

## ATTITUDE AND BIASED PERSPECTIVE OF SOCIETY- A MAJOR HURDLE IN ACHIEVING WOMEN EMPOWERMENT

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### Introduction

Mother + daughter + sister + mentor + leader + partner + teacher = WOMEN.

With the slogan of women empowerment the question arises that, “Are women become really strong and is long term struggle has ended?” Empowerment can be viewed as means of creating a social environment in which one can make decisions and make choices either individually or collectively for social transformation. The extent of empowerment of women in the national hierarchy is determined largely by the three factors – her economic, social and political identity and their weightage. These factors are deeply intertwined and interlinked with many cross cutting linkages which imply that if efforts in even one dimension remain absent or weak, outcomes and momentum generated by the other components cannot be sustained as they will not be able to weather any changes or upheavals. It is only when all the three factors are simultaneously addressed and made compatible with each other can the woman being truly empowered. Therefore for holistic empowerment of the woman to happen - social, economic and political aspects impacting a woman's life must converge effectively.

### Gender inequality

Women are getting back in the male dominated country. Women empowerment needs to take a high speed in this country to equalize the value of both genders. The need of women empowerment arose because of the gender discrimination and male domination in the Indian society since ancient times. Women are being suppressed by their family members and society for many reasons. It is believed that in past (Vedic period) women had enjoyed equal status as men. The Upanishads and the Vedas have cited women sages and seers. But there also the practices like sati, jauhar, devdasis and purdah were prevalent. This proves that gender discrimination is prevalent from that period and is still there. In India there is a diplomatic move against the women in the male dominant society as women are exploited by keeping her at a divine place and by worshipping her. Gender discrimination starts from school, the primary space where a child looks himself in the outer world, then in workplace, family, among friends. The problem with women at workplace is of serious one as there are few women actually participating in the economy, as most of them are not allowed by their families, and they are facing discrimination in different forms such as different questions asked to them in job interviews, unfair treatment at workplace, priority given to male in promotions, harassment, etc. As law is not so capable to penalize purdah system, it cannot penalize a father who restricts his daughter to attend the night parties and not give equal freedom to her as of his brother. After discussing about the problem, their cause the next thing comes is tools for the solution of the problem. And here the most effective tool is law.

### Status of women in india- historical background

#### Ancient india<sup>2</sup>

In ancient India, though patriarchal system was highly prevalent - all male domination -women enjoyed a position of respect and reverence. Women held very important position in ancient Indian society. There are evidences to suggest that woman power destroyed kingdoms and mighty rulers. Veda Vyasa's Mahabharata tells the story of the fall of Kauravas because they humiliated Draupadi.

Valmiki's Ramayana is also about the annihilation of Ravana when abducted and tried to marry Sita forcibly. The plethora of Goddesses in ancient period was created to instill respect for women. Ardhanarishwar (God is half-man and half-woman) was highly worshipped. Women were allowed to have multiple husbands. They could leave their husbands. In the Vedic society women participated in religious ceremonies and tribal assemblies. There is no seclusion of women from domestic and social affairs but they were dependent on their male relatives throughout their lives. The system of Sati existed among the Aryans in the earlier period. The hymns of the Rig-Veda, the Adharva Veda show that it was still customary for the widow to lay symbolically by the side of her husband's corpse on the funeral, forced child marriages were unknown. Women could choose their husbands through a type of marriage called Swayamvara. Instances of Swayamvara ceremony can be found in epics, the Ramayana and the Mahabharata. This continued even in the later period in high caste families.

- **Medieval india**

The period between 11th century to 18th century witnessed further deterioration in the position of women due to the impact of Muslim culture. In this period, female infanticide, child marriage, purdah system, sati and slavery were the main social evils affecting the position of women. The birth of a female child began to be regarded as curse, a bad luck. They were almost confined to the doors of their homes. There was further curtailment of freedom of women in matters of education, mate selection, public appearances, etc. Purdah system came to be rigorously followed. Women education was almost banned. More and more feeling of conservatism increased about women. The revival of Sati, the prohibition of remarriage, the spread of Purdah and the greater prevalence of polygamy made her position very bad. Thus, there was a vast difference between the status of women in the early Vedic period and the subsequent periods, stretching from post-Vedic to the medieval period. The dual standards of morality set by Manu Smriti and other Smritis continue to prevail right up to now though some changes are visible in urban educated women.

- **Modern india<sup>3</sup>**

In the modern period, the status of Indian women can be divided into two distinct periods, the British rule, i.e., Pre-Independent India and the Post-Independent India. The British Rule in the 18th century brought in some degree of political orderliness, but the social structure, customs and practices remained unchanged. It was mainly during the 19th century that the reform movement undertaken by enlightened thinkers and leaders of Indian society like Raja Rammohan Roy who understood the importance of women's participation that the status of Indian women started changing for the better. Though initially all the leaders were men, women gradually came into the scene and played their role not only in changing history but also the society as a whole, through their efforts in different areas of work such as education, politics and freedom movement. Mrs. Annie Besant, Dr. Sarojini Naidu, Kamaladevi Chattopadhyay, Mrs. Nellie Sengupta, and many others gave a change and betterment. Women took equal initiative and participated in all types of struggle for national freedom, i.e., non-violent movement advocated by Mahatma Gandhi and the Indian National Congress, as well. Women's enthusiasm in participating in the armed revolution helped Netaji Subash Chandra Bose to set up the Rani of Jhansi Regiment of the Indian National Army. Women's participation in the freedom movement was very extensive. 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 favor of women.

### **Economic status<sup>4</sup>**

“If you educate a man; you educate a man. If you educate a woman; you educate a generation” The rationale for economically empowering women is compelling for both for its own sake (intrinsic) and for other spillover benefits (instrumental). Research indicates that economic participation of women—their presence in the workforce in quantitative terms—is important not only for lowering the disproportionate levels of poverty among women, but also as an important step toward raising household income and encouraging economic development in countries as a whole. Amartya Sen makes a compelling case for the notion that societies need to see women less as passive recipients of help, and more as dynamic promoters of social transformation, a view strongly buttressed by a body of evidence suggesting that the education, employment and ownership rights of women have a powerful influence on their ability to control their environment and contribute to economic development. However, a key challenge is to overcome a situation where women may gain employment with relative ease, but where their employment is either concentrated in poorly paid or unskilled job “ghettos,” characterized by the absence of upward mobility and opportunity.

*Aruna Ramchandra shanbaug vs. union of India,*<sup>5</sup> It is stated in the writ petition that the Petitioner was a staff Nurse working in King Edward Memorial Hospital, Parel, Mumbai. On the evening of 27<sup>th</sup> November, 1973 she was attacked by a sweeper in the hospital who wrapped a dog chain around her neck and yanked her back with it. He tried to rape her but finding that she was menstruating, he sodomized her.

### **Political status**

There is low representation of women at all levels of political institutions. Political participation is a human right, recognized in the Universal Declaration of Human Rights. Women are poorly represented at different levels of political life and decision-making. Thus, there is widespread neglect of women’s priorities by politicians and bureaucrats. As per the Human Development Report, 1999 women hold only 12.7 percent of the world’s parliamentary seats and only 8.7 percent of those in the least developed countries. In India, the process of politically empowering through reservation in the local bodies has helped in the wider mobilization. Indifferent parts of the country, the SHGs have jointly put a women candidate for the election in the local bodies such as ZilaParishad, Gram Panchayat, etc. Women are motivated to change the traditions. The women’s political campaigns refer to solving the issues that affect their daily lives like safe drinking water, schools, health centres, roads, etc. some women have taken the agenda further by displaying a mature understanding of the contexts in which the political economy functions. There is a feeling that women should only contest the reserved seats and not the general seat. Women face many obstacles while contesting election such as sabotage, threats, boycott and pressure from family. However, women on gaining the political power can bring rapid change in the lives of other women and attain equality.

### **Social status**

Women should have equal status in society. They should not be discriminated that their work is only confine to the household chorus and they are only for the reproduction of the child. They should given equal opportunity to go out and work in the fields etc. they are no less than men when it comes to going out and work for their family. The society needs to change its perception towards women.

### **Literacy rate**

- As per 2011 census, literacy rate in India stands at 74.04 percent with a 14 percent increase to

that of 2001, whereas the hike is maximum for rural women at 26 percent in the last decade. The female literacy levels according to the 2011 census are 65.46 percent whereas the male literacy rate is over 80 percent.<sup>6</sup>

- Kerala is the state with highest literacy rate of 94.24 of males and 87.72 of females and Bihar with the lowest literacy rate at just 59.68 of males and 33.12 of females.
- The Gross Enrolment Ratio (GER) for females at the primary level stood at 102.65 compared with 100.20 for males in 2013-14.
- There were 93 girls per 100 boys in primary classes, 95 in middle classes and 90 in secondary classes during 2013-14.<sup>7</sup>

### Hurdles in empowering women

- **Historical evil practices against women in India<sup>8</sup>**

1. **SATI** -Sati is an old, almost completely defunct custom among some communities, in which the widow was immolated alive on her husband's funeral pyre. Although the act was supposed to be voluntary on the widow's part.

As given in case *Deena Lal and ors. Vs. state of Rajasthan<sup>9</sup>*,

Roop Kanwar was consigned to flames. There is dispute as to whether she voluntarily committed Sati or was burnt alive. The case of the prosecution is that she was not a willing party and in order to glorify Sati, she was burnt alive and a story was framed that she has committed Sati.

2. **JAUHAR** -Jauhar refers to the practice of voluntary immolation by wives and daughters of defeated warriors, in order to avoid capture and consequent molestation by the enemy. The practice was followed by the wives of defeated Rajput rulers, who are known to place a high premium on honour. Evidently such practice took place during the Islamic invasions of India.
3. **PURDAH** -Purdah is the practice among some communities requiring women to cover themselves so as to conceal their skin and form from males. It imposes restrictions on the mobility of women, curtails their right to interact freely, and is a symbol of the subordination of women. It is noted that Indian women had to purdah in the Islamic Kingdoms in Indian Subcontinent, as result of fear, that they would be kidnapped by the Muslim invaders.
4. **DEVADASIS** -Devadasi is often misunderstood as religious practice. It was practiced in southern India, in which women were "married" to a deity or temple. The ritual was well-established by the 10th century A.D. c.By 1988, the practice was outlawed in the country.

- **Crime against women in modern India**

1. **Rape** - The IPC differentiates between rape within marriage and outside marriage. Under the IPC sexual intercourse without consent is prohibited. However, an exception to the offence of rape exists in relation to un-consented sexual intercourse by a husband upon a wife.

*State Vs Ram Singh and another<sup>10</sup>*, a 23 years old girl in Delhi was beaten and brutally gang raped by six persons including driver in a private bus. Later, the victim widely named as Nirbhaya, meaning "fearless", and her life and death have come to symbolize women's struggle to end rape and the long-held practice of blaming the victim rather than the perpetrator.

*Vishaka Vs State of Rajasthan<sup>11</sup>*, in this case Bhanwari Devi was gang raped by a group of Thakurs as she attempted to stop a child marriage in their family. Bhanwari Devi was a social worker

(saathin) at rural level in a development programme initiated by State Government of Rajasthan, aiming to curb the evil of child marriages in villages.

2. **Sexual assault** - Assault or use of criminal force to a woman with the intent to outrage her modesty. Sexual assault is any involuntary sexual act in which a person is coerced or physically forced to engage against their will, or any non-consensual sexual touching of a person.
3. **Domestic violence** – Violence against women has been on a rise in India like wise they are brutally beaten and tortured for not conceiving a male child. Other forms of physical abuse against female including slapping, punching, grabbing, burdening them with drudgery and neglect their health problems.
4. **Dowry death** - It is a new term in criminology in India, and implies the death (by murder or suicide) of a young bride who is harassed by her husband and in-laws by making exorbitant and ever-increasing demands for money and for household articles to be brought from her parents' house or at their expense.

*Mohd. Ahamed Khan vs. Shah Bano Begum and Ors*<sup>12</sup>, Shah Bano was a married Muslim woman her husband and his family members treated the appellant with cruelty and demand for more dowry.

5. **Prostitution** – It is a highly organized crime which takes place despite the Prevention of Immoral Traffic in Women. Poverty in rural areas makes women and girls easy victims of the prostitution racket, and their condition is pitiable. But the women rescued from brothels and sent to their families face rejection, while their fate in rescue homes is also quite bad.
6. **Pornography** -It remains difficult to deal with, because obscenity is not easy to define. Violence against women requires a multi-pronged effort. It requires raising the awareness of women regarding their rights, but more importantly, providing a strong support system for women in distress.

#### **Constitutional provision<sup>13</sup>**

- **Article 14** - Men and women to have equal rights and opportunities in the political, economic and social spheres.
- **Article 15(1)** - Prohibits discrimination against any citizen on the grounds of religion, race, caste, sex etc.
- **Article 15(3)** - Special provision enabling the State to make affirmative discriminations in favor of women.
- **Article 16** - Equality of opportunities in matter of public appointments for all citizens.
- **Article 39(a)** - The State shall direct its policy towards securing all citizens men and women, equally, the right to means of livelihood.
- **Article 39(d)** – Equal pay for equal work for both men and women.
- **Article 42** - The State to make provision for ensuring just and humane conditions of work and maternity relief.
- **Article 51 (A) (e)** –To renounce the practices derogatory to the dignity of women.

#### **Legislation and laws for women<sup>14</sup>**

- **Equal Remuneration Act of 1976** provides for equal pay to men and women for equal work.
- **The Marriage (Amendment) Act, 2001** amended the Hindu Marriage Act, Special Marriage Act, Parsi Marriage and Divorce Act, the Code of Criminal Procedure providing for speedy disposal of

applications for maintenance; the ceiling limit for claiming maintenance has been deleted and a wide discretion has been given to the Magistrate to award appropriate maintenance.

- **The Immoral Traffic (Prevention) Act of 1956** as amended and renamed in 1986 makes the sexual exploitation of male or female, a cognizable offence. It is being amended to decriminalize the prostitutes and make the laws more stringent against traffickers. An amendment brought in 1984 to the Dowry Prohibition Act of 1961 made women's subjection to cruelty a cognizable offence. The second amendment brought in 1986 makes the husband or in-laws punishable, if a woman commits suicide within 7 years of her marriage and it has been proved that she has been subjected to cruelty. Also a new criminal offence of 'Dowry Death' has been incorporated in the Indian Penal Code.
- **Child Marriage Restraint Act of 1976** raises the age for marriage of a girl to 18 years from 15 years and that of a boy to 21 years and makes offences under this Act cognizable.
- **Indecent Representation of Women (Prohibition) Act of 1986** and the Commission of Sati (Prevention) Act, 1987 have been enacted to protect the dignity of women and prevent violence against them as well as their exploitation.
- **The Protection of Women from Domestic Violence Act, 2005** provides for more effective protection of the rights of women guaranteed under the Constitution who are victims of violence of any kind occurring within the family and for matters connected therewith or incidental thereto. It provides for immediate and emergent relief to women in situations of violence of any kind in the home.

#### A journey just begun (21<sup>st</sup> century)

- **Mother Teresa** - She became the **first Indian woman to win a Nobel Peace Prize** in 1979. Mother Teresa founded the Missionaries of Charity, a Roman Catholic religious congregation, giving her life to social work.
- **Indira Gandhi** - She became the **first woman Prime Minister of India** and served from 1966 to 1977. Indira Gandhi was named as the "Woman of the Millennium" in a poll which was organized by BBC in 1999. In 1971, she became the **first woman to receive the Bharat Ratna award**.
- **PratibhaPatil** - She became the **first woman President of India** and held office from July 2007 to July 2012.
- **Kalpana Chawla** - She became the **first Indian woman in space**. The first time Kalpana Chawla went into space on a space shuttle was in 1997 as a mission specialist and a primary robotic arm operator.
- **KiranBedi** - Joining Indian Police Service (IPS) in 1972, KiranBedi became **the first woman officer in India**. Moreover, later in 2003, KiranBedi also became the first woman who was appointed as the United Nations Civil Police adviser.
- **Justice M. FathimaBeevi** - In 1989, Justice M. FathimaBeevi became **the first female judge** who was appointed to the Supreme Court of India.
- **Mary Kom** - Mangte Chungneijang Mary Kom, also known as Mary Kom is **the only woman boxer who has won a medal in each of the six World Championships**. She was the only Indian woman boxer who qualified for the 2012 Olympics and became **the first Indian woman boxer to win a gold medal in Asian Games** in 2014.

**Non-governmental organization<sup>15</sup>**

ESIH 2011 Winners: Five NGOs working towards Women Empowerment ;

- **Jan Chetna Manch (Health and Well-Being), Jharkhand**, for the outstanding work done to empower and improve the lives of the weakest and poorest in the villages of Bokaro district, with a particular aim of improving the overall health and well being of poor rural women.
- **Foundation to Educate Girls Globally (Education), Rajasthan**, an organization that has significantly improved girls' enrolment, retention, and academic performance in Government schools, by leveraging existing community and Government resources in the state .
- **Prajwala (Economic Security & Livelihoods), Andhra Pradesh**, an NGO that has emerged as an anti-trafficking organization, that rescues women and children from prostitution, enabling their psychological recovery, and rehabilitating and reintegrating trafficked victims back into the society.
- **The Hunger Project (Governance), New Delhi**, an organization committed towards gender equality and women's empowerment through political participation.
- **STEPS Women Development Organization (Socio-Cultural Rights) Pudukottai, Tamil Nadu**, a women's organization that works on issues to do with violence and women's rights, with a sharpened and special focus on the rights of Muslim Women.

**Conclusion / recommendation**

The concept of empowerment of women means psychological sense of personal control in the persons, domestic, social and political realms. It is a process by which one is authorized to think, act and control resources in an autonomous way. The most critical component of women's empowerment is found to be education. It leads to improved economic growth, low fertility rate, health and sanitation and an awareness of factors that dis-empowered women. In order to really bring women empowerment in the Indian society, it needs to understand and eliminate the main cause of the ill practices against women and need to be open minded and change the old mind set against women together with constitutional and other legal provisions.

**(Endnotes)**

- 1 Balaji Law College, Pune
- 2 [http://shodhganga.inflibnet.ac.in/bitstream/10603/8105/10/10\\_chapter%202.pdf](http://shodhganga.inflibnet.ac.in/bitstream/10603/8105/10/10_chapter%202.pdf)
- 3 [http://shodhganga.inflibnet.ac.in/bitstream/10603/8105/10/10\\_chapter%202.pdf](http://shodhganga.inflibnet.ac.in/bitstream/10603/8105/10/10_chapter%202.pdf)
- 4 [http://www.aicte-india.org/downloads/woman\\_empowerment.pdf](http://www.aicte-india.org/downloads/woman_empowerment.pdf)
- 5 AIR 2011 SC 1290
- 6 <http://www.jagranjosh.com/current-affairs/central-statistical-office-released-the-women-men-in-india-2014-report-1415365645-1>
- 7 [http://censusindia.gov.in/2011-prov-results/data\\_files/india/Final\\_PPT\\_2011\\_chapter6.pdf](http://censusindia.gov.in/2011-prov-results/data_files/india/Final_PPT_2011_chapter6.pdf)
- 8 <http://www.prabhaiasips.com/images/pdf/WOMEN%20EMPOWERMENT.pdf>
- 9 MANU/RH/0317/1987
- 10 MANU/DE/0649/2014
- 11 AIR 997 SC 3011
- 12 AIR 1985 SC 945
- 13 Indian Constitutional Law, sixth edition reprint 2012, professor MP Jain.
- 14 [http://www.aicte-india.org/downloads/woman\\_empowerment.pdf](http://www.aicte-india.org/downloads/woman_empowerment.pdf)
- 15 <http://www.thebetterindia.com/2544/awards-ngo-women-empowerment/>