

**Women in India**

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## **Syllabus**

### **Unit .1. Theories of Feminism**

1. Meaning and Definition, Characteristics, features and Development.
2. Feminist Thought in Indian Context
3. Liberal Feminism, Marxist Feminism, Radical Feminism and socialist Feminism

### **Unit II . Indian Women and Society-I**

1. Women, Family and Social System.: Element's of social System, Nuclear and Joint Family System, Changing Role & Status of women in Family.
2. Women and work: Work, labour, Gender Division & Job Segregation: Employment and gender issues, Policy and its impact on women: NEP, Globalisation and its impact on women, Women's and entrepreneurship, Girl Child labour,.

### **Unit III. Women and Society-II**

1. Women and Education: Education and Gender Bias, Enrolment and Drop out in sphere of education, recent trend in education, committee and commission on women education( National Committee on Women Education (1958-59), Constitutional provision regarding women education.
2. Women and law: Legal Reforms and Women's rights, Feminist jurisprudence, Constitutional rights of women,, Right of working women's and law of inheritance, women and personal law(Hindu, Muslim and Christian personal law), Women and criminal law.

### **Unit IV Women and politics**

Women and Political Participation in India & Emerging Concern; Political status and rights of women in India, women and political leadership, Achievement of Prominent political leader in Pan Indian context, Women's right and international conventions.

## **UNIT-I**

### **Theories of Feminism**

## **Contents**

### **1.1.Meaning and Definition**

## **1.2.Characteristics of Feminism**

## **1.3.Features of Feminism**

## **1.4.Development of Feminism:**

## **1.5.Schools of Feminist thought**

### **1.5.1. Liberal Feminism**

### **1.5.2.Classical Marxist Feminism**

### **1.5.3.Radical Feminism:**

### **1.5.4.Socialist Feminism:**

## **Unit -1**

### **Feminism**

#### **1.1.Meaning and Definition**

The term “*Feminism*” is derived from the Latin word “*Femina*” originally meaning “having the qualities of female”. The first recorded use of the term in English was in 1894. According to the Oxford English

dictionary supplement published in 1933, it was used in reference to the theory of sexual equality and the movement for women's rights replacing 'womanism' in the 1890's. There is no specific concrete definition of Feminism applicable to all women at all times.

The early editions of the Oxford English Dictionary defined Feminism as a state of being feminine or womanly as did the 1901 edition of the Dictionary of Philosophy.

The Dictionary of Philosophy by 1906 defined Feminism as a position favourable to the rights of women. The Webster's Dictionary defines the term 'Feminism' as (a) principle that women should have political rights equal to those of men. (b) the movement to win such rights for women.

The word 'Feminism' however, must be understood in its broadest sense as referring to an intense awareness of identity as a woman, and interest in feminine problems.

Feminism originated in the perception that there is something wrong in society's treatment of women. It is conceived of the oppression of women, attempts to find out the reasons of oppression and analyze means to achieve women's liberation.

Feminism has always existed as long as women have resisted subordination collectively, consciously or half consciously. But it started as a viable / movement only in the last few decades. Its pluralistic nature defines an all inclusive definition. It may be perspective, a world view, a political theory, a spiritual focus or a kind of activation. David Baichier in the book "Feminist challenge, 1983 gives a generalized definition of "Feminism: Feminism as any form of opposition to any form of social, personal or economic discrimination which women suffer because of their sex".

## **1.2.Characteristics of Feminism**

1. Feminism value women not for the work they could produce, the price they could bring, the services they could render for their behavior to externally imposed set of requirements. It values women in and of themselves and for themselves as individuals and humans.
2. It affirms the capacities of women to be strong capable, intelligent, successful and ethical human beings.
3. It values autonomy of women to develop the conditions that will enable them to centre their political, social, economic and personal destinies.
4. It rejects the practice of separating human qualities into two categories- one set for men and one for women. It recognizes that all characteristics appear in either sex and each of them be evaluated on its own merit.
5. It understands the majority of beliefs and attitudes regarding women are based on myth, ignorance and fear. They are to be replaced with reality in knowledge.
6. It points out that through the centuries, the traditionally ascribed masculine characteristics of aggression, power and competition have been regarded as good and desirable, creating concrete instances of oppression. In the face of denial, women have cultivated precious qualities and like compassion, tenderness and nurturance.

### **1.3.Features of Feminism**

1. Feminism is just as much a social movement as it is a set of intellectual positions. Feminism describes activism and a commitment to action as much as arrangement of ideas. Feminist ideas are those that lead to social progress concerning gender relations at the given time and place.
2. Feminism was not designed but grew out of experiences of certain times, places and factors of social organization. "Correct thinking about the right ideas" would be sufficient to call one as

objectivists but is not enough to be a feminist without a commitment to action and social change. One cannot be a feminist even if one holds feminist ideas. So in Feminism there is form of “equal worth” between ideas and activism. Feminism is more than an ideology, more than a philosophy.

3. In last 100 years, the West defined Feminism as fight for women’s right to hold property, to divorce, to vote, to be recognized as adult legal subjects. In western world today it means a fight against tacit and institutionalized collectivist and misogynist beliefs derived from gender roles and other sex- based prejudices. The ‘core Feminism’ or ‘core feminist’ theory does not prescribe or presuppose neither differences between men and women nor similarities between men and women nor does it require excluding men or only furthering the women’s causes.
4. Feminist as a rule, assume that there are few if any inherent, unchangeable differences between men and women; only a lot of individual differences and variation. Patriarchists claim the existence of many universal and immutable difference between men and women, seeking supplies individual differences in an attempt to create two universal gender forms or essence that every body must squeezed in to.
5. Equality must mean equality under the law, but it must also mean philosophical and social equality of men and women in daily life. True liberation and individualism means that all virtues and characteristics are individual human virtues and characteristics, open to anyone who is inclined to pursue and develop them. There are no virtues or psychological characteristics belonging exclusively to males or females.

#### **1.4.Development of Feminism:**

Development of Feminism is divided in to 3 waves of Feminism. The 1<sup>st</sup> wave of Feminism dates back to the 19<sup>th</sup> Century and early part of Twentieth century. That does not mean Feminism or feminist movement did not exist prior to this period.

**Ancient Feminism:** In fact in 6<sup>th</sup> century B.C. there were women writers in Greece who even ran girl schools. We also had women writers in the 15<sup>th</sup> century in France and Christine de Pisan from this period and are considered as one of the early feminist thinkers. Women writers played a major role in the Seventeenth century West Indian Slave Rebellion. Women also had a major role in the 18<sup>th</sup> century in French Revolution. This was the time when women tried to assert themselves in France by propagating that every woman is born free and her rights are same as that of any man. But by the late 18<sup>th</sup> century strict laws and codes were enforced to subjugate any kind of women's movement. The Napoleonic code even snatched away the right over funds and finance from women and restored it completely to man. Women were deliberately restricted to their home and household activities.

**Feminism in America and Africa:** If we look at the history of feminist movement and Feminism in North America then we can see some kind of organized activity from the times of "American war of Independence" in the mid – eighteenth century. Women participated in this struggle along with men and were strongly involved in boycotting the British made goods. Feminists movement got a new turn in America in late eighteenth century when black women understood that in order to live a dignified life it was not only a fight they had to carry out against racism but it was also a struggle against their own men who believed in traditional gender stereotyping and practical social and cultural norms which encouraged bias and discrimination against women. During these times black women organized themselves and carried out their struggle in public platforms like church congregations. The real turning point in black women getting fully involved in the feminist movement came after the incidence when black feminist, Sojourner Truth, stood before the Second Annual Convention of Women's Rights in Akron Ohio in 1852 and quite outspokenly demanded the right for vote for black American women amongst other things.

**The Industrial Revolution:**

The Industrial Revolution also saw a change in the structure of society whereby more women were involved in the industry work force. This was a trend that was seen not only in Europe but also in North America. Many of the early trade union movements were in fact initiated by women workers. Meanwhile in other parts of the world there were number of instances where women came together to fight against discrimination and bias. In Asia and Africa, women were actively involved with men in their struggle against colonial powers.

**Organized Feminist Movement:**

It was only by the late 19<sup>th</sup> century and early 20<sup>th</sup> Century that organized feminist movements became really visible . This can be considered as the period when the First wave of Feminism hit the world. It is really unbelievable today that in those times women were considered as private properties; to be purchased in marriage and they had no right to vote in a democratic set up or any right to property.

**Feminists movements in China, India and Africa:**

The late 19<sup>th</sup> century saw the Taiping rebellion against foot binding in China. Chinese women also demanded rights to property and equality with men in other spheres of life. In British India, during the same time, women along with men were actively involved in the Swadeshi movement and they boycotted the British goods. Question were also being raised on the dowry system prevalent in India which was traditionally handed over by the British in India. On the other hand in Africa, women were active in the struggle against the colonial powers and were also fighting for better reproductive rights. The age for marriage was raised in some of the African countries like Egypt in this period. The women's right to vote became a major issue all over the world during this time. The voting rights were first given in New Zealand followed by



Britain, America and Latin American countries etc. Colonial India also got the voting rights for women. All these developments took place in the early 20<sup>th</sup> Century.

### **Socialist Movement:**

The Socialist Movement also saw the rise of Feminism within its framework. In Russia women got equal rights as that of men but during the times of Stalin things became bad with many of the civil and reproductive rights “being snatched away”. In China also the socialist movement provided “equal rights to work” for women though women took the burden of both home as well as the work from it. The First wave of Feminism is referred to this period and among other things it helped women to win. By early 20<sup>th</sup> Century French women could also get hold of their finances and funds back. By mid 20<sup>th</sup> Century they also earned the right to vote .

### **The Second wave of Feminism:**

The second wave of Feminism is especially associated with the period of 1960s and thereafter till 1980s. The second wave of Feminism came as an explosion in America and then spread across the world as fire. The movement was especially campaigned against the social and cultural stereotyping of women as “only capable of becoming a housewife” and nothing more. It advocated for equal rights for women as of men to pursue a work life and career.

### **The Third wave of Feminism:**

It is continuation of the second wave of Feminism beginning from the early 1990 and it focus on the perceived failures or the second wave of Feminism. The Third wave also focuses on issues like race, gender and Feminism. Further the movement broadened into global dimensions with different shades of Feminism becoming visible based on issue specific to a particular society or a culture.

### **The detailed study of Development of Feminism:**

Feminism primarily started as a phenomenon in Europe and America in its early days and now it has spread throughout the world in various ways. The reason being the lack of equality among the gender, in almost every culture and society around the world in one way or other. Today Feminism is a broad phenomenon and it addresses the issues and problems specifically related to a particular society and culture yet it is united at the global level for promoting equality “ among the gender’s in all spheres of life”.

### **1.5.School of Feminist thought**

Feminists are usually motivated by something in deciding to act to resist sexist oppression often that motivation is some sort of personal harm or the realization that women as a group are harmed.

Feminism is pluralistic in its perspectives. As many groups of women are with distinct forms of oppression, so many will be the perspectives.

Our present study confined to four major streams of feminist thoughts: Liberal Feminism, Marxist Feminism, Radical Feminism and Socialist Feminism.

#### **1.5.1. Liberal Feminism**

From the time of Aristotle, hierarchical traditions emphasizing the innate inferiority of women compared with others, characterized western thoughts. The first major challenge to this notion occurred in the seventeenth and eighteenth centuries. Along with the growth of capitalism, rise of industrialism and fall of feudalism, emerged the liberal philosophy. The key concept of liberalism is rationality. Liberal feminists use the rationality concept to examine the subjugation of women and suggest liberating strategic principles.

#### **Liberalism and Human Nature**

Liberal Feminism adopts the liberal conception of human nature and human freedom and uses these to articulate a vision for feminist liberation. Liberalism holds that humans are rational, autonomous individuals.

Liberalism rests on the assumption that all individuals have an equal potentiality for reason and the capacity to reason is that which makes human unique.

Rationality is conceived by liberalists as a property of individual rather than of groups. Individuals are rational when they act in quite specific ways. Rationality is possessed as a mental capacity in equal measure at least by all men. It also signifies the choice of right means and has nothing to do with the choice of ends.

### **Role of the State:**

By looking at how the state views women and addressing those areas where women are disadvantaged, liberal feminists believe that the oppression of women might be ameliorated.

Liberalists believe on 'laissez faire' that Government should not interfere with the economic activity of individuals. If all individuals are not intrinsically rational, political instructions should not subordinate any individual to the will of another. The state besides maintaining political egalitarianism and protecting persons and property should guarantee maximum freedom from interference to each individual.

The classical liberalists of the 19<sup>th</sup> century hold the view that an ideal state protects civil liberties of individuals such as property rights, voting rights, freedom of speech etc.

The welfare liberalists believe that the state should focus on economic justice such as equal work, equal pay. Fundamental liberalists value equality, liberty and justice.

## **Liberalists and Women**

Liberalists do not apply their views of equality, freedom and justice in equal measure to women. The interests of women were thought to be covered by taking account of the interests of men. Jean Jacques Rousseau (1712-1778) one of the most important enlightened philosopher argued that liberal principles could not and must not be applied to women. Rousseau argued that nature herself has decided that woman, both for herself and her children should be at the mercy of man's judgement. When women married, they disappeared from public life, within the four walls of their home they devoted themselves to the care of their household and family. This is the mode of life prescribed for women alike by nature and reason. Using the liberal concepts of equality, justice, freedom and individual's rights, merits and interests, liberal feminists put forth their views defending women's quality.

## **Features of Liberal Feminism**

1. Sex discrimination is unjust as it deprives women of equal rights to pursue their self-fulfillment.
2. Women as a group are not allowed the same freedom of opportunities granted to men as a group.
3. In a discriminatory situation, individual women does not receive the same discrimination as an individual man.
4. A man is judged on his actual merits as individual where as a woman is judged on her assumed interests as a female.
5. Justice requires equal opportunities and equal consideration for every individual regard less of sex.

6. 'Sex' is purely accidental and non-essential feature of human nature.
7. The formal discrimination of women is exercised through legislation and informal discrimination is experienced through customary practices and assumption.
8. Laws should not allow to women rights that they grant to men.

**Liberal feminist Thinkers:**

Mary Wollstonecraft, Margaret Fuller, John Stuart Mill and Betty Freidan have made remarkable contribution to liberal feminist thought.

Mary Wollstonecraft (1759-1797) was an eighteenth century feminist who argued both for the full human rights of women and for the moral personhood of women. Her monumental work, *A Vindication of the Rights of women* (1792) advocated the equality of the sexes and responded to many who has argued otherwise. She was an ardent spokesperson for social justice and human rights.

Wollstonecraft argued for the rational humanity of women in "*A Vindication of the Rights of Women*." The basic idea in the book is the affirmation that women are first and foremost human beings and not sexual beings. Thus, women's primary end must be fulfillment as a human being not as a woman. In this respect women are exactly like men, whose primary is but only to be human. The basis for Wollstonecraft's claim that women are human beings is that they are rational creatures, capable of governing themselves by reason. Wollstonecraft says is to achieve independence "the grand blessings of the life, the basis of every virtue" because thereby one is dependent only on one's reason and not on the opinion and judgements

of others. To obtain this grand blessings the education of a person's natural powers is essential. The most perfect education is one, which enables individuals to achieve the independence. In the present state of society, it appears that they are less talented. This is hardly surprising given the age old neglect form which women have suffered. Women are brought up to be physically feeble, not to take exercise to be attentive only to their physical appearance. They are taught from their infancy that a woman's value lies in her beauty and that is through the power of her charms that she must subject men. Their minds are shaped by this concern, and as a result became as feeble and dependent as their bodies. Women's real capacities can be determined only when they have been given the freedom and the opportunity and education to develop their talents.

The fundamental requirement for reform, both in society generally and in respect of women's position these in is requirement. Equality here means the absence of dependence of one person or another either through the existence of privileged ranks which legally subject some to others through extreme of wealth and poverty, which in turns a formal equality of rights into a sham. The equality needed in society is never the less in the first place, a formal equality of civil rights, an equality of opportunity for persons to develop their talents and exercise them in any profession or actively they please. If so, wife will no longer be total dependent of her husband, but will be recognized as an equal and responsible persons in the marriage in respect of property rights. A woman's independent earning power ensures that she is not totally dependent on her husband's bounty for subsistence either in his life or after his death. Yet for the most part, Wollstonecraft accepts that women would be called upon to fulfill the duties of wife and mother and they had to pursue extensive plans of usefulness and independence. In desiring for women, a life in which they can exercise their reason, Wollstonecraft has no intention of taking them out of their families . Nevertheless, although

the women and men have the same kind of intellectual abilities, they do have some differences according to Wollstonecraft and those differences are perhaps most apparent in their familial roles.

Wollstonecraft seems to exalt reason and some later feminists find fault in that. They argue that Wollstonecraft was adopting the masculine model of personhood. Suggesting that women can fit the model and ought to be given the social and educational resources to allow them to fit that model appears to exalt men by making women more like them. Emotion at least, appears to be put aside on favour of reason.

But it was the anti- slavery movement which provided ordinary, middle class women with both a public forum and a vital insight into their own situation. A key consciousness raising moment was the exclusion of women from effective participation in the world Anti- Slavery Convention in London in 1840. So they held a convention in Seneca Falls in America in 1848. The theme of the "Vindication of the Rights of Women" was taken up in the Declaration of Rights issued by the Seneca Fall Convention. The declaration demanded the rectification of the injustices and restoration to women of their full rights as citizens of the United States.

Another Liberal feminist was Margaret Fuller from New England. She wrote a book on "Women in the 19<sup>th</sup> Century" in 1845. According to her the fundamental need for women is freedom. Her need as woman is not to have power but for her nature to grow, for her intellect to develop and for her soul to live free and unimpeded. The aim is self-dependence to be attained through self- help and self-respect. The freedom of the universe to use is means, to learn its secret with God alone for guide and judge and thus to be dependent on no other human being. Woman like man is an infinite being, an end in herself and therefore must not be treated with an exclusive view to any one relation to herself as an end. As an infinite being she

is not made just for one relation or for several, but transcends all such specific relations. The ground of the claim to equal rights is that women is in her deepest nature an individual exactly like man , an individual soul, as Fuller calls it . This soul is of infinite value in women as well as in man and the basic conditions of its development and fulfillment are the same for both.

Like Wollstonecraft, however Fuller pays full respect to the traditional functions of woman in the home as wife and mother. She supposes that most women will remain within the inner circle of home. But this work must not be drudgery, occupying the whole of life , but must be only a part of life so that a woman is more than a wife and mother and is recognized and respected as a being of equal worth with her husband. Such quality will show itself in the first place in a household partnership , in which mutual esteem and practical kindness are expressed through the one partner's function as provider and others as house keeper. In the second place it will show itself in an intellectual companionship. This does not require an identical occupation but rather a harmony in difference which produce a community on inward life and perfect esteem. Finally, equality in marriage will show itself in a religious unity, a pilgrimage towards a common shrine. According to Fuller, the function of a mother is a sacred one.

Fuller's emphasis is on the necessity of for women not to be restricted by these roles. In accordance with her infinite nature she must have to the right to expand to transcend them by being more than mere wife and mother and for this she must have the right to expand and to develop her capacities in any direction to learn to stand on her own feet , to be self dependent.

But the most comprehensive argument for liberal Feminism emerged from the collaboration of John Stuart Mill and Harriet Taylor, notably in the long essay "On the Subjugation of Women"(1869). It became a landmark in the history of women's movement.



They made explicit the contraction between the democratic values of liberalism and the subordination of women.

Some general aspects of Mill's thoughts regarding women might be focused in to three basic categories: intellectual, economic, civil. Mill argues that women have not achieved the success that men not because women have a different moral or intellectual nature than men but because women have had fewer opportunities and inferior education. He notes that women have fewer experiences and less time than men.

Those limitations alone mean that women would not be able to participate in the arts and science at the same level as men. Mill blames the limited educational opportunities given to women for their seeming inferiority in society. The only way to discern whether men and women are by nature equal, according to Mill, is to give women equal education.

As Mill, was the utilization philosopher and member of British Parliament he put emphasis on the official capacity for right to of women to vote. Utilitarianism is a moral theory based on the idea that the best thing to do in any given situation is that which will bring about the greatest amount of good and the least amount of pain for all concerned. Extending the rights of citizenship to women would according to Mill maximize utility.

In economic matters, Mill held that women must be given equal opportunity in the public sphere. Women must be given access to all jobs. And in the civil sphere, he argued that women should have a voice in the formation of policy and law. True to this utilitarian philosophy, Mill articulated the possible benefits if women were given equality in education, civil life and economic opportunities. First, he suggested that equality in social life would ensure that the relation between a man and a woman would be more just. Mill thought that social changes would affect the courtship and marriage relations between men and women, and that women

would be less likely to subject to the unjust dictates of a spouse. Second, Mill noted that opening the intellectual, economic and civic roles to would women would effectively double the available talent in service to humanity. The third notable benefit of gender equality is that the happiness of women themselves would increase tremendously. Liberation of women is consistent with the utilitarian purpose, maximizing the pleasure and minimizing the pain for all in the society.

Mill did quite a lot to advocate for the liberation of women but while he wanted women to have access to the same opportunities as men, he also thought that wives should not have to work. Mill was a well known birth control and also suggested that men and women marry late in life, have children late and live in communities with extended families. These measures were to decrease the livelihood of divorce and to provide some stability for the children should there be a divorce. The extended community would remain a constant in the child's life even if the parents separated.

Harriet Taylor also wrote about the condition of women and advocated measures to ensure social and political equality. Like Mill, she argued that inequality between the sexes was due to society's customs and traditions. But unlike Mill, she advocated that women needed to work outside the home so that they would enjoy partnership in economic matters. Taylor also argued women must have the opportunity to remain unmarried. In contributing to the family financially, women would have more of a co-equal share in family decision. Finally Taylor also recognized the need for women to participate equally with men in shaping law and policy in the public sphere. But of course in order to do that, women needed to have their voice, heard and in modern democracy that power is most easily recognized in the ability to vote.

**Betty Friedan:**

The later liberal Feminism is Betty Friedan's work. *The Feminine Mystique* (1962) This work played an important role in reawaken among women, dissatisfaction with their position in society and giving new impetus to feminist movement. According to her if women are to realize their inherent worth as human beings, they must cease to identify themselves with their image as house wives and mothers and pursue careers in civil society. It is the image of women as essentially feminine and not as human beings, which is the feminine mystique that Friedan sets out to attack. The image is cultivated throughout women's education and in the media and is associated with life and mother. Women must reject the household image. But this rejection does not require them to give up their husband, home and children. They do not have to choose between marriage and career. Their activity outside the home however must not be a stop gap. It must be a serious career par of plan for the whole life and of real value to society. She recognizes the practical problems involved in combining a family with a serious career. But her general idea is that family must be conceived and ordered as part of her life plan of which a major part is the career. Babies must plan accordingly and arrangements for help with minding and rearing them must be made.

In a nutshell the main issues for liberals are equal pay equal educational and job opportunities and abolition of all legislation, which discriminates against women, abolition of sex role stereo types in the media and about women. In addition the liberal universally support the wider feminist demands for free abortion, contraception and child care improved maternity and health benefits stronger enforcement of the laws against sexual violence.

Liberal Feminism essentially claims that because women are rational being like men, they are entitled to same legal and political rights; Liberal feminists have therefore argued and campaigned over the last three hundred years for women's education, employment political

participation and full legal equality. Liberal Feminism concentrates on rights in the public sphere and does not analyze the power relationship that may exist within the home or private life, it assumes that the justices of its cause will ensure its success and that men will have no reason to oppose it. It argues that it is up to individual women to make the most of their opportunities once political and legal equality have been won.

#### **Critique of Liberal Feminism:**

1. The emphasis of liberal feminists on the priority of the individual over the community prevents the people from coming together.
2. The liberalist's equation of male with human being and male virtues with human virtue has three flaws. It claims that (i) Women can become like man if they set their minds to it. (ii) Most of women want to become like men and that (iii) all women should want to become like men. This view keeps men as the norm and standard of human nature,
3. The liberalist devaluation of body and the high valuation placed on mind leads to devaluation of bodily activities and functions with which women are associated in their daily life.

#### **1.5.2. Classical Marxist Feminism**

Classical Marxist Feminism is originated around the basic conflicts between capitalism versus gender oppression. Marxist Feminism combines the study of class with the analysis of gender capitalism is viewed.

The classical Marxist feminist views the oppression of women as historically and currently a direct result of the institution of private property. It can only be ended, therefore, by the abolition of that institution.

For Marxists, oppression is the chief characteristic of a society where a small class of individuals owns the means of and hence is able to dominate the lives of the majority who are forced to sell their labour power in order to survive . Women have an equal interest with men in eliminating such a class society. Marxist, more ever recognized that women suffer special forms of oppression to which men are not subject and hence, so far as this oppression is rooted in capitalism, women have additional reason to work for the overthrow of economic system.

Marxist feminists hold that women's oppression is the product of the political, social economic structures associated with capitalism.

Women's nature is framed by the dialectical inter relation between nature of women's work, their biological construction and their physical and social environment.

Marxist feminists engage themselves in relating women's suppression in to the kind of labour they perform, the ways in which the labour is organized, and the social relations that women form with each other through their labour and organization of labour.

Marxist feminist holds that it as the material conditions of life, rather than legal barriers, that inhibit women's freedom. Whereas liberal feminists identify legal, social and intellectual inequality as the roots of the oppression of women. Marxists feminists claim that capitalism causes women's oppressed situation in society. As their name indicates, Marxist feminists rely on and build on Marxist theory, class oppression for Marxists, is the foundation of all others forms of oppression and the most pervasive as well. The first and arguably most important Marxist feminist was Karl Marx's long time intellectual partner Friedrich Engel.

In the origin of the family private property and the state, "Friedrich Engel observe women's subordination is a form of oppression and serves the interests of the capitalism."

Engel suggests that women working in the household and men producing means of subsistence is natural. In the earliest days, this division of labour did not subordinate women to men. Each sex was dominant in its own sphere. Women might have been dominant because the household was the material foundation. Production and Consumption took place in the household . Engel concludes that women's supposed supremacy was destroyed by changes in production.

With the invention of agriculture and domestication of animals, the forces of production expanded resulting in the creation of surplus and accumulation. In proportion to the increase in wealth, men's position in the family become important than that of women. This simultaneously created an impulse in men to bequeath the accumulated wealth on their children. Monogamy ensured that children born were theirs.

Engel is convinced that in monogamous marriages, the mother right was overthrown and " the overthrow of mother right was the first historic defeat of female sex. Engel believes that as monogamous is the primary institution that keeps women subjugated and economically independent on their husband, only with the abolition of monogamous marriage, women will be liberated. Marxist conclude that in order to liberate women from monogamy it is necessary to end capitalism as capitalism has made of family a basic institutional support.

The Marxist feminists believe that working class women are not suppressed in the same way as the bourgeois women. The women working in industry outside is often the bread winner of the family and therefore she is not under the male supremacy. But women of the capitalist class confined within the household, are not independent of capitalist men. The Marxists reflect that women's subordination results not from biology but from the social phenomenon of class. Hence they suggest that the first condition for the liberation of women is to bring the whole female sex back in to public industry.

Women along with men will become a collective working group, develop class consciousness which will ultimately overthrow capitalism.

Subsequent Marxist feminists have continued Engel's line of argument by looking at women's role within capitalism today. One of the most important contemporary Marxist feminist argument is over wages for home work. Capitalism relies on a class of people doing 'reproductive' labour that is unremunerated (including everything from bearing and raising children to making lunches, mending socks and caring for the elderly). Marxist feminists have variously argued that this work done in the reproductive sphere be valued as productive and paid or be socialized so that women are not relegated to this unpaid work force.

Power of women depend on the side of production. Prior to industrial capitalism, the family or household was the site of production. In a capitalist society, production shifted to outside. Whatever work was carried within the household by women was trivialized and considered not as real work. Engel observed that to regard women's work in the family as non productive when compared to men's work outside is a failure to understand what the term production means. This again is of a two fold character on the one side, the production of the means of existence of food, clothing and shelter and the tools necessary for the production on the other side the production of human beings themselves, the propagation of the species.

In order to facilitate women's entry in to the public industry, socialization of house work and child rearing is advocated as a liberating strategy. Mary Benston argued that women constitute a class responsible for the production of simple use value in those activities associated with the home and family. Just because women do not sell the products of their labour, their work is no less difficult. Entry in to public industry as suggested by some, may not be leading to liberation. Rather, it results in dual career, women work outside as well as carry out their responsibilities in the family. As long as work in

the home remains a matter of private production and is the responsibility of women they will carry a double work-load.” Hence the need to socialize the jobs of cooking, cleaning and childcare. Such a socialization will make every one realize the difficult domestic work as and will no longer oppress women. For Benston, socialization of private housekeeping and childcare is the single factor to end women’s oppression.

A few other like Dalla Costa and James campaign for wages for housework. Such wages need to be paid by the state in the form of welfare payments to mother for the work they do in the family. Some Marxist feminists argue against waged housework as the scheme would encourage women to become and remain housewives. Secondly, by demanding wages for house work, the housewife would be contributing to capitalist tendency to commodity every thing including family relationship.

### **Critique of Marxist Feminism:**

Marxist feminists explain how capitalism caused the separation of the work place from the homestead and why homestead activities were devalued. But they have failed to explain why capitalism assigned women to the homestead and men to the workplace.

Alison Jaggar comments that the focus of Marxism on the ‘masculine sphere’ of commodity production as the main stage of history excludes women’s work and especially their procreative work from the category of labour.

### **Conclusion:**

Marxist feminist hold the view that the mode of production determines lives of women within their households and also fix their position in the social system. Hence they hope that if women’s function and status are changed in the workplace their function and status in the household will also change in the future.



### **1.5.3.Radical Feminism:**

Radical means “going to the roots”. The radicalists claim that women’s oppression is the root form of every other kind of oppression and reproduction is the cause of women’s oppression.

For radical feminists women’s oppression is the most fundamental form of oppression. It means that

(a) women were historically the first oppressed group.

(b) Women’s oppression is the most widespread, existing in virtually every known society.

(c) Women’s oppression is the deepest and hardest form of oppression to eradicate and can not be removed by other social changes such as the abolition of class society.

(d) Women’s oppression causes the most suffering to its victims, qualitatively as well as quantitatively although due to the sexist prejudices of both the oppressions and the victims, the sufferings often go unnoticed.

(e) Women’s oppression provides a conceptual model for understanding all other forms of oppression.

Marxist feminists blame capitalism for the oppression of women but there is another ideological system that many feminists believe is even more fundamental and pernicious :

Patriarchy. Generally speaking, Patriarchy denotes a social organization that systematically oppress women and benefits men. The origin of the word meaning rule by the father, is in political theory but radical feminist mean more than the political organization of society when they use the word.

Patriarchy means a whole network or system of control of women and women's bodies by men. It is power structure that identifies women on the basis of their biological sex and in particular, their reproductive abilities. Radical feminists see the root of female oppression as sex based child bearing and child rearing roles and the identification of women with their sexualized bodies. Radical feminist hold that as the women bear children they have been relegated to the private sphere of the family or domestic life they are held responsible for reproduction which is the major cause of oppression and the sexual intercourse is defined by the pleasure of men. Monogamous heterosexuality, accordingly, is an enforced norm rather than a free choice. It is used as an ideological tool to keep women subservient to men socially and ensure men's power over women's sexuality.

### **Biological Revolution:**

Radical feminists suggest a number of possible solutions to this oppression and most are, well, quite radical. By proposing extreme solutions to the problem of the oppression of women, radical feminists provoke us to think more imaginatively about our social interactions and gender roles. Radicalists argue that if we want to understand why women are subordinate to men, we require a biological explanation and not an economic explanation as given by Marxists. As economic oppression require economic revolution and biological oppression similarly requires biological revolution. An economic revolution results when workers could seize the means of production. Likewise, women must seize the means of reproduction. The Marxist ultimate goal of revolution is a class less society. Comparably radicalists aim at an androgynous society to obliterate sexual society.

### **Reproduction controlling Technologies as Solution:**

One section of radical feminists of whose views Shulamith Firestone is a powerful exponent, believe that women will be liberated from sexuality through reproduction controlling technologies.

With the use of the reproductive controlling technologies, the woman begets a child need not bear it, and a woman who bears a child need not rear it. Technology has made it possible for a woman to beget a child in vitro and bring it to full term eutero. Thus, a woman's role is not different from men's in the reproductive process. Ovum will be donated by the women to egg banks and sperm by men to sperm banks. After the in vitro union of ovum and sperm the resulting embryo will be gestated outside of the womb in an artificial placenta. When the foetus reaches full term, any male or female will be able to take care of the child.

If women no longer have to reproduce, the primary need to keep them at home disappears. Biological family will meet its demise and put an end to family as an economic unit.

Reproduction controlling technologies are expected to create an androgynous culture by eliminating all contradictions. In Kate Millet's Vision, the androgynous future will combine the best complementary qualities of men and women- men's strength and women's compassion. As a result,

- (a) sexual roles will be eliminated if different reproductive roles of men and women are eliminated.
- (b) Artificial reproduction such as artificial insemination, invitro fertilization, embryo transfer, surrogate motherhood will eliminate the need for a biological family
- (c) Family as a biological and an economic unit will be abolished through reproduction controlling technologies.

- (d) biology sexual division of labour which has served capitalism in confining women to the private realm will be abolished. If women no longer have to reproduce, the rationale for their confinement will disappear.

**Reproduction as a source of women's liberation:**

Feminists like Adrienne Rich form a group of radicalists who consider the biology which is the source of a woman's oppression is also her source of liberation. To this group of radical feminists, men exercise control over women's reproductive labour power and products of the labour power, because of following reasons:

- (i) men are alienated from reproduction as they do not experience the spatial and temporal continuity that a woman experiences when she carries the child for ten months in her womb.
- (ii) The fundamental labour of reproduction ie, pregnancy and birth of the child is peculiarly women's.
- (iii) Men's connection to the child is not known while the mother's connection to a child is known.

Feminists like Andrea Dworkin, Margaret Atwood, Gena Corea and Robyn Rowland are of the view that reproductive aiding technologies threaten women as guinea pigs and turn the womb into a province of experimenters who control it.

**Motherhood** – Adrienne Rich holds that motherhood is power because “all human life on the planet is born of women.”

Men did not allow women to enjoy motherhood. They wrote rules for women for being pregnant and for birthing children.

When to eat, when to sleep, when to exercise and how to feel during the process of child birth were told by men to women. Thus, lived- experiences are restricted for women and become alienating experiences. Adrienne Rich speaks of experiencing biological motherhood.

In order to live a fully human life we require not only control of our bodies (through control is a prerequisite), but must touch the unity and resonance of our physicality, our bond with the natural order, the corporeal ground of our intelligence. But, Ann Oakley has a different view. She considers that motherhood is a need their children, and all children need their mothers. Motherhood is a process of socialization and women are conditioned to be mothers culturally and socially.

The ability to mother is learned. The assumption that children need their mothers is falsified by the fact that social mothers are as effective as biological mothers. What the child needs is someone with whom it can establish intimate relationship. The radical feminists consider that one-to-one child rearing is not better than multiple mothering as one witnessed in extended families.

### **Celebration of female values:**

The French feminists like Marilyn French argue for regeneration of feminine values and rectification of masculine values. The masculine values reinforced in patriarchal society have separated humans from nature physically and psychologically in the desire to control and destroy. Man's desire to control woman too increased via her reproductive role. Patriarchy signifies both the control of nature and women. Male values have

resulted in alienation that leads to hostility, fear and enmity at large. Hence they advocate the resurgence of feminine values such as nurturance, compassion and love. 21<sup>st</sup> century should be a lead from power- over to pleasure with. This will be possible only when "love and compassion and nutritive ness equally with control and structure, possessiveness and status".

### **Critique of Radical Feminism:**

The radical feminist claim that male dominance has a universal character. Men dominate women through a variety of social structures which vary both across and even within cultures. Thus generalizations about women and women's situation is an attempt to abstract patriarchy from specific social practices.

### **1.5.4.Socialist Feminism:**

Socialist Feminism is an offshoot of the contemporary women's liberation movement. It attempts to reinterpret the Marxist historical materialist method and applies it to the issues underscored by radical feminists. It views human biology as being, in part, socially constructed. Biology is "gendered" as well as sexed. Socialist Feminism therefore, sets itself to provide a historical materialist account of the relationship between our "inner" lives and our social praxis.

### **'Gender' and 'Class' as Tools:**

According to the feminists, Marxist categories are sex-blind . Marxist analysis gives no clues about why particular people fill particular places; why women are confined to the household and men to the work place and why women are subordinate to men inside and outside the family and why it is

not the other way round. The socialist feminist have a quarrel equally with radical Feminism which considers patriarchy or dominance of men as a class over women as a class as a universal phenomenon.

Socialist feminist supplement the analytical tool of class with the additional conceptual tool of gender. They perceive that human productive activity is organized in variably around a sexual division of labour. The specific form of the sexual division of labour at a particular historical context contributes to our understanding of human nature.

In their inclusion of gender and class and patriarchy and capitalism, socialism, feminists have developed two different approaches: dual-systems theory and unified systems theory.

### **Dual System Theory:**

A group of Socialists feminists hold that patriarchy and socialism are two distinct forms of social relation with distinct sets of interests. When they intersect, they oppress women in egregious ways. Therefore, dual-systems theorists analyse 'patriarchy' and 'capitalism' as separate phenomenon and then relate them dialectically.

Juliet Mitchell in her work Women's Estate defines woman's status and function as jointly determined by her role in production and reproduction, socialization of children and sexuality. She views the ideological mode of patriarchy and the economic mode of capitalism as two separate spheres. She advocates Marxists or material strategies to overthrow capitalism and psychoanalytic or non material strategies to overthrow patriarchy as defeat of capitalism should be accompanied by the defeat of patriarchy.

Juliet Mitchell speculates the women have not progress in the areas of production, reproduction, and the socialization of children. With regard to production, women are bound by the

casual chain- maturity, family, absence of production and public life and sexual inequality. As far as socialization of children is concerned, women are making mothering a full time job.

Juliet Mitchell was convinced that the causes of women's oppression are buried very deep in the human psyche. Social programmes might change the "expression of femininity", but not the position of women. It does not change unless female and male psychology are freed from the phallic symbol, the supremacy of the male.

### **Unified Systems Theory:**

To the unified systems theorists, capitalism and patriarchy are not separate systems of society. Capitalism will always be essentially and fundamentally a patriarchy.

The unified systems theory holds that gender division of labour is a better category of analysis than the Marxists use of class. A division-of-labour analysis requires a detailed concrete discussion about who gives the orders, who takes them, who does the drudgery, whose work is stimulating, who is paid more, and who gets paid less. It is always women who are paid low and do the drudgery.

To the unified systems theorists, capitalism is not a separate system from patriarchy. Young observed that class structure un capitalism was there before in feudalism. As social structures changed, feudal class system was replaced by new ones. The concept of class is a legacy from precapitalist arrangements. Class is a process, and likewise, male domination also changes according to the prevailing economic system. Today, women experience patriarchy in many different forms such as unequal wages for equal work, sexual harassment, uncompensated domestic work, etc. Class and gender are intertwined and grow together.



To the socialist feminist like Alison Jaggar, our daily lives should be incorporated with feminist values of “ equality, cooperation, sharing, political commitment, freedom from sexual stereotyping and freedom from personal possessiveness”.

Socialist feminists hold that experiences of all women must be taken in to account and the experiences of one group of women should not be valorised. Unified theory should not delete the differences that exist among women.

### **Productive Activity:**

Productive activity means to socialist feminist the historically determined character of the production of goods and services as well as the production of sexuality. They go beyond the Marxist meaning of the economy and include activities which go beyond the exchange of money. When the productive activity, they include the procreative and sexual work done by women in the private world of home.

Social as well as technological preconditions exist for the free development of human sexual and procreative potentialities. The activities are no more biologically determined but are equally capable of social development. They vary from one society to the next.

### **Freedom:**

For the liberal Feminism, freedom lies primarily in the private realm outside the scope of state regulation. Traditional Marxism holds that freedom exists in the public realm. But, social Feminism conceives freedom as that which transcends the realm of necessity in every area of human life, including sexuality and procreation. Respect for non-human nature has always been an important value of radical Feminism.

One of the key differences between radical, Marxist, and socialist Feminism is just how they understand the cause or roots of the oppression of women. Radical feminists say the oppression is due

to women's biological role in reproduction or women's place in a sex divided society: Marxist feminists say it is capitalism: and socialist feminists say both are true and then try to discern how capitalism and patriarchy are connected. Of course the connection might be deep down and some socialist feminists opt to seek the 'unifying concept'. Some underlying thing that not only links capitalism and patriarchy but perhaps explains all forms of oppression. If we imagine that each form of oppression is a branch of a very large tree, then when we recognize the 'unifying concept' we thereby can understand better the conceptual structure of oppression, and we can tear out all oppression by its roots rather than continuing to trim away at branches that seemingly continue to grow and even flourish in spite of near constant attack. A number of contenders for the unifying conceptual structure of oppression, and we can tear out all oppression by its roots rather than continuing to trim away at branches that seemingly continue to grow and even flourish in spite of near constant attack. A number of contenders for the unifying concept have been discussed in feminist literature. One is the 'division of labour.' This makes sense because both patriarchy and capitalism employ some sort of division of labour whether it is based on sex or class. Though, of course, there are limits to the gender division of labour. Other possibilities for a unifying concept are 'systems of domination,' 'alienation,' and 'either/or dichotomous thinking.' Each of these is evident in all forms of oppression, albeit in different ways. But, as with the gender division of labour, there might also be problems with each of these. As critical project, Feminism has to not only make proposals but also scrutinize those proposals for their strengths and weakness.

Some socialist feminists argue that capitalism and patriarchy are indistinguishable. Heidi Hartmann, for instance, famously argues that patriarchy is a material condition or economic relation that serves the collective foot of men dominating women. She claims that the sexual division of labour, which mandates that women care for children and men work in the public sphere, maintains women's subordination in all aspects of society. Accordingly, fighting patriarchy will be unsuccessful unless capitalism is also overthrown.

Other socialist feminists consider capitalism and patriarchy two different ideological systems that run parallel to each other. Each oppresses women in different ways and each requires different approaches for overcoming that oppression. For instance, one might analyze sexism much like the radical feminist nothing the biological roots of women's role in the family and exclusion from public and political activities. That same feminist might see capitalism as accounting for some of the economic exploitation of the work that women do in the home. In other words, women's reproductive capacity as well as capitalism's reliance on a large unpaid work force combine to create the oppression of women.

The solutions proposed by socialist feminists vary but they are united in their effort to transform or end capitalism and patriarchy. At times, the proposals to end oppression are more revolutionary than others but socialist feminists generally agree that challenging patriarchy without challenging the class division without addressing sex based divisions will not adequately alleviate the oppression of women. They also tend to agree that it is counterproductive for feminists to argue over which form of oppression is worse or which form ought to take precedence. Instead, as the unifying concept shows, socialist Feminism argues that all forms of oppression are interrelated or interconnected.

Women's liberation, indeed all liberation, for the socialist feminist is understood as freedom from the social and historical class and gender roles. But even beyond that, socialist feminists emphasize the self-determination of each individual within a community. There is a balance between the individual and the community. Both are important and individual rights should not trump communal obligations. One assumption here is that individuals already are in community. Human beings are biological creatures whose identities or natures are influenced by the community within which they live as well as their physical being and environmental context. Metaphysical and epistemological claims about women must take this conglomeration of influences into account. This is quite different from liberal Feminism which maintains that objectivity in science and knowledge is possible.

**Unit II**  
**Indian Women and Society-I**

**Contents**

**SOCIAL SYSTEM**

**2.1.Definition:**

**2.2.Elements of social system**

**2.3.Characteristics of Social System**

**2.4.The family**

**2.4.1.Structural Features of Joint Households**

**2.4.2.Functional Elements of joints Household in India**

**2.4.3.Function of the joint family**

**2.4.4.Dysfunctions of the Joint Family**

**2.5. Women and Work**

**2.5.1.Meaning and Definition**

### **2.5.2. Gender Division of labour**

### **2.5.3. Job Segregation**

## **2.6. Policy and its Impact on women**

## **2.7. Globalization: The Indian Scene**

## **2.8. Women and Employment**

## **2.9. Women Entrepreneur**

### **2.9.1. Defining Entrepreneur:**

### **2.9.2. The concept of women entrepreneurship**

### **2.9.3. Function and role of women entrepreneurs.**

### **2.9.4. Growth of women entrepreneurship.**

### **2.9.5. Rural Women Entrepreneurship**

### **2.9.6. Problems of Women Entrepreneur**

## **2.10. The concept of Child labour**

### **2.10.1. Plight of child labour.**

### **2.10.2. Governmental Intervention:**

### **2.10.3. Constitutional Provisions to Safeguard the welfare of the Children**

## **2.11. Conclusion and Suggestions**

## **Social System**

### **2.1. Definition:**

The concept of social system is closely related to the concept of social structure. According to Loomis, the social system is composed of the patterned interaction of members. It is constituted of the interaction of a plurality of individual actors whose relations to each other are mutually oriented through the definition and mediation of a pattern of structured and shared symbols and expectation." It is the patterned social relations and the social processes which determine the nature of social system.

### **2.2. Elements of social system**

(1) Belief (Knowledge); (2) Sentiment; (3) End, Goal, or Objective; (4) Norm; (5) Status-role (Position); (6) rank; (7) Power; (8) Sanction; and (9) Facility. A brief description of these elements follows :

(1) **Belief and Knowledge.** Any proposition about any aspect of the universe that is accepted as true may be called a belief. According to D. Krech and R. S. Crutchfield. "A belief is an enduring organization of perception and cognitions about some aspect of individual's world. A belief may be true or false. It can also be verifiable or not. But the people who hold it consider it to be true. Belief furnishes the cognitive basis for social action. The significance of beliefs is not determined by the objective truth or falsity of the belief.

(2) **Sentiment.** Closely related to belief is the element of sentiment. Sentiment represents "what we feel" about the world. Sentiment is the chief element articulated in the internal pattern of a social system. The sentiments as expressed in the internal pattern result form both externally patterned and internally patterned social interaction. The sentiments of the external pattern are those which members bring from outside. Sentiments are acquired. They are the product of experience and cultural conditioning. Our cultural values and social goals influence and control our sentiments. The sentiments of love, hatred, benevolence, charity, nationalism. Internationalism etc. are created by our cultural conditioning. The sentiments maybe of various kinds, intellectual, ethical, aesthetic, religious etc.

(3) **End goal or objective.** The end, goal or objective creates the social system. The members of a social system expect to accomplish a particular end or objective through appropriate interaction. Had there been no human needs, goals or ends, there would have been no society. The goals and ends determine the nature of social system.

(4) **Norm.** Norms are the standards for determining what is right and wrong, appropriate, just and unjust, good and bad in social relationships. Every social system is possessed of its norms which the individuals are obliged to observe some norms are general and may not be violated by anyone, others apply only to particular individuals and status roles within the system. Particular norms may be especially crucial for special social systems. The norm of "efficiency" is of great importance in the economic system. The norm of "fair play" is of importance in athletic activity. The concept of social system implies order. Hence a major criterion for delineating a social system is simply the existence of consensus with respect to the appropriate ways of behavior.

(5) **Status-role.** Status is the position which an individual has in society. In a social system each individual has a status. The place in a particular system which a certain individual occupies at a particular time is his status with reference to that system. The element of status is found in every social system. In the family there are the statuses of father, mother, son, daughter, etc. likewise there are statuses in a club, school, union or factory. The status of an individual may be ascribed or achieved. The ascribed status is one which an individual gets at his birth. It is conferred to him by his group or society. It may be based on sex, age, caste or colour.

(6) **Rank.** Rank as used here is equivalent to "standing" It includes the importance an individual has for the system in which the rank is accorded. It is determined by the evaluation placed upon the individual and his acts in accordance with the norms and standards of the system. A political leader enjoys higher rank than a teacher in modern society whereas in ancient times the teacher enjoyed higher rank than that of even the king.

(7) **Power.** Power refers to the capacity to control others. Conflicts among the different parts of the social system. Such conflict is harmful for the social system can take place anytime. Thus there may arise a dispute between the students and teachers which is harmful for the efficiency of the institution. Some power should exist with the capacity to control both the teachers and students. Such power is vested in the principal. Thus each social system gives power to some individual or body of individuals to remove tensions within the system.

(8) **Sanction.** Sanction refers to the rewards and penalties given out by the members of social system as a device for inducing conformity to its norms and ends. Sanctions can be positive or negative. The positive sanctions are the rewards which may includes wages, Profits, interest, esteem, praise, privileges etc. and the negative sanctions are the penalties and punishments.

(9) **Facility.** A facility has been defined as a means used to attain ends within the system. It is necessary that the individuals in a social system should be provided with adequate facilities to enable them to perform their roles efficiently. Role denotes functional significance of the actor for the social system whereas status denotes his place in the social system. An actor has a high or low status in a social system and he has a definite role to play. In a social system there are differentiated roles which are integrated together. The actors are distributed between the various roles in the social system. This process of distribution has been called as 'allocation' by Parsons. For a proper functioning of the social system, there must be proper allocation of roles between the actors.

### **PRE-REQUISITES OF SOCIAL SYSTEM**

There are certain pre-requisites of a harmonious and active social system. It need no emphasis that there should be harmony in a social system. A tension ridden social system cannot function efficiently. Just as an organism can work as a healthy body only if there is no disorder in its parts or there is no diseased part. Similarly a social system can function efficiently only if there is order among its parts and these parts remain active. The essential pre-requisites of a healthy social system can be classified into three kinds :

(1) Biological pre-requisites.

(2) Functional pre-requisites.

(3) Cultural pre-requisites.

(1) **Biological pre- requisites**, these are the following :

(a) Adequate number of people,

(b) (b) A definite system of procreation.

There should be sufficient number of people in a social system so that it may function efficiently. But the number should not be too much. Overpopulation is an evil. The number of people in a social system

should be neither too less nor too many. Moreover a social system should ensure a definite system of procreation to maintain its continuity. There should not be an exceedingly high death rate.

(2) **Functional Pre-requisites.** Functional pre-requisites are those pre-requisites which are concerned with the functions of the members of the social system. These are :

(a) **Obedience to social norms.** Each social system has some norms of conduct. There can be no normless society. The norms are the socially approved ways of behavior which the members of a social system are required to observe. If these are violated. Social system cannot function efficiently.

(b) **Mechanism of Social Control.** Since some individuals in society violate its norms. Therefore, it is essential that requisite mechanisms be provided whereby the individuals may be compelled to observe these norms and the social system may function in a satisfactory manner. The mechanisms of social control may be formal and informal.

(c) **Interest towards positive Action.** The actors should willingly accept the social system. They should have no resentment against it. They should evince keen interest towards positive action :

(3) **Cultural Pre-requisites.** these pre-requisites are :

(a) **Language.** The members of a social system should possess a meaningful language to communicate and express themselves. No social system can operate without language. The importance of language has already been explained in chapter.

(b) **Symbols.** The symbol also have a significant place in social system. According to Piper. "A symbol is essentially a material object or process which stands for a meaning beyond bare sensation. It represents man's supplement to animal response and signalized his entrance to the space less, transcendental world of meaning". A symbol is an object representing an invisible abstract and inaudible object. For example, God is represented by an idol. The lion represents bravery, the fox represents cunningness. The tribes, clans and nations adopt symbols which have importance in their individual and social life. The flag is a symbol of the nation. A leaf, a flower, an animal can become a symbol of a social system. A symbol must not be arbitrary but must be natural, i.e., it must convey as well as illuminate the idea.

(c) **System of communication.** Lastly, every social system should have a system of communication. Social interaction acts through communication. The means of communication may be language, script, gesture, symbols, telephone etc.

### **2.3.Characteristics of Social System :**

Following are the characteristics of Social System on the basis of the definition given by Parsons.

**Integration of Plurality of Individual** – According to Parsons Social System originates through interactions between plurality of individual actors. Thus human interaction are essentially involved in Social System.



Parsons has used 'actor' in a specific sense, he sees actor not in the sense of logical organism but Action System. This action system may be of the individual or the group. The integrated whole of the action systems of more than one individual or groups is called Social System. When the interactions between the action systems of some individuals or groups result in specific patterns and organized or balanced relations we call that state Social System. Different expressions of organized and balanced forms resulted by the interactions of action systems of individual actors or collectivities are Social System. Social System is the system of inter-relations of human interactions.

**System Boundary** – In the concept of system given by Parson the consideration of boundary is involved. Boundary indicates towards separation of the system from other systems. Boundary is the line on the basis of which one system is seen differently from the other systems or environment. This separates the structure of roles of one systems from others. System boundaries present differences between internal structures and processes of different systems. Social system is an integrated structure of roles and interactions. Every social system has its own specific role, structure which is different from that of other systems. System boundary tells the differences in different role structures. According to Parsons, we can not identify any social structure or role structure unless we know how it is different from other. Without boundary it is difficult to identify social structures....a theoretically and empirically significant difference between structures and processes internal to the system and those external to it exists and tends to be maintained. In so far, boundaries in this sense did not exist, it is not possible to identify a set of independent phenomena as a system – it is merged in some other more exclusive system.

**Integration and differentiation** – Social system is that system of activity of individuals whose major units are roles and role sets. Social system differentiated activities which is organized in the form of differentiated roles. Internal differentiation is the basic strait of all systems. Integration is essential for internal differentiation.

The above statement of Parsons stresses that in every system integration and differentiation of role is an essential requirement. It may be understood thus. In no society roles of all individuals are same. There is difference in them, i.e. in every society differentiation of roles is there. Parsons explains the differentiation of roles in these words "when out of several actors some actor is oriented towards his own need disposition in certain circumstances then certain facts necessarily emerge." This fact is role differentiation. In no society socially or non socially valued objects of utility are found in large measure so as to fulfill the need dispositions of all. In this situation there is the problem of judicious distribution of these things. According to Parsons this is the elementary problem generating interaction, between two or more actors.

**Equilibrium** – Social system is a balanced state of role, role expectations and need satisfactions. Social system can not exist without equilibrium. Equilibrium is of two types: internal. Equilibrium in the total system is generated out of the input output equilibrium of internal parts of a subsystem, Every system has to adopt according to its environment. Environment includes physical environment and adjoining system. For the existence of the system equilibrium is needed in internal component but it is needed in physical environment and adjoining system also.

According to Parsons in a social system not one but various kinds of equilibrium are obtained. Social system is a state of 'equilibria' and not 'equilibrium'. In a social system there are several subsystems which go on with several kinds of give and take. Each give and take is a separate equilibrium. Apart from it each subsystem is an equilibrium of its internal parts. An extended whole equilibrium composed of these equilibria is termed as social system by Parsons. In his words the social system's own equilibrium is itself made up of many sub-equilibrium within and cutting across one another, with numerous personality systems more or less in internal equilibrium, making up different equilibrated system such as kinship, groups social strata, churches sects, economic enterprises and governmental bodies. All enter into a huge moving equilibrium...." it is obvious that in such a system equilibrium spoiled at one place would disturb it elsewhere also.

**Self Sustenance** – Every social system is self sustained, i.e. (external factor do not contribute) in its stability and continuity. It does not depend on external powers for stability but there are mechanisms inside that not only provide equilibrium but are also helpful in adjustment with external forces of change also.

**Inter-relationship with Personality System** – Social system is inter-related to personality system. Social system is composed of individual acts. They make personality system also. Thus the same basic elements make the two. Both of them are empirical action-system in which motivational and cultural elements combine,. In spite of similarities the two systems are different. Though both are products of interactional systems but the organization and functional foci of the two is different. While the focal point for personality organization is living organism, it is roles for social system. Personality system is an organization of motivations while social system is an organization of roles. The two systems are closely inter-related. Cultural system mediated for establishing inter-relationship in the two systems.

**Inter-Relationship with Cultural System** – Social system is closely related to cultural system. Culture apart from determining the forms and directions of interactions and inter-relations of individuals handles traditions, customs, folkway and religion possibilities of conflict minimization and equilibrium development.

**Physical or Environmental Aspect** – Every social system has a physical or environmental aspect, i.e. it is related to a geographical areas, a time period and a society. Social system is not the same at all times and places. Place, time and differences of society differentiate between social systems. Social system is system of interrelations which has definite relationship with total environment. Because of development of means of transportation and communication the scope of total environment has expanded. A change in any part of the world influences all social systems. The relationship of social system with environment indicates towards its dynamism and change. In every social system there is the tendency of adjustment with environment as a result of it the change in environment is adjusted.

### **Units of Social System**

Before analyzing structural functional aspects of social system it is essential to understand its units. Parsons gives four fundamental units :

**(1) Act** – For Parsons the most fundamental unit of social system is Act. Because social system is an organized form of action-elements related interactional patterns of continuity or change of systematic processes of individual or plurality of actors. In other words, according to Parsons, “social system is composed of action-elements” but in this reference it should be remembered that “action is the unit of the social system only to the extent to which it is part of the process of interaction between its actors and other actors”, To Parson’s this statement means that action should be taken as a part of human interaction and only in this way it is a unit of social system.

**(2) Status Role** – According to Parsons second unit of social system is status role. It is a higher level hence for extend analysis this unit should be used. Social system is a system of interactional processed among actors, hence social system is structured as a result of relation of the interactional processes. We would see later that the structured form of interrelations resulting out of interactions between actors is known as status role.

Every individual actor participates in several interactional relations. Actors participation in patterned interactional relation is the most important unit of social system. By status role Parsons means the structured patterned interactive relationships.

The part that the actor plays in structured or patterned interactional relationship has two important aspects. Positional aspect and processual aspect. Positional aspect is the relative status of the actor vis a vis other actors. We call it status. In other words the place of the actor in the relational system in the structure.

The other aspect of actors role in structural relationship is processual aspect. Processual aspect are those acts which the actor does vis a vis other actors in reference to processual significance. It is known as his role. In other words roles are those acts which the actor towards other individuals and which have some relationship with the processual needs of the social system.

In reality in one way each actor is an alter for other actors and his own orientation. The actor is oriented towards the alter and the self. As an alter he seeks importance for himself in the social system we shall call it his status significance. In other words if an actor in the social relationship system become significant object of orientation or secures some specific place for himself, it is the significance of his status. On the other hand an actor is oriented towards others as an alter. This we call his ‘ego’ aspect. He acts on ‘ego’ he is not an alter. His action on ‘ego’ is his role. ‘status’ and ‘Role’ are not the characteristics of the actor. They are the units of social system.

**(3) Actor** – The third unit of social system according to Parson is ‘actor’ himself. It is a unit of higher order than status role. An individual actor by virtue of acquiring a status and fulfilling a role becomes an important point reference. As a unit of social system the actor should be treated along with status role combined. At the same time he should be understood as an individual since personality is an action system.

**(4) Collectivity** – ‘Collectivity’ is also a unit of social system as an actor. It has two aspects ‘ego’ and ‘alter’ while the collectivity as an actor is oriented towards ‘others’ and ‘self’ it also serves as an ‘object’ for others.

### **MECHANISMS OF SOCIAL SYSTEM**

Social system is a system of interdependent action processes. Our knowledge of individuals informs us that there are tendencies in the individuals to alter established status of social system which disturb the stabilized or equilibrated interaction process. It is therefore, of utmost importance that requisite mechanism be applied for maintaining the equilibrium between the various processes of social interaction so that the social system may function in a satisfactory manner. These mechanisms have been classified by Parsons into two categories.

- (1) Mechanisms of socialization, and
- (2) Mechanisms of social control.

Socialization is a process of learning whereby an individual acquires the requisite orientations for satisfactory functioning in a role. The process of socialization develops a child into a functioning member of society. He adjusts himself with the social situations conforming with social norms, values and standards. But the process of socialization is not confined to the child alone. It goes on throughout life. The case of socialization on the child is singled out because it is in childhood that the major value orientation patterns are laid down which are not subject to drastic alteration during adult life. Socialization takes place through various motivation processes which may be called the mechanisms of socialization. Parsons has mentioned five mechanisms of socialization. These are re-enforcement extinction, inhibition, substitution, imitation and identification.

Social control consists of the mechanisms whereby the society moulds its members to conform to the approved pattern of social behavior. It is evident that there are tendencies in the actor to deviate from the conformity with the normative standards. Such deviance may disintegrate the social system. Through the mechanism of social control the actor is motivated to abandon his deviance and resume conformity. It may be mentioned that the conceptions of deviance and conformity are highly complex because it is not always possible to make a judgment of deviance without specific reference to the system to which it applies. Moreover, the structure of normative patterns is always intricate and usually far from being fully integrated. Nevertheless, the fact remains that all social action is normatively oriented and all the actors must conform to the social norms to maintain an integrated and equilibrated interactive system. According to Parson “The most fundamental mechanisms of social control are to be found in the normal processes of interaction in an institutionally integrated social system”. Thus institutionalization is one of the primary means for social control through which the different activities and relationships are co-ordinate to minimize conflicts on the social level. A proper institutionalization of ‘time scheduled’ for different activities and of priorities can minimize source of serious potential conflict.

## **2.4.THE FAMILY**

Family is a basic and universal unit of human society. It performs functions that are necessary for the continuity integration and development of social life. In most traditional societies family has been the unit of social, cultural religious. economic and political activities and organizations. In modern industrial societies, the family performs primarily the functions of reproduction, socialization and provision of emotional satisfaction.

Sociologists talk about family in two senses. It can refer to (i) to an empirical entity of a specific type, and (ii) to an analytical concept. The empirical type of family varies from community to community and region to region. As an analytical concept, family is a universal institution. It refers to groups composed of parents and children. If parents live with their immature – economically and emotionally dependent, usually unmarried – children, it is called nuclear or elementary family. If parents live with their mature children and their spouses, it is called joint family. Family as an analytical concept is primarily concerned with legitimate mating and sanctioned procreation in all human societies. In modern industrial and urban societies family provides the chief principle of kin-group formation. In traditional societies, however the family is dominated by principles of kinship organization and ties of filiations or blood relationships.

The group formed around the primacy of marriage is composed of spouses and dependent children. It is called nuclear or conjugal family. It is upon the conjugal relation that the solidarity of elementary family depends. The solidarity of joint family depends. The solidarity of joint family depends primarily on the mutual trust among family members.

Sociologists also talk about patrilineal and matrilineal families. A patrilineal family is consulted by the children of the 'father' and children are known by the make of the father. After marriage the daughter goes to live with her husband and the spouse of the male child comes to live with her husband's family. Family property is primarily transmitted from father to son. A matrilineal family is constituted by the descendents of the 'mother' and children are known by name of the mother. After marriage the husband may go to live with his wife and her family or, in some societies, stay with his sister. The family property is transmitted from the mother to the daughter but it is usually managed by the mother's brother. The management right is transferred from the mother's brother to the sister's son. Patrilineal families may be either nuclear or joint but matrilineal families are mostly joint.

### **The Family In India**

According to I.P. Desalt the concept of family as nuclear family is still not an Indian concept. To an Indian a family is that which is the joint family in English. Sociologist like A.M. Shah have differentiated between joint family as a residential household. In traditional India nuclear households did exist but nuclear family was not the cultural norm. Joint family, remained for most Indians, the ideal pattern of family life.

Contemporary sociologists have reported from different regions of India that nuclear family or household is merely a stage in the development cycle of the joint family. Households in India develop

into joint and nuclear structures in a cyclical order. This is linked with the natural process of death of the older generation and birth of the new generation. This cycle is usually completed within thirty years times and a new cycle begins after that. Iravati Karve says that the joint family is a group of people who generally live under one roof, eat the food cooked at one hearth, hold property in common, family worship and are related to each other as some particular type of kindred.

According to I.P. Desai, co-residence and common kitchen are not as important elements of the joint family as intra-family relationships, he has suggested that there are five types of family life in India:

1. Nuclear family: the smallest family which consists of wife, husband and their unmarried children.
2. Functional joint family: when two families having blood relationship are living separately but function under one common authority, it is called functional joint family.
3. Functional and Substantial joint Family: when a functional joint family is also joint in terms of property it is called functional and substantial joint family.
4. Marginal joint family: when two generation of family members live together functionally and substantially it is called marginal joint family.
5. Traditional Joint Family: It consists of three or more generations of people living together in one household. They own property commonly and participate in the family rituals. Joint and nuclear household and the cultural norm of joint family have existed side by side in India. Changes are now taking place both in the structure of households and the degree of sentiment of jointness.

#### **2.4.1. Structural Features of Joint Households**

1. Common Residence and Kitchen: the members live under one roof. The entire residence is divided into many small rooms for the use of different brothers and their families. Jointness in living fosters a common bond among the different members of the family. There is a single kitchen for the whole household. Generally, the wife of the head of the house or an elderly woman remains in charge of the common kitchen.
2. Large Size: it consists of a number of people. It may even consist of people of three or more generations including at least grandparents, grandchildren, uncles, aunts, cousins and so on.
3. Common Property: the property of the family is held in common. Both movable and immovable property are owned jointly. Everyone works according to one efficiency and earnings are pooled together in a common fund. Wealth and goods of joint family are produced and consumed collectively. The head of the family known as the 'karta' who remains in charge of it. Every male members is legally a co-owner of the family property.

#### **2.4.2. Functional Elements of joints Household in India**

1. Common Rituals and Ceremonies: Every joint family has its own rites and rituals in accordance with the caste norms and religious obligations. This common pattern of worship is inherited from generation to generation. This brings unity and integration to the family. The common God they worship i.e., the family deity is known as kul devta.

2. **Role of the Karta:** in the household, the authority to take decisions and maintain peace and discipline in the family lies in the hands of the Karta. All the earning members keep their earnings with him and the entire property is kept under his control. Family ceremonies and celebrations are held under his guidance and direction. He also settles the disputes within the household. In a nutshell, the karta is the trustee of the family and enjoys unquestionable authority.
3. **Mutual Obligations:** Members of the joint family are bound together by mutual obligations. No one works against the interests of another. All members are responsible for each other and are bound by mutual understanding, love, reciprocal relationships and co-operative spirit. These bonds and relationships are said to be the sustaining force of the joint family. The individuals interests are sub ordinate to the interests of the family as a whole.
4. **Socialist System:** It is a functional unit based on socialistic norms. Everyone works for the welfare of the family as a whole. The rights and privileges are distributed equally among the members. Each member contributes according to her or his capacity and gets according to her or his needs.

#### **2.4.3.Function of the joint family**

The Indian joint family system is considered the backbone of Indian social organization. As a system of social organization it has been prevalent for many centuries till date. It evidently follows that this ancient institution has performed some beneficial functions for the society. Some positive functions of the joint family are following:

##### **Reproduction**

The family functions as the usual legitimate site of reproduction. Human fertility and procreation are determined to a large extent by the family. The responsibility of child raising is shared with the wider kin group. Consequently, numerous off springs are viewed as a positive asset to the group, and help in providing security to the parents in their old age.

##### **Socialization**

Following from the family's role as the site of reproduction, the family is the first and primary agency of socialization. The young are always under constant guidance and discipline. The family imparts the values of tolerance, co-operation sacrifice and sympathy to its members. It involves the young in the care of elders. It helps one to grow into a mature, responsible full-fledged social being. In the process of growing as an adult it emphasizes among its members the inculcation of traditional norms associated with general roles as a female or male. The family is greatly concerned about children's education, employment and marriage and it plays a critical role in the social placement of the younger generation.

## Agency of Social Control

The joint family is a self-regulating administrative unit, operating under the guidance of the Karta whose authority is questioned only in terms of exceptional use of power. It acts as an informal means of social control. The elder members in a joint family supervise over the indiscipline and antisocial tendencies of its young members. The family ensures that its members grow up to be well behaved and disciplined people.

## Welfare

A major function of the family is that of care and nurturance of the young, the handicapped, the sick, the aged. It takes special care of the infant and the pregnant or lactating mother. The joint family organization is well adapted to provide to maximum degree of security to its members, especially so in times of distress. The joint family, thus, creates a conducive and friendly social environment for its members. It also provides opportunities for recreation and participation in cultural functions.

## Production, Distribution and Consumption

Crucial to the familial organization of production is the sexual division labour, both within the household itself and outside. The women usually take charge of the domestic and reproductive sphere. They may also contribute to home-based industrial activities. The men are employed in the public domain and contribute to the family's earnings. However, this sexual division of labour has come under criticism in recent times.

The joint family is a single unit of consumption. This implies an economically efficient arrangement as large amounts of consumable commodities are purchased at low prices, while non-consumable commodities are shared among the large number of family members. The members pool in their earnings and expenses are made depending on the needs of the whole family.

### 2.4.4. Dysfunctions of the Joint Family

Despite the numerous advantages there are also dysfunctions and pathological aspects of the joint residential pattern of the family in India. Some of these, noted by sociologists, are as follows:

i) The joint household is a centre of conflict with respect to petty issues. There is often a lack of adjustments, accommodation and assimilation between the members, differences and bitterness lead to internal contradictions and thus prepare the way for dissolution of the household.

ii) The joint family stands in the way of development of the individuals autonomous personality. Since the family-head makes important decisions, there is less scope for taking into consideration, the limitations of individual members or their likes and dislikes. Thus, independent thinking is restrained and creative potential of members is not fully tapped or expanded.

iii) Sometimes there is psychological dissatisfaction and misunderstanding as intimacy fails to develop between newly married couples. Under the joint family system, most of the time of young



married women may be sent on catering to the needs of all the members. This sometimes leaves them with little free time or opportunities to enjoy and sometimes even to look after their health properly.

iv) Since the joint family has both old and young members there is an inter generational conflict. The old people strictly abide by the traditional norms and beliefs and do not accept new cultural limits and trends. This sometimes creates problems and disrupts peace in the family. The young oppose supposedly authoritarian, unfair, unjust behavior and emphasis on individualism. There is difference in attitudes to social customs.

### **Changes in the Joint Family**

The following changes in the joint family or household have been observed by sociologists:

#### **Structural Changes**

The facts and values which nurtured, stabilized and sustained the joint family organization are: (1) filial devotion of sons; (2) the readiness of the economically viable members to stand by those other members of the joint family who lack in the capacity to support themselves and their spouses and children economically; (3) lack of state organized system of social security for old women and men; and (4) a material incentive for organizing the size of the land and the capital and the labour required to utilize the same profitably.

The factors which are now leading to the breaking-up of the joint household are:

1. Differential earnings of brothers, generating tensions in the household.
2. Disinclination of sons and their wives to share the joint responsibilities of the household.
3. Growth of individualism, especially among the young and the westernized sections of society.
4. The growing importance of the services sector in the economy and external earning opportunities, which are leading to nuclearization of the joint household.

#### **Functional changes**

These can be examined at three levels:

1. Wife-Husband Relations: In the traditional household, the wife had a sub-ordinate voice in decision-making, but in the contemporary household, the wife plays a more active role, often at par with her husband. It requires mutual adjustment between the wife and the husband as well as between work and home.
2. Parent-Children Relations: In the traditional family, while power and authority was totally vested in the Karta and he was virtually all-powerful in decision-making about education, occupation and marriage of children in the family. This is not the case in the contemporary household. All members are part of decision-making in a contemporary household.
3. Relations between Daughter-in-law and parents-in-law: A significant change has come about in their relationship. The educated bahu (daughter in-law) does not observe purdah from her father-in-law. The relationship between the bahu and the mother-in-law is often less strained.

now. The mother-in-law is not powerful figure but she remains a respected kin like the father-in-law.

### **The family in Contemporary India**

Although the cultural norm of family in most socio-religious-cultural groups in India has been joint, but nuclear households have existed since earlier times at the empirical level. During the modern period different factors like urbanization, migration, industrialization, spread of western education and the process of westernization have led to the development of a new type of household and family in India. These factors have not led to the demise of the joint family in the structural sense, but have certainly strengthened the existing nuclear household and families. To some extent nuclear families have even emerged as an alternative cultural norm. the modern media has played a significant role in the spread for the ne cultural norm of the nuclear family.

Demographic factors, however, have strengthened the institution of joint family and joint household. Census data and ethnographic studies have shown that it is the older people rather than children who have contributed to an increase in the average size of the Indian household. For various reasons, life expectancy was so low in the past that it reduced the chances of forming a joint household and preserving it for a long time this situation has changed now since medical facilities and other factors have significantly raised the average life expectancy.

A.M. Shah says that while the average size of household in urban areas has been lower than in rural areas, since 1951 it has been steadily increasing in both. There is, however, one section of urban society, particularly in metropolitan cities, where the institution of nuclear family and household is gaining popular acceptance. This is the middle and professional classes and westernized upper caste sections in metropolitan cities. This is a modern and rapidly growing section of Indian society. It has been under the maximum impact of the ideology of individualism. This section has developed a liberal attitude towards daughters, whereby the absence of a son does not create over-anxiety.

The middle class professionals have accepted the small family norm. consequently, this class has usually followed the one or two child norm. The children after marriage may not live necessarily in a joint household with their parents. The age at marriage in this class is high and usually sons and daughters-in-law have jobs in places away from the parent's place of residence. They may continue to uphold the norm of the joint family but do not live together as an integrated household unit for long.

Among the nuclear households the following features are reported:

- (1) Small size of the household facilitates greater freedom and independence to the members.
- (2) Sense of individual responsibility is greater in such households in comparison to the joint household.
- (3) In the urban context, nuclear households have become economically more viable for the prosperous middle classes.
- (4) Nuclear households are supposed to promote more adaptability to cope with crisis situation in the contemporary context. Modern facilities like insurance, banking and medical clinics have

made the traditional security and care offered by joint households less attractive to the prosperous professional classes.

- (5) From children's point of view, however, nuclear households have both negative and positive aspects. The role of grandparents and other senior relatives in child development is well recognized by psychologists and social scientists. In nuclear households, sometimes, both the parents are working outside. As a result, children feel a lot of loneliness and anxiety. They have to rely on servants, house-keepers, play-schools and other formal child-care agencies. In many instances this leads to emotional strain and emotionally vulnerable personalities, although in most cases children learn to cope and develop an attitude of independence and individualism.

A large number of Indians even today live in joint households and the norm of joint family is more or less intact. The cultural ethos of jointness and the emotional bond between the members is, however, under strain. The moral authority of the family head or Karta has been undermined. Instead, family decisions are mostly the result of negotiated procedures. The Indian parliament has passed various acts to safeguard the interests of female members in the family. Education has also empowered women and children. Therefore, joint family norms and customs are changing rapidly. The joint households are adapting to the changing norms and customs. As a reflection of these changes, in the last two decades, the popular media such as cinema and television programmes have often dealt with the changing joint family and households in the modern context. On the whole, the institution of joint family and household is undergoing adaptive changes. Resilience of Indian society and culture is reflected in the institution of the family even today.

## **2.5. Women and Work**

### **2.5.1. Meaning and Definition**

Men and women both work, the main issue is the types of work they do, where it is done, how it is done and what rewards or remuneration are obtained. When work is defined in terms of activities performed for pay or profit, there are many activities that remain outside the domain of "Work".

NSSO has defined Work or gainful activity as the activity pursued for pay, profit or family gain or in other words, the activity which adds value to the national product. Normally, it is an activity which results in production of goods and services for exchange. However, all activities in the agricultural sector in which a part or whole of the agricultural production is used for own consumption and does not go for sale are also considered as gainful. In short, work is defined as any market activity and any non-market activity relating to the agricultural sector.

According to 1991 census work has been defined as "participation in any economically productive activity." Such participation may be physical or mental in nature. Work involves not only actual work but also effective supervision and direction of work. It also includes unpaid work on farm or in family enterprise.

According to Resolution No.1 of the 13<sup>th</sup> International Conference of Labour statisticians 1982(ILO) the economically active population comprise persons of either sex, who furnish the supply of labour for the production of economic goods and services as defined by the United Nations systems of national accounts and balances, during a specified time reference period.

Thus according to this definition, economic activities can be market activities or non-market activities. Market activities are those in which one produces goods and services for pay or profit. The nonmarket economic activities are:

- (i) Production of primary commodities for own consumption
- (ii) Processing of primary commodities for own consumption.
- (iii) Own account production of fixed assets.

The sociological perspective on work has to analyze the gender, race, and class relations that shape the work experiences of different groups in society.

Many people tend to think of work as that which people do for pay, but as the history of women's work shows, women often work without pay. Housewives work but do not get paid. Black women worked as slaves but did not get paid. Volunteers work, and in fact, many women have full time careers(Daniels,1988). Problems in the concept of work are not just a question of whether work is paid or unpaid, but are fundamental to the question of what constitutes work.

In considering the case of house work, feminist sociologists observe that there is an invisible dimension to the work, including not only the fact that it goes unnoticed, but also the fact that the part of doing housework is the work of "keeping in mind" various aspects of tasks that constitute housework(De Vault,1991). House involves the physical work of doing tasks as well as mental efforts of noticing and remembering the chores that need doing, mentally arranging the tasks that need doing and keeping track of the work to be done. None of the mental work can actually be measured or observed, as a result it is difficult to share, although it is an essential aspect of the work.

As we deliberate on women's work and on their economic contribution to the society and the State, we become aware of the enormous complexity of the issue. It is often said that "women's work in the private sphere cannot be accepted as contribution to the national economy as it is not paid," that "women are neither producers, nor capable of hard physical labour", and that "women's economic status is linked to their family's economic status." And that men are the breadwinners, so they and not women are heads of the households. On the basis of pattern of activities the work is divided into two types, like productive and unproductive. The work for which payment is made is known as productive or paid work and for which payment is not made is known as unproductive or unpaid work.

### **2.5.2. Gender Division of labour**

The great poet Rabindranath Thakur has propounded the myth, that Nature by making women mothers has decreed that outside work is not for them. And because they have to stay at home to look after children, looking after the household becomes natural to women. This is not imposed on them by men

but by nature. The two myths are quite clearly stated : one, that because women are physically weak and mentally inferior, they cannot do the same things as men. Rabindranath stresses women's lack of creativity. The other is that because of their child-bearing and child-rearing responsibilities, they cannot take up outside work, and since they stay at home it is they who do the housework. In other words, the Gender Division of Labour is merely a reasonable arrangement between consenting adults – man the provider, woman the nurturer. No force is involved.

### **Characteristics of Gender Division of Labour**

1. In a factory, the tasks that men and women do are almost always in all activities there is a fairly clear line demarcating women's activities from those of men. This is true not only of traditional activities like cultivation but also of modern activities. If one looks closely enough, even in a factory, the tasks that men and women do are almost always different.
2. This line is not permanent. It shifts dramatically over time and across regions. There are very few tasks which have always been banned to women everywhere. Even ploughing may be one such example.
3. The line is determined not by women, nor even by individual families but is laid down by society – individual families or women cannot change it without inviting social ostracism. Men too encounter such a line, but a much more pliant one.
4. The line is such that women are given tasks which have relatively less capital input and less productivity and also less scope for individual initiative.
5. If a task gets identified with women then it is socially considered less valuable. The best indication of this is the trend shown by NSS data. A particular task like transplantation is done mainly by women in some parts like Tamil Nadu or Andhra Pradesh, it is done mainly by men in other parts like West Bengal. In this the difference between men's and women's wages for the tasks are more marked than elsewhere in areas where it is predominantly a women's task. Consider the three tasks of transplanting, weeding and harvesting. In regions where women form less than 50% of the labour in a particular task, the wages are 70% or more of men's wages in 15 out of 23 cases. In regions where they form more than 50% of casual labour in a task, then in 13 out of 19 cases their wages are less than 70%. At all-India levels too, where women work more in agriculture, the difference in wages of male and female casual agricultural labour tends to be higher.
6. All the above points indicate that whether women work on a particular task or not is not for them to decide but for the society. The constraints on their scope of work are more binding. The division of tasks is such that they get inferior tasks and their tasks are regarded as inferior. In other words Gender Division of Labour is a division of work not between equals but between superiors and inferiors. A relation which is imposed on women by social pressure.

Gender division of labour being a naturally convenient arrangement between men and women, there are later, equally unrealistic ideas about this which totally ignore the existence of the Sexual Division of Labour or at least of its power base.

This attitude is very well-illustrated by today's Indian policy-makers. The recent National perspective Plan for Women noted that women are inequitable burdened with household responsibilities, that they lack education, skills, access to financial capital and that when they get work, it is in the unorganized sector where they do not have the protection of statutes for equal wages or minimum wages.

Several scholars of whom P. Bardhan and B. Miller are the most noted have shown that, the regions where there is a shortage of little girls are also the regions where women's work-force participation rates are relatively low within India. They have therefore, hypothesized that because women do not work, they are considered an economic burden and of less worth by society. Their families have to undergo greater expenditure for their marriages and as a result girls are neglected. In other words, the practice of dowry and bias against girl-children are both made to bathe resorts of women's economic inactivity.

Bardhan and Miller's answer to this question is very simplistic. According to them, in the south which is a rice-growing area girls have better survival chances, because rice cultivation is labour intensive and hence women work-force participation is important in the scheme of things. The north is a wheat-growing area and wheat requires less labour input, and hence women do not work, and therefore girls are neglected.

This means that the low women's work-force which Bardhan and Miller take as the cause of women's low status are actually themselves also a symptom of women's low status. In societies where women's labour is totally appropriated by the family and there is status value in claiming that women do not work, the work-force participation rates are themselves artificially depressed and can be used as an indication of women's status but not as a casual explanation of the latter.

The neglect of the relation of subordination which is implicit in the Gender Division of Labour comes probably because the term is wrongly derived from what economists ordinarily meant by the division of labour. This concept was first given its importance by Adam Smith in his famous first chapter of the Wealth of Nations. Smith had used it to describe the process which is a part of the economic growth process whereby as markets expand, productive operations get increasingly divided into more and more minute parts and instead of a skilled artisan doing the entire operation numerous workers come to specialize in doing only one of these minute tasks. Now each worker does only this one small task and gets proficient's in it just by repeating it millions of times. This increase his productivity and because it is now a simple, unskilled task, anybody whether or not they have education, skill, or experience can quickly learn it and reach the same degree of proficiency. Since a worker can substitute for another, the entire labour force becomes a homogenous mass of de-skilled workers. Women and children can also be a part of this work force and become indistinguishable from the rest.

This process also leads to the swelling of what is called the Reserve Army of Labour (RAL) – the pool of the unemployed or potentially unemployed who can compete for these jobs, push down wages and therefore, as Marx put it, 'curb the pretensions of labour'. Women and children are again a part of

this RAL because they are now capable of doing any work or in other words are no different from other workers.

The Gender Division of Labour, however, is crucially different from this idea of division of labour. Even when women are truly de-skilled, they are being segregated, isolated by myths such as nimble fingers or women's touch. These myths were reinforced by patriarchal institutions like the manager acting the father figure, etc. that means that there women workers would be given wages and work which were inferior even to those that they might have got in a homogenized labour pool set. Even if they do the same work as men they can be paid less. Or even if they do have some special skills that are in demand like in prawn processing or silk reeling, these skills can be undervalued and paid less than their market returns, precisely by distinguishing them as women's skills.

Actually in the Indian situation industries like garments and electronics for export markets are no doubt even more exploitative than they are today in countries like Taiwan, South Korea or Singapore; but in the case of India, such industries are dependant either on multinational capital or on women's work. For instance, the garment industry of India overwhelmingly uses indigenous capital. More important, in many areas, particularly around Delhi and Calcutta, the labour being mainly male, Muslim male. Basically, Indian women workers are never regarded as indispensable in any economic activity. If men come forward to do it, they get a preference from the employers because for the latter, a woman is at best a supplementary earner and a temporary entrant into the labour force. It is the Indian state which has been supportive of women's claims to equal job opportunities. Indian feminists would be wasting their energy if they build up a theory of the state vis a vis women on the basis of the former's alliance with large capital.

The Indian state would, however, be very much more vulnerable if feminists were to start a movement questioning why the state supports the Indian family's control over women. The Indian state allows the family to decide whether a woman can avail of the facilities that the state might provide like health, family planning, education and nutrition. It allows the media to use women as a theme in serial like Ramayana and Mahabharata in order to please the masses. It allows the fundamentalists to create women's images for rousing religious feelings. This is because the Indian society is very interested in the perpetuation of the family as the provider of all social insurance that we have in the country- old age care, child care or feeding the unemployed and the weak. The family can do so because women are socialized to take up all this extra burden, whenever the need arises. Since families and women accept this burden, the state can use up 40 percent of the national product and yet give no such social welfare services to the masses therefore, our theory of the state has to begin with the understanding of this role of women vis-à-vis the family and the views of the state the family.

### **2.5.3. Job Segregation**

Job segregation refers to the pattern whereby women and men are situated in different jobs throughout the labor force. Job segregation is a particular form of occupational distribution – a term sociologists use to refer to the placement of workers in different occupation.

Job segregation is the way by which man and women are separated into different types of job. They are not competing for the same type of job. Segregation is the major cause of lower pay for women. They tend to be paid less, even when they do same types of work as men.

There are 2 kinds of segregation.

1. In **horizontal segregation** men and women have different jobs in different work places some jobs are seen as men's work and some are seen as women's work like coal mining and school dinner lady. The jobs often women do are the expansion of unpaid caring work the do job at home.
2. **Vertical segregation** refers to the distribution of men and women in the same occupation but one sex is likely to be at a higher grade or level – for e.g. men are more likely to be senior managers and women as junior manager.

Vertical segregation is consist of determinant of male-female pay differentials, deskilling – to reduce the amount of skill that is needed to do a particular job. Women are likely to speak of glass ceiling not being given equal opportunities to rise beyond a certain level of into higher jobs.

Occupational segregation by sex causes labour market inflexibility because of restrains mobility between male and female occupations. For instance, when an enterprise needs a large group of new workers for an industry that is clearly male or female dominated, it may not find a sufficient number of qualified candidates for the posts.

### **Female –male pay differentials and occupational segregation by sex**

Women's earnings are lower than men's throughout the world. Whether one is comparing non-agricultural workers as a whole or only manufacturing workers. Average female-male pay ratios in the world are roughly 60-70 percent, based on a monthly reference period; 70-75 percent, based on an hourly reference period;

Gunderson (1994) identifies five sources of male-female pay differential: (i) differences in human capital endowments such as education and experience (caused mainly by non-labour market factors). (ii) differences in pay within the same occupation (caused by direct discrimination and dual labour markets); (iii) differences in pay for work of "equal value" (caused by the relationship between pay level in occupation and degree to which it is feminized); (iv) differences in jobs desired; and (v) differences in the jobs available.

Comparable worth exercise provide good illustration of how wage rates tend to be lower in "female" than "male" occupations. In these exercises, jobs are objectively evaluated and point scores established for factors such as responsibility, skill education. Physical effort, working conditions. Male-dominated occupations have substantially higher pay rates compared with female-dominated occupations.



A review of United States studies concludes that around one-third of the female-male differential is due to occupational segregation by sex. A study from the United States illustrates this: the percentage of the female-male earnings gap explained by occupational segregation by sex rose from about 10 percent when 12 occupations were used and to at least 30 percent when 479 occupations were used.

The research literature on wage differentials provides a useful context in which to understand occupational segregation by sex, since it indicates that female-male pay differentials are due to many factors other than occupational segregation and differences in the human capital of men and women. For example, Anker (forthcoming) finds that occupational segregation by sex is lower in Asia than in Europe and, within Europe, highest in Scandinavia. European countries tend to have higher female-male pay ratios compared with Asian countries. And among European countries, female-male pay ratios are highest in Scandinavia.

There are several possible explanations for these unexpected values. First, a major determinant of female-male pay differences across countries is the general level of pay differentials in a country (Blau and Khan, 1992; Gunderson, 1989). Second, in a related point, female-male pay differentials tend to be lower in countries with centralized wage set factors undoubtedly help explain the relatively high female-male pay ratios in Scandinavia.

A third major source of pay differentials within countries is enterprise size. Large enterprises pay higher wage rates than do small enterprises to workers in apparently similar occupations postulates that large enterprises pay a higher, so called efficient wage in order to attract the best talent. This has important implications for the average female-male wage ratio in a country, because men are more likely than women to be employed in large enterprises. This factor could be especially important in a country like Japan where about one third of the labour force works in large enterprises, in which seniority is an especially important determinant of pay. That women have been largely excluded from these large firms undoubtedly helps to explain the low female-male wage ratio in Japan ( despite its relatively low level of occupational segregation by sex).

Fourth the such literature distinguishes between two different forms of occupations segregation by sex. Horizontal segregation refers to the distribution of men and women across occupation for example women may work as maids and secretaries and men as truck driver and doctors. Vertical segregation refers to the distribution of men and women in the same ;occupation but with one sex more likely to be at a higher grade or level – for example, men are more likely to be production supervisors and women production workers, men more likely to be senior managers and women junior managers. Some authors stress the point that vertical segregation is more important (Hakim. 1992) or at least as important ( Barbezat, 1993) a determinant of the female-male pay ratio as horizontal segregation of course, depending on the detail of the occupational classification, the same phenomenon could be observed as horizontal or vertical segregation. Irrespective of this measurement problem, it is clear that vertical segregation is a very important determinant of female-male pay differentials because even a relatively detailed occupational classification.

## **2.6. Policy and its Impact on women**

Occupational Segregation based on workers sex also has a negative impact on women, their career opportunities and pay, the qualification of their working life and valuation of their work. (Anttalamen 1986, Genders on 1994). Gender job in pay is a consequence of both horizontal and vertical segregation. And even where women enter traditionally male dominated occupation as has recently happened to certain extent in many countries (Anker, forthcoming) there more likely than men to be found in lower - status and lower – paid positions, the polarization of the labour market by gender also leads to qualitative differences between women's work and men's work. Research has indeed shown that typical women's work general involves less decision making and depended planning than does typical men's work, it is also more restricted in space and time and more monotonous. (kauppinen , Havvio – Manila and mandolin 1989) this polarization affects educational decision early in life (e.g choice of a field study) as well as later decisions about which parent will disrupt his/her carrier to look after young children, thereby reinforcing objective reasons for gender inequality in the labour market and perpetuating inequality across generations. All this leads to in equal opportunities, undermining one of the cornerstones of overall equality in society. However, sex based occupational segregation has a positive side for women as it protects some of women's employment from male competition ( Kandolin 1993) and maintains demand for female labour (Lah 1991) for example it has been suggested that the accent expansion of the service sector of the economy has helped women. (Rubbery and Smith, 1990).

The data analyzed therein indicate that the majority of men and women in the world work in what can only be described as "male" or "female" occupation, given the high proportion which is either male or female. It also indicated that there is considerable similarity all over the world in the types of occupation which are gender-stereotyped.

Policy-makers need to address the inequality of labour market opportunities more seriously and its effect on both men and women. A wide variety of policies and programmes is needed – for example, facilitating policies to reduce the burden on women of family responsibilities; consciousness-raising programmes to remove gender stereotypes and prejudices; educational policies to bring about greater gender equality in schooling and training, especially with respect to opening access to non-traditional occupations for both men and women; and equal opportunity and affirmative action policies, especially those opening up new opportunities for men and women. Action is required on all these fronts to reduce occupational segregation between men and women with benefits not only for the present workforce and economy. But also for the future.

### **Impact of Recent Economic Policies**

India had adopted new economic policy in 1991 in the wake of the debt crisis, as an essential part of SAP urged by IMF and the world bank. The measures adopted comprised both stabilization and structural adjustment policies. It was believed that this would make India overcome its foreign exchange deficits encourage foreign investments and strengthen the balance of payments. The world bank gave substantial loans to tide over the crises.

India has made an important change in economic policies from the early Nineties, in tune with the trends of globalization and liberalization. It is not possible to draw a coherent picture of its impact on the lives of people in general and women in particular, because of the complex interface of economic factors with class, caste, gender and religion. The programme of structural adjustment, collaborations with partners from different countries and heavy reliance on technology have unleashed the forces of competition and profit. With market as the main player, the reduction in cost of production becomes important, and this often results in a large number retrenchments or voluntary retirements. Workers are then forced to turn to contract/causal/home based work for survival. Foreign investments with profitable markets do not help the situation.

However, the emerging picture does show that there are more opportunities for urban educated women with technological and need based qualifications and skills, though not for poor, uneducated and less educated women with inadequate skills. There is apprehension that such poor women will be further marginalized, if steps are not taken to protect vulnerable sections of society. In trying to fit the Indian case into a global model, the very serious, long-standing and growing problems of the majority of women workers tend to get ignored. The emerging labour market is likely to prove even more of a problem for Indian women than male workers. The trends so far indicate that: (a) Women's own incomes have remained low because they continue to be concentrated in agriculture where labour productivity has grown little, (b) As unpaid family labour, work is not empowering for nearly half the women engaged in traditional, family based occupations (c) The decline of many such household occupations has meant that women's roles in those work areas have become further devalued, (d) In their search for additional work, men often take over women's occupations, (e) So far, there are few indications that women have managed to break the set pattern of sexual division of labour, they are still barred from many occupation that may currently be expanding (this is the main reason why they have not got entry in the few new avenues that have come up in the tertiary sector in rural areas- Benerjee).

It is argued that feminization through flexible labour practices in urban labour markets over the Elites has resulted in increased opportunities for employment of women (Deshpande and Deshpande). This has, however, been questioned (Shah et al.). whenever there is an opening for new opportunities, women have no choice but to depend on employer who will decide whether the new jobs are suitable for men or for women. Pushed out from the organized sector, a large number women accept whatever work, insecure and oppressive, they find in the informal sector.

In urban areas, women's employment in modern white collar jobs has been growing. The growth of financial and entertainment services in the private sector also brings more educated women into the arena of employment. Areas such as fashion-designing and beauty care have started to attract creative women and entrepreneurs. But the decline of expenditure in public sector and the tendency of the private sector to reduce costs have hit women's regular jobs adversely, especially those in unskilled or semi-skilled categories.

The introduction of modern technology in agriculture has not significantly helped women. Men have taken over from women those activities in which technology has substituted machinery for manual labour. All other labour intensive tasks are left to women. The introduction of tractors, combine

harvester and mechanical cotton pickers has meant that tasks traditionally performed by women, and on which many women depended for their livelihood, have been appropriated. Large farms have benefited from the mechanization of the rural economy, but small farmers, tenants and women workers are being displaced. An illustration is found in Punjab, where female labour declined after the Green Revolution (Human Development in SOUTH Asia: 59).

Commercialization of agriculture has proceeded apace, and land once used for food crops are now given over to cash crops; in some cases, this has led to loss of fertility of land, as in aqua culture. Women in agriculture are adversely affected. Foreign investment in food processing is about Rs.9,000 crore, displacing a ubiquitous female enterprise. In Kerala, screw pine mat weaving has declined due to loss of raw material. Labour-intensive export industries are 'labour unfriendly', and though they provide income and opportunities otherwise unavailable to women workers, they account for only a small proportion of total female labour. State support for agro processing for industrial uses and changes in land ownership have reduced the supply of agricultural goods to the poor. More children are dropping out of school, especially girls who are needed to financially support their families either by working, or taking up domestic responsibilities while their mothers work. Other issues of concern are: discouraging allocations on education, health and housing; no investment for availability of water, sanitation and roads in rural areas; environmental deterioration, and rising consumerism (Krishana Raj: 11).

Changes in the economy accelerates the process of displacement and migration, which affects women more adversely than men. People get displaced because of the changing nature of work. New work does not absorb many of them not only because they do not possess the required skills and cannot possibly acquire these, but also because limited work is available. Unemployment grows despite the growth of employment; worse, secure employment is becoming rare. In fact many of the gains made available through a century of struggle, as in the form of social and labour legislation, have been wiped out with the relaxations introduced in the name of flexibilisation. And this has worked against women, for their vulnerability to exploitation has only worsened (Aroara: 336).

Trends of globalization and liberalization are still altering the pattern of work, so it is not possible as yet to measure, their full impact on women's work. But the trends have created a strange situation: on the one hand there is fear that small, casual and non mechanized jobs will be wiped out (women form a sizeable portion here), and on the other hand there will always be a need to do hard, meticulous and hand picked jobs for need for qualified are available. In addition, there is also need for qualified and skilled workers for new areas of technology and computers, offering well-paid new opportunities to urban and educated women.

### **2.7.Globalization: The Indian Scene**

Globalization is based on the concept that the globe is a single unit for decision making. It means free movement of goods, services and capital throughout the world. It is accompanied by opening up of national economies to global markets with a simultaneous and corresponding reduction in the role of the State to shape national policies. The European Commission recognizes it as a process by which

market and production in different countries are being increasingly interdependent due to dynamics of trade in goods and services and flow of capital and technology.

The globalization process has brought sweeping qualitative changes in the world economic system which can be attributed to factors such as the advent of new Z`B VCVglobal markets in services, increase in mergers and takeovers, weakening of anti-monopoly laws and the rise of global consumer markets and consumer brands. One important prerogative of the agenda of globalization is to create such conditions in various countries as facilitate the adoption of a policy of non-discrimination between domestic and external industrial and business firms. By implication, it means that these states, which till recently protected domestic firms from external shocks, are now obliged to offer home treatment to foreign firms.

### **The Gender Dimension**

In most countries of the world-if not all- women form a disadvantaged section vis-à-vis men. India is no exception. If the country's economy has to fight an unequal battle with the developed countries in the international market, its society is doubly burdened by the inequalities suffered by women, enhanced by the effects of this unfavorable completion. It is true that a section of Indian women the elite and the upper middle class have gained by the exposure to the global network. More women are engaged in business enterprises, in international platforms like the inter-parliamentary Union and have greater carrier opportunities as a result of international network. Free movement of goods and capital is helpful to this section. In India statistics show that unemployment rate for educated women (and for that matter for educated men as well) has declined considerably throughout the late 1970s to early 1990s, through it is still very high. It was 22.6% of the total female population in 1993-04 vis-à-vis 41.89% in 1977-78.

Since globalization is introducing technological inputs, women are being marginalized in economic activities. Men traditionally being offered new scopes of learning and training. Consequently, female workers are joining the informal sector or casual labour force more than ever before. For instance, while new rice technology has given rise to higher use of female labour, the increased work load for women is in operations that are unrecorded, and often unpaid, since these fall within the category of home production activities. Application of commercial chemical inputs (fertilizer and other plant treatment), essential for new (HYV) rice technology, are done exclusively by men.

Secondly, since globalisation has led to the unemployment of large number of men, it has also increased frustration, tension and a fear of job insecurity. Women are being made to pay the social cost. Family violence has increased, rape has become an everyday event and dowry deaths (a fall out of consumerism are escalating.

Thirdly, the economy strained to the utmost under the challenges of globalization is unable to bear the burden of necessary health care and educational expenses. The weaker section especially the women, are denied the physical care they deserve. Maternal mortality is extremely high, anemia is common and women die in large numbers from communicable diseases while increasing use of amniocentesis is killing yet-to-be borne women in mothers' womb. 40% women are illiterate, and dropout rate among

girls in schools in excessive. Sky rocketing food prices and export oriented cropping pattern in agriculture contributes a women's declining access to food and nutrition. The less than satisfactory public distribution system deteriorates , and brings extra suffering to women, especially to women heading households (and women headed households are on the increase in India)

There is, thus, hardly any ability for the majority of Indian women to do valuable functionings; the capability to choose from alternatives is conspicuous by absence. In terms of the age old Indian concept of life, the increase in violence on women makes a mockery of peace, and lack of education and nutrition is not the best means for attending self realization.

This is not to suggest that all this is the result of globalization, but to assert that globalization/SAP has not ensured a good quality of life for the majority of Indian women; on the other hand it has reinforced the existing gender inequalities. We should explore certain safety nets to resolve the problems to some extent, and advocates globalization with a human face. In the Indian context, it implies State intervention for directing way of the flow of foreign investment and providing support (e.g. employment and poverty reduction policies) to women and weaker sections of the population, while giving them a role in shaping policies.

### **Differential Impacts on Women**

The impact of economic globalization on women needs to be assessed in light of women's multiple roles as productive and reproductive labour in their families as well as their contribution towards overall community cohesion and welfare, and maintaining the social fabric. Because of deep rooted differences in gender roles and socio-cultural expectations, the impacts of economic globalization are felt quite differently by women and men. While economic class race and culture are also extremely important factors in determining the nature and extent of impacts, by and large, the very same policies and trends are likely to have quite different implications for women and men.

Research in 1980s and 1990s showed that structural adjustment policies promoted by the World Bank and IMF affected women much more deeply than men. The elimination of public subsidies for health, education and other social services resulted in a transference of the welfare function of the state onto families, and by extension on to girls and women. This trend became entrenched as governments continued to cut back on social spending, thus increasing the burden of caring for vulnerable community members (such as children, the aging, disabled persons or those with illness on families. Because of women's traditional roles in most societies in Asia as care givers, this burden has been disproportionately borne by women than men.

In many countries, when public hospitals are privatized or the cost of professional health care goes up, middle to low income families rely more on informal or traditional forms of care. This is usually provided by female members of households and communities because of women's traditional roles as service providers in the home.

If basic education is privatized or if families cannot afford the rising costs of education, it is more often girls who drop out of school than boys because of beliefs that boys need formal education more than

girls to prepare them for their future social roles. With lower levels of education, women will tend to be concentrated in the lower rungs of the labour market and in job that require less formal training or education.

Similarly, increases in the prices of food fuel and essential services such as water and electricity place extra burden on females in low income households since women are usually responsible for managing domestic food and water consumption, as well as ensuring the overall health of their families.

Another area where women have made significant contributions to local and national economies is through the informal sector. A significant portion of economic activity in Asian countries is not fully counted and does not show up in national census or survey figures, since it is conducted by women in their homes or in small community level production units. These activities range from the sale of vegetables, locally processed food and other goods (artificial flowers, accessories, etc.) to piece work for factories, and the provision of services such as cleaning, cooking, caring for the elderly, childcare, etc. It is important to note that in many Asian countries (e.g. Thailand, Lao PDR, Phillipines, Sri Lanka, India and Pakistan), a large portion of informal sector activities are commercialised or marketised versions of women's traditional skills of maintaining and reproducing the family and community spheres.

While some of these activities are self owned or self regulate (i.e. women have reasonable control over production conditions), many are under subcontract arrangements in which women are at the mercy of brokers who determine production and compensation rules. This is particularly the case in sub-contracted production for the manufacturing sector, which is generally organized around contracting agents who receive production contracts from larger agents and then sub-contracted the work in their homes, or in small production units set up by the principle contractor. A distinguishing feature of such work is that for both cultural and economic reasons, workers cannot and do not organize themselves in unions or associations to protect their rights as workers.

Many researchers argue that there is a growing 'informalisation' of labour in the export manufacturing sector, and that is informalisation taps into women's need to balance their productive responsibilities. Economic opportunism and profits are served by local culture and tradition, which serve as domesticating forces and ensure a contracted production has increased with the globalization of production, and trade and investment liberalization .On one hand, the formal sector has provided women with much needed income, which in some instances also enhances their status in their families and communities. But at the same time, the inability to organize as a group in such employment makes it extremely difficult for women to negotiate better compensation working conditions and labour protection for themselves.

The liberalization of the agriculture sector has also affected women in a variety of ways, from losing access to local markets for their products to dislocation from traditional forms of livelihood, outward migration and resettlement. Under trade liberalization agreements (such as in the WTO) developing countries are bound to import a percentage of agriculture and food products for domestic consumption. The developing countries of Asia are primarily rural economics where at least 50 percent of agriculture and food production is done by women. Local and national food security is dependent on domestic

production, which in turn ensures livelihood security for rural families. Obligatory imports of agricultural (especially food) products, accompanied by reduction in tariffs on imported goods and the removal of price controls creates pressure on making local goods “competitive” with imported goods (which are often subsidized in their countries of origin). This has negative impact on food and livelihood security for domestic producers, leading to increased economic hardship for rural families and a gradual weakening of rural, self-reliant economic structures. Again, because of women’s dual roles as productive and reproductive labour, this burden is borne more heavily by women than man.

Another crucial area that is affected by trade liberalization and privatization regimes is natural resources, particularly in relation to bio diversity and traditional knowledge. A huge proportion of rural communities in Asia are subsistence producers who live off common land and resources, and rely on traditional knowledge of local forests, plants, animals and fish for food and income. In these communities, women are usually responsible for meeting the family’s daily food and livelihood needs, and are veritable storehouses of knowledge about local bio-diversity and traditional extraction practices. But with commercial harvesting of natural resources for value added production, increase in plantation and mono-cropping for export markets, and transference of land, water and resource rights to private companies, both bio-diversity and environmental quality are seriously threatened, and local communities are alienated from the resource base they depend upon.

When communities are displaced or relocated from traditional lands to make way for commercial enterprises, women are particularly disempowered since their sphere of activity is usually limited to local forests, rivers and common lands. Reduced access to these lands and resources, and reduced availability of local foods increased women’s work load of family maintenance. The introduction of new resource tenure systems often marginalizes women from access to and control over all types of resources-natural economic and political.

## **2.8.Women and Employment**

Gender issues can influence policy initiatives to improve both the quality and the quantity of women’s participation in the workplace. The gender focus has been emphasized for several reasons. First, the terms ‘men’ and ‘women’ may signify quite different things in different social contexts and also vary across classes. For instance, women of higher classes may be associated with gentleness and passivity, while laboring women may be associated with the opposite characteristics. Such gender attributions may be used to justify women’s exclusion from or incorporation into different kinds of paid work.

Second, the highly uneven distribution of the sexes within all sectors of the labour force, and the tendency in most countries for women to be located in lower paid and less skilled jobs, suggests that gender is a major variable in determining labour-market placement.

Third, the attribution of particular characteristics to the genders also permeates sectors, and jobs, through processes of sex-typing. These produce hierarchies of gender-related skills, with women



concentrated predominantly in 'unskilled' jobs and tasks, as well as gender segregation, which results in wholly female or male enclaves of employment.

Fourth major reason for making gender rather than 'women' because of their class, race, cultural and life-cycle experiences. Although all women may experience disadvantage relative to men of the same class, not all women are absolutely deprived in terms of their access to a basic minimum livelihood.

## **KEY CHARACTERISTICS OF WOMEN'S POSITION IN THE LABOUR MARKET**

The profile of women's employment in India reveals a number of structural inequalities based on gender, which are also common in First World economics. In full market economics, most models of employment assume a concept of gainful economic activity which is measured in market terms. Further difficulties of measurement and interpretation arise because of the pervasiveness of women's employment in the informal or unorganized sector in many countries. Unorganized sector employment tends to be characterized by casualized forms of employment, low entry costs, extremely low levels of remuneration and poor conditions of work. It has been estimated in India, for instance, that only 6 percent of all women workers are employed in the organized sector. This suggests the likelihood of high levels of impoverishment among households dependent solely or predominantly on women's incomes.

### **Structural inequalities**

In much of the developed and developing world, women's employment is constrained by a number of general structural inequalities which can be summarized as follows:

1. Women earn, on average, lower wage rates than men and have fewer hours of paid work. Where part-time work is institutionalized, women are disproportionately part-time workers.
2. There is occupational and task segregation in the labour market which leads to enclaves of female-only employment. In developing countries women are concentrated in primary sector employment (agriculture) or in the informal sector.
3. Women are less formally skilled and the skills they are credited with, such as dexterity and greater patience in performing complex and highly routine tasks. The sex stereotyping of jobs and tasks often leads to the designation of women's jobs as unskilled and semi-skilled simply because they are performed by women.
4. Women's entry into paid work can be discouraged by measures taken by male dominated trade unions to exclude women from male enclaves of employment, by government fiscal and social security measures.

## **WOMEN IN THE INDIAN LABOUR MARKET**

Gender segregation in the labour market helps to maintain gender based wage differentials. Female-specific tasks are invariably categorized as less skilled and therefore justifying lower wages. Female employment typically arises in low capital-intensive operations and that women are frequently employed as low cost substitute for capital.

Poor women find themselves squeezed out of jobs formerly available to them because they lack educational qualifications. Besides, the segmented nature of the labour market is unlikely to produce much direct competition between illiterate and literate women. On the job training and skill acquisition remain at very low levels for women, which perpetuates female disadvantage despite attempts by a number of government commissions to draw attention to these major factors. Only in very few modern industries, such as electronics, where women are considered to have a 'natural' aptitude for the work, are they likely to get training.

### **Women's relationship to the family**

Many of these long-term processes which structure the relationship between women and men and the division of labour between them are located within the family.

Married women's commitments within the family, particularly their overwhelming responsibility for housework and child care, are often seen as primarily responsible for their subordinate position in the labour market. In general, in India, middle-class women are more likely to be able to obtain assistance, unpaid or paid, while working-class women tend to have less access to kind and cannot afford paid help.

The real and perceived family burdens of married women are often cited by employers as reasons for their perception of female labour as more unstable and less committed than male labour. Women workers are thought to take more time off for domestic duties and to leave the labour force at particular points of time, such as at marriage or childbirth. Employers are therefore less motivated to employ, train or promote women.

### **Wage discrimination and poverty**

Female labour-force participation levels are directly related to the level of household income. The most impoverished households have the highest numbers of women workers. The acceptance of very low wages by women is due to the fact that women bear the primary responsibility for the welfare of the family.

In case of some sections of the middle class, the experience of rapidly declining real incomes has led to the new phenomenon of unmarried daughters entering the labour force. Thus for women, the need is not just for employment creation but for better paid employment. Despite the enforced movement for more women into the labour force, gender stereotyping in the labour market is still strong and there has been little change in the attitudes of labour leaders and public and private sector employers.

### **Statistical indicators and the problem of under remuneration**

Under remuneration of unorganized sector employment, where women are disproportionately represented, hinders informed policy-making. The lack of information on the unorganized sector

particularly constrains the formulation of initiatives which need to take into account the gender dimension of poverty. Policy should not be created around the assumption that women are a homogeneous category. Class, culture and ethnicity, as well as other factors, differentiate women's life chances. It is critical to differentiate processes within the wider economy in order to understand which women are particularly vulnerable to macro-level change. Moreover, the relevance of change has to be understood from the context rather than assumed from first principles.

### **Labour-market segmentation and wage levels**

Both gender-segregated and segmented labour markets have complex effects on levels of employment for both sexes. Women's confinement to primary and low value-added segments may mean that they are protected in some areas of employment, but this is at the cost of low wages and vulnerability to technical substitution. Women gain employment because they are cheaper. Where women and men are placed in direct competition with each other, policy-makers need to address not only the general issue of wage discrimination against women but to disaggregate the causes and address the particularly severe implication for the poorest people.

### **Skills levels**

The disadvantaged labour-market position of women points to the need to intervene at all levels of skill acquisition from the school stage onwards. Several attempts and programs to equip women with skills have tended to reproduce the same stereotype of women as 'naturally' endowed with domestic skills. India abounds with well-intended income-generating schemes which teach women to sew, embroider and make items such as lace tablecloths.

### **Social infrastructure**

The high level of burden which working women bear for the management of their household duties points to the need for policy initiatives for the improvement of the social infrastructure around women. Issues such as neighborhood child care provision and safe and efficient transport are often as important for women as workplace issues. Despite a high level of reliance on kin for child care in countries like India, there are substantial numbers of women, particularly among the poor, who lack such support. Many women also face various forms of sexual harassment on the streets and at work, and infrastructural changes are needed to alleviate this problem.

### **Conclusions**

The Indian case study has shown that gender is an important factor in determining not only labour-market placement and wage levels, but also the ability of workers to train or educate themselves for better jobs.

Women's commitments within the family are often seen as primarily responsible for their subordinate position in the labour market. However, Indian studies show that women's labour-force participation rates rise up to the age of 30 – that is, during the childbearing and rearing years. It seems more reasonable to assume that women accept low wages because they bear final responsibility for the

welfare of their families and need to augment family incomes in order to alleviate the poverty of their household.

It is crucial that development policy-makers and planners realize that the impact of change and policy varies significantly not only by gender, but also according to sector, region, class and other factors. To be adequately informed, planners require gender-disaggregated data backed by micro-level studies with a gender perspective. Without such an input, employment policies will continue to be gender blind.

## **2.9.Women Entrepreneur**

### **2.9.1.Defining Entrepreneur:**

The word 'entrepreneur' is derived from French word entrepreneur. In earlier 6<sup>th</sup> century it was applied to those who were engaged in military expeditions. In 17<sup>th</sup> century the word entrepreneur was used for civil engineering activities such as construction and fortification. It was applied to business for the first time in 18<sup>th</sup> century, to designate a dealer who buys and sells goods at uncertain prices".

The French economist Cantillon, the first to introduce the term entrepreneur, defined him as an agent who purchased the means of production for combination into marketable products.

Entrepreneurs perform a vital function in economic development. They have been referred to as to human agents needed to mobilize capital, to explore natural resources, to create markets and to carry on trade. According to Say, the entrepreneur's function is to combine the productive factors, to bring them together.

### **2.9.2.The concept of women entrepreneurship**

Women entrepreneurs may be defined as the woman or a group of women who initiate, organize and operate a business enterprise. According to Schumbeter an entrepreneur is an innovating individual who introduces something new into the economy. Thus in the Indian context, entrepreneur is more an adapter and imitator than a true innovator.

As per the Government of India, a woman entrepreneur is defined as an enterprise owned and controlled by a woman and having a minimum financial interest of 51 percent of the capital and giving at least 51 percent of the employment generated in the enterprise to women. Women entrepreneurs are opposing the conditions of employing more than 50 percent women workers. They point out that this condition is discriminatory. Enterprises set up by women should be provided with incentives and support on the basis of their ownership and management characteristic and not linked with employment of women.

### **2.9.3.Function and role of women entrepreneurs.**

Like a male entrepreneur, a woman entrepreneur must perform five functions:

1. Explore the prospects of starting new enterprises.
2. Undertake risks and handle economic uncertainties.
3. Introduction of innovations
4. Coordination, administration and control.
5. Routine supervision.

All these functions appear to be somewhat uneven in character. Moreover, these functions are not always of equal importance. For instance, risk taking and innovations are paramount for establishing or diversifying an enterprise. Coordination and supervision become increasingly important in improving the efficiency and assuming smooth, balanced operation of the undertaking. In women enterprises, usually the same lady performs all these functions. Most likely, she is also the owner of the enterprise.

Women entrepreneurs can more easily undertake three types of industrial enterprises (1) operate purely as a sub-contractor on raw materials provided by the customer; (2) manufacture an item to the long or short term order of another enterprise usually a large scale unit; and (3) manufacture the item for direct sale in the market. Generally, the first two types of entrepreneur are known as ancillaries. Women entrepreneurs produce both consumer goods and intermediate goods which are used in the production of other articles.

#### **2.9.4. Growth of women entrepreneurship.**

In recent years women have made their mark in different walks of life and are competing successfully with men despite the social, psychological and economic barriers. This has been possible due to education, political awakening, urbanization, legal safeguards, social reforms etc. Some of the women have distinguished themselves in many unconventional fields as Prime Minister, Ambassadors, Governor, space scientist, pilots, vice chancellor, administrators and entrepreneurs.

The entry of women in business is a relatively new phenomenon. On account of the breakup of the joint family system and the need for additional income to maintain living standards in the face of inflation, women began to enter the competitive world of business. A woman may start her own business due to several reasons. She may not be able to find a job in the market place or she may not be able to work out of her house. Some women may start their own business as they are stagnating near the top of male owned firms.

In the United States women entrepreneurs have emerged as the fastest growing group of entrepreneurs. According to the US Internal Revenue Service (IRS) the number of female-owned enterprises increased from 702,000 in 1977 to 2.8 million. These women own textile mills, trucking firms, highway and construction firms, beauty parlors, dry-cleaning shops, photographic studios and dozens of other businesses.

In India, women entrepreneurs constitute a negligible proportion of the total entrepreneurs. Attitudinal constraints, social traditions and kinship system inhibit the emergence of women entrepreneurs. The typical women enterprises are the extension of kitchen activities, i.e., the 3 ps viz., pickles, powder (Masala) and pappad, or the traditional cottage industries of basket making, etc. in

India, women have contributed mainly in household industries due to the less technical know-how required and little competition from men in these industries. With the spread of education and the growing awareness among women, women entrepreneurs have entered into engineering, electronics, energy and many other industries. Although the number of such units is small, women are putting up units to manufacture solar cookers, TV capacitors, electronic ancillaries and small foundries. Various government agencies and voluntary bodies, like Mahila Mandals, have accelerated the growth of women entrepreneurs in the country. Over the years, women have become more achievement oriented, career minded and economically independent. They want to widen their sphere of work and enjoy achievement.

Now several Government organizations are providing training facilities for women entrepreneurs. National Institute of Entrepreneurship and small Business Development (NIESBUD), entrepreneurs Women and rural entrepreneurs are also assisted under various schemes like National Rural Employment Programme (NREP), the Integrated Rural Development Programme (IRDP), Self-employed Scheme for Educated Unemployed Youth (SEEUY) Rural Landless Employment Guarantee Programme (RLEGP), Self-Employment Programme for Urban Poor (SEPUP) etc.

#### **2.9.5.Rural Women Entrepreneurship**

The phenomenon of women entrepreneurship is largely confined to metropolitan cities and bid towns in India, Most of the women entrepreneurs operate small scale units, However, women entrepreneurs is a woman or group of women who undertake to organize and run an enterprise in a rural area. The supply of rural women entrepreneurs may be classified into the following categories.

1. Women who take to entrepreneurship because of due economic needs.
2. Women who take to entrepreneurship because they had the family back-ground/ tradition in same skill or trade, hence they would like to have extra money for themselves and their families.
3. Women who take it up because they have certain personality characteristics such as need for achievement.
4. Women who take it up as a leisuretime activity.
5. On official advice and guidance.

Women entrepreneurs face special problems and constraints. These are illiteracy lack of vital information, fear to take risks, lack of experience and training, feeling of insecurity, etc. In addition, there are structural constraints in the form of inequality, limited purchasing power, condemnation by local elite etc. They have also to face competition from the urban entrepreneurs who make more attractive and cheaper products due to modern technology and commercial production.

In order to assist and develop rural women entrepreneurship, women at grass root level should be involved thorough the women through the women's organizations. Such organizations can be instrumental in identifying women for income generating activities. The small Industries Service Institute and voluntary organization should be organize special programmes for prospective women entrepreneurs in rural areas.

There exists a congenial climate for women entrepreneurship in the countries which stand at the threshold of industrialization. These countries are placing great stress on the development of small scale and cottage industries. In these countries capital is scarce and investors are cautious markets are very limited because of the low purchasing power and the entrepreneurs are inexperienced. These are the sound reasons for the promotion of self-employment.

#### **2.9.6.Problems of Women Entrepreneur**

The problem or difficulty of a woman entrepreneur is that she is a woman. Therefore, the attitudes of society towards her and the constraints in which she has to live and work creates difficulties and problems at all levels, i.e., family Support, training, banking. licensing and marketing. Women still suffer from reservation about their role and capacity.

Another problem peculiar to women entrepreneurs is that of training and skill development which is basic for any entrepreneurship. Social attitudes prevent proper training for women who can, therefore. act only as helpers. They cannot act independently.

Other problems, which arise when setting up a small-scale industry and are common to both men and women, are more difficult to be tackled by women than men, basically because of social attitudes. These problems are lack of capital, technical know-how. non-availability of raw materials, and inadequate marketing facilities.

With regard to finance, women can rarely provide collateral security, which is required to get bank credit. This is because women generally do not have any property in their names, and family members do not like to risk their capital/ finance in ventures started by women.

Procedures of bank loans and delay and the involvement of running about deter many women from venturing into entrepreneurship. In banks too, there is a misconception that women entrepreneurs are rich, with nothing to do at home. And so, women are dissuaded to start ventures and this cause of delay in providing credit.

The major problem is that of marketing — both of raw material and finished goods. The woman entrepreneur usually is at the mercy of middlemen, who try to exploit her denying or giving Minimum credit/discount in the purchase of raw materials, and on the other hand, try to extract maximum credit discount and commission on the purchase of finished products from her.

Elimination of middlemen requires a lot of running around on her part and also spending lot money on advertisement. People also have reservations about the quality of a product produced by women entrepreneurs.

At the government level too, the licensing authority. labour Officers and sales tax inspectors have reservations about a woman's ability to manage both home and business, her qualifications, etc.

The various problems faced by the women entrepreneurs can be classified into five categories as follows

**Industrial problems:** The women entrepreneur faces problems in industries lack of supply of raw materials for interrupted production, lack of sufficient stock of raw materials in period of short supply and anticipated price change, time consuming procedure of procurement of raw material, variations in the prices of raw materials at different places, lack of marketing experience, competition from established and larger units in the production line, delayed disposal of produce. difficulty in getting money from buyer after sale and lack of sufficient finished goods for smooth sale operation efficient customer service.

**Financial problems:** Limited working capital, constant need of finance, inadequate amount advanced through financing agencies, difficulty in justifying claim for finances, economic incredibility of women and lack of collateral security are the various financial problems laced by the women entrepreneurs.

**Management and technological problems:** The women entrepreneurs face the problem of inadequate incentives provided by the Government, long and complicated procedures to avail institutional help, lot of formalities and paper work delays sanction, non-cooperative attitude of the employees, frequent visits to institution, personal or political influences needed to avail institutional help quickly, bribery in the agencies providing subsidies/incentives/loans, target-oriented approaches and lack of promotional activities, limited of institution providing technical training, lack of effective communication between lido functionaries and women entrepreneurs, lack of communication and coordination between different agencies, lack of media support to update the knowledge and skill, lack of opportunities to acquire business skill, harassment of officials in completion of documents and other formalities, lack of infrastructural facilities, insufficient staff to carry out the project successfully, non-availability of skilled workers and experienced workers leave the unit after sufficient exposure.

**Social and psychological problems:** The various social and psychological problems faced by the women entrepreneurs are lack of self-motivation, lack of motivation from family and society, conflicts due to dual responsibilities, non-cooperative attitude of husband and family members, no appreciation for independent decision, non-consistent to traditional norms, lack of recognition and appreciation in the family, male dominance, lack of social contacts and lack of confidence in women's ability.

**General problems :** The general problems are excessive 'burden of work and responsibility, health problems, lack of leisure time and other activities, excessive tensions and challenges, less change prone, lacks systematic planning and working, incompetent in handling technical, financial, sale, production and other managerial activities, poor risk taking ability, inadequate credit orientation, lack of emotional maturity.

Majority of the women entrepreneurs have lack of knowledge about agencies and institution working entrepreneurs, various schemes run by government, raw material availability, availability of machinery and equipment's marketing, different laws/legal aspects, merits and demerits of various enterprises, various improved technologies and loaning schemes and procedures of financial institution.

Thus, women have to fight against these attitudinal problems all the way. But fortunately, they have been able to form specific networks to resist exploitative terms or remedy market disadvantages, though not always with success. Two kinds of such organisations have emerges in India; large-scale



processing and marketing co-operatives which vertically integrate large numbers of scattered petty producers (of milk, papad, pickle). These generate economic gain for the producers by supplanting the traditional money-lender, and by reaching wider markets. The latter kind (WWF, SEWA), imparts participatory skill in internal management.

Women entrepreneurs have organised themselves under the Indian Council of Women Entrepreneurs, which represents their cases to the government. The first National Convention of Women Entrepreneurs, held at New Delhi in November 1981, called for priority to women in the allotment of lands, sheds, sanction of power and industrially licensing etc. It also recommended the simplification of loan procedures, counselling services, centralized marketing services and special training programmes for women entrepreneurs.

In response to the above demands, the government has taken various steps to ensure adequate finance to women entrepreneurs, and also started special training programmes for them.

Financial assistance is extended by the scheduled commercial banks to women entrepreneurs by way of project/ term finance. Other schemes under which women entrepreneurs can avail of financial assistance are the self-employment scheme for the educated unemployed, the Composite Loan Scheme, the National Equity Fund and the training and extension services started by the IDBI. Banks also provide working capital finance, and some banks such as the Indian Bank, have set up exclusive cells for women entrepreneurs.

Now-a-days, the banks are conducting special programmes for development of entrepreneurial skills and persuade participants to set up independent business ventures. State Bank of India has so far conducted 81 entrepreneurial development programmes (EDPs), in the country, one such exclusively for women entrepreneurs at Kanpur. Apart from conducting training programmes, the Bank also arranges for imparting vocational training. Other government and non-government agencies such as SISI, ITCOT, FICCI, Rotary, Lion etc., also give on-the-job training to women entrepreneurs through their members who are running similar industries.

To conclude, an integrated approach is necessary for making the movement of women entrepreneurship a success. flying realized the importance of the role to be played by women in the nation's development. In the Seventh Five Year Plan, a chapter on women's development has been included and it details the plan of action for "Integration of Women in Development." If the new slogan "march towards the twenty-first century" is to become a reality, a very vital part of society which can contribute substantially towards economic development of the country should be given attention and that vital sector is women entrepreneurs.

Women entrepreneurs are, thus, confronting with problems in the areas of production, marketing, finance, and employment. More specifically the major problems in production confine to shortage of raw materials, followed by shortage of power and water. Financial problems highlighted, through inadequacy of running capital because of sanctioning limit of the agent of nationalized banks and the consequent troubles in getting clearance from higher authorities. Moreover, the dearth of sincere, hard working labourers for employment posed a major hurdle to the development of the

industries. The facilities extended by the government agencies such as SIT and State industries service institutes have not been used by the entrepreneurs. As almost all of them are aware of the financial assistance, provided by banks and majority of the rendered, have gone in for their services, and did not avail the services provided by the respective producers' organisation or association.

Thus, it is paradoxical that while on the one hand several kinds of assistance are available to the women entrepreneurs (front those institutions catering to the need of small-scale industries) their awareness on the other remains relatively poor. Therefore, an integrated approach is necessary for making the movement of women entrepreneurs a success.

### **Suggestions :**

- (a) The women entrepreneurs should be encouraged, to avail the concession offered by SSI.
- (b) Government should improve publicity regarding the incentives/concessions and organise more awareness programme to women entrepreneurs through various media.
- (c) The women entrepreneurs should make use of the various incentive schemes offered by the government.
- (d) Government should encourage private training institution involved in women entrepreneurs' development by offering incentives.
- (e) Women's association should come forward to participate in women entrepreneurs development.
- (f) One of the handicaps to women entrepreneurs is the lack of training. So there should be a reorientation of educational system for women, a curriculum change along with proper carrier guidance in women's polytechnics and some reservation for admission of women in discipline like engineering, agriculture and architecture.
- (g) In order to ensure that the development of women entrepreneurs takes place as fast as possible, there is a case for setting up apex bodies at the state capital level and organizations at district levels which could be affiliated to the apex body. Such an integrated effort would serve as an effective machinery to render necessary assistance to the prospective and existing women entrepreneurs, and to serve special help for them whenever needed from government, banks financial institutions and others.
- (h) Government, banks and financial institutions should come forward to offer loans to women entrepreneurs with attractive and low interest rate and simplified procedures.

### **Conclusions**

The growth and prosperity of our nation can achieve only through the process of industrialization. Since women are a major source of manpower in our country, they should be encouraged to become entrepreneurs. The competitive spirit should be instilled in them from their

childhood. The government, private institutions and women's associations should encourage and provide financial aid and support, women to become a successful entrepreneur.

## **2.10.The concept of Child labour**

The age of the child is the sole factor for determination as to who is a child. In India there are several legislations relating to the age of the child which describe various ages.

The term child labour as is used by policy makers and researchers, who stress restoration of pleasure and opportunities of child to children, connotes deprivation and exploitation. The report of the child labour (1979) stated that labours as an absolute evil in the case of child when the child is required to work beyond physical capacity, when hours of work interfere with child education, recreation and rest when the wages are not commensurate with the quantum of work done and when the occupation of the child is engaged child's health and safety.

Child labour is described as "any work done by children that interferes with their full physical development, their opportunities for desirable minimum of education or their needed recreation".

Conventionally, working child is defined as a child in the range of 5-14 years, who is engaged in labour either paid or unpaid. Here one can distinguish between child labour and child work. While labour is broader one and includes the deprivation of the right to education and child hood. According to NSS the nowhere children forms about 35% and they are potential child labourers. Therefore, the child labour problem should be addressed not only to the category of child labour but also the category nowhere children's.

Why are Children preferred ?

Children's employment in all possible sectors is preferred because of the following reasons.

- (i) They work for less remuneration than adult labourers,
- (ii) They are more flexible mentally as well as physically and can be moulded and pressurized easily into the exploitative tactics of the employers,
- (iii) Child labour is not only very cheap to the employers, but also trouble-free since they cannot organize agitations by themselves,
- (iv) Being minors, the membership of trade unions is not open to child labour and hence it is an advantage to the employer,
- (v) Children cannot demand any overtime, nor the medical and other similar benefits.
- (vi) Employers find children more amenable to discipline and control
- (vii) They can be coaxed, admonished, pulled up and punished for default without jeopardizing relationship.

### **Working Avocations:**

From primitive agriculture to modern industry we witness the employment of children. They work under humiliating conditions without having any freedom to express the torture they undergo. The main concern for India is its children working in hazardous industries such as in the production of glass, brass,

locks, gems, matches, fireworks, slates, tiles, carpet-making, stone polishing, diamond cutting, wood carving, mining sector, leather tanneries, beediworkes, etc.

In recent years, there has been a decline in the proportion of child labour in the organized sector but it has spread its tentacles in the unorganized and service sector, for example, road construction, restaurants, loading and unloading work, shoes polishing, rag picking, hawking goods and as domestic servants besides concentrating in primary sector. These children are exploited, exposed to hazardous work conditions and paid a pittance for their long hours of work. Forced to forego education, shouldering responsibilities far beyond their age they never knew what childhood is.

#### **2.10.1.Pligh of child labour.**

Being exposed to adult life at an early age creates numerous problems for the child labour. Working for long hours even during the night, with the least protection from a polluted environment at the place of work and under constant mental and physical strain, the children's growth becomes stunted. Children work in dangerously polluted factories whose brick walls are scarred with soot and there is an oppressive smell in the air. They handle dangerous chemicals like arsenic and potassium. They work in glass blowing units where the work exerts their lungs and creates diseases like tuberculosis. A large number of child workers are virtually confined in small rooms under inhuman conditions and in the most unhygienic surroundings. The hazardous conditions take their toll and children suffer from lung diseases, eye diseases, asthma, bronchitis and backaches and some are being injured in fire accident.

Toiling for long hours for a pittance these little breadwinners accept exploitation as a way of life. They only know their sorrows. Silent acceptance is writ large on their faces. There are times when their bodies ache, minds fog, hearts cry, spirit, blood but on the order of the employer and compulsion on the part of parents they work for long hours at a stretch.

Working children are unable to participate in leisure and recreational activities and therefore, lose these psychosocial benefits. Children soon pick up habit like smoking and liquor drinking. Some of them also become drug addict and spend time in gambling, smuggling or similar criminal activities.

Specific causes of girl child labour

There are many causes of child labour Some of the principal causes are

- a. Poverty.
- b. Illiteracy and ignorance of parents.
- c. Large family size
- d. Child labour is a cheap commodity
- e. Absence of scheme for family allowance
- f. Other reasons.

#### **(a) Poverty.**

The most important cause of child labour is wide spread and absolute poverty which force the parents to send their children to seek employment. Disease and other contingencies may need extra

money and the employment of children is restored to an easily accessible method to earn money. The problem of child labour is related to the problem of living wage of an adult worker. The very inadequacy in the wage of adults compels them to send their children to domestic work and the employers also take advantage in this situation by providing work to the children on low wages.

**(b) Illiteracy and ignorance of parents.**

The socio-economic group like the SCs, STs are illiterate. The majority of them think only about the present which is their sole concern and worry. They never try to think of the future. They ignore the fact that the child labour deprives the children of all the educational opportunities and minimize their chance for vocational training. It also affects their health and they are converted into labours of low wages for their entire life.

**(c) Large Family size**

Large families with comparatively less income cannot have happy notions in their mind. As a result they cannot protect and encourage the childhood of their children. If a family is limited and well planned, there will be no scope for sending their children to the labour market and the children can be carefully educated. Literate and innocent parents think just contrary to this. Thus if the size of the family is small, parents can provide all facilities to their children which are necessary for their mental, physical and social growth.

**(d) Child labour is cheap**

With the advent of industrialization, the tendency among the employers is to have quick and more profit at low costs. Hence, in every country, there was enrolment of children in a large number of factories who were paid very low wages, were subjected to excessive hours of work and were made to work in terrible conditions. Child labour exists not because children are incapable workers but because they can be hired for less money. Thus, the performance for labour by many employers is mainly due to the fact that it is cheap, safe and without any problem.

**(e) Absence of scheme for family allowance:**

There is a conspicuous absence of scheme for family allowance, so that people may have an adequate standard for living and may not be forced to send their children to the labour market. These schemes come under the social security measures which are in practice in many developed countries.

**(f) Other reasons:**

In addition to the above causes, there are also certain significant reasons for girl child labour. Firstly, the process of protective labour legislation is also which cannot even cover agriculture labour, domestic servants and small scale industries. Secondly, the inspecting machinery, which is provided by the State Government, is inadequate to check girl child labour. Lack of employment opportunities, and her encouragement to take up jobs instead of going to school are the other reasons which contribute to the prevalence of girl child labour.

Ineffectiveness of the policy measures to control the menace has been no less a causative factor, Governmental measures have been on piece meal basis lacking a holistic approach designed to strike at the root of the problem. Implementation of the policies is half-hearted. At times, parents deliberately report a higher age of the child to avoid legal complications and the checking official remain apathetic under the circumstances.

### **International convention**

India has accepted the convention on the Rights of the Child concluded by the UN General Assembly on November, 20, 1989. The International Labour Organization (ILO) has been playing an important role in the process of gradual elimination of child labour and to protect the child from industrial exploitation. It has been focused on five main issues prohibiting child labour, protecting child labour at work attacking the basis causes of child labour, helping children to adapt to future work and protecting the children of working children.

These rights were further affirmed by the UNO and have since received wider acceptance for universal adoption and observance have been as follows:

- Declaration of Human rights at League of Nations in 1924.
- Declaration of the Charter of Human Rights in 1948.
- Declaration of Rights of the Child in 1959.
- Observation of International year of the Child 1979.
- Adoption of a separate convention of the Rights of the Child by its General Assembly on November, 20, 1989.
- World declaration on the Survival protection and Development of children by the World summit for Children on 30<sup>th</sup> September, 1990.

### **2.10.2. Governmental Intervention:**

The Government has been alive to the need for release of these children from hazardous work and for their rehabilitation through education. With this end the National Policy of Child Labour was formulated in August 1987. The policy projects were conceptualized and launched around the same time. Later on this has reinforced and strengthened for the total liberation of all children in the age group of 5-14 employed in hazardous work and for their physical and emotional rehabilitation through composite package under the National Policy Child Labour projects which are to be administered by the District Child Labour Society registered under the Societies Registration Act, 1960. Under the Scheme 100 National Child Labour projects (NCLP) have been sanctioned to covers 2.13 lakh working children in almost all states.

A high powered body, a National Authority for Elimination of child Labour (NACEEL) has been constituted under the Chairmanship of the Union Labour Minister. The Government intends to implement the policies and programmes for elimination of Child Labour in a more focused, integrated and convergent

manner. The Government is reattempting to eliminate child labour for elimination of child labour in all other areas in the coming years. For which The Planning Commission has allocated Rs. 66.70 for child Labour scheme in the Tenth Five Year Plan.

The issue of child labour has been attracting a great deal of attention of the National Human Rights Commission (NHRC). It has urged and recommended the Government to amend the Central Service (Conduct) Rules, 1964 by adding new clause stating that no Government servant shall employ to work any child below the age of 14 years. Any breach of the proposed rules will be seen a misconduct attracting a major penalty. The NHRC noticed an alarming trend of many government officials employing children under Article 14 of the Constitution of India. The commission is also written to the Chief Minister suggesting similar changes in the service rules in their states.

### **2.10.3. Constitutional Provisions to Safeguard the welfare of the Children**

Founding fathers of the Indian Constitution were conscious about the rights and well being of the children and the same is reflected in various provisions of the Indian Constitution which are under:

1. Art. 15 (3) inter alia empowers the state to make special provision for the welfare of the children.
2. Art-21A provides right to free and compulsory education of every children in the age group of 6-14 years.
3. Art-23(1) prohibits traffic in human being beggar and all other forms of forced labour. Violation of this provision is an offence punishable under the law.
4. Art-24 prohibits the employment of children below the age group of 14 years in factories, mines and hazardous employment.
5. Art.3 (e) directs that the health and strength of workers, men and women and the tender age of children are not abused and citizens are not forced by economic necessity to enter into avocation to their age or strength.
6. Art. 30 (f) stipulates that children are given opportunities and facilities to develop in healthy manner and in condition of freedom and dignity and that the childhood and youth are protected against exploitation and against moral and material abandonment.
7. Under Art. 41 the state should within the limits of its economic capacity and development to make effective provisions for securing the right to work, to education and public assistance in cases of unemployment. Old age sickness and disablement and in other case of underserved want etc.
8. Art 45 places an obligation upon the state to provide free and compulsory education for all children until they complete the age of 14 years.
9. Art 47 imposes a duty upon the state to raise the level of nutrition and standards of living of its people and improve public health.
10. Art 51 A (k) imposes duty upon the parents to provide education to their children up to 14 years of age.

Now recently legislation has been passed which cover following areas where earlier legislations were not covered. They are;

- (i) Cinema production operation or cinema studio or cinema films.



- (ii) Serials shown on TVs / serial production/ stage dramas, street plays etc.
- (iii) Domestic works and operation.
- (iv) Commercial ads shown in films and also on TVs.
- (v) Entertainment and amusement activities like bars, live dancer and club etc.
- (vi) Loading or unloading or head carrying.
- (vii) Activities involved in tourism such as guide.
- (viii) Forest operation or employment.

### **Judicial Intervention:**

In peoples union of Democratic Rights Union of India commonly known as Asiad case it was brought to the notice of Supreme Court that children below 14 years of age were employed in the construction work. It was held that construction work is clearly a hazardous occupation and it is absolutely essential that the employment of children under the age of 14 years must be prohibited in every type of construction work.

According to the Supreme Court, In Labourers Salad Hydro Project V State of J and K, the problem of child labour is a difficult problem and it is purely on account of economic reasons that parents often want their both ends meet. The court said that this is an economic problem and it cannot be solved merely by legislation. But an attempt has to be made to be reduced, if not criminate the incidence of child labour, through proper education.

In Rangarajan Secretary District Beedi Worker's Union V. State of Tamil Nadu, the Supreme Court passed directions for implementing certain protective and welfare Schemes to improve the conditions of children working in cigar and Beedi rolling industry in Tirunelveli District of Tamil Nadu. It therefore, directed that every worker should pay by the employers and should strictly not be recovered from the workers.

In M.C. Mehta v. State of Tamil Nadu, AIR 1997 SC 699 which is purely known as child labour abolition case, , the Supreme Court ruling banned children from being employed in hazardous industries is essentially a reiteration of the constitutional mandate that no child below 14 shall be employed in any factory or engaged in any other hazardous employment. It is less a judgment than declaration. In this case, the Supreme Court gave many guidelines and directions to the states. But if children are employed in non-hazardous industries, notice to employer is not necessary.

The court has again reverted to the same theme in Bandhua Mukti Marchan v Union of India. In Unni Krishna v State of A.P. education up to the age of 14 years has been declared to be a Fundamental Right. Reading Arts. 15 (3) 24 and clause (e) and (f) of Art, 39, the Supreme Court has emphasized in Lakshmikanta v. Union of India upon the great importance of Child Welfare in the country and also lay down guidelines for adoption of Indian Children by foreign parents as there is no statutory enactment for the purpose.

### **2.11.Conclusion and Suggestions:**

The problem of child labour is not an isolated problem. It is the outcome of various social and economic problems on the Indian Scene, it is difficult to prohibit child labour. Problem of child labour cannot be solved only through legislation; however care should be taken that children are not employed in hazardous concerns and labour laws meant for their welfare are strictly enforced. In Indian circumstances the positive impact of child labor cannot be ignored. Child labour at least keeps children clear of delinquency, begging the marginal sub-cultures of the street and other similar evils. In this regard some suggestions have been made.

- 1) Poverty is the fundamental cause of child labour. Therefore, eradication of the poverty is the only solution to this problem. Poverty eradicated by providing better employment opportunities to the poor, by effective implementation of income generating schemes, agrarian reforms, minimum age law, social security law etc.
- 2) The Government should identify, implement and enforces the legislations that have been formulated and makes the inspection machinery more powerful and stringent.
- 3) There is an immediate need to amend the Child Labour (Prohibition and Regulation) Act. 1986 to make its violation a cognizable offence. The Act suffers from many infirmities and this requires immediate changes.
  - This Act distinguishes between hazardous and non hazardous form of labour and identifies certain process and occupation from which children are prohibited from working and leaves large range of activities where children are prohibited from working and are exploited.
  - This law does not protect the rights of children in employed in domestic work and hotel.
  - The Act does not contained any measures for rehabilitation of the rescued child. Punishments under the present laws dealing with child labour should be made more stringent and exemplary.
- 4) To eradicate child labour there shall be active involvement of NGOs, social organizations and local bodies.
- 5) The Government should seek representation of industrialist and factory owners in formulation and implementation of law.
- 6) The Supreme Court judgment in M.C. Mehta v State of Tamil Nadu needs to be enforced strictly.
- 7) The Media can play a very positive by making the community aware of the problems of the child labour, understand the causes and assist the family the community and the state in addressing the issues.
- 8) The child labour prohibition law should not provide any exception such as legalizing child labour in occupations where the work is carried on with the aid of the family of the occupier or in schools run with the assistance of the Government.
- 9) There is imperative need to integrate all child laws together and create the code of India a part of which would be the child labour code so as to be applicable to informal manual and unorganized sectors, along with a comprehensive manual for administrators, social workers, general public lawyers and judges.
- 10) There is need to set up child labour ombudsman or National Child Labour Commission which would undertake the task of investigation, resolution of grievances and dispute and giving authoritative directions to employees to better the lot of child workers.

11) Though various judgment and protagonists have reiterated the importance of compulsory education to eradicate child labour. Compulsory education means that for least a part of the day, it is mandatory for children have to remain in school. In the case of child labour, compulsory education mean loss of income to the parent. Therefore, the chances are that the parent may not be interest ed in education for the child. Therefore, the only feasible solution is that education be combined with light work, the way it has been done in many societies. For this weaker section of society, education should not only be free and compulsory as provided by the Constitution in the form of mid day meals should be given as well. Free books should also be given and finally, to check the employment of child, parent employments should be ensured.

The dream of child labour free production can be realized only if the state and society at large feel responsible for the well being for this socially and economically weaker section of society.

### **Unit III**

## **Women and Society-II**

### **Contents**

**3.1.Committee on Differentiation of Curricula for Boys and Girls (1961)**

**3.2.National Committee on Women Education (1958-59)**

**3.3.Constitutional provisions for education**

**3.4. Constitutional provisions regarding women education**

**3.5.Women And Law**

**3.5.1.Legal Reforms and Women's Rights**

**3.5.2.Right to equality in training, employment and career advancement**

**3.6.Feminist jurisprudence**

**3.7.Constitutional rights of women**

**3.7.1.Rights of Working women**

**3.7.2.Right to inheritance**

**3.8.Women and Personal Laws**

**3.9.Offences against Woman's Personhood**

**3.10.Women and Criminal Law**

**3.11.Conclusion**

### **3.1. Committee on Differentiation of Curricula for Boys and Girls (1961)**

This committee was set up to suggest necessary reforms without, at the same time, causing an upheaval in the general pattern of education. The committee suggested following points regarding girl education.

- The public mind will have to be disabused of all traditional concepts of the physical and intellectual inferiority of women.
- Women teachers should be appointed in all educational institutions which are ordinarily meant in separate secondary schools and colleges for girls.
- The Committee realized that in the progressive society like ours, the women are expected to share the social and economic responsibilities of men.
- Education will be related to individual capacities, aptitudes and interest
- In text books adequate attention should be paid to the need, experiences and problems of girls by adding relevant topics about women.
- The possibility of employment for women in as many vocations are possible, to be explored.
- Transport facilities should also be provided to enable girls to attend schools which are not easily accessible from their homes.

### **3.2. National Committee on Women Education (1958-59)**

National Committee on Women's Education was set up by the Government of India in the Ministry of education, under the chairmanship of Smt. Durgabai Deshmukh, who was also the Chairperson of "Central Social Welfare Board."

National Committee on Women Education has given following recommendation regarding girl's education:

- The education of women should be regarded as a major and a special issue in education and bold and determined efforts should be made to face the difficulties and to close the existing gap between the education for men and women in as short a time as possible.
- Every state should be required to prepare comprehensive development plans for the education of girls and women in its area.
- At primary level concessions in kind should be given to all girls, whether from rural or urban background, of parents below a certain income level
- At middle and secondary level more and more coeducational institutions should be started. Free and subsidized transport should be provided to girls in order to make middle and secondary schools, within easy reach.
- Steps should be taken to set up additional training institutions for women teachers in all such areas of the country where a shortage exists at present.
- Girls should be encouraged to take up courses in commerce, engineering agriculture, medicine, etc, at the University stage by offering them scholarships and other concessions.
- The service of the voluntary organizations should be used in the field of middle, secondary, higher, social and vocational education of women.

- The problem of wastage and stagnation can be eliminated partly by educative propaganda and by a strong enforcement of the compulsory education law.

### **3.3.CONSTITUTIONAL PROVISIONS FOR EDUCATION**

In the Indian Constitution, education is both a Union and a State subject. It means that both the centre and the state are responsible for its expansions and progress. Our constitution has guaranteed free and compulsory education to every child up to the age of 14 years. It is the responsibility of the Centre and the States to see that every individual is equipped with the necessary knowledge, skills and attitudes to discharge his duties as a responsible and cooperative citizen so that the proper functioning of democracy in the Nation and also at the international level can be maintained with its limited resources in all aspects like social, economic, political, educational and familial, etc.

There are number of Articles and Clauses in the Constitution which directly or indirectly make provision for education and apportion educational responsibilities to the Centre and the States. Briefly speaking the Constitution of India makes the following Provisions for education:

1. Article 15(1):  
“The state shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.”
2. Article 15 (3):  
“Nothing in this article shall prevent the state from making any special provision for women and children.”
3. There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the state.”
4. Article 28 (1):  
“No religious institutions shall be provided in any educational institution wholly maintained out of state funds.”
5. Article 29(2):  
“No citizen shall be denied admission into any educational institution maintained by the state or receiving aid out of state funds on grounds only or religion, care caste, language or any of them.”
6. Article 30(1):  
“All minorities whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.”
7. Article 30(1A):  
“In making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, referred to in Clause (1), the state shall ensure that the amount fixed by or determined under such law for the acquisition of property is such as would not restrict abrogate the right guaranteed under the clause.”
8. Article 30(2):

“The state shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management for minority, whether based on religion or language.”

9. Article 39(a):

“The state shall in particular, direct its policy towards securing that the citizens, men and women, equally have the right to an adequate means of livelihood.”

10. Article 39(d):

“That there is equal pay for equal work for both men and women.

11. Article 39(e):

“That the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.”

12. Article 45:

“The state shall Endeavour to provide, within a period of ten years from the commencement of this constitution, for free and compulsory education for all children until they complete the age of fourteen years.”

13. Article 46:

“The State shall promote with special care the educational and economic interests of the weaker section of the people and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.”

14. Article 257(1):

“The executive power of every state shall be so exercised as not to impede or prejudice the exercise of the executive power of the Union, and the executive power of the Union shall extend to the giving of such directions to a state as may appear to the Government of India to be necessary for that purpose.”

15. Article 282:

The Union or a State may make any grants for any public purpose, notwithstanding that the purpose is not one with respect to which parliament or the legislature of the State, as the case may be, may make laws.”

### **3.4. CONSTITUTIONAL PROVISIONS REGARDING WOMEN EDUCATION**

Women complain that they make the largest minority in India and yet they suffer from a variety of social and economic disabilities which prevent them from exercising fully their human rights and freedoms in the society. Though the circumstances have now changed child marriage, especially of female children, was common. Widow marriage was prohibited, even if the widow somehow succeeded in escaping from the funeral pyre of her deceased husband where she was expected to be burnt alive. A divorcee was generally looked down upon and the remarriage of a divorcee was socially disapproved.

Some of these problems still persist in varying degrees. It is not due to any lacunae in the Constitutional provisions against them. For our Constitution has made explicit provisions against these social discriminations and evils against women and has been playing an important role in changing

deeply rooted social attitudes. During the last three decades a number of laws have been registered with a view to ensuring equality of status and opportunity for women.

The following articles in the Constitution on India make specific provisions for the education of women:

**Article 15 (1)** states: "the state shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them,"

**Article 15 (3)** states: "nothing in this article shall prevent the State from making any special provision for women and children."

**Article 16(1)** states: "there shall be equality of opportunity for all citizens in citizens in matters relating to employment or appointment to any office under the State."

**Article 39 (a)** states: "the citizen, men and women equally have the right to an adequate means of livelihood."

In the Indian Constitution it is assured that no one is discriminated against on the basis of sex. But in reality social taboos have historically been retarding the progress of women, especially the field of education.

In view of the deploring low status and representation of women in various walks of Indian life and society, at Independence and at the time of the drafting and promulgation of the Indian Constitution, it was felt necessary to make certain specific provisions in the constitutions and also to take certain practical measures, to rectify the discriminations and injustices of the past, and, thereby to uplift women to the level of parity with men. The decades since Independence have been singular progress of women in various fields. The framers of our Constitution and members of the Constituent Assembly have shown tremendous insight and farsight in making suitable constitutional provisions for safeguarding the educational and other interests of women who have had suffered centuries of neglect.

### **3.5.Women And Law**

#### **3.5.1.Legal Reforms and Women's Rights**

In the nineteenth century many, thinkers in India rose against the evil practices and so called customs framed with the intention of exploiting women. To quote Kuppusamy, "The wave of reformist thought in the nineteenth century initiated by Raja Ram Mohan Roy (1774-1833) and followed by Ishwar Chandra Vidhyasagar (1820-1871), Dayananda Saraswati (1827-1883), Keshab Chandra Sen (1838-1884) and others led to a very significant legislative, social and educational changes. Finally, Mahatma Gandhi and the Indian National Movement led to the great emancipation of the Indian women in the twentieth century."

The elite section of the community was influenced by the liberal philosophy of West preaching equality, freedom and justice. The western philosophy laid emphasis on principle of contract rather than



that of status. The Indian liberals like Dadabhai Navroji, Gopal Krishna Gokhale, Badruddin Tayabji and others believed that complete freedom was unbelievable without the freedom and equality of women was a necessity. They fought for women's right so as to enable them to lead a good and prosperous life.

Granting fundamental rights and passing progressive laws have not paved the way for an egalitarian society. Even now, after so many years of Independence, women suffer in-equality, domination and exploitation. While the Constitution of India lays down the norm of the family as equalitarian, the conjugal and nuclear family of husband and wife who have entered into wedlock of their choice; the numerous acts, particularly dealing with personal laws, give legal validity to various, diverse and contradictory patterns of family types to various religious communities. These enactments pertaining to personal laws permit patriarchal, monogamous, bigamous families which not only shape different structures of families but also provide diversity and contradictions in the rights and obligations of various members within the family, as well as differentiation with regard to succession, descent, inheritance, and other aspects of family (Desai: 47). Reviewing the position of women under the Indian Constitution, it is argued that women have not been perceived by the Founding Mothers as a specially deprived and disadvantaged community like the Scheduled Castes and Tribes and Other Backward Classes. Women of even these Scheduled groups—who are double depressed, first as women and second as women within the scheduled groups—have also not been seen as special constituencies within the scheduled groups. The Constitution does not see patriarchy as problematic; it perceives it as natural (Baxi).

It is not easy to align the legal machinery to the pace of social change. The Directive Principles of State Policy remain ideals; and archaic acts remain operative. There is an enactment like the Special Marriage Act, 1954, but progressive legislation is still inadequate. The perspective on women's issues has not changed radically. The woman is still viewed more as an embodiment of virtue and sacrifice than as a citizen, equal to man, and a partner in the process of development. Such evils as bigamy, dowry, sex determination tests and prostitution (including child prostitution) have not yet ended. The Family Courts Act, 1984, has also not provided relief to women. Crimes against women are not decreasing. Moreover, the legal process is cumbersome and expensive.

There are some specific legislations for women workers. Still the fact remains that the provisions of such laws do not reach them all. The discrimination against women in the economic arena remains an issue causing concern, in spite of some positive court decisions. In the case of *M/s Mackinnon Mackenzie & Co. Ltd. vs. Audrey D'Costa and another* (AIR 1987 SC 1281), the Supreme Court directed equal remuneration for men and women stenographers performing the same work or work of the same nature. But the notion of comparable work has not been fully accepted. In the absence of statutory law, the Supreme Court has, in the case of *Vishakha and others vs. State of Rajasthan and others* (1997 (7) Supreme 323), laid down guidelines and norms in respect of sexual harassment to be observed at all work places until legislation is enacted for the purpose. Ambivalent formulations, varied interpretations, half-hearted implementation of the laws, and delays and expenses involved in the judicial process make helpless women more helpless. Dr. Ambedkar had foreseen during the debate in the Constituent Assembly a contradiction between equality mandated by the Constitution and

inequality sanctified by tradition and custom. Women with little control on resources and their own lives are pushed by the social forces to accept their subordinate position.

There are some issues related to the area of women and law which have assumed new dimensions recently, the most important being the issue of Uniform Civil Code. The debate pertaining to this is very complex: It tries to bring equality to women from different communities, but ignores their differences and the issues resulting from such neglect. The Uniform Civil Code runs the risk of being used as an instrument by communal forces to run down certain communities, which will result in the polarisation of communities. This has led to the process of measures to reform personal law from within the community, for instance, the All India Muslim Personal Law Board's proposals for a change in divorce laws.

There has been debate also over the relevance and provisions of some legislative measures. Section 498-A, which punishes cruelty and harassment by husband or his relatives of a married woman, has come under fire recently as some people say it is misused by the woman to harass her husband and in-laws. Then, whether prostitutes can be called 'sex-workers' is an issue, and how to protect their rights is a question. Issues pertaining to women's health and contraceptive methods have assumed new dimensions recently. Abortion has not become a controversy in India as it has in the countries of the West. The Medical Termination of Pregnancy Act, 1971, permits ending of pregnancy under some situations. There is legislation to regulate misuse of technology for sex determination tests also. But such acts by themselves do not empower the women. The image of the woman in media is another vexing issue. The Indecent Representation of Women (Prohibition) Act 1986 prohibits indecent representation of women through advertisements, publications, writings, paintings, figures or in any other manner. But it is not easy to decide what is obscene or indecent. To take an example, in the case filed against the scenes of rape shown in the film 'Bandit Queen', Bobby Art International, etc. vs. Om Pal Singh Hoon and others (1996 (3) ST 772), it has held that these scenes were in aid of the theme and not intended to arouse lascivious thoughts, but revulsion against the perpetrators and pity for the victim.

Legal theorists, and especially feminist scholars, have debated the concepts of sameness and difference. Women are said to be equal to men, and consequently to be judged by the same standards. At the same time, they are also said to be different from men, and hence deserving different treatment. The issue becomes more complex in the Indian situation, where the legal system has evolved from a colonial system to independent rule, resulting in a curious mix of traditions, religious practices, and principles of equality and rights.

The formal model of equality equates equality with sameness, and only those who are the same are to be treated equally. In contrast, the substantive model of equality begins with the recognition that equality sometimes requires that individuals be treated differently. Here the focus is not simply on equal treatment under the law, but rather on the actual impact of the law. The explicit objective of this model is the elimination of the substantive inequality of disadvantaged groups in society. The formal model of equality continues to hold over the judiciary's approach, though some inroads have been made towards a substantive model of equality (Kapur and Cossman: 1993).

Feminists need to direct their attention to developing the substantive model which holds greater promise for women's struggles (Kapur and Cossman: 1996). It has to be recognised that law by itself cannot bring about social change. What is required is constant challenging of the premises, the ideology and strategies which reinforce the subordination of women, along with the conscious formulation of a positive ideology and practices for the reconstruction of equality. Ideology and the resources—physical (like land and water), human, intellectual and financial—which determine power (Batliwala).

### **3.5.2. RIGHT TO EQUALITY IN TRAINING, EMPLOYMENT AND CAREER ADVANCEMENT**

Soon after the advent of Indian Independence a government officer remarked: "I have never seen so many girls working in offices as there are today. One meets them everywhere and in every capacity. The city is full of happy middle class working girls." Indeed, one has merely to stand in a busy area in any of the great cities of India when offices close and open to see the number of Indian women working in secretarial and administrative capacities or as stenographers, clerks, telephone operators, sales women and receptionists, to mention but, a few careers. This spontaneous raising of the economic status of Indian middle-class women is something which is characteristic of this country as a free nation. Women in labouring classes have been working for a number of years in village industries, mines and as domestic servants, but the upsurge of the middle income groups of women towards gaining economic independence is something new and encouraging. It goes to prove that no country can be free unless its women are also free."

Since its Independence in 1947 Perhaps no other nation has testified to this fact as much as India. It is obvious that women have right to equality in training, employment and career advancement. Legislation is protecting women in factories, mines and plantations. The conventions and recommendations of the International Labour Organization have inspired the union government to forge ahead with legal protection for women workers. The ILO attitude to women's problems is to enable them to "achieve full opportunity to develop their qualifications freely and to play a full and effective part in social and economic life." Its objectives are:

1. Full political and civil rights.
2. Full opportunity for education.
3. Full opportunity to work.
4. Remuneration without discrimination based on sex.
5. Legislative protection against physically harmful employment conditions and economic exploitations.
6. Legislative safeguard for motherhood and freedom of association.

All these are being pursued by the central and state governments including equal pay though this is not yet a practical proposition in some industries. The wages of women workers are usually fixed at rates lower than those for either because the relative value and nature of work are different or because historical developments and social and economic factors have generally made for the fixation of lower rates for women workers, irrespective of the nature of their work. But the Minimum Wages Act has narrowed down the differences in wages.

Women are given equal training and employment in the industries and factories. In the official jobs also, i.e., in the secretarial and administrative jobs they are given equal training, employment and career advancement at par with men. Promotions are also given in all fields to women offices at par with men. All careers are now open to women, and it is up to them entirely to benefit themselves for the opportunities created. Now a days middle class girls have shown to seize their chances.

The constitution promises social, economic and political justice to every citizen and also equality of opportunity in matters of public employment. Men and women equally have the right to an adequate means of livelihood. Equal pay for both men and women is assured. These clauses are not merely theoretical. They are practical propositions and have been successfully put to the test.

There are large number of women in teaching profession. It is considered to be 'respectable' profession. Bethune College was the first women's college employing women as teachers. Miss. Kumodini Das was its first Indian woman principal. The first woman M.A. in India was Chandrainukhi Bose of Bengal, the first Inspectress of schools. Many medical colleges now reserve places for girls. The college of Nursing in Delhi is the first of its kind in India.

Many women have been registered as tourist guides and given certificates after a course of training. In the field of architecture some women are occupying decent posts. Employment Exchanges set up by the Directorate-General of Resettlement and Employment afford opportunities for women to seek employment. Women in business are not a small number. There are many girls who are enterprising enough to start shops, tailoring concerns, auction rooms and countless other enterprises. Women are employed in Textile Mills for textile designing. In the field of broadcasting there are innumerable women who have worked and are working as feature and script writers for dramas and films. In the field of aviation many women are employed as air hostesses. Above all, women are given good opportunity in administrative too.

Thus, women have right to equality, training, employment and career advancement not only in India but also in other countries.

## **RIGHT TO DIVORCE**

Divorce is the most obvious symptoms of family disorganization. The Hindu shastras regarded marriage a holy bond never dissoluble in life. The wife was to worship her husband as a god. In Hindu law there was no such thing as divorce. The custom of divorce existed only among the lower castes. The Hindu

Marriage Act of 1955 has recognized the right of a Hindu woman to divorce her husband. Under section 13 of the Act any marriage solemnized, whether before or after the commencement of this Act, may, on a petition presented by, either the husband or the wife, be dissolved by a decree of divorce on the ground as per provisions given below':

1. Adultery.
2. Conversion to another religion.
3. Unsoundness of mind for a continuous period of 3 years.
4. Suffering from a virulent form of leprosy or venereal disease in communicable for three years.
5. Renunciation of the world by entering any religious order.
6. Not being heard of as alive for a period of seven years or more.
7. Failure to resume-cohabitation two years after the passing of a decree for judicial separation or of restitution of conjugal rights.

An additional ground for divorce has been granted to women where there is a co-wife or co-wives living. A wife can also apply for divorce if after the marriage, the husband is guilty of rape, sodomy or bestiality. No petition for divorce can be entertained ordinarily before the expiry of three years from the date of marriage. Divorced persons may not marry again until the expiry of a minimum of one year from the date of decree of divorce or till the period prescribed for the appeal is over or any appeal filed is disposed of.

Among the more important of the other clauses of the Act are those dealing with alimony and maintenance. At the time of passing of the decree the court may grant a gross sum or specified sum to be paid at regular intervals not exceeding the life time of the applicant, and if he or she remains chaste and unmarried. The amount of alimony will depend on the property held by either party, and may be subsequently varied on application if circumstances point to the need for a change.

The Hindu Marriage Act marks an advance on the rules of alimony generally prevailing in other countries in that alimony can be paid not only to the wife but also to the husband in a proper case. The court may also give such directions as to the custody, maintenance and education of minor children of the marriage consistent with their wishes, if possible. It may also give directions as to any property held, jointly by the parties having been presented at the time of marriage.

Imprisonment up to a period of seven years and a fine is the punishment for bigamy. Higher punishment is prescribed if the fact of a previous marriage is concealed from the other party. If there is contravention of the prescribed age limit a fine up to Rs. 1,000 or simple imprisonment of 15 days is prescribed, while contravention of the rule of prohibiting marriage within the *sapinda* relationship can

be punished with a month simple imprisonment or a fine up to Rs. 1,000. Under this Act section 26 deals with the custody of children. Thus, it is regarded as a significant step in achieving emancipation and equality for our women.<sup>o</sup>

### **RIGHT TO REMARRY**

In 1856, the Widow Remarriage Act was passed, legalizing the marriage of widows and declaring such marriages as legitimate. Widow houses were set up by social welfare agencies to ameliorate their conditions and to offer them new opportunities for economic independence. Women have been given right to remarry in other circumstances also. Any marriage has been dissolved by a decree of divorce and either there is no right of appeal against the decree or, if there is such a right of appeal, the time for appealing has expired without an appeal having been presented or an appeal has been presented but has been dismissed it shall be lawful for either party to the marriage to marry again.

Right to remarry has been given to the Christian women according to the provisions of the Christian Marriage Act. Thus, it is considered as one of the most important enactment to give better rights to women with regard to remarriage."

### **RIGHT TO EDUCATION**

The right to education gives full freedom to the individual to educate himself or herself and develop his or her faculties. The right implies that wide educational opportunities are at the disposal of the individual to develop his or her personality. In highly advanced states government gives all facilities for primary, secondary and higher education, and can even introduce compulsory education. Education today is as indispensable as food and water. Unless the people, the 'masters' whom in sovereignty is vested are educated, they cannot participate in any governmental work, cannot understand the currents of politics, cannot express their views, cannot criticize the government and cannot have the capacity to judge the calibre of candidates, who stand for election. In India unfortunately, we shall have to wait for sometime before compulsory education is introduced." The first milestone in the development of education in Independent India was the enactment of the Indian Constitution which defined number of matters concerning education. The provision for free and compulsory education for all children until they complete the age of fourteen has been made.

In recognition of the importance of education of girls and women in accelerating socio-economic development the government has formulated a variety of measures from time to time in this direction. As a result of these measures there had been gradual but progressive increase in the involvement of girls over the plan periods and the gap in the enrolment of boys and girls appeared to have been narrowing down during the last two decades. During the ten years period ending 1980-81, there has been annual growth of 2.8 per cent in enrolment in classes I to V and 6.3 per cent in classes VI to VIII for girls. In the context to the goal of achieving universalization of elementary education by 1989-90, an additional enrolment of girls to the extent of 70 lakhs at primary level and 25.50 lakhs at middle level is proposed to be achieved by 1984-85 whereas the corresponding figures of boys enrolment are 47 lakhs and 36.50 lakhs respectively."

The right to education is given to women and thereby we witness a far reaching change in the society in the country.

### **3.6.FEMINIST JURISPRUDENCE**

Jurisprudence does not have a precise denotation but involves manifold ways of theorising about law. In the West, this theorisation has been conducted at a high level of abstraction and has been understood largely as the prerogative of a few highly esteemed men, such as the well known legal positivists, Hart, Kelsen and Dworkin. Feminist jurisprudence, a term coined as recently as 1978, has completely disrupted the conventional model of jurisprudence. Informed by the reformist and experiential grounding of Feminism, feminist jurisprudence has eschewed the rarefied abstractions of analytical jurisprudence. Indeed, feminist jurisprudence can be loosely understood as encompassing the entire corpus of feminist writing about law. In light of its amplitude, feminist jurisprudence cannot be said to possess a single identifiable theory or perspective, any more than mainstream jurisprudence. Nevertheless, liberal Feminism has been the most influential strand and that which is most commonly identified with feminist legal scholarship.

Although initially sceptical, mainstream (masculinist) jurists themselves have more recently been prepared to acknowledge the impact of feminist scholarship, along with other contemporary legal movements, such as Law and Economics, Critical Legal Studies, and Law and Literature.

#### *Liberal Feminism*

Liberal values, rooted in the Eighteenth Century Enlightenment and modernity, include respect for equality, freedom, and autonomy. These values have been conventionally understood as concepts that have meaning only in the public sphere. Because of the traditional assignation of women to the private sphere, the conventional realm of inequality and necessity within Western thought, the relevance of the values of freedom and equality to the lives of many women has remained elusive. Despite antipathy from the mainstream, the reformist or practical dimension of legal Feminism has been significant in highlighting and endeavouring to remedy gender inequities in rape, domestic violence, homicide, family law, employment law, and so on. Since the 1970s, legal scholars have campaigned for change and written about the gendered anomalies in the law. It made strategic sense to base claims on entitlements to equal rights within the prevailing liberal paradigm, despite the resultant contradictions and ambiguities.

In setting out to remedy inequitable laws and to effect some semblance of sexual equality in both private and public life two decades ago, legal feminists were keen to assist courts and other key institutions and grapple with new ways of seeing things. The focus was on “letting women in”, or accommodating the feminine within existing paradigms. Again, this was a strategic choice, as the desire was to maximise the attainment of justice for women; there was too much to be done to allow attention to be deflected by struggles that activists perceived to be academic and peripheral. For example, there was scant regard for the ways that notions of “sex/gender” (concepts that flow into one another) are socially and historically situated. Thus, while feminist legal scholars critiqued certain laws as anomalous and discriminatory, they generally accepted the prevailing liberal form of law, such as the necessity of proving a causal link between an individual complainant, a cognisable harm, and an identifiable wrongdoer. The need for an identifiable wrongdoer in the case of *systemic* discrimination, for example, may mean that it is impossible for a complainant to grove the necessary causal nexus. The uneasy relationship between the subjective, particular and experiential focus of feminist legal methods and the universality of traditional legal methods already posed practical problem for feminist reformism. The need to accept prevailing paradigms inevitably posed a dilemma or blunted the critical edge of Feminism.

A site of contestation for feminist reform also manifested itself in the homogenisation of the category “women”. For women to make out claims of inequality and sex discrimination, it had to be shown that they were in the same or similar circumstances to men, but were treated less favourably because they were women. The limitations and, indeed, absurdity of the formalistic approach became increasingly apparent in the gymnastics necessary to satisfy a requirement of comparability. In one famous American Supreme court case, the paradigmatic female condition of pregnancy was analogised with the male medical conditions of prostatectomy, haemophilia, circumcision and gout. In the absence of comparability, it was reasoned, unfair treatment on the ground of pregnancy did not constitute sex discrimination. Comparisons of this kind induced many feminists to espouse difference, that is, to accept that the category “women” was essentially different from the category “men”, and that gender difference should be celebrated, not disguised. Carol Gilligan’s psychological thesis that women — as a class — speak with a “different voice” resonated with the experiences of women in practice, as well as in the legal classroom and the academy.

### *Post-Liberalism*

By the mid-1980s, some feminist legal scholars had begun to move beyond a focus on equality and the idea of reforming discrete aspects of law, to thinking about how the nature of law itself was gendered. The work of the American legal theorist, Catharine MacKinnon, was particularly influential, but other scholars began to explore the possibility of feminist jurisprudence in the 1980s. The new approaches struck a chord with many feminist legal scholars, generating debates, seminars, colloquia, and a flurry of publishing activity. Mainstream law journals began to publish articles by feminist legal scholars, signalling a qualified degree of acceptance of feminist jurisprudence within the academy. Special issues of law journals began to be devoted to feminist jurisprudence, and then specialised feminist law journals appeared. With the appearance of feminist courses in the law curriculum, monographs and collections of essays devoted to feminist jurisprudence became increasingly attractive to publishers.

The proliferation of feminist jurisprudence encouraged more sophisticated theoretical analyses, although the practical aims of Feminism and the desire for equality have continued to be central to liberal legalism. Nevertheless, some feminist theorists became frustrated with the *ad hoc* nature of the gains made and began to focus on the masculinist nature of legal knowledge. I choose to use the word “masculinist” rather than “male” or “masculine” to emphasise the element of social construction, and to avoid the implication that there is some predetermined or “male” character to law. Thus, women may share masculinist values, just as men may share feminist values. The term “masculinist” can therefore be used to describe women in the academy, in the legal profession, and elsewhere, who defer to the orthodox myth that legal knowledge is neutral, objective and fair.

The major problem that emerged was that feminist legal scholars who were themselves largely white, middle class and heterosexual, sought to create, it was argued, a new legal subject in their own image. Non-English speaking, indigenous, immigrant, lesbian, disabled, and working class women began to attack the depiction of woman as possessing a single, identifiable “essence”, for they did not see themselves reflected in the image. White feminists have been taken to task for prioritising gender over race, and for their “ethnocentric universality” in representing Third World women as homogeneous and powerless. The attack on what came to be known as “essentialism” sent shock waves through the feminist movement. No longer was it possible for a White woman to refer to women collectively as “we”; the category “woman” had been shattered into a thousand fragments.

The attack was salutary in that even the most obtuse of White Western feminists was jolted into an irrevocable consciousness regarding the enormous importance of differences between women. But a conundrum presented itself: how could there be a politically viable women’s movement without a unitary category of women? This conundrum caused an unfortunate fissure to manifest itself between academic and reformist Feminism. On the positive side, a significant body of feminist work began to



appear from postcolonial, critical race, Aboriginal and lesbian theorists, although the essentialising tendency of these terms themselves has been noted. Mary John has said of postcolonialism, for example, that it has “turned into a universalizing description of the contemporary predicaments of the globe as a whole”. Some scholars are presently engaged in a project to disrupt the “cliche-ridden discourse of identity” by exploring the ways in which identities are formed. The characteristics of identity, including race and gender, can themselves no longer be regarded as unqualified or fixed givens. The challenging issue in the legal context is to explore the role of law in producing and reproducing social differences.

### *Postmodernism*

The attack on essentialism signalled the increasing acceptance of postmodern critiques of foundational and unitary causal accounts. Post modern Feminism cannot be defined in terms of a single theory, for it includes a range of perspectives that reject universality, objectivity and the idea of a “single truth”. Indeed, Feminism itself may be understood as a form of postmodernism because of its multifaceted assault on universalism and orthodoxy. Self-conscious postmodernism has involved a move away from “theorising in grand style”, in which one or more causal factors are identified as the explanation for major social phenomena, such as women’s oppression or “patriarchy”. The attack on Catharine MacKinnon’s work, which has focussed on the sexualisation of dominance, is illustrative. This work was, and continues to be, highly influential among mainstream theorists and the media, as well as feminist scholars across a wide spectrum of disciplines, but has come to be criticised for being one-dimensional, and disempowering for women. Hence, to counter the potentially disabling effects of theorising women’s lives in terms of sexualised dominance, some feminists have sought to present more positive images of women as resisters. While not denying that many women are subject to exploitation in their lives, postmodernism rejects subordination as a fixed characteristic of women’s identity. Instead, a fluid approach is favoured which takes account of resistance, as well as exploitation. Thus, a multidimensional and more complex picture of women’s lives is produced.

Poststructuralism, which may be subsumed beneath the rubric of postmodernism, focuses particularly on the constructionist role of language. Hence, the term “deconstruction” is also favoured. Influenced by Saussure, Lyotard and other French (generally male) theorists, feminist legal scholars have been responsive to the idea of “multi-narratives” and “local discourses”, including the body as a site of meaning. Jacques Derrida’s focus on the interrelationship between the dualistic norm and its “other” have been productive in feminist and postcolonial scholarship. To illustrate, the dominant side of a string of dualisms central to Western intellectual thought; for example, man, mind and objectivity, has been consistently privileged over their feminised counterparts, namely, woman, body and subjectivity. Derrida’s work shows that connotations of subordination rigidly attaching to the latter can be disrupted by strategies such as experimenting with the performative possibilities of metaphor, or focussing on the boundary between the norm and the “other” so that conventional notions of power are challenged. Drucilla Cornell, building on the work of Luce Irigaray, in addition to that of Derrida, advocates the development of an ethical relationship to the Other so that the metaphors associated with otherness can be engaged with and given new meanings through a process of mimesis.

Other feminist legal scholars have been attracted by Foucault’s critique of power. Power is a variable that has largely been invisible within liberal legalism, albeit central to feminist critiques of patriarchy, domination and subordination. Foucault’s particular insights are, first, power should not be understood only in terms of an institutional centre, for attention should also be paid to the capillaries, or micro-political sites; secondly, power should be understood as circulating and diffused, rather than as fixed so that wherever power is located, it invites resistance and destabilises conventional notions of authority; thirdly, power is thoroughly imbricated with the production of knowledge. While some feminist scholars have criticised Foucault for failing to accord sufficient weight to institutional power, and to gender, his

work has possessed an appeal because of its positive and productive potential. That is, it provides a means of theorising power that avoids the traps of victim Feminism and nihilism.

### **3.7.CONSTITUTIONAL RIGHTS OF WOMEN**

The Constitution of India guarantees equality of sexes and in fact grants special favours to women. These can be found in three articles of the Constitution. Article 14 says that the government shall not deny to any person equality before law or the equal protection of the laws. Article 15 declares that government shall not discriminate against any citizen on the ground of sex. Article 15 (3) makes a special provision enabling the State to make affirmative discriminations in favour of women. Moreover, the government can pass special laws in favour of women. Article 16 guarantees that no citizen shall be discriminated against in matters of public employment on the grounds of sex. Article 42 directs the State to make provision for ensuring just and humane conditions of work and maternity relief. Above all, the Constitution imposes a fundamental duty on every citizen through Articles 15 (A) (e) to renounce the practices derogatory to the dignity of women. All these are fundamental rights. Therefore, a woman can go to the court if one is subjected to any discrimination.

Before modern Hindu laws were passed, child marriages were the norms, inter-caste marriages were banned, the girl became a part of the husband's family, and polygamy was common. In the 19th century, the British rulers passed several laws to protect customs and traditions while abolishing detestable practices like Sati. Some such revolutionary laws were Hindu Widows Remarriage Act 1865 and the Brahmo Samaj Marriage Act 1872, the forerunner of the present Special Marriage Act. In the beginning, the Act sets four essential conditions for a valid Hindu marriage. They are: 1. Monogamy 2. Sound mind 3. Marriageable age 4. The parties should not be too closely related

Polygamy was permitted among Hindus before the Act was passed in 1955. However, after the act was passed, any man marrying again while his wife is living will be punished with fine and imprisonment up to seven years. Formerly, child marriages were common. The Child Marriage Act of 1929 was not very effective as such marriages were continued to be performed. In present times, the bridegroom must be 21 years old and the bride 18 years. However, there is a separate Muslim Code of Conduct, which allows polygamy of up to four wives as per Islamic laws.

A marriage may be invalid without the boy or the girl realising it at the time of the wedding. A civil marriage would be void if four essential conditions are not complied with. These conditions are listed in the Special Marriage Act (Section 4), as enumerated below: • If it is bigamy • If either party was suffering from mental disorder • If the boy has not completed 21 years and the girl 18 years • The boy and the girl are too closely related, or in legal language, are "within degrees of prohibited relationship-unless custom governing at least one party permits the marriage between them. Prohibited relationships are listed in the Special Marriage Act. • A fifth reason for invalidating a marriage is impotence of either party. There are some grounds available to the wife only, both in Hindu and civil marriages. One such ground available exclusively to the wife is her husband's commission of rape, sodomy or bestiality. Under the Hindu Adoptions and Maintenance Act 1956, a Hindu wife is entitled to be maintained by her husband. Section 125 of the Criminal Procedure Code also deals with maintenance

of wife and children. If there is a decree of maintenance against the husband and the couple have been living apart for over one year, it would be a ground for the wife to seek dissolution of marriage. Here again the Muslim Personal Law has a different set of conditions for the annulment of an Islamic marriage.

The Dowry Prohibition Act of 1961 says that any person who gives, takes, or abets the giving or taking of dowry shall be punished with imprisonment, which may extend to six months or with fine up to Rs. 5,000 or with both. Dowry that started off as a practice to give away presents to the departing daughter, usually resources to begin her new married life, slowly assumed extraordinary proportions and turned into a social evil. Brides were expected to bring the 'gifts\* regardless of their personal willingness. The bride's family could no longer have an individual say; lists were prepared and sent to the girl's house before the final agreement between the two families. The condition being that the boy would marry the girl only if the demands were met. Such a custom is being practiced not only in India but also in other countries like Bangladesh and Nepal. The reason behind this custom is the poor economical condition of the people along with a lack of education; unawareness of legal rights among women and a general bias against the women.

Crimes like rape, kidnapping, eve teasing and indecent exposure can be grouped as crimes against women. Rape is the worst crime against women after murder and the maximum punishment under the Indian Penal Code (IPC) is life imprisonment. An abortion or miscarriage due to natural causes is not an offence. Therefore, the law does not deal with it. However, violent and forceful abortion is a crime. Sections 312 and 316 of the Indian Penal Code deal with abortion as crime. Section 313 deals with abortion without the consent of the woman. The punishment could even be life imprisonment. The Hindu Succession Act gives male and female heirs almost equal right to inheritance. Section 14 says that any property possessed by a female Hindu shall be held by her as full owner and not as a limited owner.

### **3.7.1. Rights of Working women**

Labour laws that emerged to protect and regulate the conditions of work for male workers also sought to endorse a model of family life in which a man performed economically productive work in the public sphere, while a woman performed unpaid domestic work. It was this 'male breadwinner model'—in which women derived their livelihoods from men and were dependent on them—that informed the laws. There is a distinction between the sexual division of labour and the gendered division of labour. The former is the biological division of labour, which includes pregnancy, childbirth and breast-feeding. Allocation of work based on social constructions of 'appropriate work' to be done by men and women with their feminine' and 'masculine' qualities in the foreground is what is termed the gendered division of labour. Such a division is not acceptable when it results in discrimination or creates disadvantages to either of the sexes.

## **GENDER BIAS IN INDIAN LABOUR LAWS**

With the mechanization of labour, in keeping with the gendered conceptions of labour, it is men who are trained to operate machines to the exclusion of women. 'For instance in the Indian Leaf Tobacco Division (ILTD) of ITC in Chirale, Andhra Pradesh, 5000 women lost their jobs in 1982 when manual stripping of leaves, which was done by women, was replaced by mechanical threshing" as only men were trained to handle the machines.

The entry of women in the formal sector in the mid-twentieth century cannot be presumed to have displaced the male breadwinner model. Laws, rules and regulations were instead amended to provide for the reproductive functions of women that might interfere with their occupation. The laws thus formulated tended to protect and enhance women's domestic roles, and project the care for home and family as natural tasks of women.' Consequently, formal labour is not the redefinition of a woman's role, but the addition of a new role while the conventional role of mother/wife remains intact.

Women became the targets of crèche facilities and childcare benefits so they could work in the formal labour sector. Section 48 of the Factories Act, 1948 requires employers to provide suitable room or rooms for the use of children less than six years old in the event that they employed 30 or more women workers. Apart from resorting to gendered division of labour, these provisions have given employers the opportunity to evade their responsibilities under the Act by stipulating a minimum number of women to be employed. The Second National Commission on Labour, in its report in 2002, acknowledges the abuse of these provisions in that in order to evade applicability, employers either employ fewer women; or in some cases employ only unmarried girls; or employ women on a temporary basis. Contrary to its objective, such a provision has proven to work against women, as employers in order to avoid the economic costs chose not to employ women. A more equitable policy would be one that would promote the concept of shared childcare, by extending crèches facilities to male workers. Further the requirement of employing a minimum number of workers or female workers should be done away with such that employers cannot avoid their responsibilities.

The Maternity Benefit Act, 1961 was introduced with the objective of protecting the dignity of motherhood by providing for the full and healthy maintenance of a woman and her child when she is not working. This Act is restrictive in its application as it lays down a minimum employment threshold. It applies to factories, mines, and plantations and, by way of definition, requires the employer to engage ten or more persons in case of the use of power in operations of 20 or more persons if no power is used. It also applies to shops and establishments in which ten or more persons are employed on any day of the preceding twelve months." In order to avail of the right to maternity benefits, a woman was required to have worked in the establishment for a period of not less than 160 days in the preceding year. In order to avoid payment of maternity benefits, most employers resorted to a break in service." To check such malpractices, the Act was amended in 1988 to reduce the eligibility criterion for claiming maternity benefits from 160 days to 80 days. A perusal of the above provisions will clearly indicate that Indian laws have retained certain aspects of the 'male breadwinner model,' though it has been

weakened with the entry of substantial numbers of women in the workforce. Under the model, women were solely responsible for childcare which, given the scheme of the labour laws, still continues today.

## **IMPLICATIONS OF GENDERED LABOUR LAWS**

### **Impact on Women in the Unorganized Sector**

According to the Ministry of Labour, almost 90 per cent of the female labour force in India is comprised of women in the informal sector. Presently it is only the formal sector that is regulated and governed by labour laws and entitled to social security provisions. However, 'women's participation in the labour force is less visible in national accounting and censuses because it is more often informal, home-based, part-time, seasonal, and low paid.

The unorganized sector is largely composed of self-employed workers, home-based workers, and workers who shift from one work to another. A woman working in the unorganized sector would not fit within the patriarchal conception of a 'worker' as a full time, generally male, worker with one skill and one occupation, working for a well-defined employer in a factory, office, or other workplace under the control of the employer. The systems of security and social protection were constructed for such an industrial worker.

Presently, women in the unorganized sector have no maternity benefits or leaves, no crèche facilities, and enjoy little security, which are available to women in the organized sector. As a consequence young girls are often kept away from school to look after younger siblings or manage the household, thus extending deprivation and exploitation to the next generation. Attempts are underway to alter the notion of the 'industrial man' so as to include the unorganized sector worker.

### **Impact on Women in the Organized Sector**

Indian laws contain provisions that pose several systemic barriers that exclude, limit, and discriminate against women in the name of protecting the female worker. Certain forms of work are designated to be 'hazardous' for women, thereby barring employers from engaging women in such work. A provision in the Mines Act, 1952 prohibits women from being employed in any part of a mine that is below the ground. In a mine above the ground, women's working hours are to be between 6 am and 7 pm. Further, under Section 66(1)(3) of the Factories Act, no woman 'is required or allowed' to work in any factory except between the hours of 6 am and 7 pm. This section was incorporated in pursuance of India's ratification of the International Labour Organization (ILO) Convention on Night Work (Women), 1948 (No. 89). The State Government Was given the authority under the Act to vary the timings; however, such variation could not authorize the employment of any woman between the hours of 10 pm and 5 am.

An amendment has been proposed to this provision by the Labour ministry so as to allow women to work in night shifts in factories and establishments. The demand comes from the Ministries of Commerce and Information Technology for employment of female workers in the third shift in designated industries by employing women for these shifts. 'Sectors such as the electronic hardware and software units, and garments and assembly services, particularly in the Export Promotion Zones (EPZs), the Export Oriented Units (EOUs) and Special Economic Zones (SEZ) wish to utilise their full capacities and become more competitive in the global market.' As this would amount to denouncement of the ILO Convention No. 89, the Ministry of Labour issued a statement to the ILO explaining the cause of departure to be as follows:

By allowing women workers to work in the third shift, it will not only help to utilise the installed capacity but will also be cost effective in the competitive international market. This would also lead to increased employment opportunities for women. Ministry of Commerce is also of the view that productivity and turnover of women is much higher than that of men in the field of electronics

The Ministry of Labour also cited in their favour the demands of women's groups to rectify Section 66(1)(b) and enable women to work in night shifts. The amendment has met with stiff opposition from Centre for Indian Trade Unions (CITU), with apprehension that the law and order situation makes night work for women unfavourable and the likelihood of harassment and exploitation very high. The Standing Committee on Labour and Welfare, 2003 after taking into account the views and opinions of the women's organizations, trade unions and the Ministry of Labour, has approved the amendment to the Factories Act provided certain safe-guards related to time, transport, and regard for a woman's right to decide are complied by employers. However, there are clear economic motivations to the Amendment and, as the Ministry of Labour has clearly stated, the purpose of the Amendment is to increase cost-effectiveness. Women were likely to attract lesser wages than men; therefore, while the existing policy is discriminatory toward women, the overall benefit to women is ambiguous.

## **FORMAL EQUALITY AND EMPLOYMENT LAWS**

Formal equality, or the principle of equal treatment, guaranteed by the Indian Constitution and reflected in some labour laws, has not translated into substantive equality for women's employment in India. This is because equal treatment under the law is not able to ensure equal treatment within all social transactions among society as a whole. Furthermore, some tenets of the principle of formal equality—treating like people alike—permits treating people according to classifications; Indian courts have sometimes ruled that classifications along gender lines are valid. In other words, women are not sufficiently like men to warrant the same treatment: These problems in attempting to attain equality have led many to conclude that a more substantive, rather than formal, approach toward gender equality is required. 'Gender equality entails that the underlying causes of discrimination' resulting in

disadvantage 'are systematically identified and obliterated in order to give men and women equal opportunities.'

### **Reality Check of the Guarantee of 'Equal Pay for Equal Work'**

The Equal Remuneration Act, 1976 was enacted in pursuance of Article 39 of the Constitution of India, which envisages that the State shall 'direct its policy, among other things, towards securing that there is equal pay for equal work for both men and women.' The Act is premised on the formal model of equality. Under Section 4, it imposes a duty on employers to pay equal remuneration to men and women workers for the same work or work of a similar nature. The expression 'same work or work of a similar nature' has been defined to mean 'work in respect of which the skill, effort, and responsibility required are the same, when performed under similar working conditions, by a man or a woman.' Even if there are differences, in order that both can be paid equally, the differences should not be of 'practical importance' in relation to the terms and conditions of employment."

Due to the gendered division of labour, a class of work has emerged called 'women's work', which is designated to be 'light work' 2'. A job that is done exclusively or predominantly by women is classified as being less skilled and of lower value. This assessment is based on the assumptions that the work is less important, that women are not as efficient as men, and that women do not depend economically on a fair wage. Rohini Hensman highlights the 1985 notification for agricultural operations in Delhi in which tasks traditionally performed by women—sowing, transplanting, winnowing, and threshing—are deemed unskilled, and attract a sum of Rs 15.90 per day. Alternatively, ploughing, usually done by men, is semi-skilled and therefore worth Rs 18 per day.

Gender-based discrimination often does not permit comparison between female and male workers as there are no men doing 'same or similar work' owing to the manner in which the work done by women has been classified. Therefore, the women are bound to be paid less even if they are performing work of equal, if not more, value for the employer. The Equal Remuneration Act, 1976 exposes the deficiencies of the principle of formal equality, which fail to appreciate the continuous discrimination that arises from constructed differences.

### **3.7.2. RIGHT TO INHERITANCE**

One of the most important enactments to give better rights to women with regard to property was the Hindu Women's Right to Property Act (1937) passed mainly due to the efforts of Deshmukh. The Act provided a powerful weapon in the hands of the progressive force of Hindu society and had struck a powerful blow to the traditional authoritarian and dominated Hindu social edifice and marked a new phase with history of women's struggle for equality with men in Hindu society.

In the pre-Independence era a series of Acts were promulgated for women's upliftment. The Hindu Succession Act, 1956 entitles the female children to share the property of their father along with their brothers.'

The women have the right, to use, sell, mortgage or dispose of the inherited property in the way they like. Under the new Act the daughter, the widow and the mother are all included in class I and inherit the property of the deceased simultaneously. As between them each takes an equal share, except that where there are more widows than one all the widows together take one share. This is the position with respect to the self acquired property of deceased. With respect however, to co-parcenary property, the son takes his own share in such property and in addition takes a share, as above, in the father's share of such property as well, unless he had separated himself, from the co-parcenary during the life time of the father. This is considered inseparable from the *Mitakshara system* and, will be relieved when the *Dayabhaga* system becomes the rule for all Hindus when the other parts of Hindu law are taken up for reform. Nevertheless, the acceptance of the right of the daughter to inherit is in itself a big step forward. Another step forward is that women will now hold their property absolutely with full rights to sell mortgage, give away and dispose as they desire.

Schedules in the Act prescribe the list of preferential heirs. For example, the primary heirs are son, daughter, widow and mother, and they all get shares. The second class of heirs are father, son's daughter's son, son's daughter's daughter, brother, sister and soon and can only succeed if none of the heirs of class I are alive'

Some special provisions are made regarding the rights of daughters in the family dwelling house or family business. In a dwelling house wholly occupied by members of the family, a female heirs although she may be entitled to live there, cannot ask for her share until and unless the male heirs choose to divide it. Where a female heir inherits an interest in any immovable property or business of any heir wishes to sell out his or her interest in the other heirs will have a right to purchase that interest in preference to outsiders.'

The Hindu Succession Act, 1956 guides succession in cases - where a man dies without a will or, as it is called, dies intestate. If a man desires to make a will, he can dispose in any way he likes both his interest in *Mitakshara* co-parcenary property and his separate self-earned property. Hindu women have generally been excluded from the rights to inherit property, nor have they had absolute rights in property devolving on them. Women could only have a life interest, which means they have not been able to sell or mortgage it. Thus, for the first time the right of inheritance has been given to women.

### **3.8.Women and Personal Laws**

#### ***a) The Hindu Law***



Hindu law has its origin in ancient Sanskrit texts and old customs. Since Hindu law has come from a source in which the religious mingled with the social, it regarded marriage as a religious and sacred bond, with special roles assigned to husband and wife. The sacrosanct character of a Hindu marriage was challenged for the first time in 1885 in the case of Rukhmabai, who was married to Dadaji when she was 11 years old. Brought up in a liberal environment, she refused to live with Dadaji when the latter made a legal move years after the marriage to claim the company of his wife. The court did not grant the plaintiff the relief he sought. This caused an upheaval in traditional Hindu society. Dadaji, supported by Hindu orthodoxy, appealed against the decision. The appellate court set aside the earlier judgment, but Rukhmabai stood firm on her decision. Ultimately an out-of-court settlement was arrived at.

The case brought to the surface the acute tension pertaining to social change and gender justice. The liberals and the elite, influenced by Western ideology and education, were pitted against the staunch Hindu traditionalists and the strong nationalists who did not mind social change but did not want it through the agency of alien rulers. The sharply divided views have continued to surface whenever any step for reform is contemplated, as can be seen from the controversy on The Hindu Code Bill. The bill created a furore in Indian society to such an extent that it had to be taken up later by piecemeal legislations: the Hindu Marriage Act, 1955; the Hindu Adoption and Maintenance Act, 1956; the Hindu Minority and Guardianship Act, 1956; and Hindu Succession Act, 1956.

The law proclaims all Hindu marriages monogamous and grants the aggrieved party—the wife and the family members—the right to initiate criminal proceedings against the husband if he takes another wife. But it is extremely difficult for a wife in a traditional Hindu society to go to court against her husband because of her financial dependence, lack of education and information and social pressure. In reality, such progressive provisions do not go a long way to help the woman whose husband has taken another wife, because by and large courts take the stand that a marriage, to be declared void, has to be solemnised, which means all required ceremonies have to be performed (Bhaurao Shankar Lokhande And Another vs. The State of Maharashtra, AIR, 1965 SC 1564 and Priyabala Chose vs. Suresh Chandra Chose AIR 1971 SC 1153). This provides a big window for offenders to make an easy escape as it is not easy to prove a marriage has been solemnised with proper ceremonies.

Another vexing issue concerning marriage is that of age. There is an age condition (now, as amended in 1978, the minimum is 18 years for a girl and 21 for the boy), with other conditions such as no bigamy and no marriage within the prohibited degree of relationship. Marriage below the prescribed age-limit by itself does not nullify the marriage, though the party/parties to marriage may be subject to imprisonment and/or fine for having violated the law. How can a minor, boy or girl, marrying below the prescribed age-limit be punished for violating the law? This is an issue which demands careful consideration. The violation of the provision regarding the age of marriage is often carried out on a large scale.

Hindu women have been given the right to divorce under the specified conditions: impotence of the husband, desertion or cruelty. There is provision for divorce by mutual consent also. Liberal judgments go a long way to alleviate suffering arising from irreconcilable differences in the marriage. Still, divorce is not easily acceptable, and a divorced woman has to face social and financial problems. So

far as maintenance is concerned, it does not come in time or in adequate amount to her. Provisions pertaining to maintenance and custody of children also remain unsatisfactory.

Prior to the Hindu Succession Act, the property rights of women were limited. Now equal rights of inheritance are granted to sons and daughters, and the widow's limited estate is converted into absolute ownership (*Kalavatibai Vs. Soiryabai* (1991) 3 SCC 410). Remarriage of a widow does not divest her of her husband's property (as was the situation under the Hindu Widow Remarriage Act).

The Hindu Woman's right to maintenance is recognised as a tangible right against property and the husband has a personal obligation to maintain his wife, and if he or his family has property, the female has a legal right to be maintained from that property (*V. Tulsamma Vs. Sesha Reddy* (1977) 3 SCC 99).

Some liberal provisions and judgments, however, cannot erase the male-bias of the law. The Hindu Succession Act has retained the co-parcenary under the Mitakshara joint family system, which excludes women from the right to inherit and control joint family property. The property is owned by the father, his sons and their male descendants. On the death of any one of them, the remaining members continue to own the property. This provision had evoked strong arguments in favour and against this male bias, and is still being debated by progressive elements. Five states have taken steps to make a dent in the situation. Kerala has totally abolished the Kerala joint family. Andhra Pradesh, Tamil Nadu, Maharashtra and Karnataka have also taken legislative steps to remove the discriminatory feature of the Mitakshara joint family.

#### ***b) The Muslim Law***

Two main schools of Muslim Law prevail in India: the Hanafi School governing Sunni Muslims, and the Ithna Ashar Shiite School governing Shia Muslims. The majority of Muslims in India belong to the Sunni sect, governed by the Hanafi school.

Marriage for Muslims is not a sacrament but a civil contract signed by a man and a woman. The consent of both parties is essential. The Muslim wife gets dower or mehr, which is a sum payable to the wife by the husband in consideration of the marriage. The parties to the marriage can stipulate the terms and conditions of the marriage in the Nikahanama. In reality such Nikahnamas are one-sided, and the woman rarely knows its contents.

Muslim law is discriminatory against women in matters of polygamy, divorce and a share in ancestral property. A Muslim man in India can marry up to four wives, though it is not so in many other Islamic countries. The most prevalent mode of divorce is three pronouncements by the husband of the words: "I divorce you".

The provision for maintenance to the Muslim divorced woman has been a concern for progressive elements not only among Muslims but among all segments of society. Provisions of maintenance to the divorced wife are limited to the period of *iddat*, which is usually three months, and if the wife is pregnant it continues until delivery. By and large, though, the courts have recognised the right of Muslim women, with other women, to claim maintenance under section 125 of the Criminal Procedure Code for herself and her children.

The Shah Bano case, in this context, deserves a mention. The judgment in Mohd. Ahmed Khan vs. Shah Bano and others (AIR 85 SC 945) attracted the attention of the nation and had an impact on national politics. It was held here that a divorced Muslim woman, so long as she has not remarried, can claim maintenance under Section 125 of the Criminal Procedure Code. There have been previous judgments along this line, still this judgment is a landmark. The judgment recognised the right of the divorced woman for maintenance and pointed out the need for a common civil code. This stirred the conservative elements among the Muslim society.

The then government bowed down to the pressure and the Muslim Women (Protection of Rights of Divorce) Act was passed in 1986. This law has provided for maintenance of the wife during the *iddat* period. It further provides that if a divorced woman is not remarried and is not able to maintain herself after the period of *iddat*, she can claim maintenance from such relatives who would be entitled to inherit her property on her death (first from her children, then from her parents, then from other relatives)—and if no relative is able to pay such maintenance, from the Ward Board. This legislation was a rude shock to the progressive elements. The courts have, however, taken a progressive stand in a few cases pertaining to maintenance even after this Act was passed.

Some inroads are being made by some progressive judgments so far as maintenance to the divorced wife and the welfare of her children are concerned. But the Supreme Court has, by and large, not taken any step which may disturb the status quo in Muslim Society. It had opportunities to strike down discriminatory provisions in Muslim laws in *Maharshi Avadesh vs. Union of India* (1994;Slipp. (1) SCC 713) and *Ahmedabad Women's Action Group (AWAG) and others vs. Union of India* UT 1997 (3)SC 171 ), but it chose to be on the periphery by holding that the controversy pertained to the legislative field.

### ***C) Other Minorities' Personal Laws***

Women from minorities groups continue to suffer from discrimination: the Indian Christian Marriage Act of 1872, which is more than a century old, remains operative even today. The changed atmosphere after the Government of India Act of 1935 did not bring forth initiatives to reform Christian personal law. The Government in India also did not take any effective step in the direction in spite of the Reports of the Law Commission of India of 1960 and 1983.

Any attempt to make changes brings deeper issues to the surface. In the case of *Mary Roy vs. State of Kerala and others* (AIR 1986 SC 1011), it was declared that the Indian Succession Act, 1925, supersedes the Travancore Christian Succession Act, 1916. Syrian Christian women now have equal share with their brothers in the property of their fathers, while under the Travancore Christian

Succession Act the daughter could take only one quarter of the share of the son, subject to a maximum of Rs. 5,000. The judgment removed the discrimination, but it could not raise the issue of inherent inequality.

Parsi law also is not egalitarian for Parsi women. The rules under the Parsi Marriage and Divorce Act (of 1865, amended in 1936) and the Indian Succession Act of 1925 applicable to the Parsis do not claim to be based on Zoroastrianism. There were, however, some efforts to bring about legal changes in matters regarding marriage and divorce.

The situation today is that such personal laws of the minorities continue to be operative, and the state does not want to touch them lest such efforts invoke unrest and upset the political balance. In the case of Hindu women, the state has managed to get increased rights for Hindu women, but in the case of the personal laws of Muslim, Parsi and Christian women, the state has not intervened. This issue demands attention: women of the minorities face inequalities and this issue is tied up with the rights of the minorities, where most of the spokespersons remain men. The reluctance of the state to modify the religious personal laws of any community except those of the Hindu community exemplifies the conflict between the rights of minorities and the rights of women of, minority communities (Parashar: 229).

### **3.9. Offences against Woman's Personhood**

This section will touch upon some serious offences against a woman's body and personhood.

#### ***a) Rape***

It is only after the Mathura case (Tukaram and another vs. State of Maharashtra (1979) 2 SCC 143) that the word rape has entered from the private sphere to the public sphere. In 1972 at Mathura, a girl of 16 was raped in the premises of a police station. The sessions court acquitted the policemen on the ground that rape could not be proved and the girl was habituated to sexual intercourse. Taking a different position, the High Court held that there was a difference between consent/passive submission, and helpless surrender based on threats, which cannot be deemed as consent. It convicted and sentenced the two policemen. The Supreme Court set aside the judgement of the High Court and acquitted the policemen as the charge of rape was not proved.

The judgement in 1979 created a furore among concerned citizens. Women's organisations organised meetings and protests. The case became the pivotal point for a demand to change the law regarding rape. The issue of rape occupied centre stage in public debate, raising questions regarding the issue of the credibility of woman's testimony, the practice of using a woman's past sexual history and character as evidence, and the role of the state in general and courts in particular.

The debate showed clearly that the issue of rape is governed by laws which have remained unchanged for a very long time. The provisions governing the offence of rape are: Sections 375 and 376 of the Indian Penal Code, 1860; Section 228-A of the Indian Penal Code and Sections 114-A and 155 of the Indian Evidence Act, 1872. The pressure of the women's movement and women parliamentarians became a major force responsible for the change in the law in the Eighties. All the regressive provisions were not substituted by the progressive ones, but some changes could be brought about, the most important being the weightage given to the victim's evidence for determination of consent, minimum punishment for rape and specification of custodial rape, that is, sexual intercourse by persons in a custodial situation such as a policeman, public servant, manager of the public hospital/remand home, and warden of the jail.

The new sensitivity on rape was noteworthy. In a landmark judgement (Bharwada Bhoginbhai Hirjibhai vs. State of Gujarat, AIR, 1983, SC 753) the Supreme Court asserted that the evidence of a victim of sexual assault stands at par with evidence of an injured witness. The judgements lack uniformity and seem to be taking different positions. In a case of custodial rape by a policeman, popularly known as the Suntan Rani case (Prem Chand vs. Haryana, AIR 1989 SC 937), the perspective of the Supreme Court seemed that a woman with experience of premarital sex or a Woman of so-called easy virtue gives signals inviting men. The Supreme Court reduced the sentence of the offenders from a minimum of 10 years to five years.

The Bhanwari Devi case which attracted the attention of the nation in 1992 is important in this context. Bhanwari Devi, who lived in Bhatari village in Rajasthan, worked as the village Sathin (women's colleague) with the women's development programme, and was active in her work against child-marriage and women's development. Then her husband was badly beaten up and she was raped by persons they knew. They protested, but got caught in the procedures and games of vested interests. The accused were given light sentences by the Sessions Court. The fact remains that very often rape is viewed not as an act of violence against women but as an offence of man's uncontrollable lust demanding concern for youthful offenders. There is more concern over issues such as sexuality, the established notion of woman's modesty or loss of virginity and prospects of marriage: Very often attention is focused on the physical dimension of rape, that is penetration of penis, while the social and psychological aspects of the issue are neglected. The process of justice is marred by delay in the judicial process, the embarrassing questioning of the victim, the indifferent and distorted medical reports, and inadequate investigations, faulty recording of evidence and sensationalism attributed to the case.

The double-standard of society on the behaviour of men and women stunts the growth of healthy attitudes. Women are seen as inferior to men and their views are not taken seriously, though the act of outraging a woman's modesty is an offence under Section 354 of the Indian Penal Code, and the violation of a fundamental duty of the Indian citizens. The dignity of the woman is vulnerable at every stage of life. Very few have courage and grit to face the ominous struggle involved in protecting it. A senior I.A.S woman officer was shocked when her posterior was smacked by a high-ranking police officer. When she took the matter to court, she faced a long drawn battle. Ultimately the Supreme Court accepted the wider meaning of the modesty of the woman (Rupan Deol Bajaj and another vs. Kanwai Pal

Singh Gill and another (1995) 6 SCC 194). But not many would have had the courage and tenacity to go through such long legal battles.

#### ***b) Sati***

It is a sad commentary on the social set-up of independent India that an act like the Commission of Sati (Prevention) Act, 1987, had to be passed, though the Sati system was legally banned in 1829. Roop Kunwar, a young and educated girl of Deorala village in Rajasthan was said to have burnt herself on the pyre of her husband, and it became an event which enhanced the honour of the family and community. Crowds gathered and cheered, hymns were sung and a temple constructed on the spot. The incident evoked sharp public protest, but it also united the traditionalists, who defended the custom. The Act of 1987 contains many loopholes, including making the victim punishable, if she survived. Women's organisations were not consulted in this hastily-framed legislation. When feminists witnessed unprecedented frenzy over the glorification of Sati, they mobilised progressive opinion. The Supreme Court, in *All India Democratic Women's Association and Janwadi Samiti vs. Union of India* (AIR 1989 SC 1280), held that restraint on performing the Chunri ceremony within the temple should continue. Such judgement, however, has not dampened the glorification of Sati.

#### ***d) Adultery***

Treatment of the offences of adultery brings out the traditional values that regard a wife as husband's property." Section 497 of the Indian Penal Code grants course of action only to a married man to prosecute a man who has/had sexual relations with the former's wife. A married man having sexual relations with an unmarried woman or a divorcee or a widow does not fall within the purview of the section. The woman and the man are seen as different by the judicial system, the woman as victim, and the man as seducer. *Sowmithri Vishnu vs. Union of India* (1985 Supp SCC 137) can be taken as an illustration. In this case, section 497 was challenged as unconstitutional by a woman whose husband had prosecuted her lover for adultery. Her argument was that the section was discriminatory, because the husband had a right to prosecute the adulterer, but the wife had no right to prosecute her adulterous husband or the woman with whom the husband committed adultery. In addition, the section does not take into account the situation in which a husband has sexual relations with an unmarried woman. The court held, dismissing the petition, that confining the definition of adultery to men is not discriminatory as it is "commonly accepted that it is the man who is the seducer and not the woman". The wife is seen as a victim, and the man as the villain who defiles the sanctity of the matrimonial home. The court in *V. Revathi vs. Union of India* ((1988) 2 SCC 72) again upheld section 497 of the Indian Penal Code 1860 and Section 198 (2) of the Code of Criminal Procedure 1973, and did not adopt a progressive line of thinking.

The laws regarding adultery are not perceived as violative of the woman's right to equality under the Constitution. Adultery is perceived as violation of the husband's right over the wife's sexuality. The point to be noted is that the wife does not have a similar right over the husband's sexuality. Added to this is a practical problem. The provisions sometimes deter a person of the opposite sex from helping a woman oppressed by her husband. The remedy available to the aggrieved woman whose husband is involved in adultery gets limited to her choice of seeking divorce.

### ***e) Prostitution***

There are some specific legal provision to curb prostitution. Article 23 of the Indian Constitution prohibits traffic in human beings. Sections 372 and 373 of Indian Penal Code punish the selling and buying of minors for the purpose of prostitution, while Sections 360 to 371 deal with the offences of kidnapping, abduction and slavery. The Immoral Traffic (Prevention) Act (1956) was amended in 1986, replacing the earlier Suppression of Immoral Traffic in Women and Girls Act. The main purpose of this Act is to punish brothel keepers, pimps, and persons who live on the earnings of prostitution or are involved in the trafficking of persons for the purpose of prostitution. However, these provisions of the Act are not much used. The provisions most used are those which punish prostitutes, as prostitution within or in the vicinity of a public place, and soliciting or seducing for the purpose of prostitution are prohibited.

The legal provisions have not been effective in eradicating prostitution. Prostitution itself is not a legal offence, but its practice in near public place makes it an offence. Very often it is the woman engaged in prostitution who is said to be the offender, and not the men visiting her. There are many loopholes in implementing the law, such as the facade of decent houses for prostitution, inadequate punishment and provisions demanding witnesses from the locality (at least one of them being a woman). Women continue to get sold and bought in the country. Rehabilitation facilities for the prostitutes are almost non-existent, and life for 'rescued' women often turns into a nightmare. The Supreme Court in *Upendra Baxi vs. State of U.P* ((1986) 4 SCC 106), issued guidelines to enforce human rights of protective home inmates. In *Vishal feet vs. Union of India* (1990) 3 SCC 318, the Supreme Court suggested severe and speedy action against pimps, brokers and brothel keepers. But the process towards this end has been extremely slow and half-hearted. Women are dragged into this vicious network of prostitution with little hope for freedom from exploitation. Prostitution, including child prostitution, continues to thrive. The law in its present form is not sensitive to the complexities of the issue.

### **3.10.Women and Criminal Law**

Women of India are paying a heavy price in terms of a rising tide of violence and assent on their honour just because of distorted social values, a band of politicians, hand in glove with criminals and antisocial elements, caste conflicts, etc. Crimes against women are on rise despite all sacrosanct

provisions in the Constitution, criminal law, Parliament, judiciary, police, media coverage, the National Human Rights Commission and the National Commission for Women. Perhaps every segment of India has to own the blame and should dip its head in shame for the continuing assault on womanhood in India.

Police records show high incidence of crimes against women in India. The National Crime Records Bureau reported in 1998 that the growth rate of crimes against women would be higher than the population growth rate by 2010. Earlier, many cases were not registered with the police due to the social stigma attached to rape and molestation cases. Official statistics show that there has been a dramatic increase in the number of reported crimes against women.

### **Sexual Harassment**

Half of the total number of crimes against women reported in 1990 related to molestation and harassment at the workplace. Eve teasing is a euphemism used for sexual harassment or molestation of women by men. Many activists blame the rising incidents of sexual harassment against women on the influence of "Western culture". In 1987, The Indecent Representation of Women (Prohibition) Act was passed to prohibit indecent representation of women through advertisements or in publications, writings, paintings, figures or in any other manner.

In 1997, in a landmark judgement, the Supreme Court of India took a strong stand against sexual harassment of women in the workplace. The Court also laid down detailed guidelines for prevention and redressal of grievances. The National Commission for Women subsequently elaborated these guidelines into a Code of Conduct for employers.

### **Dowry**

The custom of giving and receiving dowry is a deep-rooted, and often leads to the neglect of the girl's education, the impoverishment of her parents, and even the suicide of the girl. Condemned by social reformers and progressive elements, the system has continued to percolate to all levels, even to sections where it did not earlier prevail.

The beginning of the Eighties witnessed widespread demonstrations and fiery protests coupled with extended media coverage against this evil custom. Parliament had enacted the Dowry Prohibition Act in 1961, which was amended in 1984 and 1986. The insertion of Sections 498-A and 304-B in the Indian Penal Code, and consequential amendments in the Criminal Procedure Code (Sections 174 (3) and 176) and the Indian Evidence Act (Sections 113-A and 113-B) sought to strengthen the existing laws to curb the evil of dowry. Now the offence of dowry is treated as cognisable and non-bailable, giving and taking dowry is prohibited, cruelty of others to the woman driving her to suicide is punished. Inquiries are made into any woman's suicide or death in suspicious circumstances within seven years of her marriage.



Unfortunately, the law has remained a paper tiger, unable to curb the violence against women in their own homes. The legal technicalities and loopholes in the laws which delay the process, the reluctance of the woman and her parents/relatives in taking legal action, and social prejudices mar the very purpose of the progressive legislation. The approach of the judiciary often remains rigid and moulded by the prevalent social norms. The failure of the legal provisions indicate a close connection between dowry, and economic dependence and inheritance rights.

The approach of courts to the offence of dowry has been varied. Some judgements have been progressive. It is held that the very demand of property or valuable security as consideration for marriage would be sufficient to constitute the offence (*L V Jadhav vs. Shankarrao Abasaheb Pawar and others* (1983) 4 SCC 231). This reasoning was strengthened in a recent judgement (*Pawan Kumar and others vs. State of Haryana* JT 1998 (1) SC 565), where it was held that a dowry demand does not necessarily mean any agreement. It is now accepted that persistent demands for a television set and a scooter after marriage constitute a demand for dowry.

In Hindu marriages the woman has absolute right over her Stridhan (property given to her at the time of her marriage). In one of the earliest judgements after the amended act, it was clearly established that Stridhan remains the absolute property of the wife even if the husband was given possession of the same (*Pratibha Rani vs. Suraj Kumar and another* (1985) 2 SCC 370).

Many Supreme Court decisions accept the weightage of circumstantial evidence such as letters written by the dowry victim to relatives about dowry demands and harassment, and hurried cremation of the body. Dying declarations of the dowry victims about the role of the husband and in-laws are also taken into consideration. There is enhanced sensitivity of the court about the investigation and inquiries carried out by the police.

It has to be noted, however, that it is not difficult for the accused to escape the clutches of justice. In the infamous case of *State of Maharashtra vs. Ashok Chotelal Shukla* ((1997), 11 SCC 26), Vibha Shulda, the dowry victim, was burnt, and the husband was convicted by the Sessions Court for subjecting his wife to cruelty and for causing her death. The High Court, however, reversed the judgement, concluding that the prosecution has failed to establish beyond reasonable doubt that the girl committed suicide because of ill-treatment or cruelty by the husband. The Supreme Court held that the view taken cannot be regarded as unreasonable.

Such judgements and the prevailing social ethos dampen the spirits of progressive elements. The parents often do not want their married daughters to return to parental homes. So they fulfil the dowry demands instead of devising strategies for dignified life of the daughter. Helpless and humiliated, women either resort to suicide or get burnt in their homes. Most of the cases get filed only when the girls are dead. The painful reality is that parents' mentality remains unchanged even after such traumas. The judiciary has not been able to bring effective change into the prevailing situation. Although the court condemns the practice of dowry, its approach merely accepts the patrilocal assumptions of dominant familial ideology whereby brides are seen to be transferred from their natal families to their marital families (Kapur and Cossman: 129).

In 1961, the Government of India passed the Dowry Prohibition Act, making the dowry demands in wedding arrangements illegal. However, many cases of dowry-related domestic violence, suicides and murders have been reported. In the 1980s, numerous such cases were reported.

In 1985, the Dowry Prohibition (maintenance of lists of presents to the bride and bridegroom) rules were framed. According to these rules, a signed list of presents given at the time of the marriage to the bride and the bridegroom should be maintained. The list should contain a brief description of each present, its approximate value, the name of whoever has given the present and his/her relationship to the person. However, such rules are hardly enforced.

A 1997 report claimed that at least 5,000 women die each year because of dowry deaths, and at least a dozen die each day in 'kitchen fires' thought to be intentional. The term for this is "bride burning" and is criticised within India itself. Amongst the urban educated, such dowry abuse has reduced considerably.

### **Child Marriage**

Child marriage has been traditionally prevalent in India and till date. Historically, young girls would live with their parents until they reached puberty. In the past, the child widows were condemned to a life of great agony, shaving heads, living in isolation, and shunned by the society. Although child marriage was outlawed in 1860, it is still a common practice.

According to UNICEF's "State of the World's Children-2009" report, 47 per cent of India's women aged 20-24 were married before the legal age of 18, with 56 per cent in rural areas. The report also showed that 40 per cent of the world's child marriages occur in India.

### **Female Infanticides and Sex Selective Abortions**

India has a highly masculine sex ratio, the chief reason being that many women die before reaching adulthood. Tribal societies in India have a less masculine sex ratio than all other caste groups. This, in spite of the fact that tribal communities have far lower levels of income, literacy and health facilities. It is therefore suggested by many experts, that the highly masculine sex ratio in India can be attributed to female infanticides and sex-selective abortions.

All medical tests that can be used to determine the sex of the child have been banned in India, due to incidents of these tests being used to get rid of unwanted female children before birth. Female infanticide (killing of girl infants) is still prevalent in some rural areas. The abuse of the dowry tradition has been one of the main reasons for sex-selective abortions and female infanticides in India.

### **Domestic Violence**

The incidents of domestic violence are higher among the lower Socio-Economic Classes (SECs). The Protection of Women from Domestic Violence Act, 2005 came into force on October 26, 2006.

### **Trafficking**

The Immoral Traffic (Prevention) Act was passed in 1956. However many cases of trafficking of young girls and women have been reported. These women are either forced into prostitution, domestic work or child labour.

### **Other Concerns**

#### ***Health***

The average female life expectancy today in India is low as compared to many countries, but it has shown gradual improvement over the years. In many families, especially rural ones, the girls and women face nutritional discrimination within the family, and are thus anaemic and malnourished.

The maternal mortality in India is the second highest in the world. Only 42 per cent of births in the country are supervised by health professionals. Most women deliver with help from women in the family who often lack the skills and resources to save the mother's life if it is in danger. According to UNDP Human Development Report (1997), 88 per cent of pregnant women (age 15-49) were found to be suffering from anaemia.

#### ***Family Planning***

The average woman in rural areas of India has little or no control over her reproductivity. Women, particularly women in rural areas, do not have access to safe and self-controlled methods of contraception. The public health system emphasises permanent methods like sterilisation, or long-term methods like IUDs that do not need follow-up. Sterilisation accounts for more than 75 per cent of total contraception, with female sterilisation accounting for almost 95 per cent of all sterilisations.

### **3.11. Conclusion**

The Indian Constitution grants equality to women (provisions mentioned in chapter 1). The 73rd and 74th Constitutional Amendments have provided for reservation of seats for women at the local level in the elected bodies in rural and urban areas. The sad reality remains that such provisions have not laid solid foundations for legal equality between men and women. The struggle against discrimination in matters of employment surfaced in 1979, when it was pointed out that the service rules of the Indian Foreign Service required a woman officer to obtain the permission of the government to marry, and also to resign if in the view of the government that such a marriage or her family/domestic commitments were likely to come in the way of the efficient discharge of her duties. In 1979, such rules were declared unconstitutional by the Supreme Court when an Indian Foreign Service officer took the matter of her

right to court (C.B. Muthanuna vs. India, AIR, 1979, SC 1868). The issue of women's equal right in employment keeps coming up at regular intervals, and the judgments are sometimes partial. In the well-published case of Air-India vs. Nargesh Meerza and others (AIR 1981 SC 1829), the clauses regarding retirement and pregnancy of air-hostesses were declared void, but the fact that conditions of service for air-hostesses and flight pursers are different was not challenged. In another important case, however, the judgment was very clear. In Maya Devi vs. State of Maharashtra (1986) 1 SCR 743) a requirement that a married woman obtain her husband's consent before applying for public employment was challenged as violating Articles 14,15 and 16. The Supreme Court held that such consent requirement was un-constitutional.

The Constitution has accepted the principle of affirmative action favouring women and children. Such principle has activated the state to make provisions for reservation for women in elected bodies of local government and other selected bodies, and in laws such as the section of the Factories Act, 1948, prohibiting women's employment in dangerous and hazardous tasks; the special facilities under the Maternity Benefits Act 1961; rules under Section 498-A of the Indian Penal Code providing special avenues to women in case of domestic violence. Such special provisions have been upheld by the courts. (Dattatraya Motiram More vs. State of Bombay AIR 1953 BOM 311; K.R. Gopinathan Nair vs. Co-Operative Societies and others AIR 1987 KER 167; Toguru Sudhakar Reddy and another vs. Government of Andhra Pradesh and others AIR 1994 SC 544).

The dynamics of personal laws and the Constitution have been complex. To give an example, the High Court of Andhra Pradesh—in the case T. Sareetha Vs. Venkata Subbaih AIR 1983, Andhra Pradesh High Court 356—held that Section 9 of the Hindu Marriage Act, which provides for restitution of conjugal rights, is unconstitutional and void, because it violates the fundamental right of personal liberty guaranteed by Article 21 of the Indian Constitution. This progressive view was, however, rejected by the Supreme Court in Saroj Rani vs. Sudarshan Kumar,(AIR 1984, SC 1562). There have been writ petitions also. Shahnaz Sheikh had filed a writ petition against the Union of India and her ex-husband, challenging the constitutional validity of the Muslim Personal law. All personal laws are discriminatory against women. They have been challenged time and again on the contention that they amount to discrimination on grounds of sex. The courts have generally adopted a hands-off attitude regarding personal laws. On the one hand they have been exhorting the state to enact a uniform civil code, and on the other hand they persistently refuse to apply the Constitutional mandate of non-discrimination in matters pertaining to personal laws. The courts have, at times, struck down discriminatory provisions of codified personal law, that is, statutory personal law, but when it comes to non statutory personal law such as Muslim personal law and many un-codified aspects of Hindu Personal Law, the courts hold that such personal law is not law as defined under Article 13 of the Constitution and hence not susceptible to fundamental rights (Chorine et al, I: 10).

## **Unit-IV**

### **Women and Politics**

#### **Contents**

4.1. Women and Political Participation in India & Emerging Concern  
Participation and Empowerment: Women's Perspective

4.1.1. Women Participation in Indian Politics

4.1.2. Obstacles Coming in the Way of Women's Participation

4.1.3 Mechanism to Increase Women's Participation

4.2. Political Status and Rights of Women

4.2.1. Gender Inequality

4.3. Prominent Women in Politics

4.4. United Nations and Women's Rights

#### **4.1. Women and Political Participation in India & Emerging Concern**

##### **Participation and Empowerment: Women's Perspective**

People's participation is a necessary pre-condition for the successful implementation of any plan or programme. This is based on the assumption that the process of people's development is not likely to strike very deep roots unless the target groups themselves are part of it. Participation is a means of reducing power differences and is, therefore, contributory to equalization and social justice. Participation in public life has many facets.

It includes activities which have strong bearing on group and the community, the power to effectively influence elected representatives, decision-making process as well as policies and actually alter existing situations wherever they are found to be clearly disadvantageous. While women should be positioned in large number at crucial levels for significant and effective exercise of power, they need to be equipped with suitable means to shoulder these responsibilities. Otherwise their representation would end up as mere tokenism.' Political participation manifests itself in actual participation in those voluntary activities by which members of a society share in the selection of rulers and, directly or indirectly, in the formulation of public policy. It also includes such activities as voting, seeking information, contributing financially, discussing and proselytizing, attending meetings, communicating with representatives, enrolment in a party, canvassing and registering voters, speech writing and speech making, campaigning and competing for public and party office.

Participation of women in politics involves: i) women as voter; (ii) women as member of political parties, trade unions/pressure groups; (iii) women as elected members of Parliament, State Assemblies and various bodies of local self-government and taking part in decision-making, planning, implementation and evaluation; (iv) women as members of women's organization and their association with voluntary organizations and NGOs. The concept of political participation of women is broader than the one covering women's participation only in the electoral and administration processes. It includes the gamut of voluntary activities with a bearing on the political processes, including voting, support of political groups, communication with legislator, dissemination of political views and opinions among the electorate, and other related activities. However, political participation can be considered to include an involvement in any form of organized activity that effects, or seeks to affect, these power relationships. It refers broadly also to "activities by those not formally empowered to make decision, these activities being mainly intended to influence the attitudes and behaviour of those who have powers for decision making". In fact, protests and demonstrations against those in power also form part of political participation. Women's participation has covered a range of activities including movements, protest and support meetings on all issues connected with labour, dowry, rape, domestic violence, pressurize food adulteration and deforestation, as also movements for the promotion of peace.

Explaining the importance of participation in politics, Milbrath and Goel argue that the citizens must at least participate in the choice of their public officials in order to keep public action responsive to the wishes and desires of the people. In fact "participation in politics and in public debate helps to build a better and nobler character in the people... People would be better human beings if they, so participated". Similarly McClosky said that participation benefits the participants as well as the larger community. According to N.D. Palmer, participation helps the individual to be effective and it associates him or her with the political system. The higher the rate and levels, the more varied the, forms of participation, the healthier is the democratic system.

Participation enables women by giving them a sense of their own dignity and value. For women participation has three roles: educative, integrative and empowering. Women constitute half the society and belong to all classes and all sections. So, the women's empowerment is not the question of one section only. It is ultimately the question of the entire society and an integral part of the entire social phenomenon. Human society cannot move forward without stirring half of its body, the women. Thus, it is in the social and national interest to draw womenfolk into the social and political process.

Today women are connected directly or indirectly to the operation of society at every level, and at the same time occupy the aggregate position of outsiders. No one can deny the fact that for women's empowerment, participation at every level and in every field is essential.

The political space belongs to all citizens; politics is everyone's business and affects the lives of each of us... the more women are associated, in numbers corresponding to their percentage of the population, in the political decision making process, in parties, in elected bodies, in government and in international bodies, the more they can be associated with this process as protagonists and more they can change the modalities and outcomes of politics. Only then will the concept of democracy find concrete and tangible expression and the participation of women would go hand in hand and promote each other mutually.

Twentieth century has brought a great change in the life of women all over the world, influencing their attitudes, values, inspirations, ways of feeling, standards of behaviour and acting for effective participation in all walks of life. Women's quest for equality with men has become global phenomenon. It is particularly relevant in the societies which have deep roots of patriarchy and subjugation of women. Gender division is found in all walks of life. This division influences family, division of labour, class structure and nation states. Now, women involved in politics, developmental programmes, movements etc., are throwing challenge to patriarchy. They are now coming out of their insulated enclosures and social spaces expressing their equality with men, freedom and dignity. They are resisting control of their sexuality by men. Caste, class and gender-based oppression of women is being opposed in several quarters in Indian society. Women's rights in land and property in actual life are being acknowledged as an instrument of their empowerment. The 73rd constitutional amendment has initiated a process of empowerment of women in India in general and the women of countryside in particular, which is the need of the hour.

Although women are participating in ever greater numbers in politics and public life all over the world, they still remain largely outside the realms of power and decision making in government. The gap between men and women's participation in political life have narrowed somewhat but remain huge, as figures on women as head of governments, holders of ministerial positions and member of parliaments reflected the date.

In fact, women's participation in elections depends on the mobilization of the political parties, general awareness among the community of the importance of voting, and the overall political culture. No serious efforts has as yet been made to mobilize women as a political constituency by any political party, women are often projected as not being interested in and un-informed about political matters. Women are also not perceived as an organized interest or pressure group, so their needs are not taken into consideration. However, these stereotypes are not borne out by facts.

It is difficult, nonetheless, to generalize about the links between any single factor and political behaviour. They vary and are influenced by factors such as the social status of women, their economic position, cultural norms and above all, the regional outlook towards women's participation in public affairs. The number of women contestants in parliamentary elections has not increased over years. Political parties are still reluctant to field women candidates. The high cost of election campaigning is a deterrent to women candidates." In spite of these facts, woman in decision making and leadership roles at the grass-roots, regional and national level is a major change factor.

The key instruments of the strategy for women's development both as beneficiaries and as participants is, therefore grass-root level organizations of women for learning and productive activity, which would help: (i) to draw them into the mainstreams of development; (ii) promote self-reliance and collective action; (iii) strengthen their participation and voice in the development process; (iv) assist them to achieve economic viability as well as knowledge for their personal growth; (v) provide forums to enable women especially from the poorer sections to participate freely and fully in decisions that affect their lives and that of the community; (vi) enable them to acquire full access to development resources and services; and (vii) enable them to function as instruments of social change.

The process of empowerment is multi-dimensional and it enables women to realize their full destiny and powers in all spheres of life. A women's empowerment begins with consciousness-perceptions about herself and her rights, her capabilities and her potentials, awareness of how gender and socio-cultural and political forces affect her. Political empowerment, economic development and social upliftment of women is necessary and desirable to fight myriad forms of patriarchal domination, and discrimination at every stage. In fact, women's empowerment is central to the achievement of the triple goals of equality, development and social justice. And for that political participation is needed. In a democratic system, women participation may be viewed at two levels, (i) awareness and assertion of women political rights and (ii) acquisition and exercise of power. Improving the political status of women in India is an integral aspect of the overall problem of socio-economic change. Do women politicians have different concerns or behave differently from men in politics and does women's participation make a difference to political issues and the ' way politics are carried out? Drude Dhalerup, who has carried out extensive research on women in politics, says: Don't expect us to make much



difference as long as we are only a few women in politics. It takes a critical mass of women to make a fundamental change in politics.

When significant numbers of women are in politics, as in the Nordic countries where women hold a relatively high percentage of elective positions in government, studies show that they do make a difference. As Dahlerup reflects, Women politicians are just as powerless when it comes to the global economic changes as are the male politicians. But the many women in politics in the Scandinavian countries have to some extent changed people's attitude towards women as leaders, have changed the political discourse somewhat, have placed women's issues on the agenda, and have to some extent changed the political culture's. It is argued that if women in good number enter the corridors of power they will be able to take up women's issues within state structures and also effect changes in the party and local bodies. They will have access to state resources which can support women's groups and provide services to them. Their positions and actions can legitimize the women's cause in the eyes of the people and parties.

#### **4.1.1. Women Participation in Indian Politics**

The active participation of women in the freedom struggle simultaneously developed among them an increasing sense of awareness to organize and lead the cause of their liberation from oppression and subordination. After Independence, a large number of legal and socio-economic measures have been taken to elevate the status of women. Women too, have become politically conscious as they have started participating in national and state politics.

Independence of India opened the doors for the women of the country to find their due place in society and partake in the political, social and administrative life of the country. The advent of democracy in India brought forth the spectacle of women moving up along in the corridors of political power, which has brought them new opportunities both as voter and candidates. They entered the two houses of the Indian parliament in their own way and some of them made a mark therein.

Voting is the basic activity by which the citizen gets assimilated in the political process. Women's participation in formal elections is to a great extent dependent on the mobilization efforts of the political parties, general awareness among the community of the importance of increasing franchise, and the overall political culture. It is common experience that the percentage of non-voters is usually higher among women than men. But the recent studies indicate that the sex differences in political participation are diminishing. Reference may be made in this connections, about a study undertaken by Usha Mehta. She has examined the voting trend of man and women of the General Elections in India from 1952 to 1977. Her study shows that the gender gap is diminishing."

#### **Voting Turnout 1952-1977"**

**Voted**

Year	Men (%)	Women (%)	Difference (%)
1952	55.00	31.1	17.9
1957	56.00	39.6	14.4
1962	62.1	46.6	15.5
1967	66.7	55.5	11.2
1971	69.7	60.0	9.71
1977	65.62	54.91	10.71

Studies on political participation show that there is still gender gap in the level of political information and perception regarding implications of various political issues (e.g. the right to franchise both quantitatively and qualitatively). The committee on the status of women has attributed this to the lack of interest shown by political parties in improving the political knowledge of women. It is generally held that in spite of the growing equality between men and women in society, political participation is taken as more natural to men than to women. It is assumed that women voters vote as the male members of the family desire and as such no separate and special effort is usually made to mobilize them as participants in the voting act.

Women are increasingly participating in the political process, as indicated by the shrinking gap of per cent of actual voters by sex. In 1962 the gap was more than 15 per cent. This declined steadily over different elections. In 1980, the gap was little over six per cent, but in 1984, it again went up to about 10 per cent.

The number of women contestants to the Lok Sabha rose steadily between 1962 and 1980, but number of successful female candidates progressively declined till 1997 (from 33 in 1962 to 19 in 1977).

But in elections of 1980 and 1984 the number of successful female candidates again increased to 28 in 1980 and 42 in 1984. However, women members now constitute less than 10 per cent of the Lok Sabha. The picture is not better in the states than at the national level.

#### **Women Contestants: Lok Sabha**

Year	Total No. of seats	No. of Women contestants	Percentage
1952	487	43	8.8
1937	494	45	9.1
1962	491	69	14.0
1967	515	67	13.0
1971	518	85	16.4
1977	542	71	11.07
1980	542	142	26.2
1984	542	173	32.3
1989	543	189	34.8

These increasing figures are indicative of the fact that after independence greater political consciousness and desire for greater political clout has grown among Indian women. However, this increasing participation of women is insignificant when we view this fact in the light of male participation. The participation of male members far exceeds the participation of women. The table given below testifies this generalization.

#### **Women Contestants and Elected in General Elections**

Year	Contestants		Elected	
	Total	Women	Total	Women
1952	1974	43 (2.3)	489	14 (2.3)
1957	1519	45 (3.0)	494	27 (2.5)
1962	1938	69 (3.5)	494	33 (6.7)
1967	2369	67 (2.8)	520	30 (5.8)
1971	2784	85 (3.1)	518	21(4.1)
1977	4371	71 (1.6)	542	18 (3.3)
1980		142	542	28 (5.1)
1984		142	542	43 (7.9)
1989		189	543	28 (5.1)
1996	13353	599 (4.4)	543	39 (7.1)

However, when we look at the number of women candidates actually elected to Lok Sabha in the various general Elections, we find their percentage increasing upto the 1962 elections and then it started declining. This indicated what the presence of women at the highest political levels coexists with a generally low rate of overall participation in the political life of the country. The table gives the number of women M.Ps and their representation in each of the Eight Lok Sabhas. The Eighth Lok Sabha had the maximum and the Sixth Lok Sabha had the minimum representation of women members.

As far as women's membership in the upper house as against the male member is concerned, the number of women in the upper house reached an all time high in 1977. In 1977, the number of women M.Ps was 25 (10.2%) of the total membership of Rajya Sabha except in 1957 and 1962, the percentage of women's representation in Rajya Sabha remained higher than that in the Lok Sabha.

It must, however, be noted that most women in the rural as well as urban areas are still not fully participating in the political field and decision making processes of the nation.

It does not mean that the status of women in India has not improved after Independence and that there is no social consciousness at all towards social reality. When one reflects upon the presence of women representatives in the corridors of power, one cannot ignore the fact that we had a woman Prime Minister who had Olympian position in her nation's political system.

#### **Number of Women Members in Lok Sabha**

Name of the Lok Sabha	Year	Total No. of Seats	No of Women Members	Percentage
1st Lok Sabha	1952	499	22	4.4
2nd Lok Sabha	1957	500	27	5.4
3rd Lok Sabha	1962	503	34	6.7
4th Lok Sabha	1967	523	31	5.9
5th Lok Sabha	1971	521	22	4.2
6th Lok Sabha	1977	544	20	3.4
7th Lok Sabha	1980	544	28	5.5
8th Lok Sabha	1984	545	45	8.9
9th Lok Sabha	1989	543	28	5.1

#### **4.1.2. Obstacles Coming in the Way of Women's Participation**

The participation of women is influenced by inter-related factors like the social status of women, their economic position, the cultural norms, and above all the regional outlook towards women's participation in the wider society. Access to significant decision-making position in the political parties continues to elude women. Women in the political world face peculiar problems which are totally unknown to their male counterparts. These inhibit their performance in the legislative and party work not only in India but also in the so-called emancipated societies of the developed countries. A variety of reasons account for women's diminished role in the political arena. They include tradition, physiology, lack of vertical mobility, concern for home and family, psychology and lack of patronage, particularly, from senior women politicians. In other words, political participation of women is severely limited due to a nexus of traditional factors, these are the domination of Indian politics by consideration of caste, class, religion, feudal and family status etc., all of which are parochial essentially patriarchal forces that work in favour of men against women. Consequently, women are still left on the periphery of the political process, and political participation remains to elections and also capture of seats of power and influence. At the same time, there are several socio-economic constraints by which women have been marginalized. The number of women in leadership positions at the local, village, district and national level is still not commensurate with their number in society. The reason is that a stone cannot be different from the rock from which it comes. A woman in public life at the different level is as much part of the Indian Society as her sister who is confined to her home and family. Styles of functioning of such women in the three tier system of Panchayati Raj, or State Assemblies or Parliament are bound to be

shaped by the cultural mosaic which is studded with the prescriptive and descriptive elements, codes of conduct, role models, political goals, values and ideals in transitions.

The United Nations Divisions for the Advancement of Women (DAW) has identified a number of obstacles to women's participation in politics which prevent them from reaching parliamentary and ministerial positions:

- the relatively short historical tradition of women's political participation and lack of experience in campaigning, public debate, exposure to media;
- prevailing negative attitudes towards women's participation in public life, lack of confidence and support for female candidates and politicians on the part of the electorate, including women;
- the difficulty women experience in combining a political career with the traditional women's role in the family and often in society;
- economic dependency or lack of financial means; in general and political education in particular;
- Women's reluctance or diffidence to participate in politics, particularly at a high level'

#### **4.1.3 Mechanism to Increase Women's Participation**

Empowerment is not a technocratic goal rather it is a wholesale Political commitment. It requires a long term process to achieve in which all cultural, social, political and economic norms undergo fundamental change. It also requires an entirely new way of thinking in which the stereotyping of women and men no longer limits their choices, but gives way to a new philosophy that regards all people as essential agents of change that views development as a process of enlarging the choice of both sexes. Stages of emancipation of women, in any given country, lie in the mind of man and in the attitudes of their leadership. And these two factors have mostly favored women in India.

Training is one of the most important mechanisms for improving women's participation in the politics particularly for increasing women's access to the higher levels in national decision making bodies. While training can be directed to improving women's skills in specific areas, particularly in management, in addition gender sensitivity training can be directed to both men and women to build awareness of the concrete and attitudinal barriers to women's participation, advancement and empowerment. Nehru held that women "must" be trained to participate "in every department of human activity" and play an active part in all professions and spheres.

In some countries quotas have been successfully used to increase women's participation in the leadership of political parties and in party lists for public election. For instance, the Norwegian Labour Party stipulates that at least 90 percent of all candidates for election must be women. The Danish Social Democratic party has a similar provision for municipal and country elections. According to the Norwegian Labour Party's Secretariat:

"Quotas for Women is the most efficient strategy we ever used to increase women's political representation". The constitutions or legislation of only few countries provide for quotas for women in parliament, including those of Angola, the former USSR and Nepal. In addition, the 1991, electoral law of Argentina establishes a compulsory 30 percent quota for women candidates for all effective posts. Related to the quota system is the mechanism of reserved seats: Bangladesh, Egypt, Nepal, Pakistan and the United Republic of Tanzania are the countries. that have or have had in the past a certain number of seats in their national parliaments reserved for women.

The under representation of women in political decision making bodies is the key reason for the backwardness of Indian women. To ensure the women's participation the 73rd and 74th Amendments of the constitution mandated 1/3 reservation of 'seats of women in all local level elected bodies. Similarly there is a need of reservation of seats in Parliament and State Assemblies. Reservation of seats in the legislative bodies for women will alter the very character of the legislative body and will compel the political parties to change their strategies and tactics and induce them to give women their due. If the women enter these bodies in larger number, inhibitions that result from their minority position in these institutions may disappear fast and give them greater freedom to articulate their views. A system of reservation may also increase the women legislators' sense of responsibility and concern for the problems affecting women, thus ensuring the presence of a body of spokesmen of the women's cause in the representative bodies of the states. Such a system would also help to increase the degree of political modernization of women both in the electorate and within the parties.

Political education and awareness building is intended to promote women's representation in the electoral process; to establish and lobby for a women's agenda; and to sensitize both women and men to women's issues and the role of women in politics. Therefore it is necessary to organize time to time a series of seminars, workshops and conferences all across the India to involve women in political debate and present their views. These workshops will reach a wide cross section of women. An expert group meeting on Equality in Political Participation and Decision-making organized by DAW made the following recommendations to women's status in political parties:

- as an interim measures, substantial targets, such as quotas or similar forms of positive action to ensure
- 'women's candidacy for office and participation in political posts should be applied;
- training programmes should be developed to increase the political and management skills of women in politics, both as candidates and as elected or appointed officials, especially making use of the experience of other women who have achieved public office;

- women's sections of parties should be evaluated and strengthened to enable them to influence party policy and promote female candidacy;
- information on potential women candidates should be compiled, maintained on a systematic basis and made available when candidacy or appointments are considered;
- parties should be encouraged to examine the criteria used to select persons for political functions to ensure that the varieties of experience possessed by women are taken into account in selection;
- training activities should be developed to sensitize party members to the needs and potentials of female members;
- as an interim measure where the electoral system might make it useful, parties should undertake special measures to provide funding for women candidates for office.

Other important mechanism includes networking, participation in the campaigns of other politicians, lobbying, and membership in the same clubs, professional and academic associations.

The corrective mechanisms are to be viewed holistically and not as isolated piecemeal actions. It is only then the women will be at par with men in all fields.

## **Conclusion**

Manu's dictated that a women should do nothing independently even in her own house. In childhood she is subject to her father, in youth to her husband, and when her husband is dead to her sons, she should never enjoy independence. This has been have proved wrong. Now women have come out of their isolation, got themselves educated, stormed male bastions in jobs and services and also have the backing of constitutional safeguards and social legislation. Women need to make them politically visible and politically important in order to change the direction of development, empowerment and gender justice. Unless deep-rooted changes in power relations between people and between men and women are brought about things are not going to change. Rays of hope are becoming brighter and radical changes in and through participation in social political process, will be instrumental to women' empowerment. Women's empowerment is essential and desirable for societal development. A society attempting to develop without the full participation of women is like bird trying to fly with only one wing. It is bound to go off its course. Let women realise their immense potentialities for, social change, rise up and excel man as the builders, nation. At the same time women must take upon themselves the task of participating in political and economic affairs with commitment and a sense of challenge and men must accept women in their new roles.

## **4.2.Political Status and Rights of Women**

## Political Status of Women

Women enjoy a more or less extended right of suffrage in a majority of all the civilized nations of the world. In the United States they have full suffrage in voting and municipal suffrage in Kansas. In Montana, women have school suffrage, and if taxpayers, they can vote upon all questions involving the levy or disbursement of moneys for public purposes. In twenty more states they have a right to vote for school officers or upon school matters, and in at least six more states they may vote by petition upon certain local matters, such as local improvements, or the granting of liquor licenses; so that there are at least twenty-nine out of a total of forty-eight states and territories of our Union where women enjoy some form of suffrage. In Canada women can vote for all municipal officers throughout the length and breadth of the Dominion, although no married woman can vote except in Manitoba and British Columbia. The women of all the colonies of Great Britain, from Australia to Canada and from Cape Colony to New Zealand, enjoy municipal suffrage, including the presidencies of Madras and Bombay in India, if taxpayers, and the same is true of the rural districts of British Burmah. In England, Scotland and Wales single women and widows vote for all officers except members of Parliament. In Ireland they vote for guardians of the poor. In Continental Europe women are also to some degree enfranchised. In France women teachers vote for women members of boards of education. In Italy widows and wives separated from their husbands vote by proxy for members of Parliament (law of 1882). In Austria they vote by proxy at all elections, including elections of members of provincial and imperial parliaments. In Russia, and in all Russian Asia, women who are heads of households vote by proxy at municipal and village elections upon all local questions. (Law of 1870.) In Sweden, for many years, women have voted at local elections, and since 1862 they have had municipal suffrage. In Norway they have merely school suffrage. In Finland, all women, except wives living with their husbands, can vote for all elective officers save one. (Law of 1865.) In Iceland, as in Wyoming, and also on the Isle of Man, women enjoy full and equal suffrage with men. (1882.)



Woman's right to the ballot is recognized even in some very conservative countries, countries so conservative that by the same law which extends the franchise to woman she is herself excluded from occupying the offices voted for. This is the case in Italy, Russia, Sweden, Finland, Iceland and Austria, except as to a few petty positions.

The general principle of American law seems to be that where no express exception is made by law, the electors for an office are qualified to fill the office. Thus in Wyoming women are eligible to every public office on the same terms as men; in Kansas to municipal offices, and in the states where women

may vote for school officers they are generally eligible to election to the office. Many of the states of the Union admit women to public office even though they refuse to them the ballot. A few of the strictly public offices now held by women in America are county recorder of deeds, assistant register of deeds, notary public, town clerk (Vermont), county clerk (Missouri), assistant clerk of the Supreme Court of Rhode Island, receiver of public moneys in Mississippi, custodian of the Mississippi state capital, mayor of cities in Kansas, and all kinds of school offices. Many offices connected with the public charities are held by women in this country. Thus they are members of state boards of charities in Massachusetts and Connecticut, visitors, managers and trustees of reformatory and penal institutions, physicians, visitors and trustees of state insane hospitals, overseers of the poor, and police matrons. By act of Congress in 1870 the clerkships of the Executive Department of the United States Government were opened to women, who now make up a large percentage of the total number of government clerks.

In England women serve as poor-law guardians, visitors to and physicians in government hospitals and insane asylums, as assistant commissioners of the Labor Commission, and the position of meteorologist at the Government Observatory at Hong Kong is now held by a lady. In France women are members of the boards of education. In the Austrian provinces of Bosnia and Herzegovina women have recently received appointments as government medical officers.

The political condition of woman to day may be briefly summed up thus: While she is not yet admitted to the full exercise of political rights, except in Wyoming and a few small islands, still she possesses very generally some right to vote upon local matters more or less closely affecting her as a citizen, and to hold many executive offices. Legislative and judicial offices are not as yet granted to

women, except in a very few countries and states, and even where granted are not actually occupied by women.

### Rights of Women in India

Analysis say that Women in India face myriad cultural challenges that impede social advancement, analysts say. Discriminatory family codes, lack of education, and cultural stigmas are only a few examples. Heightened media attention given to such inequities has raised pressure on the government to not just reform the institutional treatment of women, but also raise the level of dialogue on the larger issue of women's rights in a rapidly modernizing society.

#### 4.2.1. Gender Inequality

The Indian constitution prohibits discrimination on the basis of sex, but the position of women remains unequal, according to a **United Nations report**. Women in India have long been subject to entrenched cultural biases that perpetuate the valuing of sons over daughters, who are often seen as an economic burden to families that fear high dowries and wedding costs.

Sex-selective abortions have occurred at staggering rates in India despite a 1996 ban on screening for such purposes: researchers say up to six hundred thousand female foetus are aborted in India every year, or 2.2 percent of the annual birth rate. This has tipped the gender ratio so dramatically that in 2011, there were 914 girls for every one thousand boys among children up to six years old—the most imbalanced gender ratio since India's independence in 1947.

Researchers point to other significant factors contributing to the normalization of sex selection, including inheritance laws. The Hindu Succession Act of 2005 granted women equal inheritance rights to ancestral and jointly owned property, but enforcement of this law is still weak, say experts. Many women, particularly in northern India, are still deprived of their rightful inheritance.

#### India's Sexual Assault Laws

Under the Indian Penal Code, crimes against women include rape, kidnapping and abduction, molestation, sexual harassment, torture, homicide for dowry, and the importation of girls. But critics have voiced concern over the vagueness of their definitions, particularly that of rape. Often, perpetrators of severe sexual attacks are charged with criminal assault on a woman with "intent to outrage her modesty," an offense that carries a light penalty and is rarely enforced.

"Eve-teasing," a common euphemism for sexual harassment or molestation in public places, goes mostly unreported. Many analysts attribute this to a culture of complicity and the government's weak prosecution of such assault crimes. A study by the Hindustan Times found that in the last five years, fifty-one cases related to eve-teasing in the city of Jalandhar in Punjab were taken to court, and only five people were convicted, while thirty others were acquitted due to lack of evidence.

Rape complaints increased 25 percent between 2006 and 2011 in India, although it is unclear whether this represents a real uptick in crime or a greater willingness by victims to file charges or by the police to accept them. However, gender-based violence as a whole has worsened in India over the past several years. National Crime Record Bureau statistics show a 7.1 percent nationwide hike in crimes against women since 2010.

*"It's really a constellation of factors hindering women's rights, including gender sex selection, literacy, child marriage, and violence."*—Rachel Vogelstein, Council on Foreign Relations

#### Searching for Justice

India's slow, overburdened, and under-funded criminal justice system has exacerbated the plight of rape and sexual assault victims, analysts say. Most rapes go unreported, largely because of cultural stigmas surrounding such incidents that could bring shame to victims and their families. Those who do report cases often face a dehumanizing experience. A lack of specialized training for police and doctors often drives the problem, reports Human Rights Watch and other rights groups. Furthermore, rights activists say, the lack of uniform national standards for the examination and treatment of sexual assault survivors undermines the potential for a successful prosecution. Only around 26 percent of rape cases tried in court in 2011 resulted in convictions, and only four out of ten cases were reported, according to the National Crime Records Bureau, although these trends are not necessarily unique on a global scale. A study of forty acquitted rape cases in Delhi, where women comprise only seven percent of the police force, found that more than half of the acquittals were due to the police's failure to perform sufficient investigations.

*India's slow, overburdened, and under-funded criminal justice system has exacerbated the plight of rape and sexual assault victims.*

Still, some sexual assault victims face even worse injustice, as in the case of a seventeen-year-old village girl who was drugged and gang raped in northern Punjab in November 2012. She committed suicide after a police officer pressed her to drop the case and three years marry one of her attackers. Reports surfaced that officers had not only harassed the victim, but failed to register her case and attempted to broker an out-of-court settlement between her family and the families of her alleged attackers—a practice known locally as "compromise" that analysts say occurs often in some parts of the country.

Leniency in conviction and sentencing for juvenile offenders has also been cited as a recurring problem in the pursuit of justice for victims. This was highlighted in late August 2013 when India's Juvenile Justice Board handed down a sentence of in a juvenile detention facility for one of six defendants in the Delhi bus rape that killed a twenty-three-year-old student. By contrast, the six men arrested over the gang rape of a Swiss tourist in March 2013 all received sentences of life imprisonment at their trial in July.

A Delhi court sparked further protests by acquitting in late August 2013 a twenty-two-year-old man from West Bengal accused of kidnapping and raping a fifteen-year-old girl whom he later married. The court ruled that consensual sex with minors was not punishable by the 2012 Protection of Children Against Sexual Offenses Act, which defines those under eighteen years of age as children.

Many rights activists have pointed to a pervasive culture of complicity when it comes to sexual violence against Indian women, charging that some senior political and religious leaders perpetuate the practice of "blaming the victim." In June 2014, the home minister of central Chhattisgarh state said that rapes happen "accidentally," renewing public outrage just days after another minister stated that rape

was "sometimes right, sometimes wrong." Violence against women is so lightly condemned that over the past five years, Indian political parties have nominated 260 candidates who have outstanding charges for crimes against women, according to Coleman.

"It's really a constellation of factors hindering women's rights, including sex selection, literacy, child marriage, and violence," says CFR's Vogelstein. "In addition to that, there's been a culture of impunity around a lot of these issues. They have laws on the books that address all these issues, yet these problems continue to flourish in many parts of India."

#### **4.3. Prominent Women in Politics**

##### **Ambika Soni**

Ambika Soni (born November 13, 1942) is a politician belonging to Indian National Congress. She currently serves in the Union Cabinet as the minister in charge of Ministry of Information and Broadcasting, after serving in Ministry of Tourism and Ministry of Culture from 2006-2009. During her tenure the 'Incredible India' media campaign was launched which led to 12-14 per cent growth in foreign tourist arrivals. She is a member of the Indian National Congress and is an elected Member of Parliament representing the state of Punjab in the Rajya Sabha. She was born in Lahore in undivided Punjab to Nakul Sen, an IC.S officer and Indu Nakul Sen in 1942. Ambika did her M.A. (Hons.) from Indraprastha College, Delhi University, followed by Diploma Superiore en Langue Francaise from Alliance Francaise, Bangkok and Post-Graduate Diploma in Spanish Art and Literature from University of Havana, Cuba.

##### **Career**

Ambika made her political debut in 1975 when she was elected president of the Indian Youth Congress (1975-1977). Later, she was elected to the Rajya Sabha in March 1976 and in 1988, she became the president of All India Mahila Congress.. According to the Hindu newspaper report, Congress party insiders believe that Ambika Soni is on the ascendant and currently among those individuals that Sonia Gandhi trusts the most.

##### **Anita Arya**

Anita Arya is a former member of Lok Sabha. She is a leader of Bharatiya Janata party. She represented Delhi in 13th Lok Sabha. She was Mayor of Delhi in 1999.

##### **Aruna Asaf Ali**

Aruna Asaf Ali (July 16, 1909, Kalka, Haryana—July 29, 1996) (born Aruna Ganguli), was an independence activist. She is widely remembered for hoisting the Indian National Congress flag at the Gowalia Tank maidan in Bombay during the Quit India Movement, 1942. She was 87 years old at the time of her death.

## **Freedom Struggle**

She became an active member of Congress Party after marriage and participated in public processions during the Salt Satyagraha. She was arrested on the charge that she was a vagrant and hence not released in 1931 under the Gandhi-Irwin Pact which stipulated release of all political prisoners. Other women co-prisoners refused to leave the premises unless she was also released and gave in only after Mohandas K. Gandhi intervened. A public agitation secured her release.

In 1932, she was held prisoner at the Tihar Jail where she protested the indifferent treatment of political prisoners by launching a hunger strike. Her efforts resulted in an improvement of conditions in the Tihar Jail but she was moved to Ambala and was subjected to solitary confinement. She was politically not very active after her release.

## **Post-independence Period**

She was a member of the Congress Socialist Party, a cause within the Congress Party for activists with socialist leanings. Disillusioned with the progress of Congress party on socialism she joined a new party, Socialist Party in 1948. She however left that party along with Edatata Narayanan and they visited Moscow along with Rajani Palme Dutt. Both of them joined the Communist Party of India before Joseph Stalin's death. On domestic front, she was bereaved when Asaf Ali died in 1953.

In 1954, she helped form the National Federation of Indian Women, the women's wing of CPI but left the party in 1956 following Nikita Khrushchev's disowning of Stalin. In 1958, she was elected the first Mayor of Delhi. She was closely associated with secularists of her era like Krishna Menon, Vimla Kapoor, Guru Radha Kishan, Sarla Sharma, M Farooqui, Premnagar Gupta and BD Joshi for social welfare and development in Delhi. She was the first elected Mayor of Delhi.

She and Narayanan started Link publishing house and published a daily newspaper, Patriot and a weekly, Link the same year. The publications became prestigious due to patronage of leaders such as Jawaharlal Nehru, Krishna Menon and Biju Patnaik. Later she moved out of the publishing house due to internal politics, stunned by greed taking over the creed of her comrades. In 1964, she rejoined the Congress Party but stopped taking part in active politics. Despite reservations about the emergency, she remained close to Indira Gandhi and Rajiv Gandhi.

## **Legacy**

Aruna Asaf Ali was awarded International Lenin Peace Prize for the year 1964 and the Jawaharlal Nehru Award for International Understanding in 1991. She was awarded India's second highest civilian honour, the Padma Vibhushan in her lifetime in 1992, and finally the highest civilian award, the Bharat Ratna, posthumously in 1997. In 1998, a stamp commemorating her was issued. Aruna Asaf Ali marg in New Delhi was named in her honour. All India Minorities Front distributes the Dr. Aruna Asaf Ali Sudbhawana Award annually.

## **Brinda Karat**

Brinda Karat (born 17 October 1947) is a communist politician, elected to the Rajya Sabha as a Communist Party of India (Marxist) CPI(M) member, on 11 April 2005 for West Bengal. In 2005, she became the first woman member of the CPI(M) Politburo. She has also been the general secretary of the All India Democratic Women's Association (AIDWA) from 1993 to 2004, and thereafter its Vice-President.

### **Political Career**

In 1977, she left for London, where she worked with Air India at Bond Street for four years. While working for Air India, she campaigned against the mandatory wearing of skirts in the airlines, after which she became an activist.

In an interview, Karat says she returned to India motivated to work for the people. While working in London, she became associated with the anti-imperialist, and anti-war movements during the Vietnam War and Marxist ideology. She also attributes many of her political ideals to the economist Devaki Jain, her professor at Miranda House.

In 1971, she decided to leave her job and return to Calcutta, where she joined the Communist Party of India (Marxist) CPI(M) in 1971, under the guidance of B.T. Ranadive. On the suggestion of the party to understand practical politics, she joined the Calcutta University. Initially she worked with students in the college campus and later during the Bangladesh war at refugee camps in the city.

In 1975, she shifted to Delhi and started working as a trade union organiser with textile mill workers in North Delhi. She grew to be active with worker's movements and the Indian women's movements. She gained prominence in the campaign for reform of rape laws in the 1980s. Karat resigned from the central committee of the CPI(M) protesting the lack of representation of women. Even today, Brinda stands out as a prominent campaigner for gender issues.

On 11 April 2005, she was elected to the Parliament, Rajya Sabha as a CPI(M) member, for West Bengal. In 2005, only after the inclusion of 5 women members to the Central Committee did Brinda Karat agree to be nominated to the exclusive 17 member Politburo. The Politburo is the highest decision-making body of the party and Brinda Karat is its first woman member.

### **Gayatri Devi**

Gayatri Devi (23 May 1919 - 29 July 2009), often styled as Maharani Gayatri Devi, Rajmata of Jaipur, was born as Princess Gayatri Devi of Cooch Behar. She was the third Maharani of Jaipur from 1939 to 1970 through her marriage to HH Maharaja Sawai Man Singh II.

Following India's independence and the subsequent abolition of the princely states, she became an extremely successful politician. Gayatri Devi was also celebrated for her classical beauty and became something of a fashion icon in her adulthood. She has been counted in 'The Ten Most Beautiful Women of the World' along with actress Leela Naidu by the Vogue Magazine. She died on 29 July 2009 in Jaipur, at the age of 90. She was suffering from paralytic ileus and lung infection.

## **Political Career**

After Partition and India's Independence Day in India in 1947, Gayatri Devi ran for Parliament in 1962 and won the constituency in the Lok Sabha in the world's largest landslide, winning 192,909 votes out of 246,516 cast, confirmed by the Guinness Book of Records. She continued to hold this seat on 1967 and 1971, Swatantra Party of C. Rajagopalachari, the second Governor-General of Independent India, running against the Congress Party.

When the privy purses were abolished in 1971, terminating all royal privileges and titles, Gayatri Devi was accused of violating tax laws, and served 5 months in Tihar Jail. She retired from politics and published her autobiography, *A Princess Remembers*, written with Santha Rama Rau, in 1976. She was also the focus of the film *Memoirs of a Hindu Princess*, directed by Francois Levie.

There were rumours that she might re-enter politics as late as 1999, when the Cooch Behar Trinamool Congress nominated her as their candidate for the Lok Sabha elections, but she did not respond to the offer.

Her father Jitendra Narayan Bhup Bahadur was the second son of Maharaja Nripendra Narayan Bhup Bahadur and Maharani Sunity Devi of Cooch Behar. After the death of his elder brother Maharaja Raj Rajendra Narayan Bhup Bahadur, a bachelor, he ascended the throne of Cooch Behar in November 1913, few month's after his marriage with Princess Indira raja Gaekwad of Baroda. Maharani Sunity Devi was the daughter of illustrious Brahmo social reformer Keshab Chandra Sen.

## **Girija Vyas**

Girija Vyas is an Indian politician, poet and author. She is presently a Member of the 15th Lok Sabha, the lower house of Parliament, from the Chittorgarh constituency and president of National Commission for Women of India.

### **Positions Held:**

- M.L.A., Rajasthan
- Minister of State, Government of Rajasthan President, Rajasthan Provincial Congress Committee for five years. Member of Indian Parliament in the lower house or Lok Sabha several times Minister in the Government of India in the 1991s.
- Chairperson, Media Department, All India Congress Committee Special Invitee, Congress Working Committee, All India Congress Committee Chairperson, National Commission for Women

## **Hema Malini**

Hema Malini (born 16 October, 1948) is an actress, director and producer, as well as a Bharatanatyam dancer-choreographer. Making her acting debut in *Sapne Ka Saudagar* (1968), she went on to appear in numerous successful Bollywood films, most notably those with actor and future-husband Dharmendra. She was initially promoted as "Dream Girls, and in 1977 starred in a film of the same name. During this period, she established herself as one of Hindi cinema's leading actresses, noted for both her comic and dramatic roles, and her accomplished classical dancing.

Malini is one of the most successful female film stars in the history of Indian cinema. Appearing in over 150 films in a career i span of 40 years, she has starred in a large number of hit films, and her performances in both commercial and art house cinema, were l often recognised.

### **Political Career**

She is a member of India's Bharatiya Janata Party and was nominated member by the party in Rajya Sabha, the upper House of Parliament during 2003-2009. She now spends most of her time involved in charitable and social ventures, though she still makes occasional appearances in films. In 2000, she was honoured with the Padma Shri by the Government of India.

### **Indira Gandhi**

Indira Priyadarshini Gandhi (born 19 November 1917 - 31 October 1984) was a great politician and the leader of the Indian National Congress. She was the third Prime Minister of the Republic of India for three consecutive terms from 1966 to 1977 and for a fourth term from 1980 until her assassination in 1984 — a total of fifteen years. Gandhi was the first female Prime Minister to hold the office and remained as the world's longest serving female Prime Minister as of 2011.

Noted for her charismatic authority and political acumen. Gandhi adhered to the quasi-socialist policies of industrial development that were begun by her father. Site was also the only Indian Prime Minister to have declared a state of emergency in order to 'rule by decree' and the only Indian Prime Minister to have been imprisoned after holding that office.

### **Legislative Career**

When Indira Gandhi became Prime Minister in 1966, the Congress was split in two factions, the socialists led by Gandhi, and the conservatives led by Morarji Desai. Rammanohar Lohia called her Growl Gudiya which means 'Dumb Doll: The internal problems showed in the 1967 election where the Congress lost nearly 60 seats winning 297 seats in the 545 seat Lok Sabha. She had to accommodate Desai as Deputy Prime Minister and Minister of Finance. In 1969 after many disagreements with Desai, the Indian National Congress split. She ruled with support from Socialist and Communist Parties for the next two years. In the same year, in July 1969 she nationalised banks.

### **Foreign Policy**

Mrs. Gandhi invited the (then) Pakistani President Zulfikar Ali Bhutto to Shimla for a week-long summit. After the near-failure of the talks, the two heads of state eventually signed the Shimla



Agreement, which bound the two countries to resolve the Kashmir dispute by negotiations and peaceful means. Due to her antipathy for Nixon, relations with the United States grew distant, while relations with the Soviet Union grew closer.

She was criticised by some for not making the Line of Control (LoC) a permanent border while a few critics even believed that Pakistan-administered Kashmir should have been extracted from Pakistan, whose 93,000 prisoners of war were under Indian control. But the agreement did remove immediate United Nations and third party interference, and greatly reduced the likelihood of Pakistan launching a major attack in the near future.

She had allowed Pakistan to stabilise and normalise by not demanding total capitulation on a sensitive issue from Bhutto,. Trade relations were also normalised. though much contact remained frown (sealed) for years.

### ***Nuclear Weapons Programme***

A national nuclear programme was started by her in 1967, in response to the nuclear threat from the People's Republic of China and to establish India's stability and security interests as independent from those of the nuclear superpowers. In 1974, India successfully conducted an underground nuclear test, unofficially code named as "Smiling Buddha"; near the desert village of Pokhran in Rajasthan. Describing the test as for peaceful purposes, India became the world's then youngest nuclear power.

### ***Green Revolution***

Special agricultural innovation programmes and extra government support launched in the 1960s finally transformed India's chronic food shortages into surplus production of wheat, rice, cotton and milk, the success mainly attributed to the hard working majority Sikh farmers of Punjab. Rather than relying on food aid from the United States - headed by a President whom Gandhi disliked considerably (the feeling was mutual: to Nixon, Indira was "the old witch"), the country became a food exporter. That achievement, along with the diversification of its commercial crop production, has become known as the "Green Revolution". At the same time, the White Revolution was an expansion in milk production which helped to combat malnutrition, especially amidst young children. 'Food security: as the programme was called, was another source of support for Gandhi in the years leading up to 1975.

Established in the early 1960s, the Green Revolution was the unofficial name given to the Intense Agricultural District Programme (IADP) which sought to ensure abundant, inexpensive grain for urban dwellers upon whose support Gandhi—as indeed all Indian politicians—heavily depended. The programme was based on four premises: 1) New varieties of seed(s), 2) Acceptance of the necessity of the chemicalisation of Indian agriculture, i.e. fertilizers, pesticides, weed killers, etc., 3) A commitment to national and international cooperative research to develop new and improved existing seed varieties, 4) The concept of developing a scientific, agricultural institutions in the form of land grant colleges.

### ***Election Victory and Second Term***

Indira's government faced major problems after her tremendous mandate of 1971. The internal structure of the Congress Party had, withered following its numerous splits, leaving it entirely dependent on her leadership for its election fortunes. Garibi Hatao (Eradicate Poverty) was the theme for Gandhi's 1971 bid. The slogan and the proposed anti-poverty programmes that came with it were designed to give Gandhi an independent national support, based on rural and urban poor. This would allow her to bypass the dominant rural castes both in and of state and local government; likewise the urban commercial class. And, for their part, the previously voiceless poor would at last gain both political worth and political weight.

The programmes created through Garibi Hatao, though carried out locally, were funded, developed, supervised, and staffed by New Delhi and the Indian National Congress party. "These programmes also provided the central political leadership with new and vast patronage resources to be disbursed... throughout the country' Scholars and historians now agree as to the extent of the failure of Garibi Hatao in alleviating poverty - only about 4 per cent of all funds allocated for economic development went to the three main anti-poverty programmes, and precious few of these ever reached the 'poorest of the poor' - and the empty sloganeering of the programme was mainly used instead to engender populist support for Gandhi's re-election.

### ***State of Emergency***

Gandhi moved to restore order by ordering the arrest of most of the opposition leaders participating in the unrest. Her Cabinet and government then recommended that President Fakhruddin Ali Ahmed declare a state of emergency, because of the disorder and lawlessness following the Allahabad High Court decision. Accordingly, Ahmed declared a State of Emergency caused by internal disorder, based on the provisions of Article 352 of the Constitution, on 26 June 1975.

### ***Elections***

After extending the state of emergency twice, in 1977 Indira Gandhi called for elections, to give the electorate a chance to vindicate her rule. Gandhi may have grossly misjudged her popularity by reading what the heavily censored press wrote about her. In any case, she was opposed by the Janata Party, led by her longtime rival, Desai and with Jai Prakash Narayan as its spiritual guide, claimed the elections were the last chance for India to choose between "democracy and dictatorship." Indira's Congress party was beaten soundly. Indira and Sanjay Gandhi both lost their seats, and Congress was cut down to 153 seats (compared with 350 in the previous Lok Sabha), 92 of which were in the south.

### ***Removal, Arrest and Return***

The downfall of Indira Gandhi had begun after India won the war against Pakistan in 1971. The Allahabad High Court found Indira Gandhi guilty with electoral corruption for the 1971 elections. In 1975, Indira Gandhi called a State of Emergency under Article 352 in which she ordered the arrest of her

opposition, who later joined together and formed the Janata Party. In 1977, Indira Gandhi and her party, Indian National Congress, lost the election to the Janata Party, a coalition of virtually all of Indira's opponents. After the elections, Gandhi found herself without work. The Congress Party split during the election campaign of 1977: veteran Gandhi supporters like Jay Jivan Ram and her most loyal Bahuguna and Nandini Satpathy - very close to Indira, the three were compelled due to politicking and possibly circumstances created by Sanjay Gandhi - to part ways. The prevailing rumour was that Sanjay had intentions of dislodging Indira. The Congress Party was now a much smaller group in Parliament, although the official opposition.

Once the Janata Party came into power, they aimed to return all Indian citizens the freedoms taken away when Indira Gandhi declared the State of Emergency. The leader of the Janata Party was Jayaprakash Narayan who kept the party united. The other party leaders of the Janata Party were Morarji Desai, Charan Singh, Raj Narain and Atal Bihari Vajpayee. Morarji Desai was the Prime Minister. Unable to govern owing to fractious coalition warfare, the Janata government's Home Minister, Choudhary Charan Singh, ordered the arrest of Indira and Sanjay Gandhi on several charges, none of which would be easy to prove in a court. The arrest meant that Indira was automatically expelled from Parliament. These allegations included that Indira Gandhi "had planned or thought of killing all opposition leaders in jail during the Emergency": However, this strategy backfired disastrously. Her arrest and long, running trial, however, gained her great sympathy from many people who had feared her as a tyrant just two years earlier.

The Janata coalition was only united by its hatred against Indira, and, with so little in common, the government was bogged down by infighting and Gandhi was able to use the situation to her advantage. She began giving speeches again, tacitly apologising for "mistakes" made during the Emergency. Jayaprakash Narayan died on 8 October 1979, which broke the unity of the Janata Party and Desai took his place. Desai resigned in June 1979, and Charan Singh was appointed Prime Minister by Reddy after Gandhi promised that Congress would support his government from outside.

After a short interval, she withdrew her initial support and President Reddy dissolved Parliament in the winter of 1979. In elections held the following January, Congress was returned to power with a landslide majority.

In the 1980s, Money meant for aid given by Mrs. Gandhi was used by the LTTE and other Tamil militant groups in Sri Lanka. It is alleged that she purposefully supported terrorist activities in Sri Lanka in order to suppress the 'Pakistan friendly' country.

### ***J. Geeta Reddy***

Dr. Jetti Geeta Reddy (born 1947) is a politician, belonging to the Congress party. She is presently a Minister in Kiran Kumar Reddy's Cabinet. She was a Minister for Information and PR, Cinematography, FDC and Tourism in the K. Rosaiah's government. She is also Congress Floor leader in the Assembly. She represents Zaheerabad constituency in Medak district. She is also will be the Leader of the House in the Legislative Assembly, a first dalit woman.

### ***Political Carrier***

Geeta Reddy was brought into Congress party in 1985 by former Prime Minister of India, Rajiv Gandhi. She contested in 1989, and was elected as M.L.A from Gajwel, Medak District. She represented Gajwel constituency in 1989, and 2004 before shifting to Zaheerabad constituency in 2009 general elections.

She was a Minister in the Cabinets of Dr. Marri Chenna Reddy, Kotla Vijaya Bhaskar Reddy and twice in Dr. Y.S. Rajasekhara Reddy Cabinet. Now is presently in the Cabinet of Kiran Kumar Reddy. She presently represents Zaheerabad Assembly constituency in Medak district and is the senior most member in the Rosaiah's Cabinet from Telangana region.

### **Jaya Prada**

Jaya Prada (born 3 April 1962) is a film actress and politician.

### ***Political Career***

Jayaprada was initiated into the Telugu Desam Party by her former co-star N.T. Rama Rao in 1994. She later broke away from him and joined the Chandrababu Naidu faction of the party. She was nominated to the Rajya Sabha representing Andhra Pradesh in 1996. Following differences with party Supremo N. Chandrababu Naidu, she left TDP to join Samajwadi Party and contested from Rampur parliamentary Constituency in UP during the last General election in 2004 and got elected. During her campaign for the Lok Sabha elections, she was issued a notice by the Election Commission for violating the code of conduct by distributing bindis to women in Rampur's Swar locality. On 11 May 2009, Jaya Prada alleged that senior Samajwadi Party leader Azam Khan was distributing nude pictures of her. She was re-elected with a margin of more than 30,000 votes.

Jayaprada was expelled from the party on February 2, 2010 on the charge of indulging in activities inimical to its political interests and damaging its image. Jayaprada was accused by Samajwadi party members for infiltration into the party of capitalist and communal forces, which threatened to derail it from its Samajwadi moorings and damage its secular character.

### ***Jayanthi Natarajan***

Jayanthi Natarajan (born 7 June 1954) is a lawyer and politician. She is a member of the Indian National Congress and has been thrice elected Member of Parliament representing the state of Tamil Nadu in the Rajya Sabha. She has also been a minister in the Union Cabinet.

## ***Political Career***

**Congress Years:** Her political career began when she was noticed by Rajiv Gandhi in the 1980s. She was first elected to the Rajya Sabha in 1986 and re-elected in 1992.

**Tamil Maanila Congress:** During the 90's Jayanthi Natarajan and other leaders from-Tamil Nadu who were unhappy with Narasimlia Rao decided to break away from the party. They founded the Tamil Mahila Congress under G K Moopanar. Jayanthi Natarajan resigned from the Itajya Sabha and was re-elected in 1997 as a TMC member. The TMC was allied with the Dravida Munnetra Kazhagam in Tamil Nadu and was a part of the United Front government in the centre. Jayanthi Natarajan was appointed Minister of State for Coal, Civil Aviation and Parliamentary Affairs in 1997.

## ***Krishna Tirath***

Krishna Tirath (born 3 March 1955) is a member of the 15th Lok Sabha. She represents the North West Delhi constituency of Delhi and is a member of the Indian National Congress (INC) political party.

She began her political career as an M.L.A in Delhi and was a member of the Delhi Legislative Assembly between 1984-2004. In 1998, she became the Minister for Social Welfare, SC & ST and Labour & Employment in the Sheila Dikshit led Delhi government. The Chief Minister saw her as a part of the dissident group and forced to resign from her post by dissolving her entire Cabinet. On her resignation in 2003, she became Deputy Speaker of the Delhi Assembly. In the 2004 elections she trounced Anita Arya of the Bharatiya Janata Party (BJP) and was elected to Parliament. In 2009 elections, She again elected from North West Delhi by defeating Meera Kanwaria of B/P. She has been inducted into Manmohan Singh's Cabinet. She is the minister of state with independent charge for women and child development.

## ***Lakshmi N. Menon***

Lakshmi N. Menon (1897-1994) was born in Thiruvananthapuram, and was the child of Rama Varnna Thampan and Madhavikutty Amma. In 1930 she married Professor V.K. Nandan Menon, who had been the vice chancellor of the University of Travancore and Patna University, as well as the director for the Indian Institute of Public Administration.

Lakshmi studied at Madras, Lucknow and London, acquiring high qualifications as an educator. She first taught at Queen Mary's College, Madras, then the Gokhale Memorial Girls' School, and lastly the Isabella Thoburn College in Lucknow. She switched to law in the late 1920s and practiced until 1935. She was an associate of Jawaharlal Nehru, Sarojini Naidu and Margaret H. Cousins.

She was one of the founding members of the All India Women's Conference, serving for a period of time as its secretary and president as well as editor of its magazine, Roshni. After Independence she

was the principal at the Patna Teachers' Training College. But Jawaharlal Nehru wanted her to be part of his government, and he persuaded her to allow herself to be nominated to the Rajya Sabha. Somewhat reluctantly she agreed, and moreover served as Alternate Delegate from India to the United Nations. In 1949-1950 she headed the UN Section on the Status of Women and Children.

Returning to Independent India, she served in the Ministry of External Affairs as Parliamentary Secretary from 1952 to 1957, Deputy Minister from 1957 to 1962 and Minister of State to 1967. She toured the world on India's behalf, taking one such tour at a crucial juncture in India's relations with China, and charged with the task of explaining India's stand to the world. Retiring from political service in 1967, she turned to social work and also to writing, authoring among other things a book on Indian women for the Oxford Pamphlets on Indian Affairs series, published by Oxford University Press. She helped to found the Federation of University Women in India. In recognition of her services, she was awarded the Padma Bhushan in 1957.

### **Lakshmi Sahgal**

Lakshmi Sahgal (or Sehgal) nee Swaminathan, also known as Captain Lakshmi (born October 24, 1914 in Madras, Madras Presidency, British India) is an activist of the Indian independence movement, an ex-officer of the Indian National Army, and the Minister of Women's affairs in the Azad Hind Government.

A doctor by profession, Captain Lakshmi came into the limelight in India towards the end of World War II for her role as the commander of the Rani of Jhansi Regiment of the INA and her role as a minister in Subhas Bose's Azad Hind government. She later became involved in politics in independent India, serving as a member of Parliament in the Upper House and later running for President as a left wing candidate. Lt. Col Swaminathan is commonly referred to as Captain Lakshmi in India, referring to her rank at the time of being taken prisoner in Burma, as widely reported in Indian newspapers at the end of the war and which captured the public imagination, as opposed to her not widely known promotion in the last days of Azad Hind.

### ***Maneka Gandhi***

Maneka Gandhi (nee Anand; born 26 August 1956, Delhi, India) is a politician, animal rights activist, environmentalist, former model and widow of the Indian politician, Sanjay Gandhi. She has been minister in four governments, and has authored a number of books in the areas of etymology, law and animal welfare.

***Achievements:*** In 1988, Maneka merged the Rashtriya Sanjay Manch with the main opposition party, the Janata Dal and became its General Secretary. The party won the general elections and at 33, Maneka Gandhi became India's youngest Minister. As Minister of Environment and Forests in two successive governments, Maneka introduced a number of historic legislations including the Coastal Zone Regulation Act and The Public Liability Act for Hazardous Chemicals. She also created the National Zoo

Authority to regulate zoos, set up Environmental Tribunals, notified protection for old monuments as Heritage sites, introduced testing and controls for vehicular pollution, devised the comparative testing scheme Eco-Mark for environmentally friendly products, formed the Vivisection Regulatory Committee to eliminate duplicative animal research and set up the National Animal Welfare Board of India. She negotiated the Montreal Protocol on behalf of the Government of India and introduced the 'polluter pays' concept. Contesting as an Independent candidate from Pilibhit, Maneka was re-elected in 1996 and again in 1998 with among the highest margins of victory in the country.

In 1999, Maneka lent support to the Bharatiya Janata Party (BJP), India's leading opposition party led by Atal Bihari Vajpayee. The party was elected to power and Maneka became Minister of State for Social Justice and Empowerment. Here she played a historic role in the Indian pension reforms effort, through the early phase of Project OASIS. OASIS is an acronym for Old Age Social and Income Security. Maneka Gandhi played a key role in the initiation and early thinking on this scheme, going up to the point where it was transferred to the Ministry of Finance for implementation. This went on to become the celebrated New Pension System (NPS), which was implemented for new recruits into the central government from 2004 onwards. She also restructured the Rehabilitation Council of India, simplified the adoption laws, initiated a helpline for street children, funded the first disability hospitals in the country, initiated a national network of outlets for tribal products, funded training facilities for retired armed forces personnel and put together an \$11 million rehabilitation programme for the disabled.

She was instrumental in creating India's Animal Welfare Ministry—a first in the world, and serving as its first Minister. As Minister for Animal Welfare, she banned the use of bears, primates and big cats in public performances, designed an Animal Welfare Institute to impart training in the field, and made it mandatory for food and cosmetics to be labelled veg and non-veg (green and brown dots) depending on their ingredients. Maneka Gandhi was subsequently Minister for Culture and Minister for Programme Implementation.

In 2004, Maneka joined the BM and again contested and won from Pilibhit. She has won 5 out of the 6 times she has contested from Pilibhit. This is a measure of her enormous personal popularity in the region attributed to her assiduously nurturing the constituency. In 2009, Maneka fought and won from neighbouring Aonla while her son, Vanin Gandhi fought and won from Pilibhit. As a six term Member of Parliament, Maneka Gandhi is among the most senior legislators of India. She is currently Chairperson of the Parliamentary Committee on Govt. Assurances.

#### ***Positions Held:***

- 1988-89: General-Secretary, Janata Dal (J.D.)
- 1989: Elected to 9th Lok Sabha (1st term) From Pilibhit parliamentary constituency

- 1989-91: Union Minister of State (Independent Charge), Environment and Forests
- Jan-April 1990: Union Minister of State (Independent Charge), Programme Implementation
- 1996: Re-elected to 11th Lok Sabha (2nd term) From Pilibhit parliamentary constituency
- 1996-97: Member, Committee on Science and Technology, Environment and Forests 1998 - Re-elected to 12th Lok Sabha (3rd term) From Pilibhit parliamentary constituency 1998-99 - Union Minister of State (Independent Charge) Social Justice and Empowerment
- 1999 - Re-elected to 13th Lok Sabha (4th term) From Pilibhit parliamentary constituency
- 13 October 1999- 1 September 2001- Union Minister of State, Social Justice and Empowerment (Independent Charge)
- 1 September 2001- 18 November 2001 - Union Minister of State, Culture with additional charge of Animal Care (Independent Charge) Programme Implementation and Statistics with additional charge of Animal Care (Independent Charge)
- 18 Nov. 2001- 30 June 2002 - Union Minister of State, Programme Implementation and Statistics with additional charge of Animal Care (Independent Charge)
- 2002-2004 - Member, Committee on External Affairs
- 2004 - Re-elected to 14th Lok Sabha (5th term), Member, Committee on Health & Family Welfare, Member, Consultative Committee, Ministry of Environment and Forests From Pilibhit parliamentary constituency 5 August 2007 - onwards Member, Committee on Health & Family Welfare
- 16 May 2009 - Re-elected to 15th Lok Sabha (6th term) From Aonla parliamentary constituency

### ***Environmental Activism***

Maneka Gandhi is a self-described environmentalist and animal rights leader in India. She was appointed chairperson of the Committee for the Purpose of Control and Supervision of Experiments on Animals (CPCSEA) in 1995. Under her direction, CPCSEA members carried unannounced inspections of laboratories where animals are used for scientific research, conducted. She started the organisation People for Animals in 1992 and it is the largest organisation for animal rights/welfare in India. Maneka Gandhi is also a patron of International Animal Rescue. She is a vegetarian and has advocated this lifestyle on ethical and health grounds. She also anchored a weekly Television programme named "Heads and Tails" highlighting sufferings meted out to animals due to their commercial exploitation. She has also authored a book under the same title. Her other books were about Indian people names. She is a cast member for the documentary "A Delicate Balance".

### ***Manikuntala Sen***

Manikuntala Sen (c. 1911-1987) was one of the first women to be active in the Communist Party of India. She is best known for her Bengali-language memoir *Shediner Kotha* (published in English as *In*



Search of Freedom: An Unfinished Journey), in which she describes her experiences as a woman activist during some of the most turbulent times in India's history.

### ***Maragatham Chandrasekar***

Maragatham Chandrasekar (b. November 11, 1917- d. November 19, 2001) was a politician and Member of Parliament from the state of Tamil Nadu.

### ***Political Life***

Maragatham Chandrasekar joined the Indian National Congress and was elected to the Lok Sabha from Tiruvallur in the 1951 parliamentary elections. She served as the Member of Lok Sabha for Tiruvallur from 1951 to 1957 and 1962 to 1967 and Member of the Rajya Sabha from 1970 to 1984. She served as the Union Deputy Minister for Health from 1951 to 1957, Home Affairs from 1962 to 1964 and Social Welfare from 1964 to 1967.

In 1972, Maragatham was elected General Secretary of the All India Congress Committee. As former Member of Parliament from Sriperumbudur, Maragatham hosted the former Indian Prime Minister Rajiv Gandhi during his visit to Sriperumbudur in 1991. She was present at the rally in Sriperumbudur where Rajiv Gandhi was assassinated.

Death: Maragatham died on November 19, 2001, eight days after her eighty-fourth birthday.

### ***Meera Sanyal***

Meera H Sanyal (born 15 March 1961) is a banking professional in India, who was an Independent candidate in the 2009 Lok Sabha polls from the Mumbai South Constituency. She is the current President of the Indian Liberal Group, a think tank. Personal Life Meera is the daughter of Vice Admiral (raid.) G Hiranandani who is a much decorated and respected Indian Naval Officer. A gallantry award winner and author of several publications on Indian Naval history, he had also served in the Union Public Service Commission (UPSC). Admiral Hiranandani holds a master's degree in military science and a doctorate in political science.

### ***Entry into Politics***

On being asked her reasons for this step, she stated that as a citizen of India and a resident of Mumbai, she has been a witness to the steady decline of the city in spite of it being a treasure trove of talent and entrepreneurship. She said that she had always wanted to do something about it, bring about positive changes in infrastructure and policy to make it a world class city that it has the potential to be. The recent traumatic events in Mumbai were the trigger that helped her to cement her resolve and take the decision to fight the 2009 General Elections from the constituency of Mumbai South. She was apparently inspired to do so by the strong reaction of the general population after the 26/11 terror attacks in Mumbai, when the people poured out into the streets to protest the fact that they had been taken for granted for the longest time, demanding answers from the powers.

## ***Meira Kumar***

Meira Kumar (born March 31, 1945) is a politician and a five time Member of Parliament. She was elected unopposed as the first woman Speaker of Lok Sabha on 3 June 2009. She is a lawyer and a former diplomat. Prior to being a member of the 15th Lok Sabha, she has been elected earlier to the 8th, 11th, 12th and 14th Lok Sabha, wherein she remained Cabinet Minister in the Ministry of Social Justice and Empowerment (2004-2009).

### ***Political Career***

Meira Kumar entered electoral politics in 1985 and was elected from Bijnor in Uttar Pradesh defeating political heavyweights like Ram Vilas Paswan and Mayawati, two powerful dalit leaders. She was a member of the eighth, eleventh and twelfth Lok Sabha's from Karol Bash in Delhi. She lost her seat in the BJP wave of 1999, but was able to get re-elected with a record majority from her father's former constituency of Sasaram in Bihar in 2004 and 2009.

She served in the Congress-led Government as the Minister of Social Justice and Empowerment from 2004 to 2009. In 2009 she was briefly inducted as member of the Cabinet as Union Minister for Water Resources. On being nominated for the position of speaker, she submitted her resignation three days after assuming ministerial office. She was elected the Speaker of Lok Sabha, thereby becoming the first woman speaker of the country.

### **4.4. United Nations and Women's Rights**

In 1946 the United Nations established a Commission on the Status of Women. Originally as the Section on the Status of Women, Human Rights Division, Department of Social Affairs, and now part of the Economic and Social Council (ECOSOC). Since 1975 the UN has held a series of world conferences on women's issues, starting with the World Conference of the International Women's Year in Mexico City. These conferences created an international forum for women's rights, but also illustrated divisions between women of different cultures and the difficulties of attempting to apply principles universally. Emerging from the 1985 Nairobi conference was a realization that Feminism is not monolithic but "constitutes the political expression of the concerns and interests of women from different regions, classes, nationalities, and ethnic backgrounds. There is and must be a diversity of Feminisms, responsive to the different needs and concerns of women, and defined by them for themselves. This diversity builds on a common opposition to gender oppression and hierarchy which, however, is only the first step in articulating and acting upon a political agenda." At the Fourth World Conference on Women in Beijing, The Platform for Action was signed. This included a commitment to achieve "gender equality and the empowerment of women".

### **Convention on the Elimination of All Forms of Discrimination Against Women**

The Universal Declaration of Human Rights, adopted in 1948, enshrines "the equal rights of men and women", and addressed both the equality and equity issues. In 1979 the United Nations General Assembly adopted the Convention on the Elimination of All Forms of Discrimination against Women

(CEDAW). Described as an international bill of rights for women, it came into force on 3 September 1981. The United States is the only developed nation that has not ratified the CEDAW.

The Convention defines discrimination against women in the following terms:—

Any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

It also establishes an agenda of action for putting an end to sex-based discrimination: States ratifying the Convention are required to enshrine gender equality into their domestic legislation, repeal all discriminatory provisions in their laws, and enact new provisions to guard against discrimination against women. They must also establish tribunals and public institutions to guarantee women effective protection against discrimination, and take steps to eliminate all forms of discrimination practiced against women by individuals, organizations, and enterprises.

The CEDAW has been controversial for statements seen by some as promoting radical Feminism. Particularly referenced is a report in 2000 which said that in Belarus, 'the Committee is concerned by the continuing prevalence of sex-role stereotypes and by the reintroduction of such symbols as a Mothers' Day and a Mothers' Award, which it sees as encouraging women's traditional roles.'

## **Maputo Protocol**

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, better known as the Maputo Protocol, was adopted by the African Union on 11 July 2003 at its second summit in Maputo, Mozambique. On 25 November 2005, having been ratified by the required 15 member nations of the African Union, the protocol entered into force. The protocol guarantees comprehensive rights to women including the right to take part in the political process, to social and political equality with men, and to control of their reproductive health, and an end to female genital mutilation.

## **Reproductive Rights**

Reproductive rights are rights relating to sexual reproduction and reproductive health. 'Reproductive rights' are not recognised in international human rights law and is used as an umbrella term that may include some or all of the following rights: the right to legal or safe abortion, the right to control one's reproductive functions, the right to access quality reproductive healthcare, and the right to education and access in order to make reproductive choices free from coercion, discrimination, and violence. Reproductive rights may also be understood to include education about contraception and

sexually transmitted infections, and freedom from coerced sterilization and contraception, protection from gender-based practices such as female genital cutting, or FGC, and male genital mutilation. or MGM.

Reproductive rights are understood as rights of both men and women, but are most frequently advanced as women's rights. The United Nations Population Fund (UNPF) and the World Health Organization (WHO) advocate for reproductive rights with a primary emphasis on women's rights. The idea of these rights were first discussed as a subset of human rights at the United Nation's 1968 International Conference on Human Rights. The sixteenth article of the Proclamation of Teheran recognises reproductive rights as a subset of human rights and states, "Parents have a basic human right to determine freely and responsibly the number and the spacing of their children"

## **Abortion**

Women's access to safe and legal abortions is restricted in law or in practice in most countries in the world. Even where abortion is permitted by law, women may only have limited access to safe abortion services. Only a small number of countries prohibit abortion in all cases. In most countries and jurisdictions, abortion is allowed to save the pregnant woman's life, or where the pregnancy is the result of rape or incest.

Human Rights Watch considers abortion within the context of human rights, arguing:

"Abortion is a highly emotional subject and one that excites deeply held opinions. However, equitable access to safe abortion services is first and foremost a human right. Where abortion is safe and legal, no one is forced to have one. Where abortion is illegal and unsafe, women are forced to carry unwanted pregnancies to term or suffer serious health consequences and even death. Approximately 13% of maternal deaths worldwide are attributable to unsafe abortion—between 68,000 and 78,000 deaths annually."

They furthermore argue that "...international human rights legal instruments and authoritative interpretations of those instruments compel the conclusion that women have a right to decide independently in all matters related to reproduction, including the issue of abortion." Human Rights Watch argues that 'the denial of a pregnant woman's right to make an independent decision regarding abortion violates or poses a threat to a wide range of human rights.' Basing its analysis on the authoritative interpretations of international human rights instruments by UN expert bodies Human Rights Watch states that where women's access to safe and legal abortion services are restricted, the following human rights may be at risk: the right to life, the right to health (or health care), right to freedom from discrimination, right to security of person, the right to liberty, the right to privacy, the right to information, the right to be free from cruel, inhuman, or degrading treatment , the right to decide the number and spacing of children (reproductive rights), the right to freedom of thought, and the right to freedom of religion. Other groups however, such as the Catholic Church, regard abortion not as a right but as a 'moral evil'.

## **Rape and Sexual Violence**

Rape, sometimes called sexual assault, is an assault by a person involving sexual intercourse with or sexual penetration of another person without that person's consent. Rape is generally considered a serious sex crime as well as a civil assault. When part of a widespread and systematic practice rape and sexual slavery are now recognised as crime against humanity and war crime. Rape is also now recognised as an element of the crime of genocide when committed with the intent to destroy, in whole or in part, a targeted group.

### **Rape as an Element of the Crime of Genocide**

In 1998, the International Criminal Tribunal for Rwanda established by the United Nations made landmark decisions that rape is a crime of genocide under international law. The trial of Jean-Paul Akayesu, the mayor of Iain Commune in Rwanda, established precedents that rape is a element of the crime of genocide. The Trial Chamber held that "sexual assault formed an integral part of the process of destroying the Tutsi ethnic group and that the rape was systematic and had been perpetrated against Tutsi women only, manifesting the specific intent required for those acts to constitute genocide.

Judge Navanethem Pillay said in a statement after the verdict: "From time immemorial, rape has been regarded as spoils of war. Now it will be considered a war crime. We want to send out a strong message that rape is no longer a trophy of war." An estimated 500,000 women were raped during the 1994 Rwandan Genocide.

The Akayesu judgement includes the first interpretation and application by an international court of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. The Trial Chamber held that rape, which it defined as "a physical invasion of a sexual nature committed on a person under circumstances which are coercive, and sexual assault constitute acts of genocide insofar as they were committed with the intent to destroy, in whole or in part, a targeted group, as such. It found that sexual assault formed an integral part of the process of destroying the Tutsi ethnic group and that the rape was systematic and had been perpetrated against Tutsi women only, manifesting the specific intent required for those acts to constitute genocide.

### **Rape and Sexual Enslavement as Crime Against Humanity**

The Rome Statute, which defines the jurisdiction of the International Criminal Court, recognises rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, 'or any other form of sexual violence of comparable gravity as crime against humanity if the action is part of a widespread or systematic practice.

Rape was first recognised as crime against humanity when the International Criminal Tribunal for the former Yugoslavia issued arrest warrants based on the Geneva Conventions and Violations of the Laws or Customs of War. Specifically, it was recognised that Muslim women in Foca (southeastern Bosnia and Herzegovina) were subjected to systematic and widespread gang rape, torture and enslavement by Bosnian Serb soldiers, policemen and members of paramilitary groups after the takeover of the city in April 1992.

The indictment was of major legal significance and was the first time that sexual assaults were investigated for the purpose of prosecution under the rubric of torture and enslavement as a crime against humanity. The indictment was confirmed by a 2001 verdict of the International Criminal Tribunal for the former Yugoslavia that rape and sexual enslavement are crimes against humanity. This ruling challenged the widespread acceptance of rape and sexual enslavement of women as intrinsic part of war.