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## **REVIEW ARTICLE**

# **VIOLATION OF WOMEN RIGHTS FROM ANCIENT TO MODERN TIMES IN INDIA**

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# Violation of Women Rights from Ancient to Modern Times in India

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It is a known fact now that Women held subservient position in ancient and medieval Indian society. In ancient and medieval India, life of women was pathetic and they had very low status in the society. There are many evidences of suppression and ill-treatment of women in Ancient Indo-Aryan society. Most of the problems like Child Marriages, Dowry system, Bride-Burning; No rights in their paternal property, Mass Wife-Burning (Jauhar) and Widow-Burning (Sati) have their roots in ancient and medieval India.

**Female infanticide** — The father of daughter was supposed to give huge dowries to the boy's family and this system was also recommended by the Vedas. Hence a girl was seen as a burden. The woman who gave birth to a daughter was ashamed. Husbands were not supposed to have intercourse with a wife who bore only daughters. Hence infanticide arose as a convenient way of getting rid of the burden called daughter. Holy Aryan texts say:

*"Tasmat striyam jatam parasyanti ut pumamsam haranti"*

It means, Hence they reject a female child when born, and take up a male."

Child marriage was common in ancient India due to the custom of dowry and to avoid scandals. Old Hindu mythology books including vedas prescribe that the best partner for a man in one-third his age.

"A man, aged thirty years, shall marry a maiden of twelve who pleases him, or a man of twenty-four a girl of eight years of age; if (the performance of) his duties would otherwise be impeded, he must marry sooner." [Manu Smriti]

**Wife-Burning** — An Aryan husband could at any time accuse his wife of infidelity. In case the wife protests her innocence, the council of village elders would then order an ordeal by fire. The accused wife would be required to pass through a blazing flame. Not just death, but any signs of burns would be taken as a sign of guilt and the wife would then have to undergo the penalty for infidelity. Adultery carries the death

sentence in Aryan law, so either way she would have to pay with her life for her husband's or elders' mere suspicions. The ideal role model for this custom was Sita, Ram's wife. She was required by her spouse, the 'ideal husband' of the 'Hindus', to pass through the fire ordeal after her return from Sri Lanka.

**Jauhar** — It refers to the practice of the mass burning of all the wives and daughters in an entire town/district to prevent them from falling into the hands of the enemies. Often the husbands forced their unwilling spouses, sometimes the women practiced it themselves, encouraged by the elders. It is merely a variant of sati, since it occurred in anticipation of the women's widowhood.

**Sati** — The Aryans, upon their invasion of India ca. 1500 B.C. introduced the horrific custom of sati, ie. the burning of a woman after the death of her husband. When performed singly it is referred to as sati, when performed en masse by all the women and daughters of a town in anticipation of their widowhood (eg. when the men were to fight a battle against all odds), it is known as jauhar. It is sanctioned by their most sacred texts, and was practiced from the fall of the Semito-Dravidian Indus Valley civilization to the modern age.

It is hard to fathom how slow moving the cultural exchange of the world is when you find out that there are several places across the country where harmful customs of the ancient world coexist with modern appliances and thought. However that may come as hardly any surprise to anyone who has lived in India – the dichotomy of society is something that is evident.

Yes, it is only in India that glaring and brutal gang rapes occur frequently in a state that is headed by a woman Chief Minister. Gender discrimination is the least of worries for women in India, known otherwise as the fourth most dangerous country in the world for women. Other instances of violence against women has an astonishing and grim variety to it – with acid throwing, domestic violence stemming out of dowry, rape, harassment and an assortment of others. higher among babies born to women under 18.

Another study showed that around 56% girls from poorer families are married underage and became mothers. So, all this indicated that immediate steps should be taken to stop the evil of Child Marriage.

Violence against women is partly a result of gender relations that assumes men to be superior to women. Given the subordinate status of women, much of gender violence is considered normal and enjoys social sanction. Manifestations of violence include physical aggression, such as blows of varying intensity, burns, attempted hanging, sexual abuse and rape, psychological violence through insults, humiliation, coercion, blackmail, economic or emotional threats, and control over speech and actions. In extreme, but not unknown cases, death is the result. (Adriana, 1996) These expressions of violence take place in a man-woman relationship within the family, state and society. Usually, domestic aggression towards women and girls, due to various reasons remain hidden. Cultural and social factors are interlinked with the development and propagation of violent behaviour. With different processes of socialization that men and women undergo, men take up stereotyped gender roles of domination and control, whereas women take up that of submission, dependence and respect for authority. A female child grows up with a constant sense of being weak and in need of protection, whether physical social or economic. This helplessness has led to her exploitation at almost every stage of life. The family socializes its members to accept hierarchical relations expressed in unequal division of labour between the sexes and power over the allocation of resources. The family and its operational unit is where the child is exposed to gender differences since birth, and in recent times even before birth, in the form of sex-determination tests leading to feticide and female infanticide. The home, which is supposed to be the most secure place, is where women are most exposed to violence. Violence against women has been clearly defined as a form of discrimination in numerous documents. The World Human Rights Conference in Vienna, first recognized gender-based violence as a human rights violation in 1993. In the same year, United Nations declaration, 1993, defined violence against women as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to a woman, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or private life”. (Cited by Gomez, 1996) Radhika Coomaraswamy identifies different kinds of violence against women, in the United Nation's special report, 1995, on Violence Against Women; a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation. b) Physical sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational

institutions and elsewhere, trafficking in women and forced prostitution. c) Physical, sexual and psychological violence perpetrated or condoned by the state, wherever it occurs. This definition added ‘violence perpetrated or condoned by the State’, to the definition by United Nations in 1993. Coomaraswamy (1992) points out that women are vulnerable to various forms of violent treatment for several reasons, all based on gender. 1) Because of being female, a woman is subject to rape, female circumcision/genital mutilation, female infanticide and sex related crimes. This reason relates to society's construction of female sexuality and its role in social hierarchy. 2) Because of her relationship to a man, a woman is vulnerable to domestic violence, dowry murder, sati. This reason relates to society's concept of a woman as a property and dependent of the male protector, father, husband, son, etc. 3) Because of the social group to which she belongs, in times of war, riots. Or ethnic, caste, or class violence, a woman may be raped and brutalized as a means of humiliating the community to which she belongs. This also relates to male perception of female sexuality and women as the property of men. Combining these types of abuse with the concept of hierarchical gender relations, a useful way to view gender violence is by identifying where the violence towards women occurs. Essentially, violence happens in three contexts - the family, the community and the state and at each point key social institutions fulfil critical and interactive functions in defining legitimating and maintaining the violence. 1) The family socializes its members to accept hierarchical relations expressed in unequal division of labour between the sexes and power over the allocation of resources. 2) The community (i.e., social, economic, religious, and cultural institutions) provides the mechanisms for perpetuating male control over women's sexuality, mobility and labour. 3) The state legitimizes the proprietary rights of men over women, providing a legal basis to the family and the community to perpetuate these relations. The state does this through the enactment of discriminatory application of the law. Margaret Schuler has divided gender violence into four major categories;

- 1) Overt physical abuse (battering sexual assault, at home and in the work place)
- 2) Psychological abuse (confinement, forced marriage)
- 3) Deprivation of resources for physical and psychological wellbeing (health/nutrition, education, means of livelihood)
- 4) Commoditization of women (trafficking, prostitution)

Adriana Gomez has also talked about two basic forms of violence, that is; structural and direct. Structural violence arises from the dominant political, economic and social systems, in so far as they block access to the means of survival for large number of people; for

example, economic models based on the super-exploitation of thousands for the benefit of a few, extreme poverty in opposition to ostentatious wealth, and repression and discrimination against those who diverge from given norms. Structural violence according to her is the basis of direct violence, because it influences the socialisation which causes individuals to accept or inflict suffering, according to the social function they fulfil. Open or direct violence is exercised through aggression, arms or physical force. (Larrain and Rodrigue, 1993) The Fourth Conference of Women, 1995 has defined violence against women as a physical act of aggression of one individual or group against another or others. Violence against women is any act of gender-based violence which result in, physical, sexual or arbitrary deprivation of liberty in public or private life and violation of human rights of women in violation of human rights of women in situations of armed conflicts. (Conference on Women, Beijing, 1995 Country Report). Violence is an act carried out with the intention or perceived intention of physically hurting another person (Gelles and Straus, 1979). Gender Violence is defined as “any act involving use of force or coercion with an intent of perpetuating promoting hierarchical gender relations”. (APWLD, 1990, Schuler, 1992) Adding gender dimension to that definition amplifies it to include violent acts perpetrated on women because they are women. With this addition, the definition is no longer simple or obvious. Understanding the phenomenon of gender violence requires an analysis of the patterns of violence directed towards women and the underlying mechanisms that permit the emergence and perpetuation of these patterns. Liz Kelly (1998), *Surviving Sexual Polity* has defined violence as “any physical, visual, verbal or sexual act that is experienced by the woman or girl at the time or later as a threat, invasion or assault, that has the effect of hurting her or degrading her and/or takes away her ability to contest an intimate contact”. Dr Joanne Liddle modified this definition as “any physical, visual, verbal or sexual act that is experienced by the person at the time or later as a threat, invasion or assault, that has the effect of hurting or disregarding or removing the ability to control one’s own behaviour or an interaction, whether this be within the workplace, the home, on the streets or in any other area of the community”.

## **FEMALE FETICIDE AND INFANTICIDE**

Technologies like amniocentesis and ultrasound used in most parts of the world, largely for detecting foetal abnormalities, has been used in large parts of the Indian subcontinent for determining the sex of the foetus so that it can be aborted, if it happens to be a female. The information of the sex of the unborn was being extensively misused. nt female foeticide and to restrict this misuse, the Prenatal Diagnostic Techniques (Regulation and Prevention of Misuse) Act was passed on 20th September 1994. The Act forbids

the communication of the sex of the foetus, but the enforcement of this act is not easy (Negi, 1997:26).

## **CHILD MARRIAGE**

A girl child is twice vulnerable for being a child and a girl. Discrimination against them begins even before their birth and continues as they grow. Their psychological, physical and economic dependence on the family makes them vulnerable to violence and child abuse within or outside the family. Since 1872, the following efforts have been made to legalise the minimum age of marriage. The Civil Marriage Act of 1872 was passed as a result of the efforts made by Raja Ram Mohan Roy, before which, a provision of the Indian Penal Code rendered the consummation of marriage before the girl attained the age of 10, punishable with life imprisonment. Social reformers of 19th and 20th century tried to counteract child marriage as they felt it was marring child’s educational, physical and economic progress. Noted social reformer Har Bilas Sarda, from Ajmer District, Rajasthan authored and piloted a Bill in British Legislature to stop child marriage, which, in course of time became law. The Child Marriage Restrain Act of 1929 (popularly known as Sarda Act) which fixed the minimum age for boys at 18 and girls at 15, extended only to British India (Rajan, 1997: 31). The Act did not prohibit marriages nor did it declare these marriages invalid or illegal (Saxena, 1999). With the codification of the Hindu Law, the Hindu Marriage Act passed in 1955 made the minimum age of marriage for girls at 15. In 1978, a further revision was made in the minimum legal age. With this last amendment, the law was finally brought nearer in line with the accumulated scientific medical evidence showing that the adolescent girl is at grave risk of her health, as also that of her children, until she has reached the age of 18 at least. Alongside, the minimum age of marriage for boys also underwent an upward revision to 21 years (Chhabra et al, 1986: However, it did not empower the police to prevent the marriage by arresting a person without warrant or magisterial order. Under the amended provision of this Act the jurisdiction was given to metropolitan magistrates or to judicial magistrates. They have been empowered to try any case related to child marriage. Anybody including social organisations, the police or the any person can make a complaint to the police or to the magistrate directly. Acting on a complaint, any court can itself make inquiries. However in practice this whole process is so complicated and so time consuming that by the time these authorities are in a position to take preventive action the marriage is already over and all proof of such a ceremony obliterated. Further, Section 12 of the amended Child Marriage Restraint Act empower the magistrate to issue injunctions prohibiting marriages in contravention of this Act, but before issuing injunction the affected parties have to be given a notice to enable them to present defence. An injunction issued



without this notice is not valid. This procedure is so time-consuming that marriages in contravention of this Act are completed before the court can pass an order preventing them. The court cannot even issue a general direction that marriage of a child shall not be solemnised within some particular time limit, say eight months or two years. The punishment under the amended Child Marriage Restraint Act remains mild, i.e. only simple imprisonment extended to three months and a fine of Rs 1000. According to the provisions of Section 5 of the Act whoever performs, conduct or direct child marriages shall be punishable (Saxena, 1999). Ancient Hindu religious manuals like the Manu Smriti and Grihayastra set the age of life partners at 13 for girls and 16 for boys. In the Vedic period early marriage of girls began to gain approval and it became obligatory to have a girl married before she attained puberty. The age was lowered still further in the Brahminical period, resulting in the abuse of children (The Statesman, 1998)

## CHILD SEXUAL ABUSE

Sexual abuse is defined as “all sexually oriented conduct, commentary or gestures, intentional and repeated, not desired or accepted freely by their object, for whom it is an imposition, a humiliation or attack on their dignity”. (Diaz, 1996) (Adriana Gomez, 1996) The term abuse includes physical as well as non-physical acts. There is enough evidence to suggest that it often receives wider familial sanction. It is institutionalised in various forms, ranging from long hours of labour, often within and outside the home, denial of food, neglect of ailments and verbal abuse to physical violence by the husband and sometimes other family members. Far more difficult to acknowledge are problems caused by the narrow definition of sexuality as a means of perpetuating control over their minds and bodies in a conjugal relationship. (Fourth World Conference on Women, Beijing, 1995)

## CHILD PROSTITUTION AND TRAFFICKING

The UN Special Rapporteur on the sale of Children, Child Prostitution and Child Pornography defines Child Prostitution as the sexual exploitation of a child for remuneration in cash or in kind, usually but not always organised by an intermediary (parent, family member, procurer, teacher, etc.) (Bruce, 1996: 9). Thus the violence against the girl child acquires a new dimension in the sale of young girls below the age of 18 for prostitution and trafficking. To curb this, the Suppression of Immoral Trafficking Act, later modified to the Prevention of Immoral Trafficking Act has been passed. Prostitution in India is a Rs 40,000 crore annual business. It has been estimated that 30% of the sex workers are children, who earn Rs.11,000 crore. This has been reported by a study by the Centre of Concern for Child Labour (CCL). (The Times of India, 10 Nov 1998). At present the number of child prostitutes in India is between 270,000 and 400,000, with the number of children in “commercial prostitution” increasing at the rate of 8-10% per annum. The

practice of child prostitution is in blatant contravention of the UN Declaration on the Rights of the Child, endorsed by the “National Policy for Children” of the Ministry of social and welfare, Government of India

## WOMEN

### 3. a. Domestic Violence

Physical violence as well as explicit forms of aggression are used by the more powerful in the household as methods to ensure obedience of the less powerful and therefore related to power dynamics in a household. At every stage in the life cycle, the female body is both the objects of desire and of control (Thapan 1997). Domestic violence includes not only inter-spousal violence, but also violence perpetrated by other family members. Generally, an important part of the power relationship between spouses and their families relates to dowry and its ramifications (Karlekar, 1995). Domestic violence includes, harassment, maltreatment, brutality or cruelty and even the threat of assault - intimidation. It includes physical injury, as well as “wilfully or knowingly placing or attempting to place a spouse in fear of injury and compelling the spouse by force or threat to engage in any conduct or act, sexual or otherwise, from which the spouse has a right to abstain”. Confining or detaining the spouse against one's will or damaging property are also considered as acts of violence (Bedi K, 1999).

### DOWRY HARASSMENT AND BRIDE BURNING

Dowry is a transfer of property from the bride's family to that of the bridegroom, at the time of marriage (Negi, 1997: 14). According to the present practice, dowry usually subsumes material gifts and cash paid to the bridegroom and his kin. This practice continues even after marriage (Paul, 1993). The dowry given at the time of marriage is not the only transaction as far as the daughters marriage is concerned. There is a series of ceremonies associated with the girls in the family. The practice of giving gifts to the husband's family in cash and kind and rituals connected with pregnancy, childbirth and ceremonies for piercing the ear of the girl and so on (Negi, 1997: 15). The gifts are no longer a token of affection from parents to the daughter, but instead an elaborate demand from the marital family (Negi, 1997: 16). The commonest elements of dowry in India include gifts for the bride such as clothes, jewels and other house-hold and luxury goods like a refrigerator and kitchen utensils and so on. These are ideally treated as the bride's *streedan* (wife's property) and form the nucleus of the conjugal estate. Dowry also includes gifts for the son-in-law and other luxury items like scooter, VCR, VCP, and such other gifts for the bridegrooms' parents and other relatives. Over and above, it includes hard cash paid as contribution towards the marriage expenses. In some cases, dowry is also paid as compensation for the expenditure incurred on the education and other training of the groom. The bridegroom's parents

usually keep this money. Some state that this is kept by the parents as security against the bridegroom staying separately after marriage. According to Chatterji, the practice was a means of giving gifts to the daughter during the marriage, so that the couple can start a life on their own and to compensate her share of the property, as she is otherwise excluded from inheriting parental property (Chatterji; 1992: 7). The Dowry Prohibition Act 1961 was amended in 1984, 1985 and 1986. Dowry deaths constitute a special category of death that was for the first time defined in a section introduced into the Indian Penal Code (IPC) In 1986, Section 304(B) stipulates that death of a woman within seven years of her marriage by burns or bodily injury with evidence of cruelty or harassment by her husband or his relatives in connection with a demand for dowry is 'dowry death' and punishable with imprisonment for not less than seven years. Three years prior to this, Section 498(A) was introduced in the IPC. This states that 'any form of cruelty, whether it is from a husband or the relative of a husband, to a woman is an offence that is punishable with imprisonment up to three years'. Cruelty, as defined in this section, includes 'any wilful conduct that could cause mental torture, physical injury, or drive the woman to commit suicide, whether in connection with any unlawful demand for property or not'.

## **SEXUAL HARASSMENT AT WORK**

According to Mac Kinnons (1979) sexual harassment of working women is primarily a problem faced by women, that men rarely face this problem and therefore it should be considered a form of sex discrimination (Sikri, 1999: 128). Sexual harassment as defined by the court stipulates:

- "Such unwelcome sexually determined behaviour (whether directly or by implication) as physical contact and advances,
- A demand or request for sexual favours, sexually coloured remarks,
- Showing pornography and any other unwelcome physical, verbal or nonverbal conduct of sexual nature".

Burt (1980) says "unwanted sexual overtures", has the virtue of parsimony but necessarily concerns intentions and motivation, not just overt behaviour. Defining sexual harassment as unwanted sexual overtures has the same problem inherent in defining rape as unwanted sexual relations. In practise the woman has to prove that the sexual relations or the sexual overtures were unwanted (Sikri, 1999: 128). The male colleague will go out of the way to prove that the woman is of loose character (Ibid. 40). According to Quinn (1977) defining sexual harassment means

setting boundaries on the term and differentiating sexual harassment from expressions of sexual interest. Not all expressions of sexuality in the workplace could possibly be called sexual harassment. Men and women do meet dating partners and future spouses at work. Some people may even enjoy sexual jokes and flirting that can be ego enhancing and enrich their fantasy life.

National Commission for Women has laid down the code of conduct at work place to prevent sexual harassment of women, which has been sent to all Government offices, Ministries, and Universities with the hope that employers would become more sensitive towards women. The guidelines highlight that it shall be the duty of the employer to prevent or deter the commission of any act of sexual harassment at workplace would include unwelcome sexually determined behaviour by any person either individually or in association with other persons such as eve teasing, unsavoury remarks, jokes causing embarrassment, innuendo and taunts, gender based insults or sexist remarks and unwelcome sexual overtones in any manner, touching or brushing against any part of the body, molestation or displaying pornographic or other derogatory pictures or sayings (Hindu, Sept 16, 1998). Recommendations to the National Commission for Women based on the view that the definition of sexual harassment is deficient and that "sexual favours.....sought by homosexual or lesbian employers of the same sex" also be included (Hindu, April 26, 1995)

## **SALE OF WIFE**

In traditional farming communities, women helped in farming and bridegrooms paid a bride price to her parents. In the past this used to be a token amount. If a widow or a married woman chose to enter into a live-in relationship with another man, the latter in turn paid the first husband the amount he had spent at the time of the marriage. This system has, in the last decade become completely distorted with women being sold and resold for astronomical sums and the panchayats and police turning a blind eye to these goings on. With the bride price sometimes running into a lakh or more, 'nata' brokers have mushroomed around Kotah, Bundi, Deoli, Jmer and Tonk districts of Rajasthan, whose only job is to keep an eye on prospective women and force them to enter into a *nata* because the local brokers earned a hefty commission out of this deal. The kind of money at stake can be gauged from the fact that one of the fathers admits to having spent Rs 62,000 in bringing her back.

## **EVE TEASING**

Eve teasing is an act of terror that violates a woman's body, space and self-respect. It is one of the many

ways through which a woman is systematically made to feel inferior, weak and afraid. Whether it is an obscene word whispered into a woman's ear; offensive remarks on her pearance; an intrusive way of touching any part of a woman's body; a gesture which is erceived and intended to be vulgar: all these acts represent a violation of a woman's person, her bodily integrity. Eve teasing denies a woman's fundamental right to move freely and carry herself with dignity, solely on the basis of her sex (Hindu, August 2, 1998). Some acts of eve-teasing mentioned by girl students interviewed are; indecent remarks, singing obscene songs, hitting, touching or pinching in crowded places, snatching dupatta and in some cases even forced kissing, mailing anonymous love letters and exhibiting male genital in front of women. (Ashraf, 1997: 89). Eve teasing by itself is not an offence under any law, but Sections 294 and 349 of the Indian Penal Code cover substance of eve teasing. Sections 294 punishes "whoever, to the annoyance of others (a) does any obscene act in any public place, or (b) sings, recites or utters any obscene song, ballads or words in or near any public place" is liable to be punished with imprisonment or with fine. The section is very wide in nature and a person can be hauled up even if the acts forming part of the substance of the offence are addressed to the public at large, provided this cause annoyance. Clearly a girl or a woman who feels annoyed by any obscene song or words can take recourse to the provision of the section and put up a complaint before a police station. The offence is cognisable, i.e. a police officer can arrest the offender without a warrant but it is bailable (Ashraf;1997) A graver form of eve teasing is accompanied by the use of gesture indicating threat or use of force. 'Criminal force' has been defined under Section 349 of Indian Penal Code. According to this section 'a person is said to use force to another if he causes motion, change or cessation of motion to that other person'. In such a case also, action can be taken against the person using it. The punishment is such cases are imprisonment for two years or fine or both. The offence is cognisable. Thus, simple eve teasing accompanied with gesture to use force are punishable under the existing provisions of the Indian Penal Code. (Ashraf; 1997: 89).

## VIOLENCE AGAINST WIDOWS

Closely linked with Sati and harassment of widows, is the custom of child marriage producing number of child widows, but not child widowers. Widow remarriage is not common and not sanctioned by society, however men were allowed to remarry. Sati idealised as sitting on the funeral pyre of the deceased husband; and those widows who did not go through this had to make themselves physically unattractive and absent from public functions. Widows are called inauspicious and are avoided, whenever possible (Lopataz, 1987: 13). Sati according to Giri (1999), was recommended after 500 AD in the *dharmashastras* and spread across the country around 1000 AD. There are three kinds of widows. One is a young girl with no

children, a woman who becomes a widow after some years of marital span and has children. The third is case of a woman who is widow of 50 years and above of age (Ahuja, 1996: 84). Giri (1999) mentions three options for a widow woman according to orthodox tradition; (i) sati, (ii) ascetic widowhood or, (iii) remarriage. Widows are expected to lead an ascetic life by the society with restrictive codes of dress, diet and demeanour and of social ostracism from the religious and social life of the community. She is expected to remain in perpetual mourning, and give up eating 'spicy food', in order to cool her sexual energy, and remain celibate, devout and loyal to her husband's memory (Giri; 1999). According to Dreze J. (1995) the wellbeing of widow is not just a question of economic security, but also one of dignity, self-respect and participation in society. Many widows in the Chen sample suffered from different forms of social isolation, psychological abuse or emotional distress. According to Dreze J. (1995), the social marginalised of widows was frequently found to take one or more of the following forms: Rumours and accusations: Widows are often accused of being responsible for their husband's deaths, regarded as sexually threatening, and generally considered as inauspicious by the society (Dreze; 1995: 2443). Widows are also accused often of immoral realtions (Srivastava; 1999) Enforced dress and behaviour codes: Many widows are under strong pressure to observe restriction in codes of dress, appearance and behaviour. Some of the traditional restrictions (eg, shaving of head) have become quite rare, even among the upper castes, but others (eg, not wearing '*bindi*' or *kumkum*) remain widespread. Social ostracism: A widow is often excluded from the religious and social life of the community, due to her perceived in auspiciousness. Thus, all these violence done against women raises the question mark that how these special rights being given to women are helping them? What are the benefits of framing such laws for the women? Are they really helping them? Will the women really be given an equal status to men one day? All these questions are still unanswered. There is still long way to go to answer such questions

## WHAT IS WOMEN EMPOWERMENT?

In the simplest of words it is basically the creation of an environment where women can make independent decisions on their personal development as well as shine as equals in society.

Women want to be treated as equals so much so that if a woman rises to the top of her field it should be a commonplace occurrence that draws nothing more than a raised eyebrow at the gender. This can only happen if there is a channelized route for the empowerment of women.

Thus it is no real surprise that women empowerment in India is a hotly discussed topic with no real solution looming in the horizon except to doubly redouble our



efforts and continue to target the sources of all the violence and ill-will towards women.

## CRIMES AGAINST WOMEN

The crimes against women fly directly against orchestrating women empowerment in India. A report on the crimes against women by the National Crime Records Bureau comes up with some alarming statistics:-

Sl No.	Crime Head	Year 2006	Year 2007	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	Percentage Variation in 2012 over 2011
1	Rape (Sec. 376 IPC)	19,348	20,737	21,467	21,397	22,172	24,206	24,923	3.0
2	Kidnapping & Abduction (Sec. 363 to 373 IPC)	17,414	20,416	22,939	25,741	29,795	35,565	38,262	7.6
3	Dowry Death (Sec 302/ 304 IPC)	7,618	8,093	8,172	8,383	8,391	8,618	8,233	-4.5
4	Torture (Sec. 498-A IPC)	63,128	75,930	81,344	89,546	94,041	99,135	1,06,527	7.5
5	Molestation (Sec. 354 IPC)	36,617	38,734	40,413	38,711	40,613	42,968	45,351	5.5
6	Sexual Harassment (Sec. 509 IPC)	9,966	10,950	12,214	11,009	9,961	8,570	9,173	7.0
7	Importation of Girls (Sec. 366-B IPC)	67	61	67	48	36	80	59	-26.3
8	Sati Prevention Act, 1987	0	0	1	0	0	1	0	-100.0
9	Immoral Traffic (Prevention) Act, 1956	4,541	3,568	2,659	2,474	2,499	2,435	2,563	5.3
10	Indecent Representation of Women (Prohibition) Act, 1986	1,562	1,200	1,025	845	895	453	141	-68.9
11	Dowry Prohibition Act, 1961	4,504	5,623	5,555	5,650	5,182	6,619	9,038	36.5
	<b>Total</b>	<b>1,64,765</b>	<b>1,85,312</b>	<b>1,95,856</b>	<b>2,03,804</b>	<b>2,13,585</b>	<b>2,28,650</b>	<b>2,44,270</b>	<b>6.8</b>

A total of 2,44,270 incidents of crime against women (both under IPC and SLL) were reported in the country during the year 2012 as compared to 2,28,650 in the year 2011 recording an increase of 6.4% during the year 2012. These crimes have continuously increased during 2008 – 2012 with 1,95,856 cases in the year 2008, 2,03,804 cases in 2009 and 2,13,585 cases in 2010 and 2,28,650 cases in 2011 and 2,44,270 cases in the year 2012. West Bengal with 7.5% share of country's female population has accounted for nearly 12.7% of total crime against women by reporting 30,942 cases during the year 2012.

While the country has grown from leaps and bounds since its independence where education is concerned, the gap between women and men is severe. While 82.14% of adult men are educated, only 65.46% of adult women are known to be literate in India. Not only is an illiterate women at the mercy of her husband or father, she also does not know that this is not the way of life for women across the world. Additionally, the norms of culture that state that the man of the family is the be-all and end-all of family decisions is slowly spoiling the society of the country.

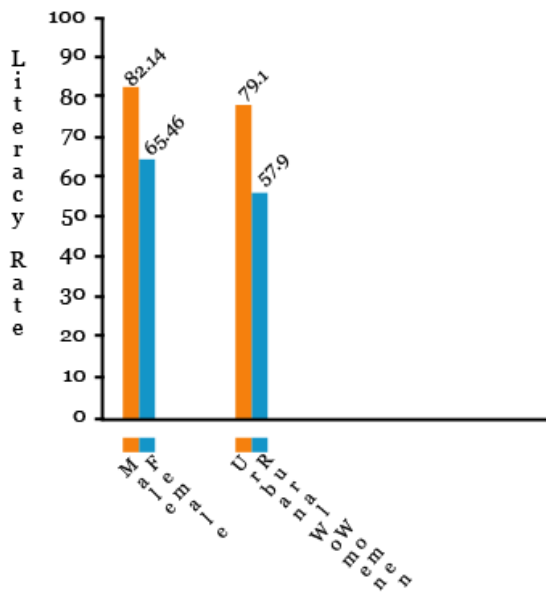
## CHALLENGES

There are several challenges that are currently plaguing the issues of women's rights in India. A few of these challenges are presented below. While a lot of these are redundant and quite basic issues faced across the country, these are contributory causes to the overarching status of women in India. Targeting these issues will directly benefit the empowerment of women in India.

## EDUCATION



Literacy Facts of Women in India



\*Literacy rates relate to the population aged 7 years & above

Data Source: Census of India 2011

As said in a study conducted by the Centre for the Study of Society and Secularism,

*In spite of the UN Charter of Human Rights and the provisions of the Indian Constitution, women continue to be victims of exploitation. The view that the future generation of a family is carried on and preserved by boys-only has degraded the position of women in society. Similarly, it is noticed that majority of the women are lacking in the spirit of rebellion. If careful attention is not paid and major steps are not taken, the situation will become extremely critical.*

Eradicating this gap and educating women about their real place in the world is a step that will largely set this entire movement rolling down the hill to crash and break the wall of intolerance, negligence and exploitation.

## POVERTY IN THE COUNTRY

Poverty Headcount Ratio (2010)	
Poverty Trend	World Bank
Live less than \$1.25 a day	32.7% (400 million)
Live less than \$2 a day	68.7% (841 million)
Live less than \$2.5 a day	81.1% (992 million)
Live less than \$4 a day	93.7% (1,148 million)
Live less than \$5 a day	96.9% (1,179 million)

Data Source: Wikipedia

About a third of the country's population lives on less than 1.25USD per day. The GINI index keeps rising

slowly over the years, indicating that the inequality in the distribution of wealth in the country is increasing, currently hovering a little close to 33.9.

Poverty is considered the greatest threat to peace in the world, and eradication of poverty should be a national goal as important as the eradication of illiteracy. Due to abject poverty, women are exploited as domestic helps and wives whose incomes are usurped by the man of the house. Additionally, sex slaves are a direct outcome of poverty, as unearthed by Davinder Kumar:-

Andhra Pradesh accounts for nearly half of all sex trafficking cases in India, the majority involving adolescent girls. According to police estimates, a shocking 300,000 women and girls have been trafficked for exploitative sex work from Andhra Pradesh; of these just 3,000 have been rescued so far.

The state is relatively prosperous, ranking fourth in terms of per capita GDP in India, but it is also home to some of the poorest people in the country.

If poverty were not a concern, then the girl child will be able to follow her dreams without concerns of sexual exploitation, domestic abuse and no education or work.

## HEALTH & SAFETY

The health and safety concerns of women are paramount for the wellbeing of a country, and is an important factor in gauging the empowerment of women in a country. However there are alarming concerns where maternal healthcare is concerned.

In its 2009 report, UNICEF came up with shocking figures on the status of new mothers in India. The maternal mortality report of India stands at 301 per 1000, with as many as 78,000 women in India dying of childbirth complications in that year. Today, due to the burgeoning population of the country, that number is sure to have multiplied considerably. The main causes of maternal mortality are:-

- Haemorrhage: 30%
- Anaemia: 19%
- Sepsis: 16%
- Obstructed Labour: 10%
- Abortion: 8%
- Toxaemia: 8%

While there are several programmes that have been set into motion by the Government and several NGOs in the country, there is still a wide gap that exists between those under protection and those not.

Poverty and illiteracy add to these complications with local quacks giving ineffective and downright harmful remedies to problems that women have. The empowerment of women begins with a guarantee of their health and safety.

### **ACTIONS TAKEN TO EMPOWER WOMEN MILLENNIUM DEVELOPMENT GOAL**

The United Nations Development Programme constituted eight Millennium Development Goals (MDG) for ensuring equity and peace across the world. The third MDG is directly related to the empowerment of women in India. The MDGs are agreed-upon goals to reduce certain indicators of disparity across the world by the year 2015.

The third MDG is centred towards promoting gender equality and empowering women: "Eliminate gender disparity in primary and secondary education, preferably by 2005, and in all levels of education by no later than 2015"

While India's progress in this front has been brave, there are quite a few corners that it needs to cut before it can be called as being truly revolutionary in its quest for understanding what is women empowerment. As UNDP says:-

India missed the 2005 deadline of eliminating gender disparity in primary and secondary education. However, the country has hastened progress and the Gender Parity Index (GPI) for Gross Enrolment Ratios (GER) in primary and secondary education has risen. Given current trends, India is moderately or almost nearly on track. However, as the Government of India MDG Report 2009 notes, "participation of women in employment and decision-making remains far less than that of men, and the disparity is not likely to be eliminated by 2015." Achieving GPI in tertiary education also remains a challenge. In addition, the labour market openness to women in industry and services has only marginally increased from 13-18 percent between 1990-91 and 2004-05.

### **MINISTRY FOR WOMEN & CHILD DEVELOPMENT**

The Ministry for Women & Child Development was established as a department of the Ministry of Human Resource Development in the year 1985 to drive the holistic development of women and children in the country. In 2006 this department was given the status of a Ministry, with the powers to:-

Formulate plans, policies and programmes; enacts/amends legislation, guiding and coordinating the efforts of both governmental and non-governmental organisations working in the field of Women and Child Development.

It delivers such initiatives such as the Integrated Child Development Services (ICDS) which is a package of services such as supplementary nutrition, health check-ups and immunisation. As mentioned earlier, the empowerment of women begins with their safety and health and this Ministry is committed to providing them.

### **SWAYAMSIDHA PROGRAMME**

Additionally, the Ministry is also implementing the *Swayamsidha* programme – an integrated scheme for the empowerment of women at a total cost of Rs. 116.30 Crores. Core to this programme will be the establishment of women's self-help groups which will empower women to have increased access to all kinds of resources that they are denied, in addition to increasing their awareness and skills. This programme will benefit about 9,30,000 women with the setting up of 53,000 self-help groups, 26,500 village societies and 650 block societies.

### **NATIONAL COMMISSION FOR WOMEN**

The National Commission for Women is a Department within the Ministry of Women and Child Development. It was set up exclusively to help women via the Constitution – by reviewing Legal and Constitutional safeguards for women, recommending remedial legislative measures, by facilitating quick redressal of grievances and by advising the Government of India on all policy matters affecting women.

The website allows for online submission of complaints and fast redressal exclusively for women. Additionally it is also a good resource of information for women and the Commission is committed to helping out women in need.

### **THE ROAD AHEAD**

India as a country is still recovering from years of abuse in the time of the Raj and more years of economic suffering at the hands of the License Raj. It is only now that globalization, liberalization and other socio-economic forces have given some respite to a large proportion of the population. However, there are still quite a few areas where women empowerment in India is largely lacking.

To truly understand what is women empowerment, there needs to be a sea-change in the mind-set of the people in the country. Not just the women themselves, but the men have to wake up to a world that is moving towards equality and equity. It is better that this is embraced earlier rather than later, for our own good.

Swami Vivekananda once said “arise away and stop not until the goal is reached”. Thus our country should thus be catapulted into the horizon of empowerment of women and revel in its glory. We have a long way to go, but we will get there someday. We shall overcome.

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