

MULTIFACETED AND COMPLEX STAGES IN THE ACHIEVEMENT OF WOMEN'S RIGHTS

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Abstract: Women's Empowerment is a constant battle and it is not a battle which can progress without co-operation from the society as a whole. Women represent half the world population and gender inequality exists in every nation. In India we have held different views regarding women and their position in society. In early times, on the one hand it was believed that where women are honoured, God feels delighted while on the other hand women continuously struggling for their rights from that period to till date.

Effort were made at the international level through charter like Universal Declaration on Human Rights, 1948 which reaffirms in its preamble, faith in fundamental human right in the dignity and worth of layman person and in equal rights of men and women to promote social progress and better standard of life in larger freedom. The course of the Indian National Movement is marked by multifaceted and complex stages. The question of social reform remained alive in the nationalist debates in the public sphere from late 19th century till 1947

Introduction: In the course of the struggle against foreign powers and included the struggle against Indian Princes, the people of India evolved their vision of independent India. Under the British colonial, rule the people of India were deprived of their inherent rights to equality and freedom of self determination. The freedom movement that was rooted in the various social reforms and civil liberties movements thus formed the backdrop for the struggle for reclaiming human rights of the people of India. This struggle eventually led to the setting up of the Constituent Assembly which was assigned the task of framing the constitution of India in 1946 under the leadership of Dr. B.R. Ambedkar. A commitment to the ideas of equality. Liberty and Justice for all was endorsed in the objectives Resolution of the Constituent Assembly. The Constituent Assembly completed and adopted of the Indian constitution in November 1949. The constitution came into force on 26 January 1950. The constitution served as the source of sovereignty and of the rights of the people of India. It is one of the most rights based constitutions in the World.

The preamble to the constitution, and Part III on Fundamental Rights and Part IV on directive principles together, form the core of the constitution and it is this which reflects the basic principles of the Universal Declaration of Human Rights and the covenants on civil and political rights and Economic, Social and cultural rights. It embodies the values of freedom, equality and economic and social justice that are indispensable for the exercise and

enjoyments of rights. (Shashi Motilal, Human Rights, Gender and Environment 2009, Delhi)

Women were considered pivots not only of domestic life but of the entire society is clearly evident in the epics. A maid was not only an object of tender affection and care at home but her education also was taken care of and she had important duties as well to perform. A woman was never sacrificed at the alter of marriage. She was also allowed to select her life Partner. Kanyadan does not necessarily mean her lower social status. The sacramental nature of marriage also strengthened the position of a wife even in a polygamous society. The nucleus of family life was centered round her and on women dependent the properties and future progeny of the family. She was considered the creator, protector and educator of her children. Children respected their parents, particularly the mother. Sons repaired the affection and care of the mother, step mothers, also enjoyed equal privileges.

The preamble to the constitution of India promises "to secure to all its Citizen, Justice, social, economic and Political. Liberty of thought, expression belief, faith and worship; equality of status and of opportunity, and to promote among them all. fraternity assuring the dignity of the individual and the Unity of the national: To realise these goals the constitution guarantees certain fundamental rights and freedoms, e.g. freedom of speech, protection of life and personal liberty etc. Which may be termed positive rights. Along with these certain negative rights. Prohibiting discrimination or denial of equal protection of law, are also guaranteed as equal

citizens of India, women benefits from these rights equally with men.

However, since the constitution recognized the unequal social provisions for women and children even in violations of the obligation not to discriminate among citizens. This power has been used to enact special laws for the protection of women workers in factories, mines and plantations etc. These special laws can be seen in the form of affirmative action which describe a policy of favouring members of disadvantaged group who suffer or have suffered from discrimination with in a culture.

What is Gender?: Gender is a social categorization based on Perceived distinctions between biological sexes – male & female "One is not born a woman but becomes one." This is the famous phrase coined by Simon de Beauvoir." This statement underscores the basic distinction. In most societies, biological differences are translated into socially institutionalised roles and positions. Gender refers to socio-cultural definitions of man and woman, the way societies distinguish between them and assign different roles to them. Society takes up the task of converting a biological male into a man and a biological female into a woman by prescribing masculine and feminine qualities to them respectively.

The sex gender distinction has been central to the feminist argument in order to talk about the oppression and subordination of women in a patriarchal society.

Gender Construction and Socialization: The Hindu society marks different stages in the life of the child that is celebrated with different rituals. This can be taken as phases of socialization in the life of the Hindu child. We can see in the society, how the life of a boy and that of a girl takes two different routes after a man is said to be the most intelligent being that God has ever created. He could away the directions of wind, he made wonders with the mud and soil, and the could change the course of rivers. He started believing everything under his control. He could tame the most furious and deadly animals with force and technology and use them for its own benefit. Similarly he enslaved women and the tool he used was the ideology of patriarchy.

In gender politics, the word Patriarchy refers to any form of social power given disproportionately to men. Many feminist writers have considered patriarchy to

be the basis on which most modern societies have been formed. Women constantly fight for their rights and sometimes they struggle just to survive without the power.^[3] Man have not had to fight for their place in society like women have. It has been an expectation that they will become leaders because that is what patriarchy about?^[4]

Origin and Development of Patriarchy: How did patriarchy originate? What are the historical factors responsible for its growth and development? Why has it remained one of the most pervasive manifestations of power in society? (Andrew Vincent, Modern Political ideologies)

There are two major ways in which patriarchy controls people are with the build environment and mind control with the mass media. A very effective way to control living creatures is to control their environment. An animal taken from the wild and placed in a cage or a zoo soon loses its natural attributes. Its vitality and natural behaviour are taken away from it. Similarly, modern cities imprison human beings for the purposes of control of behaviour. Modern architecture is a means of controlling people.

There are varied views regarding the origin of patriarchy as a system. While some believe that it is a natural hierarchal order some challenge this and believe it to be man-made and perpetuated by man made institutions laws, customs, education, culture, religion etc. The various views may be categorized as:

- a) The traditionalist view of the origin of patriarchy.
- b) The liberal feminist view of the origin of patriarchy.
- c) The Marxist feminist view of the origin of patriarchy
- d) The socialist feminist view of the origin of patriarchy
- e) The radical feminist view of the origin of patriarchy

According to Gerda Lerner "Traditionalists whether working within a religious or a scientific framework have regarded women's subordination as universal, God-given or natural, hence immutable. What has survived, survived because it was best; it follows that it should stay that way."^[5]

The first major feminist text was, "A Vindication of Rights of Women" written in 1792 by Mary Wollstonecraft. The Liberal arguments of J.S. Mill and Mary Wollstonecraft have explored the issue in great

detail. They believed the origin of Patriarchy and the oppression and subordination of women were based in there same kind of appeals to customs that were used to perpetuate absolute monarchy and black slavery.

Frederich Engles in his book, *Origins of the Family, Private Property and the state* he talks about three phases of society Savagery, barbarism and civilization. As Engles remarked on the origin of monogamous marriage. "It was the First form of the family based not in natural but in economic conditions namely in the victory of private property over original, naturally developed, common ownership."^[6]

Gender Justice and Laws in India: Gender Justice and empowerment of women denote a process of acquiring knowledge and awareness of one's legal rights. Some women's and other progressive groups working with law have suggested that law can be an important catalyst that can mobilize women into action. Lack of awareness about law is seen as a major factor in the gap between the formal rights of women and the continuing social and economic inequality of women. Knowledge of law and awareness about their rights under the law are essential for real empowerment. Those who possess legal knowledge are less likely to be victimized. Empowerment is the most frequently used term in development dialogue today. It is also the most nebulous and widely interpreted concept.

The following is a list of some of the important Acts which have a bearing on the promotion / protection of Women Rights:

- Constitution of India (Preamble Parts III, IV and IVA)
- Protection of Human Rights Act, 1993.
The Act provides for the constitution of a National Human Rights Commission, State Human Rights Commissions, and Human Rights Courts for better protection of human rights'.
- National Commission for Women Act, 1990.
- 'An Act to constitute a National Commission for Women for better protection of the rights of women'.
- Immoral Traffic (Prevention) Act, -1956.
- 'Article 23 of the Constitution prohibits traffic in human beings. On 9 May 1950, India ratified the International Convention for Suppression of Immoral Traffic in Women and Girls. This is an Act to give effect to the same'.
- Indecent Representation of Women (Prohibition) Act, 1986.
- 'An Act to prohibit Indecent representation of women through advertisements or in publications, writings, paintings, figures, or in any other manner.'
- Dowry Prohibition Act, 1961.
- 'This is an Act to prohibit the evil practice of giving and taking of dowry'.
- Commission of Sati (Prevention) Act, 1987.
- 'Sati or burning or burying alive of widows or women is revolting to the feelings of human nature and is nowhere enjoined by any of the religions of India as an imperative duty. This is an Act for effective prevention of the commission of Sati and its glorification'.
- Maternity Benefit Act, 1961.
- 'This is an Act to provide maternity benefits, etc., and to regulate employment of woman in certain establishments for certain periods before and after child birth'.
- Child Marriage Restraint Act, 1929.
- 'This was enacted with a view to prevent child marriages, namely, a marriage to which either of the contracting parties is under the specified age'.
- The Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994.
- Payment of Wages Act, 1936
- Amendment 73rd & 74th
- Weekly Holidays Act, 1942.
- The Protection of women from Domestic Violence Act, 2005
- The Sexual Harassment of Woman at work Place Act 2013
- The Maternity Benefit (Amendment) Bill, 2016

Gender Justice and Challenges: Most countries today consider gender equality and women's empowerment to be essential for the development and well-being of families, communities and nations. No nation, society and family can flourish and be happy if 50% percent of its population. i.e. women and girls, are not respected, free and happy. Not just in India, but in most countries of the world, women have been discriminated against, excluded from decision making at all levels, marginalised and disempowered. According to UN, one out of every three women experiences violence. This means over one billion women and girls experience violence. This is the biggest war going on in the world and what is most painful is that, most of it takes place within the family.

Gender Statistic Measure

Gender Statistic Measure	Females (India)	Males (India)	Females (World)	Males (World)
Infant mortality rate (per 1,000 live births)	44.3	43.5	32.6	37
Life expectancy at birth, (years)	68	64.5	72.9	68.7
Expected years of schooling	11.3	11.8	11.7	12.0
Primary school completion rate, (%)	96.6	96.3		
Lower secondary school completion rate, (%)	76.0	77.9	70.2	70.5
Secondary school education, pupils (%)	45	54	47.6	52.4
Ratio to males in primary and secondary education (%)	0.98	1.0	0.97	1.0
Secondary school education, gender of teachers (%)	41.1	58.9	51.9	48.1
Account at a formal financial institution, (% of each gender, age 15+)	26.5	43.7	46.6	54.5
Deposits in a typical month, (% with an account, age 15+)	11.2	13.4	13.0	12.8
Withdraws in a typical month, (% with an account, age 15+)	18.6	12.7	15.5	12.8
Loan from a financial institution in the past year, (% age 15+)	12.6	15.7	10.3	11.6
Outstanding loan from banks to purchase a home. (% age 15+)	2.26	2.35	6.6	7.4
Unemployment, (% of labour force, ILO method)	4	3.1		
Unemployment, youth (% of labour force ages 15-40, ILO method)	10.6	9.4	15.1	13.0
Ratio to male youth unemployment rate (% age 15-24, ILO method)	1.13	10.0	1.14	1.0
Employees in agriculture, (% of total labour)	59.8	43		
Employee in industry, (% of total labour)	20.7	25		
Self-employed, (% employed)	85.5	80.6		
Cause of death, by non-communicable diseases, age 15-34 (%)	32.3	33.0	29.5	27.5
Age 60 (years)	18.0	15.9		

Various groups have ranked gender inequalities around the world. For example, the world economic Forum Publishes a Global Gender Gap Index score for each nation every year. The index focuses not on empowerment of women but on the relative gap between men and women in four fundamental categories. Economic Participation, Educational attainment, health and survival and political empowerment (Global Gender Gap Report 2013 World Economic Forum Retrieved 31 March 2014).

UNDP has Published Gender Inequality Index and ranked India at **132 out of 148** countries. **Military Services:** Women are not allowed to have combat roles in the armed forces. According to a

study carried out on this issue, a recommendation was made that female officers be excluded from induction in close combat arms. The study also held that a permanent commission could not be granted to female officers since they have neither been trained for command nor have they been given the responsibility so far (No permanent commission for women in forces)

Property Rights: Women have equal rights under the law to own property and receive equal inheritance rights, but in practice, women are at a disadvantage. This is evidenced in the fact that 70% of rural land is owned by men. Laws, such as the Married Women Property Rights Act of 1974 protect women, but few seek legal redress. Although the

Hindu Succession Act of 2005 provides equal inheritance rights to ancestral and jointly owned property. The law is weakly enforced.^[8]

Schooling: In rural India girls continue to be less educated than the boys.^[9]

According to 1998 report by U.S. Department of Commerce, the Chief barrier to female education in India are inadequate school facilities such as sanitary, shortage of female teachers, majority of the female characters being depicted as weak and helpless vs. strong adventurous and intelligent men with high prestige jobs.^[10]

Literacy: Though it is gradually rising, the female literacy rate in India is lower than the male literacy rate (Kalyani Menon Sen, A K Shiva Kumar) "Women in India. How free? How Equal?" According to census of India 2011, literacy rate of females is 65.46% compared to males which is 82.14% compared to boys, far fewer girls are enrolled in the schools, and many of them drop out.^[11]

Health and Survival inequalities: On health and survival measures, international standards consider the birth sex ratio implied sex-selective abortion and gender inequality between women's and men's life expectancy and relative number of years that women live compared to men in good health by taking into account the years lost to violence, disease, malnutrition or other relevant factors.^[12]

Sex-Selective Abortion: The 2011 Census birth sex ratio for its states and Union Territories of India, in 0 to 1 large group, indicated Jammu & Kashmir had birth sex ratio of 128 boys to 100 girls, Haryana 120, Punjab of 117 and the states of Delhi and Uttarakhand to be 114.^[13] Female infanticide (Killing of girls infants) is still prevalent in some rural areas

Gender Based Violence: Domestic violence, rape and dowry related violence are sources of gender violence. According to National Crime Records Bureau 2013 Annual Report, 24, 923 rape cases were reported across India in 2012. India records a rape rate of during 2001-2013, there were 2.63 Lakhs rape cases registered in India and at every 20 minutes, one rape case occurs in India.^[14]

Other sources of gender violence include these that are dowry-related and honor killings. NCRB report states 8,233 dowry death in the country in 2012.^[15] In most cases, honor killings are linked to the woman marrying some one that the family strongly disapproves of.^[16]

Some honour killings are the result of extra-judicial decisions made by traditional community elders such as "Khap panchayats." unelected village assemblies that have no-legal authorised estimates place 900 deaths per year.

Suggestions:

1. Legal literacy Programme is essential at the grass root level if we intend to bring a de facto equality in the society.
2. There is a need to increase the confidence level among women, as their confidence level is a low through capacity building programme.
3. Efforts should be made to increase the regular Participation of women in development programme as their regular participation level is low.
4. There is a need to conduct awareness training programme for the benefit of rural women.
5. Efforts should be made to Provide the benefit of right to information act among the rural women.
6. Efforts should be made to provide the benefits of rural employment guarantee act.
7. There is a need to conduct legal awareness training programme for the benefit of rural women.
8. The methodology of women's education has to be participatory and non hierarchical.

Women must be involved in setting their own agenda and priorities their own pace of learning. The educational process should make them feel good about themselves, build their confidence and self-respect, unleash their creativity, make them feel energetic and joyous.

Empowerment : Dynamic And Political Process:

In order to move towards gender equality, we have to empower that gender which is disempowered, i.e., women and girls. One needs to understand POWER in order to empower anyone. Power is the capacity or ability to take actions freely and independently, it is the capacity to control influence others. Power means autonomy, freedom, making your own choices, having a voice.

Empowerment of women has to be done at all levels and in all sections if it is to become strong and wide spread and make a difference effective networking is required between grass-root level women activists, women in the government, media women, women politicians, women academics, women artists, women entrepreneurs, etc.

In nutshell I would like to say that Gender Justice and women's empowerment in India still has a long way to go, as the World Economic Forum report has put

the country among the bottom ten, when it comes to their participation in economic agenda. In India religion is seen as a major agent in the oppression of women as well as the source of inequality. Decision making has traditionally been regarded as a male domain in most religions often using customs and traditions as a too women have been sidelined from most decisions making process. Many social evils such as a the devadasi system of temple prostitution, child marriage, sati & (widow immolation), and lack of inheritance still persist in the face of legislation. Rape, sexual molestation physical and psychological abuse with in and outside the family have become a part of women's life in India. Insecurity within and outside the house old is today the greatest obstacle in the path of women's progress women all over the world face worse than men. No society can claim to be a gender just society unless physical integrity of women is guaranteed and fully secured by the state. In present scenario we need education which will help women not only to read and understand the word but to read, understand and control our world; which will help women to be masters of their own lives and makers of their destinies.

However, the government maintains some reservations about interfering in the personal affairs of any community without the community initiative and consent.

State initiatives to reduce gender inequality: Different states and union territories of India, in cooperation with the central government, have initiated a number of region-specific programs targeted at women to help reduce gender inequality over the 1989-2013 period. Some of these programs

include: Swarnajayanti Gram Swarozgar Yojana. Sampoorna Gramin Rozgar Yojana, Awareness Generation Projects for Rural and Poor women, Condensed Course of Education for Adult Women, Kishori Shakti Yojana, Swayamsidha Mahila Mandal Programme, Rashtriya Mahila Kosh, Support to Training and Employment Programme for Women, Swawalamban Programme, Swashakti Project, Swayamsidha Scheme, Mahila Samakhya Programme, Integrated Child Development Services, Balika Samridhhi Yojana. National Programme of Nutritional Support to Primary Education (to encourage rural girls to attend primary school daily), National Education Programme for Girls at Elementary Level, Sarva Shiksha Aabyhiyan, Ladli Laxmi Yojana. Delhi Ladli Scheme, Beti-Bachao Beti-Padhao and others (Delhi Ladli Scheme 2008, Govt. of Delhi).

Bombay High Court, recently in March 2016 has ruled out a judgement that "Married daughters are also obligated to take care of their parents". This is a very bold step towards breaking the traditional norms of the defined roles in the society. This shall also motivate women to be more independent not only for themselves but also for their parents.

Organisations

- All India Democratic Women's Association
- Save Indian Family Foundation
- National Commission on Women
- Ministry of Women Children and Development
- International Center for Research on Women
- UN Women

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