

Women's Issues: Some Insights

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Woman is an indispensable component of a society. She is central to family life. The position of woman in any society depends upon social traditions, norms and customs. Women's position and degree of empowerment is defined by gender and gender relations in society. Gender represents not just the biological sex of an individual, but also the different roles, rights, and obligations that are attached by society to individuals born with male or female sex characteristics. Although, sex differentiated roles, rights, and obligations vary by class and lifecycle stage, they exist in every sphere of human functioning (domestic, communal, labour market, religious, etc). This makes gender a fundamental dimension of societal stratification. Moreover, these sex-specific roles, rights and obligations are not just different, they also tend to be unequal. In almost every sphere of human functioning, the roles defined for women are subordinated to those defined for men, the rights for women are fewer or less emancipating than those that men have, and the obligations women have are more limiting than those of men. Unequal gender relations imply that men not only have and can exercise greater power than women in almost all spheres of functioning, they also have culturally and often legally sanctioned power over women and have greater control of and access to resources and information.¹ Despite her tremendous significance for the family and society, she has been victim of gender inequalities and discrimination over the centuries. Human civilization has lost much of talent because of the lack of rights provided to eve's daughters. Al though governments throughout the world have taken some steps for the improvement of women's lives, inequalities still exist. Gender inequality is not natural. It is socially constructed. Construction of gender has become a curse for our society as it has led to a loss of economic, social and political opportunities to half of the world. Women are discriminated in all spheres, Political, social,

¹ . Sunita Kishor and Kamla Gupta. "Women's Empowerment in India and Its States: Evidence from the NFHS." *Economic and Political Weekly* Vol. 39, No. 7 (2004). p. 694.

cultural and economic aspects. The issue of gender inequality is one which has been publicly echoing through society for decades.²

Misogynist approach towards woman perpetuates her inferior position in the social, economic, political and religious spheres. The history of gender bias is as old as history of mankind. Manu pictures women to be subject to her father in childhood, to her husband when married and to her sons when widowed. Chanakya prescribes that women should purify herself of her sins by drinking the water in which her husband's feet had been washed. Buddha, despite being a social reformer of his times, advised Ananda never to look at a woman lest she entice him. The Vinaya Pitaka categorically stated that women can never attain nirvana. The Koran prescribes its adherents that while dividing the inheritance give to a male one portion equal to that of two females and if a woman was guilty of impurity she had to be confined until death after taking the witness of four persons. Islamic law also allows a man to keep up to four wives. The Bible prescribes that women should be subject to their husband and men should look after them as they would a weaker vessel. Several Biblical proverbs paint women as freakish, quarrelsome and unwise.³ Even Goddess Laxmi is fated to be driven out of Her Master's Temple just because she has dared to be kind and munificent to Shriya, an untouchable woman. Re-reading the metaphor of Laxmi without any reference to the dialectics of dedoxification, it can be said that if Goddess Laxmi can be victimised, no mortal women of India can be and is immune from patrilineal, patrifocal, and patricist hegemony. So a Sita, even after being literally pushed into a pyramid fire to prove her fidelity, acquiesces to live with and for her Lord Ram only to be disowned again when she is in the family way. Hence a Draupadi suffers the ignominy of the polyandry thrust upon her and the plight of being pawned by one of her Lords and masters to face the ultimate humiliation, a public stage-show that is onset to strip her naked in the very darbar that literally dances to the orgiastic tunes of her priggish oppressor. Yet Laxmi and Sita are not unitary selves. Both of them are schizoid personalities. Victim-turned-victimizer, they have regained the space they have been forced to lose. So it can be said "sometimes a woman's

² . Zulfqar Ashraf Wani. "Gender inequality – A Global issue." *International Journal of Research* Vol. 05 Issue 19 (2018). p. 383.

³ . Rekha Roy. *The rights of women in India a feminist perspective (Ph. d Thesis)*. Shillong: North-Eastern Hill University, 2004. pp. 286-287.

life also tells the story of a nation” Hence Indian mythology has both valorized and revalorized woman.⁴ Though male chauvinism is a universal phenomenon yet male chauvinists can be easily found in Indian society. Male chauvinism encourages the sense of superiority among men and makes them arrogant. It elevates the status of man as equal to a kind of divine being or next to God and woman is expected to obey him unconditionally. It also grants the wide range of socio-religious, political and economic privileges to men. The gender inequalities are deep rooted in the male chauvinism, traditional patriarchal and male dominated societies where political sphere is supposed to be primarily reserved for men. Women are not allowed to participate in the politics. Even in the present age of democracy, women face lot of discouragement and discriminations in the political sphere. She is still a victim of political marginalization, gender injustice, male domination, unjust social customs, social prejudices, sexism and exploitation.

Women constitute nearly half of the society and it is unrealistic to think about gender equality without providing the equal rights and equal status to women in the society. In the first place, gender equality is a fundamental human right. A woman has the right to live with dignity and liberty. Gender equality is the fundamental democratic commitment and a basic attribute of an egalitarian society. Gender equality demands equal opportunities for women in all walks of life and abolition of all kinds of prejudices and discriminations against women. It necessitates women's participation in all spheres of decision-making and policy formulation is both a form of justice and a necessary element of process of democratization.⁵ The idea of democracy is incomplete without gender equality. Democracy is supposed to be equitable redistribution of political power among men and women. Increasing women's political participation and representation in any democratic political system requires the restoration of dignity of women and elimination of deep-rooted gender inequalities and gender bias in a society. Every democratic government is expected to create the favorable socio-economic and political environment wherein women can enjoy the benefits of human rights especially political rights and individual freedoms on equal basis with men. In order to uplift the political status of women

⁴ . Jugal Kishore Misra. "Women Empowerment in India." *The Indian Journal of Political Science* Vol. 67, No. 4 (2006). p. 868.

⁵ . Nahla Valji. "Gender Justice and Reconciliation" <www.fes-globalization.org> (Accessed on 28-04-2012). p. 9.

in any society, there is immense need to introduce the comprehensive structural, institutional and constitutional changes to increase the women's political participation and political representation. Gender equality necessitates the ending of the discriminations between women and men in all spheres of life. Gender equality enables the womenfolk to seek equal opportunities and participation in decision making process. Gender equality is also an indispensable component of justice. It implies the protection and promotion of civil, political, economic and social rights of women in spirit of ideal of gender equality. The idea of justice is incomplete without the elimination of gender bias and misogynistic attitude towards women. The idea of justice not only abolishes the gender prejudice but also empowers the women to confront the gender injustice.

In India women's problems, regardless of caste, community, gender or religion, are similar. Women are suppressed and denied their dignity. A multiplicity of family laws divides them and are confusing; and they are often not aware of what is their right, if any, in a given situation. They would be strengthened if they were together and under one set of rules. The larger group of uneducated women often cannot differentiate between custom, culture, religion and criminal law.⁶ It is the women's movement in India that has been the force behind the long struggle of women's advancement from subordination to gender equality and finally to women's empowerment. The cause for women's freedom was first espoused by enlightened males who had imbibed liberal ideas. Up to the twenties of the last century the struggle was carried on by men and women followed. It was only after Gandhi Ji's entry into politics, when the nationalist movement under his leadership was transformed from a middle class movement into a mass movement, that women themselves for the first time raised their voice against the disabilities from which they suffer and questioned and struggled against not only the British rule but patriarchy itself. In the process, women secured many rights and social freedom and realized many other rights as grants.⁷ The reason for grant of equal political rights to women in India is not the special ethos or culture of India or the magnanimity of Indian men. The main reason is

⁶ . Leila Seth. "A Uniform Civil Code: towards gender justice." *India International Centre Quarterly* Vol. 31, No. 4 (2005). p. 49

⁷ . Rekha Pande. "The History of Feminism and Doing Gender in India." *Estudos Feministas* Vol. 26, No. 3 (2018). p. 14.

that when India became independent, the women's movement, like the democratic movement, had already reached a stage all over the world that the leadership in the colonial countries, and for that matter in India, could not ignore it. India adopted the political arrangement of democracy because it was the accepted universal ideal. Similarly, the constitutional rights of women had already been universally accepted. In fact, the supporters of the uniqueness of Indian tradition legitimize the feudal strands of women's oppression by creating an east and west dichotomy. The women's movement and feminism have been decried and looked derisively as something foreign, alien and against the Indian ethos and elitistic.⁸

The Indian constitution which is the fundamental law of the land contains numbers of provisions for the benefit and protection of the women. The concept of equality and nondiscrimination finds its due place in Indian constitution. It also enables the state to adopt measures of affirmative discrimination in favour of women. Specific provisions to ensure the rights of women have also been incorporated in Directive Principles of State Policy. The Constitution not only grants equality to women, but also empowers the State to adopt measures of positive discrimination in favour of women for neutralizing the cumulative socio economic, education and political disadvantages faced by them. Within the framework of a democratic polity, our laws, development policies, Plans and programmes have aimed at women's advancement in different spheres.⁹ On the basis of fundamental rights several Acts have been enacted by the Parliament to recognize the rights of women. Minimum wages Act, Maternity benefit Act and Medical Termination of Pregnancy Act are important enactments to recognize the equal rights of women with men who are working in industries and factories. Similarly the Indian women are entitled to get the property from their ancestors. Section 14, 15 and 16 of Hindu Succession Act of 1956 have conferred right to property and ownership on the property have been conferred upon the women. Guardianship and maintenance Act of 1956 has provided right to adoption of children to women. Hindu Marriage Act has guaranteed equal opportunity for women to get separated from their husbands under certain grounds prescribed in Section 13.

⁸ . Kiran Saxena. "Empowerment of Women: Indian Context." *The Indian Journal of Political Science* Vol. 55, No. 4 (1994). p. 399.

⁹ . Anita Parmar. "Crime against Women in India : Laws and Provisions." *Journal Global Values* Vol. VII, No. 2 (2016). p. 5.

Women have right to remarry and are eligible to get the property from their deceased husband. They have similar right to receive property from their divorced husbands. Safety and security has been provided to women in the work place. The domestic violence Act of 2005 has provided security against the violence employed on women by their in laws or by their husbands or their relatives.¹⁰ The dignity and status of women can be maintained only if the human rights of women are recognized and protected. The Supreme Court has held that right to life under Article 21 includes right to live with human dignity. Rape, sexual harassment at workplaces, domestic violence, dowry related crimes, devadasi system, sati, prostitution etc. violate women's right. Devadasi system prevalent in certain parts of the country leads woman to prostitution. Forced prostitution and child prostitution adversely affect the status of women and constitute denial of numerous human rights. Their right to liberty and security, the right to be free from arbitrary detention, the right to free choice of just and favourable conditions of work, adequate standard of living, education, right to health etc. incorporated in various human rights instruments are violated.¹¹

In the 21st century, women become vulnerable section of society. Gender crimes, dowry deaths, domestic violence, female feticides and honour killings have exposed the hollowness of constitutional, legal, social and political institutions. The elimination of girl child is one form of bias against girl child. This elimination occurs at both pre-natal (i.e. in the form of female feticide) and post-natal stages (i.e. in the form of a higher mortality rate among the girls than that among the boys). Bias against girl child is also reflected in differential access to opportunities for career building. This is manifested in the gap between the enrolment ratio of boys and girls in academic institutions. Girls are discriminated against within the household wherein less household resources are spent on them compared to what is spent on the boys. It is quite a common event in our society where girls are made to spend more time in household chores while boys are provided opportunity to spend their time on learning skills that make them economically productive. This is manifested in boys having more schooling than girls. Like differences in

¹⁰ . Chintha Prakash Babu. *Human rights of vulnerable groups with reference to women and children (Ph. D Thesis)*. Visakhapatnam: Department of Law, Andhra University, 2017. p. 280.

¹¹ . K N Chandrasekharan Pillai. *International Human Rights Movements and Protection of Women's Rights (Ph. D Thesis)*. Kochi: Cochin University of Science and Technology, 2004. pp. 340-341.

opportunity for acquiring skills, girls are discriminated against in the physical capital they own. This could be seen in the fact that inherited land goes more to boys than girls. Evidences available indicate that bias against girl child is a social reality in Indian context, and is prevalent either in overt or covert manner with varying magnitude across different segments of the population as well as across different regions.¹² The female feticide, female infanticide, violation of women's rights, exploitation of women, sexual harassment, domestic violence, crimes against women, insecurity among women and resurgence of male chauvinism are incompatible with the notion of justice. Gender inequalities, gender discriminations and gender violence are sharply contrasted in character, purpose and are adverse to spirit of justice. There is ample evidence that men have historically regarded women as less valuable than they are. Most nations have a history of mistreating women, regardless of how progressive they may be. As a result, women began to consider their place in society, and some even became defiant to secure the position they do now. The one central fact of feminism is equality, the equality of men and women in all those affairs of life which women can occupy without injury to their essential femininity, the equality of men and women as human beings in all those spheres of activity into which sex does not necessarily intrude and to which sex is no essential.¹³

Conclusion:

The status of woman presents the true picture of socio-cultural and spiritual level of any society. Despite their unparalleled worth for the family and society, women have been victim of gender bias, inequalities and discriminations in India since the time immemorial. Even in the 21st century, despite their unparalleled worth for the family and society, women have been victim of gender bias, inequalities and discriminations. women become vulnerable section of Indian society. Gender crimes, dowry deaths, domestic violence, female feticides and honor killings have exposed the hollowness of constitutional, legal, social and political institutions. In the traditional patriarchal Indian family system and male dominated society, women face lot of

¹² . Sugandha Kohli. "Gender Inequality in India." *International Journal of Humanities & Social Science Studies* Vol. III, Issue-IV (2017). p. 181.

¹³ . *Ibid.*, pp. 246-247.

social restrictions. There are several hindrances in the way of their participation in politics and decision-making bodies. They lack better education, health care, nutritious food, employment opportunities, economic resources etc. They are dependent on men to fulfill their daily needs. When women delegate responsibility to men to fulfill their multifaceted needs, they are also delegating authority to men to command or dominate them. Though they play a central role and perform vital functions to look after their families yet their contribution is neither duly rewarded nor appreciated.