society in any country, all over the world. Thus, Gender inequality is an international phenomenon. It knows no borders, no country and no political dispensation. Gender inequality exists anywhere and everywhere throughout the globe. It exists in democracies, totalitarian regimes, monarchies, dictatorships and in every other form of governance. It exists in developed countries, developing countries and under-developed countries. Gender inequality, therefore, has emerged as a transnational problem and therefore this problem has to be tackled and solved by participation and co-operation of all the countries at the international level. Many cases of the present day society reflect gender inequality in their most ugly forms and therefore it has become an issue of grave concern and redressal. Women have been victims of cruel and reprehensible violence - domestic as well as societal. Despite several International Covenants, declarations at the national and international level and despite number of projects, programmes evolved at the national level to remove gender inequality and uplift the status of women to compete with men in equal terms, the progress made in that direction hitherto remains to be negligible only. Datas available show that despite the fact the Indian Parliament and State Legislatures have enacted large number of women ameliorating and women related legislations, discrimination on grounds of sex instead of abating has been increasing. The situation is alarming. When the eyes of the world were focused on human development and protection of human rights, several studies were made and series of human development reports are published. These reports are indicating that there is no country in the world in which women can enjoy equal rights on par with men. A report of the United Nations published in 1980 is reflecting the sorry state of the women. It reads:

"Women constitute half the world's population, perform nearly two-thirds of

work hours, receive one-tenth of the world's income and own less than one-hundredth per cent of world's property."

Despite considerable passage of time from 1980, we do not find any radical change or expected improvement in the status of women.

With the birth of Indian Republic came the grand fundamental document, our Constitution of India, vibrant with new ideas, new philosophies and new rights. It brought about a sweep change and a radical social revolution. The Constitution was to foster the achievement of many goals, transcendent among them was that of social revolution. Through this revolution, would be fulfilled the basic need of the common man, and it was hoped, this revolution would bring about fundamental changes in the structure of Indian Society - a society with long and glorious cultural traditions, but greatly in need, Constituent Assembly members believed, of a powerful infusion of energy and nationalism. The scheme of social revolution runs throughout the proceedings and documents of the Constituent Assembly. Indian Constitution is prominently a social document. It is goal oriented. This document puts women completely at par with men and fulfils the cherished goal of equality in matters of civil, political and economic rights. The political rights of franchise have also been given to Indian women under the provisions of the Constitution. Besides, they have been given right to vote and stand in election for any post. The principle of gender equality is enshrined in the Indian Constitution in its preamble, Fundamental Rights, Directive Principles of State Policy and Fundamental Duties. The Constitution not only grants equality to women, but also empowers the State to adopt measures of positive and protective discrimination in women 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 a 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 and grass-root levels.

Despite all these provisions of law and efforts in modern era, we are not in a position to accord and ensure a status to women, which they had held and enjoyed during Vedic period. When we look back at the Vedic period, it is seen that the women held a position of equality with men. The girls and boys were required to undergo Upanayanam ceremonies in Vedic studies. The education of women was given importance in the Atharva Veda by stating "the success of women in her married life depends upon her proper training during the Brahmacharya." During the Upanishad period there were the instances of women scholars like *Gargi*, *Maitreyee*. During *Ashok* period, name of *Sanghamitra* became prominent one. According to Jain tradition, *Yayant*, a princess remained unmarried and received Diksha from *Mahavira*. During Vedic time, matrimony was not compulsory for a women and no limitation had been placed on the age of marriage. The Vedic women being grown up and educated had a voice in the selection of their husbands. There were also love marriages - Gandharva Vivaha.

Prior to independence and enactment of the Indian Constitution, the shastric, quranic and ecclesiastical laws of marriage, succession, adoption and guardianship *etc.*, were heavily biased and loaded in favour of the male and against the female, and in

favour of the husband and against the wife. In the matrimonial home they were subjected to the state of subjugation and domination by distorting and departing from the most rational and equitable principles that governed the relationship of man and woman during the Vedic period. However, after independence in the case of Hindus, most of inequalities, mostly in respect of marital and property rights of the women have been done away through legislative measures on dowry, marriage, succession, guardianship *etc.* When Constitution was drafted the problem of women was very much felt by the framers of the Constitution. The Constitution contains specific provisions for protective discrimination in favour of women. Despite the constitutional guarantee of equality of sex and constitutional mandate for social justice, it is seen rampant discrimination and exploitation of woman continues in every walk of life. The instances of bride burning, women battering, molestation and ill-treatment of women are on the increase. Their discrimination and exploitation in father's house, in-law's abode and workplace are still the order of the day. 'Choli ke piche' culture has now become an indecent culture of male dominated society today. Woman's figures and posters are found in label wrappers, advertisements and documents and even in razor blades as if women are purchasable commodities. In modern capitalist society, money has gained strength and power to purchase anything including women's honour and decency. It is true that after independence numerous commissions and committees have been established on woman's problems. Many laudable reports have been submitted. Indian nation does not lack in ideas to improve the dignity, honour and material environment of women folk. The criminal lapse one finds is in the sphere of implementation of the constitutional provisions and the numerous statutes enacted by the Indian Parliament and State Legislatures to improve the conditions of women in the society and to achieve parity with men.

Women's freedom has to be judged in the context of the progressive ideals of modern society and not on old ideals of historical importance only. Now-a-days on the assumption that Government have prepared policies for providing equal opportunities or access to facilities, women have come forward to translate such lofty ideals into reality contrary to the riddle dominance by men. However, there is yawning gap between the Government's much flaunted policies for female emancipation and the existing bottlenecks at the ground level. Therefore, it is necessary to raise awareness as to how gender issue plays a key role in the social and economic activities and for attracting more and more women to sensitize the new perspective of globalization and liberalization as against traditional bias under the changing scenario. The topic - "Women - Law and Empowerment" is a warm, vexed and worrying problem to all the people with wisdom all over the world warranting solutions rather than pedantic debates to form policies with tardy and half-hearted implementations. The topic has been creating echoes in the legislative halls, the academic institutions, the seminars and the press *etc.*, but when it comes to practical implementations, its progress is disproportionately dismal. Why it happens is a matter for serious introspection on the part of the all of us and I believe only such introspection would find the way to understand the causes for the problems and enable us to programme effective plans and strategies to combat the evil, and heighten and develop the status of women.

In this Workshop many jurists, judges, academicians, social scientists are going to participate and they intend to deliberate on topics like Women and Human Rights, Violence against women - Judicial response, Family relations - Judicial Interventions, Protection of Women at work place - Role of judiciary and Women and Access to Justice - Procedural difficulties *etc.* It is hardly necessary for us to further highlight

the existing problems confronting women and all of us are quite aware of them. It is for the scholars and the learned like you to investigate into the cause or causes for the serious lapse in the field of implementation of many laws intended for improving the social, political and economic status of women. We have to deliberate on the question whether this serious lapse has taken place and is taking place because of the fact that the beneficial constitutional provisions and the statutes intended for the welfare of women have to be implemented mainly through the bureaucracy and the judiciary dominated by males or this lapse is attributable to some other cause. The efficacy of law alone does not serve anything unless it is properly supported and supplemented by progressive and matching equitable psyche of the people in general and the males in particular. Therefore, the question is whether there is change of heart and mind among men to respect and foster the equality guaranteed to women under the Indian Constitution and numerous laws enacted by the Parliament and the State Legislatures. At the same time, women should not be contended with achieving tactical or technical parity with men. What is utmost necessary is that both the sexes created by the Almighty should realize the importance and significance of their existence on earth and the design underlying the difference between the sexes and should strive to nurture and promote the other sex with mutual respect and aid for the benefit of mankind without wasting energy in avoidable conflict of emotion and 'alarm'.

Friends, I expect this Workshop will discuss the laws, the problems and the strategies in the field of emancipation of women. It will also aid in halting and reversing pernicious trends which presently prevail in the society and which tend to degrade women further and will help foster the right values and right strategies in the field of emancipation of women. I do hope that deliberations in this Workshop will contribute to the strengthening of the efficacy

of the State's resources to evolve and apply appropriate preventive and remedial measures in this problem area and help in evolving a policy to bring about the advancement, development and empowerment of women creating a conducive environment through positive economic and social policies for full development of women to enable them to realize their full potential. The messages we earnestly expect from my Lord and Chief Justice of India any my Lord the Chief Justice of Andhra Pradesh, I am sure, would invigorate and enliven the discussions to be held in this Workshop. Chief Justice Dr. A.S. Anand, is widely known worldwide for his tremendous and significant contributions to upliftment and emancipation of our mothers, women as a Judge, Scholar and a Social Engineer. His Lordship has delivered large number of landmark judgment touching welfare, emancipation and empowerment of

women. His very presence in this Workshop as a Chief Guest enlightens all of us to devote ourselves to the cause of our mothers, women. We are gratefully beholden to His Lordship for kindly accepting our invitation and making it possible to be in our midst today as the Chief Guest. On behalf of the Andhra Pradesh Judicial Academy and on my behalf, I offer our grateful Pranamias to His Lordship. Similarly, I thank my Lord the Chief Justice of Andhra Pradesh in accepting our invitation and kind enough to be here in our midst today. Before concluding I thank all the concerned in organizing this Workshop and for giving me an opportunity to be in your midst today and participate in this Workshop, particularly in the august and towering presence of my Lord the Chief Justice of India. I wish the Workshop all the success.

Thanking you all

FAREWELL BY SRI N.R. CHANDRAN, ADVOCATE-GENERAL

'My Lord Hon'ble the Acting Chief Justice, Hon'ble Justice Mrs. *Toom Meenakumari*, Hon'ble Judges of this Chartered High Court, Family members of Hon'ble Mrs. Justice *Toom Meenakumari*, Presidents, Office bearers of the respective Associations, Members of the Bar, Ladies and Gentlemen.

We are gathered here today to bid farewell to Hon'ble Mrs. Justice *Toom Meenakumari*, who has been transferred to Andhra Pradesh High Court as a permanent Judge.

My Lord Hon'ble Mrs. Justice *Toom Meenakumari*, Your Lordship was enrolled as an advocate on 7-10-1976. Your Lordship was appointed as Additional Government Pleader in the year 1981. Your Lordship held the post of Government Pleader from 1990-1994.

Your Lordship Hon'ble Mrs. Justice *Toom Meena Kumari* was appointed as an

Additional Judge of Andhra Pradesh High Court on 23-2-1998 and immediately was transferred to this Chartered High Court and assumed office as Additional Judge on 23-3-1998. Your Lordship was made permanent Judge on 17-6-1999.

Your Lordship belongs to a family of lawyers. Your father Sri *Ramakrishna Naidu* was a well known and reputed lawyer. Your Lordship's husband Shri *Toom Bheemsen* is a busy practitioner. Shri *P.Shivashankar*, who is your sister's husband was young senior. Shri *P.Shivashankar* was elevated to the Bench, but later on resigned the post of Judgeship. He was drawn to politics and became a Union Minister. He held various important positions like Governor of Sikkim and Governor of Kerala.

Your Lordship's grandfather *Padmashree Sangeetha Kalanidhi Shri Dwaram Venkataswami Naidu*, was an internationally