

Chapter Five

Gender Discrimination and the Crisis of Morality

Around the world at least one woman in every three has been beaten coerced into sex, or otherwise abused in her lifetime. Most of the abuser is a member of her own family. Increasingly, gender based violence is recognized as major public health concern and a violation of human rights.¹⁰¹

The effect of violence can be devastation to a woman's reproductive health as well as to other aspects of her physical and mental well-being.¹⁰² In addition to causing injury, violence increases women's long-term risk of a number of other health problems, including chronic pain, physical or sexual abuses are also at increased risk for unintended pregnancy, sexually transmitted infections and adverse pregnancy outcomes. Yet victims of violence who seek care from health professional often have needs that providers do not recognize, do not ask about, and do not know how to address.

Social justice is the keystone of the Indian constitution. In the eyes of constitution there is no discrimination between men and women. The Universal Declaration of human Rights 1948 affirms the idea of equal rights of men and women. The United Nations Rights 1948 affirms the idea of equal rights of men and women. The United

¹⁰¹ Zainab Rahman, "Women and Health", In *Women and Society*, Kalpaz Publication Delhi, 2005, PP.72-79.

¹⁰² Daborah L. Rhode, "Sex and Violence" In *Justice and Gender: Sex Discrimination and the Law*, Harvard University Press, 1991, P.230.

Nations proclaimed the year 1975 as international women's year for the abolition of discrimination. The U.N convention on the elimination of all forms of discrimination against women violates the principle of equality of rights and respect of human dignity. The Fourth World Conference on Women 1995 unanimously declares the principal of non-discrimination and affirms faith in equal rights of men and women.¹⁰³ Global Women's March, 2000, against poverty and violence in India flagged off on the eve of international Women's Day by a group of women's organizations who met the Prime Minister of India and submitted their charter of demands to him. The delegation also presented the first copy of publication 'Women Speak: United Voices against Globalization, Poverty and Violence' to President K.R. Narayan. Year 2001 was celebrated as the **Empowerment Year of Women**. In spite of various rights guaranteed to women the discrimination against them has gone long way.

What is gender-based violence?

Violence against women and girls includes physical, sexual, psychological and economic abuse. It is often known as '**green-based**' violence because it evolved, in part, from women's subordinate status in society. Many cultures have beliefs, norms and social institutions that legitimize and therefore perpetuate violence against women. The same acts that would be punished if directed at an employer, a

¹⁰³See Gopalan, Sarala, Towards Equality-The Unfinished Agenda- Status of Women in India-2001, National Commission for Women, New Delhi, 2002.

neighbour, or an acquaintance often goes unchallenged when men direct them at women, especially within the family.

Two of the most common forms of violence against women are abused by intimate male partners and coerced sex, whether it takes place in childhood, adolescence, or adulthood. Intimate partner abuse-also known as domestic violence,¹⁰⁴ wife beating, and battering is almost always accompanied by psychological abuse and in one-quarter to one-half of cases by forced sex as well. The majority of women who are abused by their partners are abused many times. In fact, an atmosphere of terror often permeates abusive relationships. Every 26 minutes a woman is molested, after every 56 minutes a woman is raped, in every 42 seconds a woman dies due to dowry deaths. Everyday approximately 200 girls are forced to enter in the prostitution.¹⁰⁵

Another form of violence is female feticide and female infanticide. Preference on son is one of the key aspects under-lining social values that create burdens on girls. Since child-hood she is enforced by secondary status in the family. Even she is not allowed to take birth because she is tested in the womb of mother.¹⁰⁶ In Haryana a famous old saying (*Chori mare bhagwan ki chora mare nirbhag ka*) means- ***A person is lucky if his daughter dies and a person in unlucky if his son dies.***

¹⁰⁴Daborah L. Rhode, "Domestic Violence", In *Justice and Gender: Sex Discrimination and the Law*, Harvard University Press, 1991, P.237.

¹⁰⁵ Leela Dube, "on the Construction of Gender: Hindu Girls in Parliament India," *The Economic and Political Weekly* Vol. xxiii, No. 44, October 29, 1988, P. 15

¹⁰⁶ J. Gardiner, "Women's Domestic Labour", *New Left Review*, 89, 1975, PP.47-58.

Understanding the difference between women and men, and how they are determined, is of key importance in understanding why a gender perspective is so important for development and the elimination of world poverty. Difference between women and men are determined by biology on the one hand, and society on the other.

Sex marks the distinction between women and men as a result of the fundamental biological, physical and genetic difference between them. Convention and other social, economic, political and cultural forces set gender roles.¹⁰⁷

The precise boundary between these factors is the subject of fierce debate. Some people believe that the only important difference is that women can bear children and men cannot. Others believe that biology determines a much wider set of characteristics, attributes, and capabilities. Whatever the case, the wide variation in the position of women in different societies around the world demonstrates that, unlike sex, gender roles are by no means fixed by nature—they are made by people, and can be renegotiated and changed.

The position of women in society is far from being of academic interest alone. It not only has fundamental consequences for the quality of life of both women and men, but also has a direct impact on a society's prosperity and well-being. The government's policy on international development recognizes that gender-based

¹⁰⁷ Zainab Rahman, "Man-Woman Relations: Sex, Division of Labour, Stratification Based on Sex," In *Women and Society*, Kalpaz Publication, Delhi, 2005, PP-38-47.

inequality is a major obstacle to the escape from poverty. Studies have shown that developing countries, which strive to ensure that women have equal rights, have higher rates of economic growth, lower mortality rates, smaller and healthier families, and a better educated population changing gender roles can make a world of difference.¹⁰⁸

The evidence also shows that gender equality is not a luxury that can only be afforded by rich countries. **UN data reveals that some developing countries can outperform countries scattered throughout the world, showing that culture and religion need not be barriers to the advancement of women.** Women are gaining ground in health and education terms, but still have a long way to go in sharing political and economic opportunities. They continue to suffer high levels of violence and abuse and in many countries and treated differently to men by the law. These disadvantages are not due to sex differences, but are the result of gender discrimination.

Empowerment, equality, and equity

Women's empowerment, gender equality and equity are key terms in debates about the changes required in the relationships between women and men. Empowerment means individuals acquiring the power to think and act freely, exercise choice, and to fulfill their potential as full and equal members of society.

¹⁰⁸ZainabRahman, "Women and Development", In *Women and Society*, Kalpaz Publication, Delhi, 2005, PP.112-121.

Equality means that women should have the same rights and entitlements as men to human, social, economic and cultural development, and equal voice in civil and political life. It does not mean that everyone should be the same or that everyone should show the benefits of development in exactly equal proportions. This would be neither feasible nor desirable, and would not be consistent with the notion of empowerment, which upholds everyone's right to determine their own future and the lifestyle of their choice.¹⁰⁹

Women and problems of gender discrimination

This point attempts to highlight the struggle of Indian women. Many of them face unequal relationships throughout their life, from family to polity; still the level of consciousness about these disparities varies according to their socio-economic background. Educated urban employed women are found to be more conscious about socio-economic inequalities. They have been the major beneficiaries of the development process.

While illiterate poor rural women and slum dwellers have their own struggle against socio-economic deprivations, it seems that women from sub-urban groups have, by and large, been marginalized by the development process. After independence, successive governments have passed social legislation to control social evils, yet social customs and behaviour responsible for these evils have not

¹⁰⁹See A.K. Pandey, *Emerging Issues in Empowerment of women*, New Delhi, Anmol Publishers, 2002.

changed significantly. Social legislation equipped the government to fight against female infanticide, child marriage, dowry harassment and widow burning; but they too have failed to change prevalent customs, superstitions and social taboos, and these practices, by and large, remain an integral part of Indian social behavior.¹¹⁰

Status of women in society denotes her position with respect to others in terms of rights and obligations. Sometimes, it is argued that women in India enjoy a very high status. In this context, constitutionals and legal provisions are cited and distinguished women in public offices are mentioned. Educated urban employed women are also included in this category. On the other hand, it is maintained that a lot of Indian women are very strenuous; therefore arguments in favour of reservations for women are justified. Illiterate women from rural areas and urban slum dwellers can be identified in this category. Though in terms of gender justice, Indian women cannot be treated as a homogeneous, region, caste, class and ethnic groups still largely they face in equal power relations throughout their life at different levels. Common experience of discriminatory behavior binds them with common thread. Educated employed women are more conscious of in equal distribution of resources from family to polity.¹¹¹ So they are more active in their quest of gender justice while their illiterate counterparts continue to suffer without such consciousness, universal suffrage and political participation have played

¹¹⁰Suneera Kapoor, "Status of Women in Indian Society: Empowering Women Through Legislation", Prem R. Bharadwaj (ed.) In *Gender Discrimination: The Politics of Women Empowerment*, Anamika Publishers, 2005. PP.139-144.

¹¹¹Zainab Rahman, "Women and Education", In *Women and Society*, Kalpaz Publication, Delhi, 2005, PP.64-71.

limited role to improve socio-cultural status of marginalized women in absence of education and economic autonomy.¹¹² Discrimination against women is found in every culture and society in varying degrees. It is manifested in various domains of life and activity: economic, social, political and religious. As a result of gender discrimination, the status of women is subordinate to men and they have little access to education, food, nutrition, health care employment and wages.

The general oppression and subordinate position of women in human society over time and space constitutes an important perspective of human development. It has now been realized by the modern States all over the globe that comprehensive human development is not possible until the position of women in the family and society is improved. Specific development policies and programmes are thus being formed from time to time to improve physical, intellectual, economic, social and legal conditions of women. It is assumed that given certain special facilities in the spheres of economy, education, health care and legality women might gain the essential power in the domestic domain and, to actively participate in the public domain of human development.¹¹³ The difference between man and woman is conceptualized in terms of 'gender' that broadly refers to the cultural construction of the sexual difference between male and female in human society, and empowerment is a means to improve the positions of women by providing them

¹¹² See Neera Desai & Usha Thakur, *Women in Indian Society*, National Book Trust, India, 2001.

¹¹³ Martha C. Nussbaum, Jonathan Glover, *Women, Culture, and Development: A Study of Human Capabilities*, Oxford Clarendon Press, 1995, PP.1-15.

material, intellectual and socio-political rights equal with men in the society and State. Women's empowerment is one of the aspects in the whole process of human development. It involves continuous provisioning of rights and privileges to the women by the State, and improving their life-situation to fight gender inequality. In this regard, we can particularly mention the initiatives taken by the State government of Bihar in recent past. Even though the people of Bihar are illiterate and educationally and economically backward in compare to most other states of India, but the initiatives taken by the Bihar government regarding women's empowerment is praiseworthy.

Problems of working women

Educated working women in India constitute an important segment of urban society. They have taken up work outside home both in formal as well as informal sector and have proved their skill and worth almost in every sphere of their working place.¹¹⁴ Yet cultural and structural constraints have hindered their path of progress. The notion of gender discrimination as perpetuated by patriarchy prohibits them to come at par with their male counterparts. Early socialization and role identification continue to confirm subordination of women in family as well as in society. Though increasing education and consequent impact of modernization and westernization is gradually reducing the gender differences. However,

¹¹⁴See World Survey on the Role of Women in Development: Globalization, Gender and Work, United Nations, New York, 1999.

economic activity and productivity of women do not guarantee economic authority to her¹¹⁵

Education along with employment has facilitated women to move a few steps ahead in social hierarchy. Marxism also posits the suggestion that women will be liberated from the status of unpaid servant only with their full and equal entry into social production. Hence, it is contended that if women once are able to contribute to the family's cash income through economically productive work; this would lead to their status elevation. In reality, though education and employment have equipped women to be economically productive. Having said this, it appears that still this has not brought economic autonomy to women to a reasonable and optimal extent. Women are economically dependent on the head of the family. Working women rarely have controlled over their earnings and assets. Economic autonomy more or less identifies "self determination of individual women", 'the right to individual choice" or the extent of women's control in the participation of the economic resources of the family. It has to be cautioned that economic autonomy does not obtain if a person has a high income, it also requires the awareness of opportunities, which will enable a judicious distribution of family income on various wants to maximize its utility. Thus, education along with economic autonomy facilitates the development of individual identity.¹¹⁶ As a matter of fact the economic function has

¹¹⁵ Vincent J. Roseigno, "Discrimination in Public and Private Economic Sectors", In *The Face of Discrimination: How Race and Gender Impact Work and Home Lives*, Rowman & Littlefield, 2007, PP.74-89.

¹¹⁶ See Ram Ahuja, *Social Problems in India*, 2nd Edition, Rawat Publications, New Delhi, 2003.

been the joint responsibility of both sexes in all ages. Through the history of mankind women have been engaged in economic activities along with them. In Vedic period, women enjoyed a very high status in the field of intellect she was equal to man. She used to discuss political and social problems freely with man. After Vedic period, the position of women deteriorated considerably. She was treated as an appendage of man with a distinct and meekly accepted conception of her family duties, and obligations. This changed social image also affected women's authority. Even though, this position continued till the beginning of British period, however, the spread of English education, inter-mixture of Western and Eastern cultures and various Hindu revivalist organizations gave a great impetus to the awakening of womanhood.¹¹⁷ In the middle of 19th century the practice of Sati (widow burning) was abolished by law. In the 20th century *purdah* and *child marriage* were discarded and widow remarriage was encouraged. The Indian Reforms Act of 1921 enfranchised a small section of population and women were also included in this. Wifhood was made a qualification for voting, and some seats were especially reserved for women. The Indian Constitution envisaged socialistic pattern of society. Article 15 of the Constitution lays down that, "The State shall not discriminate against any citizen on the ground of sex". Thus, various acts were passed by Indian Parliament and ground for equality was prepared.

¹¹⁷ Mary R. Beard, *Woman as a Force in History: A Study in Traditional and Realities*, New York: collier, 1946, PP.114-115.

Although women were given equal opportunities, they still lag behind in availing them. Women are not only divided by gender and class with men only but also within their own sex.¹¹⁸ Gender identity is modified through a series of ideological representations. Gender identity is created in the family. In this way gender discrimination within the same gender also affects women's economic autonomy. Also, their participation in economically productive work has marginally improved their capacity to modify traditional social culture. The reasons of the powerlessness may be due to the hierarchical mode of socialization of female child and rigidity of traditional norms of patriarchal social structure. The goal of socialization of Indian girl is adaptation to the given conditions and to the will of others. She has never learnt to take decisions of her own, to contradict others, to refuse to give due respect to the bearers of authority. This early induction of female child gives her reality orientation to the roles demanded of her during life span and she tries to obey these demands. Consequently, she has to go through the roles of a disciplined daughter, a submissive daughter-in-law, a sacrificing mother and a dominant mother-in-law. Moreover, the attitudes of husband/in-laws and other family members affect the happiness of woman, if she lives in a joint family. However, she may have important consequences for her positions in society and the opportunities that are open to her. Although women recognize the practical advantages of its systems of division of labour, there is no doubt that in many cases joint family

¹¹⁸ Vincent J. Roscigno, "Sex Discrimination in Employment", In *The Face of Discrimination: How Race and Gender Impact Work and Home Lives*, Rowman & Littlefield, 2007, PP.40-57.

restricts the free movement of women outside the home, decision making in financial matters or running the household and even in the dress she may wear. It seems that women reject joint family because they do not want to suffer the traditional subordination or the authoritarian position of the in-laws, particularly the mother-in-law. But the nuclear family has its own problems. According to Goode's hypothesis, the ideal of conjugal family (consisting of husband, wife and their children) emancipates the individual from the domination of elders and the group is also by virtue of its egalitarian tendency the strongest instrument for the emancipation of women from male tutelage. The core of this ideology is the principle of equality of individual's irrespective of sex, race, caste and class.¹¹⁹ But when women exercise equal political, social and economic rights, the traditions of patriarchal norms come into conflict with the structure of conjugal family. Because, in the conjugal family also the principle of sex-based instrumental expressive, role distribution remains intact, which assigns to women the internal family sphere as their central field of action and not public life. In this way, women's autonomy is not compatible with the ideal of conjugal family. Within conjugal family women can realize only a few elements of egalitarian ideology but not the "right to all individual choice". Therefore, the radical ideology of conjugal is not radical enough. In urban nuclear family also the conjugal relationship has not yet developed a significant importance. Ultimately, these unequal and hierarchical sex roles operate in both the

¹¹⁹ Vincent J. Roscigno, "Race Discrimination in Employment". In *The face of Discrimination: How Race and Gender Impact Work and Home Lives*, Rowman & Littlefield, 2007, PP.19-21.

domains of family and economy. Family and economy are not separate spheres but are vitally interconnected.¹²⁰ In both the areas of family and economy patriarchy is an important affective factor. According to Eisenstein patriarchy and sexual division of labour is a process that cuts through family and economy. This distinguishes peoples' activities, goals, desires and dreams on the basis of gender division of labour. Similarly, according to the radical findings, "there exist patriarchal organizations in society determined essentially by a male hierarchical order they enjoy both economic and political power". Thus, patriarchy distinguishes the authority at home and outside and men enjoy greater economic authority than their female counterparts. But education, employment and consequent higher aspirations have given women the resources to increase confidence to transform the intra-family role relationships. Various studies have highlighted this fact that educated working women are better off than their non-working counterparts in some areas as health, education and material resources etc. They also enjoy greater authority than non-working women. Besides this, women's access to the family's economic resources seems to be of greater significance than their beginnings as earner.

Gender is considered as cultural construction on the difference of sex between male and female in human society and due to this kind of consideration it varies across class, caste, ethnic group, nation and states. In this context, Sherry Ortner's comments may be mentioned here. She says, 'the secondary status of women in

¹²⁰Neera Desai, Maitreyi Krishna Raj, "The Economy", In Women and Society in India, Ajanta Publication, India, 1987, P.46

society is one of true universals, a pan cultural fact. Yet within that universal fact, the specific cultural conceptions and symbolizations of women are extraordinarily diverse and even mutually contradictory'. Sometimes scholars in this field engage themselves to find out how gender is constructed on structured through culture and to find out the way in which gender is related to economics, politics, kinship and ritual in different societies. Therefore gender came as a structuring principle of human society.¹²¹

Sex differences are grouped as male and female based on the human reproductive function. Gender is cultural. We find gender discrimination in all cultures because every culture imposes certain norms on the behavior of every one in society. Men, in most cultures, are described to be 'manly' meaning brave, assertive, vocal etc.; whereas women are expected to be tolerant, well-spoken and caring. Perhaps these roles were imposed for smooth running of the society. They may vary from culture to culture but it is important to note that these gender roles prescribed have always been discriminatory. Thus, due to natural, biological differences in sex, different gender roles are prescribed but this also symbolize discrimination or inequality and this inequality has always been disadvantageous for women.

Now the question arises why there is so much discussion about gender inequality and gender discrimination? A major question also arises out of co-existence of the

¹²¹ Sherry Ortner, Louise Lamphere, Michelle Zimbalist Rosaldo (ed.) *"Is Female to Male as Nature is to Culture?"* In *Woman, Culture and Society*, Stanford University Press, 1974, PP. 44-67.

demand for equality with acceptance or celebration of difference. Women, who form more than half of population of the world, should be treated equally with men and human well-being can be achieved by well-being of women as well as of men. But we find that women have been discriminated against and thereby not treated equally. When we talk of gender inequality we appeal to *equality, justice and fairness*. But these concepts are quit complex and we hardly make any attempt to understand them clearly. Rendering justice is one of the prime aspects for human well-being. We also find that justice and equality are inseparable. If we want to reach justice, we have to talk of equality and inequality. Some inequalities are built-in in the concept of justice. Preferential treatment is a case in point. Some would consider preferential treatment is a form of injustice, a form of reverse discrimination. Thus, the need for differential treatment and unequal distribution is very much needed for justice. For example, criminals have to be treated differently; rich people of the society have to be treated differently.¹²² Considerations for merit, needs potentials, capabilities are some of the main considerations for rendering justice. Justice is also sometimes related with self-interest. Utilitarianism talks about 'the greatest happiness of the greatest number' counting each person's happiness equally which includes men and women both. Equality means equality with difference. They are equal as human; they are equal as people; they are equal in capabilities and have equal rights. And to deny this is inequality. Equality does not mean sameness.

¹²²Neera Desai, Maithreyi Krishna Raj, "An Overview of the Status of Women in India", In *Women and Society in India*, Ajanta Publication, India, 1987, P.23.

Equality could only mean as having equal opportunity to decide and live according to their choice but unless one is aware of the options available to her one would not be able to exercise one's choice. Women need to be treated as capable as men of taking decisions regarding their own life, conceptions, birth, abortion etc. Yet the empirical conditions in which they are constructed make her a 'weaker sex' and she is treated as 'second sex'. The choices have to be free rational choice and she would be able to decide a way of living or action to gain her personhood. Indian tradition from early Vedic days, like many other traditions, has marked a preference for males over females. It is a part of scriptures, as individual entry into heaven is not allowed unless a male child performs his/her last rites. Hinduism teaches young girls to be like Sita, wife of mythological hero Rama, who always followed her husband. To a certain extent such religious teachings are responsible for status of women in society. *Manu Smriti*, defined the social role of women as one who is the subject to her father in childhood, in youth to her husband and when her husband is no more, to her sons. The only aim of her life is to obey and follow the commands of her lord. The place of women is always "inferior", and "subsidiary" to man in Indian society. On the other, Indian cultural symbols glorify the women's role as mother-goddess. She is the symbol of productivity and welfare. She is like *Durga*, *Kali*, *Saraswati* and *Lakshmi*, destructing all evils and spreading all goodness, nullifying wrong and the wrong doer. She is the divine energy, power, and fertility. Thus, we find two conflicting picture of women in India. On the one hand, she is always a second or last

choice and has to follow her father or brother or husband or son and has a low status in Indian society to the extent that her status became equivalent to *Shudra*. On the other, she is mother-goddess having a highest status. These conflicting pictures of women come very handy to the people who argue that there has been no gender discrimination and women have always had the highest place in Indian tradition. But we feel that this is a part of the larger game where women are ideally assigned some roles whereas in reality she is nowhere close to it.¹²³

The changing status of women

Indian society tries to combine the ancient civilization with the progress of modern times. So the picture of Indian women is different. Status of women in society denotes her position with others in terms of rights and obligations. In discussion on women's status in any society, the general convention has been to assess their roles in relation to men. Two other dimensions have also been introduced to facilitate such assessment: firstly, the extent of actual control enjoyed by women over their own lives and, secondly, the extent to which they have access to decision-making process and are effective in positions of power and authority. It has been found that very little serious attention has been devoted ¹²⁴to the systematic study of the position of women in Indian society. Thus, although anthropologists regarded the study of the "Position of Women" as one of their basic concerns from the very

¹²³Charag Husnul, "Suppression of Women through Sriptures", In Prem. R. Bharadwaj (ed.), *Gender Discrimination: The Politics of Women Empowerment*, Anamika Publishers, 2005, PP.120-124.

¹²⁴Michelle Zimbalist Rosaldo, "Family Structure and Feminine Personality" In *Woman, Culture and Society* Stanford University Press, 1974, P.43

beginning and later on psychologists, demographers and several others have shared their interest, yet till their total output has remained rather inadequate. After the Second World War, feminists have started writing passionately on the subject. However, it is essential for men and women from different cultures and from different class and ethnic background to study the same social phenomenon.¹²⁵

Generally, two contradictory views exist about the status of women in society. Sometimes it has been argued that women in India enjoy a very high status, in this context constitutional and legal provisions are cited and distinguished women in high public offices are mentioned. Such description basically depends on the analysis of elite women. The other view, however, maintains that a lot of Indian women is very hard, and a representation was made not very long ago to the Backward Classes Commission that women, as a whole, should be treated a backward class in this country. These two views seem to be extreme while social reality lies somewhere in between.

Indian women cannot and should not be treated as a homogeneous, socio-cultural category, as they are divided on the basis of rural urban background, region, caste, class and ethnic groups. According to sociological perspective attention to the status of women should be paid, not merely as it is supposed to be in principle but

¹²⁵ See R Subramanian, *Gender Bias in India: The Importance of Household Fixed Assets*, Oxford Economic Papers, vol 48, No. 2, 1996.

especially as it is in practice.¹²⁶ Ideal of status of Indian women in past and constitutional and legal status of women in present times should not be confused with the restrictions from which they have suffered in past and are still suffering.¹²⁷

The constitution of India promises to secure all its citizens, justice, liberty, equality, and to promote fraternity among them all to realize the goals the constitution guarantees certain fundamental rights. Along with these, certain negative rights, prohibiting discrimination or denial of equal protection of law are also guaranteed. The Constitution recognized the Unequal Social Position of women and a special clause empowers the state to make special provisions for women and children even in violation of the obligation not to discriminate among citizens. Therefore, special laws have been enacted for the protection of women workers in factories, mines, and plantation; and to provide maternity relief of women workers in organized sector.¹²⁸ Thus, the Constitution envisaged a social revolution brought about through the use of law as an instrument of directed social change. Equality of opportunity in public employment and office has helped to ensure a significant position and status to urban, middle class, educated Indian women, demonstrated in increasing number of women in the public services and in position of political power and dignity. These provisions for women in Indian Constitution were result

¹²⁶ Mary R. Beard, *Woman as a Force in History: A Study in Traditional and Realities*, New York: Collier, 1946, PP.114-115.

¹²⁷ See Desai Neera &ThakkarUsha, "*Women in Indian Society*", National Book Trust, India, 2005.

¹²⁸ Michelle Zimbalist Rosaldo, "Female Status in the Public Domain", In *Woman, Culture, and Society*, Stanford University Press, 1974, PP.174-189.

of social reform movement, which began in 19th century emphasizing improvement of women's status. These reformers tried to achieve these objectives through social legislation. These social reformers agreed that no substantial social change could be achieved as long as women were deprived of opportunities of self-development and participation. However, majority of them saw women as custodians of the family and responsible for the well-being of children, inculcating in them the cultural values and very few of them thought in terms of women's rights to participate in social functions outside the family framework.

After independence, the government accepted suggestions of comprehensive reform of Hindu law. Though there was much resistance to the bill in the beginning front within and outside the congress. The opposition to bill proved that even those who framed the Constitution had not seriously appreciated the implication of Equality Clauses in the constitution. Thus, legal position of Hindu women has been improved considerably by the ban on bigamy, the provisions of right of divorce, and the right to inherit a share of parental property. However, similar reforms have not been taken place in all other systems of personal law in India. The Muslim women continue to be victims of polygamy, unilateral system of divorce and absence of maintenance provisions after divorce. The goal of uniform civil code mentioned in the Directive Principles of State policy is yet to be achieved.

However, these progressive laws are not practiced properly. Because most of the times people are not aware of these laws and they also have no urge to change their

lifestyles. In this context it can be said that though the Child Marriage Restraint Act and Dowry prohibition Act has been declared but these are being practiced in our society widely. Mass participation of people in violation of these laws are different levels also reveals the limitation of legal provisions in bringing out desired social change. Similarly, in 1956 Hindu Succession Act has been declared but it is not practiced positively as either woman is unconscious of these provisions or they are not interested to enjoy the rights. Any empirical enquiry above the efficacy of these legal provisions relating to women will reveal that, they are too radical in context of social reality and traditions.

These constitutional and legal provisions, should, thus be analyzed the context of prevailing social reality. In most Indian communities birth of a female child is still treated as *a curse and a financial liability*. Not long ago, practice of female infanticide was prevalent in many parts of the country. In traditional families still major goal for girls remains marriage. As a result total socialization process for most of the girl in largely confined to the traditional roles of women.

It is now accepted that within a household women have less or no control over resources. In our society gender inequality can be revealed by the female feticide, low female literacy rate, female infanticide, and unequal distribution of assets and women invisibility.

Gender inequality and development approaches

The constitution of India in its preamble granted the equal position and equal status for all citizens. In its "Directive Principles of the State Policy", it is stated that "The state shall, in particular, direct its policy towards securing-(a) that the citizens, men and women equally, have the right to adequate means of livelihood, (b) there is equal pay for equal work for both men and women". The constitution has also granted some "Fundamental Rights," which secures *justice, equal social status and equal opportunity for all*. These rights should be enjoyed by all irrespective of caste, creed and sex.¹²⁹ In spite of that, it is very unfortunate that in our country still now the situation of women is unforgivable. The women in our developing democratic India are identified as the weaker section. They are deprived of their basic right; suffer from social, political, economic injustices and male oppression ranging from physical abuse to immolation, even sexual exploitation. Thus even though in the eye of constitutional laws, women enjoy equal rights as men, but our socio-religious attitudes towards women actually makes a huge difference as far as the status of women in India is concerned. From the 19th century women's liberation movement was being spreading because at the time people was not in favour of existing social order and women also involved in this movement to get equality and liberty. This movement in the form of protest and formation of mass awareness has been able to create some amount pressure on society and government. These institutions (i.e.,

¹²⁹ R.K. Barik, "Women Rights in India: A Farce of Social Legislation" In Prem R. Bharadwaj (ed.), *Gender Discrimination: The Politics of Women Empowerment*, Anamika Publishers, 2005, PP.154-163.

govt. and society) also claim to support the cause of women's liberation and cleverly involve a limited number of women in decision-making process; yet no significant change has been noticed to wipe out or minimize the oppression of women. The goal of development is to raise the standard of living with a view to changing the quality of life of the people. No significant development could be made neglecting the woman who bear and rear the children and manage the household affairs. The gender inequality roots have penetrated into different aspects of human life and this inequality is affecting our development programmes.¹³⁰

Gender inequality in human life

There are gender inequalities in some of the major aspects of human life i.e., in social, political, economic, educational and health. The human life will be changed if these aspects are improved.

Gender inequality is not a new one. Due to the patriarchal social structure women have to suffer in every aspects of their life and basically they are used as the instrument of production. Biological satisfaction is the reason by which women are oppressed by men. It is said that the women should be sober and their behavior should be nice in front of others and they should be properly dressed but most of the advertising agencies are using *women as a commodity and tempting the society with various shameful advertisements*. In our societies women are deprived and

¹³⁰ See Preet Rustogi, *Gender Biases and Discrimination against women: What do different Indicators Say?* UNIFEM, New Delhi, 2003.

discriminated in various ways, in the village community women are not visible i.e., they are confined into the four walls of their home and they are not allowed to involve in any decision-making process.¹³¹ In rural area, especially in the Muslim community, women are not allowed to participate in outside manual work. Even in 21st century, people are blindly supporting the traditional beliefs and attitudes which are very much conservative. In his recent article published in the Telegraph paper, notable historian and modern writer Ramchandra Guha has claimed that patriarchy and religious stringent are two stumbling blocks of women's emancipation even in these days. Women are dominated by these past conservative traditional beliefs but they have the equal rights to their male conservative traditional beliefs. Moreover, they have the equal rights to their male counterparts to express their opinion for the welfare of society.

Dowry is a social evil. Though in 1961 "Dowry Prohibition Act" has been declared, yet it is practiced in our society nakedly and widely. Due to this crud illegal dowry system many newly married women's lives become miserable. "Daily demon of dowry devouring lives of young girls, who marry with high hopes of having heavenly abode in their husband's house. In few cases, guilty are punished but it has no deterrent effect on mothers-in-law, sisters-in-law who might have suffered similar

¹³¹Sangeeta Trama, "Women Empowerment-Divergence Between Theory and Practice", In Prem R. Bharadwaj (ed.), *Gender Discrimination: The Politics of Women Empowerment*, Anamika Publishers, 2005, PP.79-91.

cruelty/tyranny.¹³²This deep-rooted social evil requires to be controlled not only by effective implementation of the Dowry Prohibition Act, but also by the society. The society has to find out the ways and means of controlling and combating this menace of receipt and payment of dowry.¹³³ Instead of controlling paying and receipt of dowry in one or other form, it is increasing even in educated class. May be, it is increasing because same accumulation of unaccounted wealth with few and others having less means follow the same out of compulsion" [AIR 2002 SC 2830] (Supreme Court).

In the context of growing importance of science and technology, the economic development and prosperity of the people in a country depends largely on the level of education. The development of physical resources is linked up with the quality of human resource i.e., their levels of education and skills. One of the Directive principles of State policy contained in Article 45 of our constitution relates to education, according to which the state should strive to provide free and compulsory education to all children. Over and above, given the fact that education is one of the basic human rights of every human being irrespective of sex, age, creed, religion, colour, etc., the accessibility of education for women occupies prime importance. But due to various reasons, like increase in population, poverty, illiteracy etc., the Constitution and Directive has so far remained not yet completely

¹³² Michelle Zimbalist Rosaldo, "why men rule primitive society", In *Woman, Culture and Society*, Stanford University Press, 1974, PP.244-263.

¹³³ Neera Desai, Krishna Raj, Maithreyi, "An Overview of the Status of Women in India", In *Women and Society In India*, Ajanta Publications, 1987, P.23.

fulfilled. Education enhances women's empowerment. Despite little improvement, the rate of drop-out is higher among girls when compared with boys, due to various reasons like early child marriage, girl child labour, general social attitude, poverty etc. To say the least, the progress in women's education in India is far from satisfactory. The gender gap in educational involvement though reduced over the years, is still a matter of great concern. The movements for improving women's status all over the world have emphasized the role of education. There is a link between the empowerment of women and their education and economic status. At present, women are not empowered in the economic, social, political areas and in the field of education. Hence, there is a need to empower them socially, economically and politically through education, capacity building, skill-development and improving awareness regarding various issues. ¹³⁴According to *Lakshmi Narayana and Rajesh (2002)*, "One of the strategies for the empowerment of women is education, that build a positive self-image and boosts self-confidence among them and develops their ability to think critically".

After 65 years of independence woman still remains the *secondary citizens of the country*. Today women are going within every field and every sphere of life i.e., successful engineers, doctors, pilots, teachers, businesswoman, planners managers, politicians and more successful house keepers. The numbers of participation is very low. Our social system, which is very conservative, does not allow them

¹³⁴ Deborah L. Rhode, "Education", In *Justice and Gender: Sex Discrimination and the Law*, Harvard University Press, 1991, P.288.

independency and decision making power. As Vina Majumdar, a noted women activist points out, "traditional values and behavioural norms bred through thousands of years inhibit them in asserting themselves as individuals except in very limited contexts. Divorce is still a social stigma, and a divorced woman has to face social and financial problems". Although family courts have been set up, but there is a danger that reconciliation between a husband and a wife will be brought at the cost of the interest of the wife. Indian planning has also failed to define the needs of women. Some concrete reforms are needed to improve the position of Indian women:

1. Women must be educated in schools, colleges and their work place would be against sexual harassment and eve teasing.
2. Women should be made equal partners in the national development programmes.
3. To reorient the attitudes of all persons connected with the law, relating to the principles of social justice.
4. Gender justice should be developed as a way of life and not mere as slogans.
5. Cultural barriers must be broken and human conscience should be developed toward gender justice.

6. Women must be aware of their rights. Legal literacy and human rights as a subject must be thought in the school.
7. Education is the key of developments; therefore, more girls must be encouraged to enroll in schools.
8. Last but not the least, to change the attitude, mindset and behaviours as no amount of law would cure gender bias perception, which has deeply settled in our mind.