# Gender Studies

# UNIT-1

# Chapter 1: Advanced Introduction to Gender Studies

## 1.1 What is Gender Studies?

Beliefs about what is male or female influence our lives and in fact all products, from clothes and advertisements to social and cultural representations. Our personality and image too are many times determined by the fact that we are male or female! The connotation of gender can change as it is a culturally constructed idea of what sex difference means and this may differ from place to place and in different contexts. Often, society conflates sex and gender and views them as the same thing. Gender is a categorizing code in our society and culture. It is an extraordinary discerning means in the distribution of education, employment, manual labour, care, possession, income generation, organisational aspects or ill health.

We have already discussed about difference between gender and sex. In sociological terms, a 'gender role' refers to the characteristics and behaviours that different cultures attribute to the sexes of male and female being ascribed as masculine and feminine characteristics and behaviours.

To study gender is to study a fundamental category of identity of an individual, and also a way of categorising human beings that shapes basic structures in a society. Gender is both a factor in how an individual develops his/her identity, and a stratifying principle in society. People of different genders have different sorts of access to resources, and are seen as having different roles and responsibilities. Studying gender also involves studying the ways in which the world around us is gendered: how and why certain attributes of the world are associated with masculinity and femininity. Gender study is a field of interdisciplinary study, drawing upon the theories and methods of diverse disciplines.
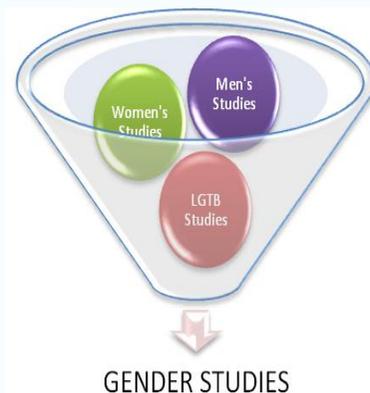

Fig. 1

Gender studies include women's, men's and LGBT studies, (Figure above) i.e. it focuses on women, feminism, gender, and politics; men's issues and lesbian, gay, bisexual, transgender and intersex. Gender Studies not only investigates the genuine physical and biological differences between women and men, but also reflects critically about what these differences mean in a socio-cultural context. As the socio cultural context varies across time and boundaries, the diversity and elements included in gender studies also varies. In recent time gender studies has established itself as an integral field across cultures and societies.

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**Read and Reflect**

**Gendered Illustrations**

"If you look at TV commercials, you start seeing how product is marketed by gender," begins Jennifer Pozner, a media literacy educator and author of Reality Bites Back: the Troubling Truth About Guilty Pleasure TV.

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"Boys' products tend to be sold with dark colours, language that stresses immediacy and usually focuses on a lone boy dominating his play world. Girls get lighter colours: the pinks, the lavenders. The language is more about nurturing, friendship, popularity and consumption.

*Source: "http://www.theguardian.com/sustainable-business/barbie-sports-illustrated-challenge-gender-marketing-children*

## 1.2   The Relevance and Need to study Gender Studies

Any course in Gender Studies includes a method to appreciate the ideologies, social patterns, and descriptions that shape our world and our lives. It raises questions about how and why a gender divide is created or preserved and also many times, resisted or weakened. Gender Studies explores the multiple interfaces amongst race, caste, class, and gender. It investigates traditional disciplines through an interdisciplinary perspective that focuses on the significance of sex as a social construct and the importance of gender and gender roles. It also advances the historical and existing portrayal of both women and men in religion, arts and literature and many other arenas.

Gender studies is a field that has emerged from women's studies and indisputably is still very strongly correlated in many academic institutions all over the world. As gender is so fundamental to what we do as human beings, every epistemology has a contribution to make to this field, whether it is psychology, cultural studies, anthropology or any other discipline. Gender studies as a field promotes an understanding of power and privilege in a socio-cultural context. It develops in the learners' sensitivity and promotes critical thinking skills by studying the ways in which gender and sexuality interact with social constructs such as race, caste, ethnicity, class and ability or disability.

## 1.3   Gender Studies through the historical lens/perspectives and positions of Gender Studies

In India, women started to establish their own organizations from the end of the nineteenth century initially at the local and later at the national level. Major issues that women took up in the pre independence era were political rights and reforms of personal laws. Women's participation in the freedom struggle gave an impetus to the women's movement. The movement got support from individuals and groups. Although, it started with small issues and challenging specific barriers during colonial rules.

### Read and Reflect

Activism consists of efforts to promote, impede, or direct social, political, economic, or environmental change, or stasis. The term connotes a peaceful form of conflict.

In the post independence era, however the issues broadened to encompass violence against women as well as a greater stake for women in political decision making.

Gender Studies is a field of Study that emerges from activism. Activism consists of efforts to promote, impede, or direct social, political, economic, or environmental change, or stasis. The term connotes a peaceful form of conflict. Various forms of activism range from writing letters to

newspapers or politicians, political campaigning, economic activism such as boycotts or preferentially patronizing businesses, rallies, street marches, strikes, sit-ins, and hunger advance strikes. Even though Gender Studies is a relatively new phenomenon, it is today well established as an interdisciplinary field of study which draws on knowledge from the humanities, the social sciences, medicine, and natural science, law etc.

The basis for the academic field of Gender Studies was in many countries laid in the 1970s, especially in America and Europe after protest from women in the field of academics. The absence of women in the academic work and ignorance in the society became area of concern for them.

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**Read and Reflect**

Empiricism, in philosophy, is the view that all concepts originate in experience, that all concepts are about or applicable to things that can be experienced, or that all rationally acceptable beliefs or propositions are justifiable or knowable only through experience.

This definition accords with the derivation of the term *empiricism* from the ancient Greek word empeiria meaning experience.

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Women studies centres were established where academicians studied different areas from gender relations and women. Feminist ideas and women's movement provided a platform to it which fuelled its progress. The efforts to change the political and social scenario in the society were aimed to be addressed by gender studies. The knowledge generated in the studies made impact in scholarly practices.

Since its inception gender studies has been influenced by different area of studies, making it more interdisciplinary in approach. The field of study has grown and expanded rapidly on a global basis, and given rise to a diversity of specific national and regional developments.



*Fig. 2: Activism on the streets: Protesting violence against women.*

*Source: http://www.thehindu.com/*

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**Read and Respond**

Discuss the aims of gender studies and analyse how it has evolved as field of study in recent times.

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## 1.4  Feminism

We have discussed the basic ideas about feminism in grade 11. Social equality has been the basic premise on which feminist movement has been based upon. It considers that just because human body is created in different way it does not mean that social functions should be based upon it. Biological being should not be the basis of social and intellectual considerations. It entitles equal right and opportunity to all without discriminating on the basis of any factor or element. There is lot of stress on the idea that there should be no discrimination against anyone, specially women, in civil rights. This social movement of feminism seeking rights of women has influenced gender studies. Feminist movement in India has been influenced hugely by developments in the developed country in one way or other.

> **Read and Reflect**
>
> Feminism is a political, social and cultural movement that aims at equal rights for women.

Women's rights movements in the world dates from the:

- 1600 French women held *salons* where educated women could interact with men equally

- Late 1700 Movements influenced by Revolutionary War and the French Revolution

- 1792 enlightenment; 'A Vindication of the Rights of Woman' by Mary Wollstonecraft.

- 1848 Seneca Falls Convention, convened by Elizabeth Cady Stanton and others. Full legal equality with men, educational opportunity and equal compensation.

- 1848 Woman Suffrage Movement in the United Kingdom and the United States. Women gained the right to vote in the 19th amendment in 1920.

- 1940s-50s: Women participate in the Telangana movement

- 1946: Women participate in the Tebhaga movement, in Bengal

- 1960-1970 Women's liberation movement, women entered colleges and joined workforce after world war II

- 1966 National Organization for Women (NOW)

- 1968 First Nationalist Feminist's Conference

- 1973: Activists including Mrinal Gore and Ahilya Ranagnekar form the United Women's Anti Price Rise Front

- 1975: Women participate in anti-dowry agitations in Hyderabad; after a few years, anti-dowry campaigns begin in Delhi

- 1970s: Campaigns and agitations against sexual violence and assault begin in India

- 1987: The Roop Kanwar sati incident in Deorala sparks agitation and protests

- 20th century Feminism emerged to address the limited nature of women's participation in the workplace and prevailing notions that tended to confine women to the home.

- Late 20th century was notable for challenging middle-class white feminists and for broadening feminism's goals to encompass equal rights for all people regardless of race, creed, economic or educational status, physical appearance or ability, or sexual preference.

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**Read and Reflect**

**An autobiography published by a woman from a village called Ramdia in rural Bengal in 1865**

Indian women in the pre-independent era, often earned "freedom" at the price of social ridicule, ostracism, and harassment; while some women were aided by well-intentioned male relatives, others faced severe familial resistance. Still, the achievements were remarkable.

Rassundari Devi (born around 1809), who was entirely self-taught and wrote the first autobiography by an Indian woman: "I was so immersed in a sea of housework that I was not conscious of what I was going through day and night. After some time the desire to learn how to read properly grew very strong in me. I was angry with myself for wanting to read books. Girls did not read… People used to despise women of learning… In fact, older women used to show a great deal of displeasure if they saw a piece of paper in the hands of a woman. But somehow I could not accept this. (Tharu and Lalitha 1991:199)…"

From Rassundari Devi's painstaking efforts to trace her son's lessons in the seclusion of her bedchamber at night, Bengali women progressed rapidly. In 1883 Kadambini Basu and Chandramukhi Basu received B.A.s from Calcutta University, becoming the first female graduates of the British empire. Kadambini went on to train in medicine and practiced as a doctor in Calcutta in the 1880s (Karlekar 1991). Other women became doctors, teachers, and educators. Women's education also proceeded apace in urban centers like Bombay, Poona, and Madras. Remarkable women like Pandita Ramabai, Anandibai Joshi, Tarabai Shinde, Haimavati Sen and Saraladevi, some privileged and some not, challenged patriarchal constraints, at least in their own lives, and some went on to participate in the emerging nationalist movement (Forbes 1994; Chakravarti 1998).

*Source: http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.195.9810&rep=rep1&type=pdf*

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**Read and Respond**

**Some of the Feminist theories and Ideologies**

**Liberal feminism:** It follows a basic consideration that women and men are both equally rational and have equal right to choose and act. And, both are equally eligible for any type of role to be played in the society, whether social or political. It emphasises on the fact that all women are equally capable of asserting their rights.

**Postcolonial feminism:** Colonial rule saw lot practices which oppressed and marginalised women in economic and political sphere. The struggle for equality and independence was central to the postcolonial feminism.

Countries like India saw postcolonial feminism focusing on racism and barriers due to colonialism.

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**Radical feminism:** Radical feminism tries to understand the root causes of women's oppression. It identifies this root to be patriarchy, which must be surmounted for women to overcome their oppression.

Write short note on following, highlighting main points of the ideology.

Socialist feminism

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Postmodern feminism

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**Read and Respond**

Study at least three different feminist movements in different countries and analyse similarities and differences between them. Discuss the conditions that lead to such movements. Try to find any similar movements in India.

## 1.5  Feminism in India

Feminism is a collection of movements and ideologies aimed at defining, establishing and defending equal political, economic and social rights for women.

The cause for which feminists in India has worked towards is not very different from around the world in general. For example following issues have always been major areas where equality has been sought by feminist movements across India in different times:

▶ Right to work and to earn equal wages

▶ Equal access to health

▶ Equal access to education

▶ Equality in social and political rights

> *According to Geraldine Forbes (1982: 525), the 'first wave' of feminism in India was the period between the years 1880-1940*

The struggle against violence in different forms has been a common area among feminist movements across globe. But, there has been some typical features in Indian context where the need to fight against some culture specific issues has also arose, and, in certain cases still going on. Issues from Sati and dowry practices have always been burning issues among all.

The history of feminism in India can be studied in three phases which are struggle against practices like Sati during earlier colonial era and then women's movement during independence which was supported by leaders like Mahatma Gandhi and then post independence era where focus shifted to rights, fair treatment and participation of women.

Abolishment of *Sati pratha* has been a major step which was achieved by people led by Raja Rammohan Rai. During this time only lot of issues related to women came to highlight and struggle for reforms started from different pockets and spread across India. Participation of women

**Pandita Ramabai (1858 –1922)**

An Indian social reformer, a champion for the emancipation of women, and a pioneer in education



was limited in the reform at that time which changed with time when female family members of those who worked towards reforms stepped out worked in different areas. Women's education also found strong support at that time.

By the late 20$^{th}$ century, independent organisations of women gained strength and started making their mark. With the freedom movement of India participation of women also gained momentum in some areas. This activism was influenced by various other philosophies and movements at that time which addressed human rights. After independence constitution of India gave equal rights to all.



**Sarojini Naidu**

She was the first Indian woman to become the President of the Indian National Congress and the first woman to become the governor of a state in India She awakened the women of India. She brought them out of the kitchen. She traveled from state to state, city after city and asked for the rights of the women. She re-established self esteem within the women of India.

With the formation and participation women in different organizations even after independence, lot of barriers were there because the outlook remained stagnant towards

the role of women in society. The feminist movement challenged the low participation of women as workforce in different areas. The division of labour force prior to independence was challenged by feminists in 1970s. The lack of participation of women in work force other than labour and unskilled sphere of work was resisted and challenged.

> **Read and Reflect**
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> In 1916, the Begum of Bhopal founded the All India Muslim Women's Conference with education of women as a prime agenda, apart from provisions of other remedial services for women.

The structures which existed in society as caste, tribes, class etc led to inequality among the men and women. The whole campaign had to take care of consideration that empowerment of one group should not further bring inequality for another.

With the advent of 21$^{st}$ century, the feminist movement has gone beyond giving opportunity and right of parity. Ability to decide their own lives and right determine their own course of life has become important part of it.

Various discipline emerged during these movements, which became more and more interdisciplinary in approach and expanding their horizons to diverse areas. For example, emergence of areas and fields like media studies gained more attention through gender

*Fig. 3: Women participating in Chipko movement*

*Source: http://www.soroptimistinternational.*
*org/blog/post/494-embracing-trees-saving-forests-*
*--women-and-the-chipko-movement-in-india*

studies. As media started influencing the society more and more the movements as well as studies both addressed this interface. Fields like sociology, language, history, literature, law, medicine etc were also studied in relation to gender.

With focus on inclusive society with time, gender studies also became more inclusive, addressing all.

Gender studies has seen an enormous change in recent past after being seen as completely devoted to feminist movement it has now emerged as field which is more diverse and with a much a stronger academic basis. It was in 1986-87, which was during the United Nations decade for women, when the University Grants Commission (UGC) invited proposals across the country to establish Women Studies Centre. These centres focused on research and community action plans for women in society. Women studies were developed within the university education system. The scope of women study centres was well recognised by many. It is still very much seen as women studies in most of the places. But even after several hurdles gender studies has found its presence in institutional systems where this narrow approach is being challenged by the academic endeavour of academicians who are working towards strengthening the field. The studies go beyond role and challenges to women in society and deals with issues related to other stakeholders in the society.

## 1.6 Perspectives and Positions of Gender Studies in the West and in India with Particular Reference to Contemporary Times

What is meant by *"positions and perspectives"* within gender studies?

We have been introduced to gender studies as a field that looks at the world through the lens of gender. This means that it has a focus upon the gendered dimensions of the social world, and tries to understand more about this gendered dimension.

What are the contemporary positions and perspectives that are significant within gender studies? A perspective is a point of view, and a position can be seen as an opinion that we have on a certain issue. In this section, we will try to understand two significant perspectives that have emerged in the field of gender studies.

These are:

▸ Moving from studying *women* to studying *gender*

▸ Focusing on the differences between women and understanding the significance of these differences

### 1.6.1 Women and Gender

The origins of gender studies lie in women's studies. Women's studies came into existence out of a realisation of the absence of women in academia: the lack of empirical knowledge about women, which reflected the specificities of women's lives; the absence of concepts that women could use to understand their own experiences; the lack of importance given to women's economic, social and political lives. Women's studies became an important way of doing away with this invisibility and bringing the lives and experiences of women to the forefront in academia. It provided a wealth of new data about women, and also challenged the theories, concepts and methods of existing disciplines.

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Gaining and analysing new knowledge about women is an important part of women's studies. Many contributions continue to be made to existing disciplines. At the same time, the academic study of women itself has also changed, incorporating new perspectives and positions.

The concept of *gender* has been used to identify those aspects of being male or female that are not intrinsically biological in nature, but instead derive from social and cultural meanings of what it means to be either male or female. This term is significant because it provides a way of studying men and women that focuses upon the socially constructed nature of masculinity and femininity. It does not reduce men and women to being only biological entities. It enables us to see that many aspects of masculinity and femininity that are generally considered to derive from biology, as instead social and cultural. They are therefore not necessarily fixed and unchangeable, but are instead amenable to change.

The term 'gender' itself has been extended in various ways. It is used to indicate not only the socially constructed nature of masculinity and femininity, but to indicate the ways in which within a society, understandings of masculinity and femininity are *relational*.

What does this mean? It means that masculinity and femininity derive their meanings in relation to one another, and often, in opposition to one another. Often the features associated with masculinity are the opposite of those associated with femininity. Just as the term 'tall' has no meaning without the term 'short', the terms 'male' and 'female' have no meaning in each other's absence. We would have no way of deciding what 'masculine' traits and characteristics are if we did not have 'feminine' traits and behaviour with which to compare them.

The second important contribution of the concept of gender is that it gives us the scope to see the impact of gendering on those aspects of the social world which might previously have been considered to be gender-neutral. Thus for example, the culture of an organisation can be seen to be gendered, or a political party can be seen to be gendered. This aspect of the term gender also allows us to look at gender as something that not only involves individuals (through their performance of social roles), but also is a feature of social institutions and social practices.

It is important to note that when we talk about gender, we do not only talk about women. The term gender allows us to talk about men and women: it is not simply a stand-in for 'women', though it may be incorrectly used as such. Looking at the social world as gendered prevents us from looking at masculine traits and culture as the norm against which women and femininity are to be measured. When we look at the social world as gendered, we need not look at it as gender-neutral. Instead, we see it as promoting and propounding certain types of masculinity and femininity.

### 1.6.2 Differences between Women

> **Read and Reflect**
>
> Think of a public space like a park, which is visited by different people throughout the day. How would different people experience the park? What requirements would they have to be safe and comfortable in the park? Think of the following:
>
> ▸ A woman who is in a wheelchair and requires a ramp to enter the park.

Some of the major contributions and challenges that have been made to both academic knowledge about gender and the women's movement itself have come from women who have explored the ways in which different women have different experiences of the social world. At some level, the fact that different women have different life experiences may be seen to be something quite obvious. After all, we see different women around us all the time: women of different communities, ages, from different class backgrounds, from different regions across the country and indeed across the globe. However, academic understandings and activist efforts have often failed to take adequate note of these differences.

What are some of these differences? Women belonging to different classes and communities have different life circumstances and different access to various sorts of resources. Women of different religious groups in India are governed by different personal laws (those pertaining to marriage and family). Women of different caste backgrounds also have different access to resources and face different forms of discrimination, and also different types of patriarchy. Women who have various physical and mental disabilities have different problems of access than other women. The point to be taken into account is that women have different experiences and different life chances based upon where they are placed in various social locations and hierarchies.

It is important that these differences be taken into account, both within academic disciplines and also within the area of activism. This is because firstly, different groups of men and women have different experiences and are affected differently by similar processes, and these need to be understood and integrated into academic theories and concepts. Secondly, when interventions are planned, they need to reflect the specific circumstances of the people for whom they are planned. Therefore a detailed understanding of these specific circumstances is necessary, and it cannot simply be assumed that interventions that have been applied to one group of men or women will be appropriate for another.

What implications does the recognition of differences have upon academic disciplines? It cautions us against making careless generalisations, for example, by assuming that the experiences of one group of people are necessarily the same as those of all groups. It also makes us aware that the results of activist efforts in one area may have different consequences than in another, depending upon different circumstances. The experiences of different groups of women have also to be carefully drawn upon for theoretical and conceptual understandings of gender.

## Unit End Reflections

### Comprehension Questions

1. Discuss the latest developments related to Gender Studies in Indian context and critically analyse the role of government agencies in it.

2. Tracing the women's movement across the world, comment on its influence on Indian society.

3. Discuss different perspectives and positions in Gender studies.

4. What are the basic assumptions on which some of the feminist movements are based? How do you place them in Indian context?

5. Describe the relevance and need for gender studies.

6. What are the focus areas of women studies elaborate with examples?

7. Explain the different areas of gender studies.

8. Discuss how gender studies is visualised through a historical lens in global context.

### Activities

1. *The schooling system is one of our most precious assets and holds the key to improving the lot of women and girls in the workplace, family and culture. Empowering girls to fight their individual battles, unsupported, can only take us so far. Educating men and boys – in particular – to question the beliefs, customs, traditions on which the oppression, abuse and devaluing of females depends seems an obvious and profoundly necessary step.*

   Discuss and deliberate on the statement given above. Working in group of 4-5 identify various ways to make school systems gender sensitive and responsive. Consider various aspects like- Infrastructure, pedagogy, scholastic activities, co-scholastic activities, staff etc.

2.  *Gender studies allows people in different social environments to solve gender-related conflicts by providing a common understanding regarding gender identity and relationships. It studies how men and women are the same and ways in which they differ. Gender studies enables an understanding of each gender's needs and the unique contributions each gender makes to society.*

    *Much gender-related abuse, discrimination and maltreatment has occurred throughout the course of history due to a lack of knowledge. Women have been kept from participation in politics and in the workforce. Historically, even when women were permitted employment, they received lower wages than their male counterparts for doing the same type of work. Women were prohibited from keeping property. In some cases, women were considered property, subject to abuse and even death without legal repercussions for the aggressor.*

    *Gender studies examines the causes of these injustices and looks for real-world solutions and means of prevention. It promotes awareness of the value of all people, regardless of sex. Gender studies examines all spheres of life, including the home and family, the workplace, religious institutions, education, government and the media. Gender studies research also investigates the nature of gender, and thereby helps society and individuals establish healthy gender-related expectations and models of identity.*

    Based on the discussion above prepare a creative presentation and share it during school assembly making your school mates aware about the need and importance of Gender Studies as a discipline.

# UNIT-2

# Chapter 2: Gender Mainstreaming - Role of Education, Media and Society

## 2.1 Need for Gender Mainstreaming

In our previous chapters of XI grade we have observed how gender inequalities exist in our society in different ways in different areas and to different extent. Inequalities exist not only within household but also beyond it at micro as well as macro level. It is sometime overtly visible and some time so subtle that it is difficult to point it out with precision. The need to address the discrimination and violence has emerged from time to time, sometime taking form of a movement. With time there have been significant improvements in the way issues related to gender inequalities have been addressed at different levels.

In last few decades, gender equality was intended to be achieved through various strategies. One of them is gender mainstreaming. In earlier efforts, women's empowerment was given importance by addressing their disadvantages. But, gender mainstreaming has moved beyond just empowerment of women and has emerged as a strong tool to deal with the challenges within the system.

## 2.2 Understanding Gender Mainstreaming: Consolidating Ideas

Gender mainstreaming, in recent years, has emerged as a strong tool to take gender perspective into policy at different levels. The system and policies have been inadequate in dealing with the issues related to gender inequalities. Gender mainstreaming has aimed to include the gender sensitive perspective in the policies and system. The mainstream policies, perspectives, programmes need to be sensitive towards the gender issues to be able to achieve the opportunity for a more inclusive society

### 2.2.1 Concept, definition of gender mainstreaming

In 1995, during the fourth world conference on women held in Beijing, gender mainstreaming was accepted as one of the major tools to elevate gender equality and equity in the society. It works as a strategy to achieve gender equality in the society at various levels.

"*Mainstreaming gender perspective in the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in any area and at all levels. It is a strategy for making the concerns and experiences of women as well as of men an integral part of the design, implementation, monitoring and evalution of policies and programmes in all political, economic and societal spheres, so that women and men benefit equally, and inequality is not perpetuated. The ultimate goal of mainstreaming is to achieve gender equality.*" (United Nations Economic and Societal Council, 1997)

Another definition of Gender mainstreaming given by The European Commission's Directorate General for employment, Social Affairs and Equal Opportunity is "*Gender Mainstreaming is the integration of the gender perspective into every stage of policy processes - design, implementation, monitoring and evaluation - with a view to promoting equality between women and men. It means assessing how policies impact on the life and position of both women and*

*men- and taking responsibility to re address them if necessary. This is the way to make gender equality a concrete reality in the lives of women and men creating space for everyone within the organization as well as communities- to contribute to the process of articulating a shared vision of sustainable human development and translating it into reality".*

As a concept gender mainstreaming can be seen strategy to be more inclusive in approach towards different aspects of planning, implementation and assessing of different domains in which human participation is there. It is important that perspective of everybody is taken into account for any type of social, economic and political activity. For this it is also important that we take care of gender differences and gender inequalities already existing. The present structuring of policy framework cannot work independent of the aim of addressing gender inequality in the society.

Mainstreaming cannot be done at a later stage as amendments in what already exists in terms of policy. It has to be done since the time of inception with gender perspective being included at every step and stage.

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**Read and Respond**

Considering the above definition and concept of gender mainstreaming, analyse some of the policies of any government of any country during different decades since 1950s. This task can be done in a group and comparison can be done with respect to following:

1. Is it skewed towards a particular gender in any sense? If yes, how?

2. Is there an effort to include gender perspective at any stage? If yes, where?

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**Read and Reflect**

**Gender Equity** is the process of being fair to both men and women. To ensure fairness, measures must often be available to compensate for historical and social disadvantages that prevent women and men from otherwise operating on a level playing field. Equity can be understood as the means, where equality is the end. Equity leads to equality. Exchanging ideas, sharing lessons learned Common understanding4

**Gender Equality** means that women and men enjoy the same status within a society. It does not mean that men and women are the same, but rather that their similarities and differences are recognized and equally valued. Gender equality means that women and men experience equal conditions for realizing their full human rights, and have the opportunity to contribute to and benefit from national, political, economic, social and cultural development.

**Gender Analysis** is a process to assess the differential impact of proposed or existing policies, programs, projects and legislation on men and women. Gender analysis recognizes that the realities of men's and women's lives are different, and that equal opportunity does not necessarily mean equal results.

**Systemic Discrimination** is caused by policies and practices that are built into systems and that have the effect of excluding women and minorities. Although it may not exclude all members of a group, it will have a more serious effect on one group than on others. The remedy often requires affirmative measures to change systems.

**Women in Development (WID)** is an approach that emerged in the 1970s, with the goal of integrating women more fully into the development process. It includes strategies such as women-only projects and credit and training projects for women.

**The Gender and Development (GAD**) approach was developed in the 1980s in response to perceived failings of the WID approach. Rather than focusing exclusively on women, this approach is concerned with relations between women and men. It challenges unequal decision-making and power relations between not only men and women, but also between rich and poor.

**Gender Responsiveness** entails consistent and systematic attention to the differences between women and men in society with a view to addressing structural constraints to gender equality.

**Women-specific approach** refers to initiatives that target women or girls exclusively. These initiatives tend to have an explicit objective to meet practical or strategic needs of women that are not always addressed through the integrated approach. Such activities are often valuable development investments, especially where they will be catalytic, innovative or strategic, or where they remedy a particularly urgent gender inequity. They are justified as being necessary to overcome gender-blindness that has in the past excluded women from the benefits of development

(*Source: http://www.acdi-cida.gc.ca/INET/IMAGES.NSF/vLUImages/Policy/$file/Accchange-E.pdf*)

## 2.3 Importance of gender mainstreaming

The women in development (WID) approach focused on how women could better be integrated into existing development initiatives. The recent gender and development (GAD) approach recognizes:

▸ That gender is not a "women's issue" but a relational issue

▸ That women and men have different and special needs

▸ That women cannot be treated as a homogeneous group

▸ That women tend to be disadvantaged relative to men

▸ That the nature of inequality is often systemic and structural

▸ That gender differences can also result in men being disadvantaged

In recent time there has been a more organized emphasis towards human right perspective in the society and it was realized that gender equity and equality has not been achieved with various systems which were in place for different purpose. In fact at places the existing policies were perpetuating gender inequalities. The imbalance and inequalities are existing at various levels for everyone but those who suffered most in this were women. Segregated efforts of empowering women have not been able to make huge impact through specific programmes. It can be recognized that in this process of development the existing structures of policies, programmes and practices need to be critically assessed so that the issues of gender equality are appropriately addressed. Gender mainstreaming incorporates a GAD perspective. It aims to look

more comprehensively at the relationships between men and women in their access to and control over resources, decision making, and benefits and rewards within a particular system. That system may be an organization, a government or an entire society.

For sustainable development of the society, it is critical that equality is there in distribution and use of resources for any purpose. Higher number or equal participation only will not mean anything if the whole scheme of development process is skewed. If everybody has to be benefitted from the growth and development taking place in the society, it's important that gender perspective is taken into account.

The constitution of our country gives equal right to all the individuals and also the basic principle of human rights would be promoted with the efforts of infusing gender perspective at every policy framework and implementation. May it be directly in the field of economic policies or social practices, gender mainstreaming should be one of the foundations. For growth of a country it is important that we tap the potential of the resources available. Gender mainstreaming would help in unearthing of lot of potential which goes waste due to gender discrimination. By addressing gender inequalities, it would address a long pending goal of our society. It is well known fact that inequalities and discrimination influence the growth of a state negatively. Gender mainstreaming would help in better governance and that would lead to a stable growth of the country and individuals as well. Equal participation directly implies better productivity as it is more inclusive.
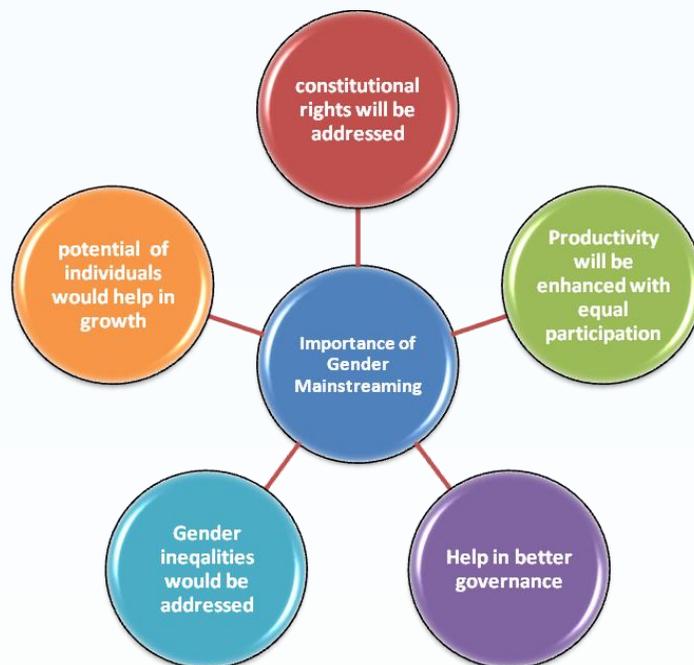


*Fig. 1: Importance of Gender Mainstreaming*

### 2.3.1 Elements of gender mainstreaming

To understand gender mainstreaming in depth, it's important to decode the elements of gender mainstreaming. According to UNESCO document

> **Gender mainstreaming includes the following key elements:**
>
> ▸ Collecting sex-disaggregated data
>
> ▸ Examining this data using gender analysis
>
> ▸ Identifying gaps, through gender analysis and consultations with both women and men
>
> ▸ Raising awareness about gaps through policy dialogue and advocacy
>
> ▸ Building support for change through alliances/partnerships
>
> ▸ Developing strategies and programmes to close existing gaps
>
> ▸ Developing capacity of staff to plan and implement
>
> ▸ Putting adequate resources into place
>
> ▸ Monitoring, evaluation, reporting of implementation
>
> ▸ Communicating results and lessons learned
>
> ▸ Holding individuals and institutions accountable for results by securing political will and leadership

If some policy has to be formulated or some step has to be taken at any level it is important that basic information about the population is available. If you have better knowledge about the people who are going to get benefitted, it will be more effective at the time of implementation. For gender mainstreaming its important that **sex-disaggregated data is collected**. It means the information (data) collected should be divided on the basis of gender and after that the data should be **examined with gender analysis**. Gender analysis helps in **identifying the gaps which could be there**. Context plays a very important role in such cases. The view of women and men should be taken and their positions should be understood. There may be different types of stereotypes or discriminations prevailing in that context. It becomes critical that awareness among the individuals and community as a whole should be raised through **policy dialogue and advocacy. Building partnerships and alliances** will create possibilities for change. It can be done by using **different strategies and programmes** to specifically address the gaps that exist. Capacity building of people who are going to plan and implement to address the issues can be done by proper planning. Allocation of resources with respect to the needs will help in building a proper system. The systematic planning and implementation based on the above discussed things would pave the way for monitoring, evaluation and reporting of the programme and policy. Assessment would help in building a feedback system where lessons learner would be communicated for improvement. And ultimately, accountability needs to be fixed for getting the result as conceived.

There has been lot of debate on equity and equality in relation to gender. Sometimes, they are used interchangeably. Equality has uniformity in every sense for women and men. Whereas, gender equity is not bound with the sameness that can be legislated, but goes beyond identical treatment.

*"Gender equality exists when women and men enjoy the same status and have equal opportunity to realize their human rights and potential to contribute to political, economic, social and cultural development, and to benefit from the results. Gender Equality is the equal valuing by*

*society of both the similarities and the differences between women and men, and the different roles they play".*

## 2.4  Basic principles of Gender Mainstreaming

The basic principles for gender mainstreaming in the UN system at the ECOSOC meeting were:

▸ Issues across all areas of activity should be defined in such a manner that gender differences can be diagnosed, that is, an assumption of gender-neutrality should not be made.

*Comment: Gender neutrality is an assumption which is made at some place/organizations/institutions while considering lot of issues. This assumption is against the principle of gender mainstreaming. Gender mainstreaming expects gender differences to be pointed out to make the base for further action to be followed as policy and programme.*

▸ Responsibility for translating gender mainstreaming into practice is system-wide and rests at the highest levels. Accountability for outcomes needs to be monitored constantly

*Comment: It's important that gender mainstreaming goes beyond planning and is implemented across the whole system so that the changes which are desired are visible. It takes lot of conviction and efforts from stakeholders at all level to deliver but those who are at higher level and are responsible for are constant monitoring and ensuring output.*

▸ Gender mainstreaming also requires that every effort be made to broaden women's participation at all levels of decision-making.

*Comment: It is important that women are there at all levels of decision making. This would broaden the horizon of women's participation and would facilitate the process of gender mainstreaming.*

▸ Gender mainstreaming must be institutionalized through concrete steps, mechanisms and processes in all parts of the United Nations system.

*Comments: It is important that every part of the system is involved using concrete steps and institutionalization of gender mainstreaming. As in United Nations all the parts of the system are intended to be addressed.*

▸ Gender mainstreaming does not replace the need for targeted, women-specific policies and programmes or positive legislation, nor does it substitute for gender units or focal points.

*Comments: Women have been marginalized since long and the efforts to address this issue can not be single prong. Thus, its important that gender mainstreaming is not seen as replacement for specific efforts which are women specific. Targeted efforts have their own significance and must exist irrespective of gender mainstreaming.*

- Clear political will and the allocation of adequate and, if need be, additional human and financial resources for gender mainstreaming from all available funding sources are important for the successful translation of the concept into practice.

*Comment: Political will has always been critical for implementation of policies and programmes. For any policy to be effectively implemented and yield positive results, it is important that proper funds are allocated. Financial inputs for gender mainstreaming is equally important as the sensitized human resource.*

## 2.5  Gender mainstreaming and society

The whole concept of gender and everything else associated with it has direct relation with society. Individuals and groups in the society are responsible for success and failure of any efforts for gender mainstreaming. For gender mainstreaming to be successful its important that the society is open to change as a whole and the stakeholders are open for any suggested change. From education to work place and from transportation to health services all areas at present need to be reviewed and adjusted with respect to efforts towards gender mainstreaming.

Recognize some areas in and around your community where there is a severe need for gender mainstreaming and suggest the reason behind your choice.

As an individual how would you develop a gender mainstreaming initiative in the area you have recognized from your community?

At every stage of gender mainstreaming dynamics in society has to be understood. Differences in society should be studied properly at the stage of data collection for an exact representation of the society or groups in society. From individuals to groups, it's important that the efforts to raise awareness emerging from different quarters are accepted.

If any part of the system does not respond to positive change, it leads to cascading effect on other related aspects. Thus its important that those who are working in this field are aware about any possibility and work towards a sustainable policy and programme. Any systemic reform would not be successful if the society does not play its role in every area, may be it be as a whole towards giving rights to all or in specific towards aspects like education, health etc.

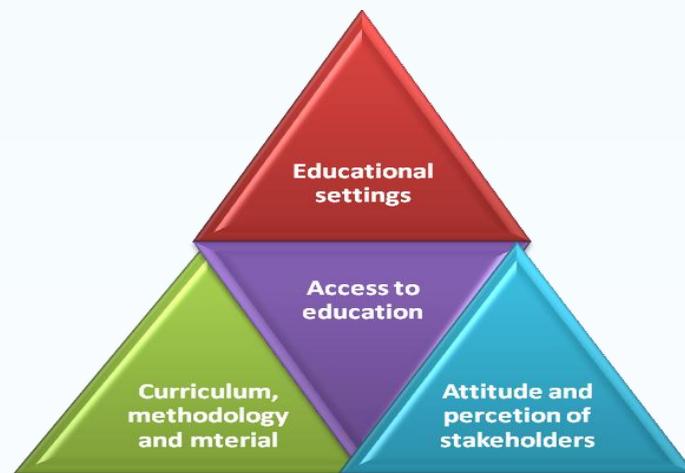## 2.6  Gender mainstreaming in education

Lot of studies and documents reflect that people who are working towards policy do not have orientation towards gender issues. The situation in planning in education sector was not very different.

**Read and Reflect**

According to commonwealth secretariat (University of Cape Town),Following are the important elements in the mainstreaming of gender in education, which will be guided by overall national goals, objectives and priorities, but should specifically seek to:

Make explicit the importance of gender along with race/ethnicity and social class/caste, as a factor for consideration in the process of education;

▶ Ensure gender equality in access both generally and in relation to studies which lead to better careers and job opportunities;

▶ Overcome structural barriers, whether they be legal, economic, political, or cultural which may influences the access and/or participation of either sex in educational offerings;

▶ Increase the awareness of the active role which women can and do play in development; and

▶ Increase the participation of women in decision making in the management and implementation of education.



*Fig. 2: Areas of concern for gender mainstreaming in education*

There are lot of systemic issues and concerns that need to be addressed in the field of education related to education of girls. Earlier approaches focused on these issues separately, which still exists for most of these issues. But with time there has been some effort towards gender mainstreaming in education. One of the examples is the right to free and compulsory education actin 2010.

**Read and Respond**

Analyse some of the policy documents of the past and present and try to recognize how gender issues have been addressed in them. Analyse if there are traces of gender mainstreaming in them.

Also, Study the Right to free and compulsory education act, 2010 and analyse how it is a better example of gender mainstreaming.

Issues like access to education have always been there since independence and we can comment on the basis of enrollment that there has been a steady increase in it for both girls and boys. Although the gender gap has always been there at all levels in most of the states. There are lots

of barriers that need to be understood and resolved if gender mainstreaming has to be done in education. Every context in India has its own issues related to access, some of them typical for a particular gender. The range is from geographical barriers to negative attitude of parents; from stereotypes to non availability of toilets. How the stakeholders like parents, administration, school authorities, community etc. deal with these different issues of education, leads to the way things exist. The influence these stakeholders have on getting access to schools to organizing the learning situations cannot be overlooked by any policy makers. Every policy in education in recent years has been based on research done in the field. It's important for policy makers to do lot of research or utilize the researches already done to gather the data about these factors. Understanding at micro and macro levels about curriculum, pedagogy and teacher training is necessary with the help of data gathered and interpreted. Gender disaggregated data in the field would give deep insight into the situation existing at ground level. Some of the issues have been discussed in your earlier class. How the ideas about these things can be decoded and then reorganized through policy framework, would be the crucial part of the gender mainstreaming. For example in Right to Free and Compulsory Education Act, 2010, there are responsibilities fixed on authorities, both local and state regarding having appropriate number of teachers in school. This would help in addressing lot of issues that directly influence the education of girls.

> Take a particular issue in education at any level and using elements of gender mainstreaming design how a policy would be framed for that level that would intrinsically address the issue you have identified.

## 2.7  Media: Paving the way for equal representation

In XI grade we have discussed about how gender stereotypes are propagated and sometimes addressed through media also. For gender mainstreaming media can play a significant role. For policy to be planned and implemented effectively for the people its important that their issues are taken care of. For gender mainstreaming, media can play a crucial part by going deeper into the issues of gender. Media can be representative of the population and highlight the issues of everyone. The constructive inputs can be studied deeper and can be useful for taking the informed decisions.

Following are some other points related to different ways in which media plays its role in gender mainstreaming:

Media is considered as mirror of the society by some. How gender issues are seen and dealt in a society is reflected by the media and sometime reinforced also. Sometime media plays a proactive role in bringing certain issues on the table and making people think about it.

Media works as a connecting thread between the states. Cultural and social issues arising at different places can provide useful inputs for others to learn from. The information collection and dissemination role is very critical for development of the society. Media not only collects and gives the information, majority of times it takes a stance that can influence the views.

Advocacy of positive tools and policies for gender equality is also an important contribution of media. Stereotypical mindset in the society can be dealt by the media through various programmes, debates and other ways of expression.

As media person have access to individuals and groups which may otherwise not be accessible, they work in bringing their concerns and issues forward. They can promote social and cultural values regarding people from different gender.

It has been seen that media houses work in an organized manner to promote gender equality through different ways. Their strategies have been influential in increased participation of women and men in different areas. Their work can be influential in policy and programmes taken up by the state.

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### Read and Respond

Recently there has been a campaign undertaken by media related to ban of sale of acids in retail outlets. There were lot of articles and editorials published in the print media Stories of horrifying experiences, case studies etc brought the critical issue in lime light for a long time. In television there were debates carried out with different stakeholders who matter. When this issue was main focus, there were lot of other issues that emerged related to safety of women which proved to be critical in influencing some policy decisions.

**SC CURBS ACID SALE**

- Shopkeepers will now need a licence for the sale of acid
- Photo-ID and residential address must for acid buyers
- Acid will not be sold to minors
- Illegal sale/purchase of acid is a non-bailable offence
- Undisclosed stock to be confiscated and seller to be fined ₹50,000
- Sellers to keep a record of daily sales and the purpose of purchasing acid

**RECENT INCIDENTS ACROSS THE COUNTRY**

**MAY 2, MUMBAI**
Preeti Rathi (25), was attacked by a masked man who threw acid on her at Bandra terminus. She died a month later. She was about to join the Army Medical College in Colaba

**APRIL 14, VARANASI**
A man named Ramsmuj allegedly threw acid on four members of shopkeeper Baijnath Keshari's family over a dispute on gram flour. He was arrested

**APRIL 14, BHOPAL**
Lalita (35) was attacked by her husband who threw acid on her over a family dispute. The husband abandoned her after the attack

**APRIL 2, MUZAFFARNAGAR**
Two men on a bike threw acid on four sisters —Isha, Kamerjahan, Ayesha and Sanam — who were returning from school. Three were teachers and the youngest was a student. Attackers could not be identified

**MARCH 30, PUNE**
A 20-year-old engineering student, Gajanan Telange, was arrested in Nigdi for allegedly throwing acid on a 23-year-old woman who had rejected his love for her

**MARCH 4, VADODARA**
A 23-year-old man named Gyankar allegedly barged into a girl's house in Parshuram Bhatta area and threw acid on her. The girl told the police she had declined his marriage proposal

न्यूज़ 07:49

एसिड अटैक पर दूसरी बड़ी बात

तेजाब पीड़ित के पुनर्वास और मेडिकल का खर्च राज्य सरकार उठाए

*Source: India times and India news websites*

## 2.8  Gender Budgeting

"*A gender responsive budget is a budget that acknowledges the gender patterns in society and allocates money to implement policies and programmes that will change these patterns in a way that moves towards a more gender equal society. Gender budget initiatives are exercises that aim to move the country in the direction of a gender responsive budget. Gender budget initiatives are know by a range of different names, from gender sensitive budgets to gender budget analysis.*"(WCD)

Financial allocations are critical for the gender mainstreaming efforts to be successful. Just by making policy and programmes their purpose could not be achieved. The state has to allocate adequate budget to them. For consistent development gender mainstreaming needs to be part of the financial budget of the state.

Its important to understand that gender mainstreaming is not very difficult to achieve if there exists sensitivity towards issues and will to achieve results. From getting appropriate and adequate information to allocation of required budget all needs to be in sync for achievement of gender mainstreaming.

**A good practice of gender mainstreaming** could be actions which lead to a positive change in:

- Policies;
- Strategies / approach;
- Advocacy efforts;
- Legislation;
- Research and other analytical work;
- Statistics- greater sex disaggregation, improved gender analysis of data, or identifying gaps in the data base;
- Development of indicators and improved monitoring;
- Medium-term plans and budgets;
- Procedures and processes.

A good practice example could also document positive organizational changes necessary to promote gender mainstreaming, such as:

- Competence development on mainstreaming;
- Establishment of a gender unit or focal point with a clear mandate and necessary resources to promote and support mainstreaming;
- Indication of management commitment to mainstreaming;
- Establishment of accountability mechanisms;
- Development of guidelines, manuals, and other tools to support mainstreaming:
- Establishment of a resource base of relevant gender equality expertise for mainstreaming.

**Good Practice in Gender Mainstreaming Example**

**UNDCP - United Nations International Drug Control Programme:**

**Alternative Development Work in Peru**

**1.   Background**

Alternative development programmes were established by UNDCP in Peru in the 1980s to provide other viable sources of income than coca growing to peasant farmers. Four major thrusts characterize the 'Peru model': the creation or strengthening of local organizations; the improvement of production through technical assistance and extension; the development of agroindustry; and the marketing of final products. The sustainability of the model depends on local organizations taking charge of each of these functions. UNDCP worked with the oil-palm farmers of Ucayali and focused on the revival of Peruvian coffee in the *Convención y Lares* Valley.

In Ucayali the UNDCP support included construction of a palm-oil extraction plant and support to farmers, organized in a non-profit association, with the maintenance of their

plantations to keep up yields. The project benefited 270 families which have shifted from subsistence farming to reliable cash-crop production. The palm-oil plant has created jobs and generated other occupations in the areas of food services, lodging and trade. In the *Convencióny Lares* Valley UNDCP identified coffee as the crop which could best counter coca expansion. Although coffee was a traditional crop in the area there were serious problems related to the age of the groves, their susceptibility to disease, the low density of trees and the limited technical knowledge of growers. In addition, the coffee cooperatives were weak and middlemen had control over bulking and marketing. UNDCP introduced rotating credit funds, strengthened small-farmer organizations and democratized local cooperatives to enable them to control the bulking, processing, marketing and export of coffee. After 10 years of work, Peruvian farmers organized in small cooperatives and using modern technology have found a place in the world market for coffee.

2. **The rationale for changes in relation to gender equality in the projects**

In the creation and strengthening of producer organizations, and the producer committees associated with them at micro-level, UNDCP had until 1993 focused its efforts entirely on men as members of these groups. Women were grouped in separate committees or Associations of Rural Women which developed small enterprises linked to local markets, such as production of fruit nectars, packaging of roasted tea and coffee, bread-making, processing of chicken feed, raising of small livestock and cultivation of home vegetable gardens. First aid stations and health education programmes for women were also introduced.

However, after some years it became evident that this approach was neither sufficient nor sustainable. In the long term most of the projects established for women were not economically feasible. It had also become apparent that not incorporating women into the main beneficiary and recipient farmer organizations had led to conflicts of interest and an 'artificial' division of beneficiaries into males and females. And, most importantly, the approach had ignored the crucial economic role of women in agricultural production in Peru. At the small farm level agriculture is the product of joint family efforts based on a specific gender division of labour. The alternative development projects had ignored women's responsibilities and contributions, resulting in wastage of resources and loss of impact.

3. **Objective of the effort to mainstream attention to women as well as men**

The objective was to recognize the contributions and responsibilities of women in agriculture in Peru and involve them more actively as participants and beneficiaries in the main alternative development activities, rather than developing separate activities for them. This was deemed necessary to achieve social justice for women as well as men, and to ensure more successful outcomes of the alternative development interventions.

4. **The strategy adopted to achieve gender mainstreaming**

The existing alternative development approach was adapted at two levels. Firstly, by improving the access of women to training as rural promoters in areas where women

have traditional roles in agriculture. Secondly, approaches were developed to allow increased participation of women in the farmers' associations, both at grassroots and at managerial levels.

5. **The outcome of the gender mainstreaming efforts**

   The increased access of women to training was seen to have contributed directly to the greater economic impact in Alternative Development production. Between 1996 and 1999 approximately 6,500 women became members of farmer organizations. It is anticipated that this new approach will eventually lead to positive change in existing gender relations in rural society as well as to greater impact of the Alternative Development interventions.

6. **Factors contributing to / hindering the success of the mainstreaming efforts**

   In the prevailing male-dominated rural society making women members of farmers' organizations has not always been straightforward. Among the main issues which needed to be addressed was the right of women to become members of these organizations, with the same rights, obligations and benefits as men. Support to leadership training for women to support them in undertaking new roles was also required.

7. **Summary of the main lessons learned**

   This project provides an excellent example of a United Nations entity coming to an understanding that achievement of the goals set (in this particular case alternative development strategies) is not possible if women are left outside the process. On the basis of analysis of the economic roles and contributions of both women and men, it became clear in the course of implementation of the project that real success could only be achieved if women were involved alongside men in an equitable manner. Integration of gender perspectives was thus integral to the success of the project and achievement of the goals of alternative development.

*Source: UNDCP. UNDCP Alternative Development Work in Peru: A Success Story in Progress, 1999 retrieved from http://www.un.org/womenwatch/osagi/gmgoodpracexpl.htm*

## Unit End Reflections

### Comprehension Questions

1. Discuss the concept of gender mainstreaming also elicit the important underlying idea given in different definitions of gender mainstreaming.

2. What are the main elements of gender mainstreaming. Using appropriate examples try to illustrate the main elements.

3. How would you relate or differentiate between women in development and gender in development?

4. Discuss the role of education in gender mainstreaming. Give appropriate examples.

5. Elaborate the role of media in gender mainstreaming.

6. Discuss how gender budgeting influences gender mainstreaming. Give some hypothetical example to support your answer.

## Activities

1. *The history of International Women's Day (IWD) dates back to 1910 internationally and, in Australia, to 1928. But socialist women in the United States organised the first national Women's Day in 1908 and helped inspire the international event. The day has been variously seen as a time for asserting women's political and social rights, for reviewing the progress that women have made, or as a day for celebration.*

   *In the US in 1903, women trade unionists and liberal professional women who were also campaigning for women's voting rights set up the Women's Trade Union League to help organise women in paid work around their political and economic welfare. In 1908, on the last Sunday in February, socialist women in the United States initiated the first Women's Day when large demonstrations took place calling for the vote and the political and economic rights of women.*

   Do you think that just by celebrating Women's Day the status of women in society can be improved? In groups of 4-5 prepare an activity calendar for the whole academic year and list out various activities and events that can be taken up at school and community level to bring in gender sensitivity in the approach of the masses.

2. *Gender discrimination continues to be an enormous problem within Indian society. Traditional patriarchal norms have relegated women to secondary status within the household and workplace. This drastically affects women's health, financial status, education, and political involvement. Women are commonly married young, quickly become mothers, and are then burdened by stringent domestic and financial responsibilities. They are frequently malnourished since women typically are the last member of a household to eat and the last to receive medical attention. Additionally, only 54 percent of Indian women are literate as compared to 76 percent of men. Women receive little schooling, and suffer from unfair and biased inheritance laws. These laws prevent women from accumulating substantial financial assets, making it difficult for women to establish their own security and autonomy.*

   Do you think better access to education and financial resources will reduce dependence of women on the patriarchal structure of the society? Will this help addressing the equity issues? Deliberate and debate.

# Chapter 3: Gender and Development- Social and Economical

## 3.1  What is Development?

Post Second World War, the economists and social theorists faced an important challenge of addressing de-colonization process of various countries and the extreme widespread poverty in the developing nations. The sufferings and the development need of the population was of grave concern for the emerging new world. In view of these problems, economists, scientists from various fields, especially, social scientists developed the ideas of modernisation, human welfare, peace, justice, equality, rights and duties, technological advancement, improved standards of living etc to bring about over all development of economies in developing countries.

Development is a continuous process. The perspective and meaning of development is different for different ages. It involves the idea of both cultural and economic progress and the use of science and technology in various fields and the resultant changes thereof. Development includes the economic policies, the infrastructure projects (such as transport, communication system, schools, healthcare facilities etc.) industrial policy and most importantly, the welfare state.

### Meanings of Development over time

| Time Period | Perspectives | Meanings of development |
|---|---|---|
| 1800s | Classical political economy | Remedy for progress; catching-up |
| 1870 > | Latecomers | Industrialization catching-up |
| 1850 > | Colonial economics | Resource management, trusteeship |
| 1940 > | Development economics | Economic growth – industrialization |
| 1950 > | Modernization theory | Growth, political and social modernization |
| 1960 > | Dependency theory | Accumulation – national, autocentric |
| 1970 > | Alternative development | Human flourishing |
| 1980 > | Human development | Capacitation, enlargement of people's choices |
| 1980 > | Neoliberalism | Economic growth – structural reform, deregulation, liberalization, privatization |
| 1990 > | Post-development | Authoritarian engineering, disaster |
| 2000 | Millennium Development Goals | Structural reforms |

*Source: Pieterse, J. N., Development Theory: Deconstructions/ Reconstructions.*
*London: Sage Publications, 2001*

The basic philosophy of human development involves strengthening of human capabilities and functioning, emphasizing of human rights, equity and justice. To explain this philosophy, Indian economist Amartya Sen used the human development approach. This approach involves the need to remove the difficulties that people face through their own efforts and initiatives. The prime objective of development is to create a favourable environment for people to enjoy long, healthy and creative lives.

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**Amartya Sen's Capability Approach**

The Capability Approach was first articulated by the Indian economist and philosopher Amartya Sen in the 1980s, and remains most closely associated with him. It has been employed extensively in the context of human development, for example, by the United Nations Development Programme, as a broader, deeper alternative to narrowly economic metrics such as growth in GDP per capita. Here 'poverty' is understood as deprivation in the capability to live a good life, and 'development' is understood as capability expansion.

Amartya Sen was born 1933 in Dhaka, Bangladesh. Received Nobel prize in 1998.

*Source: http://www.iep.utm.edu/sen-cap/*

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Social and economic development is very important to sustain peace and stability in any nation. Economically developed nations such as Canada, Netherlands, Japan, Switzerland the citizens enjoy a good quality of life due to high HDI ; they are able to utilise opportunities, accomplish and achieve in their chosen field with their full potential and capabilities and lead their life with self confidence and dignity.

## 3.2  The concept of Gender and Development

The concept of gender and development highlights the relationship between gender and development initiatives and feminists' viewpoints along with important issues such as leadership, education, health, peace building activities, violence against women and economic empowerment. A country cannot progress without the significant contribution of its citizens. More specifically, any developmental initiative will fail and become useless if women's participation is curtailed. This realisation by many countries of the world such as Sweden, Norway, Germany (Source: OECD) has resulted in gender equality, important to the development process and alleviating poverty. However, in many parts of the world, especially in the developing economies such as India, Bangladesh, Ghana etc, women are dying due to lack of medical facilities during pregnancy and childbirth; female infanticide is still prevalent as, girls are considered burden to the family. Women especially in rural setting do not get to voice their opinion or take decisions particularly in their household matters and in matters of society in general. Economic opportunities for women empowerment are very scarce. In such situations, achieving even optimum level of economic and social development is a far reaching goal. It is imperative that gender aspect in development of society and economy is given utmost importance to, by promoting women's rights with an emphasis on gender equality and equity for the growth of developing countries and eradication of poverty.

Globally, the gender aspect is recognised as central to all developmental programmes. The promotion of gender parity and women's empowerment is one of the eight internationally agreed Millennium Development Goals (MDGs).

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**Millennium Development**

In 2000, 189 nations made a promise to free people from extreme poverty and multiple deprivations. This pledge became the eight Millennium Development Goals to be achieved by 2015. In September 2010, the world recommitted itself to accelerate progress towards these goals. *Source: http://www.in.undp.org/*

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*Fig. 1*
*Source: http://www.un.org/*

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**Read and Respond**

Find out the Millennium Development Goals target achieved by India in the year 2013. Also analyse the MDGs target to be achieved in the year 2015 by India.

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### 3.2.1 Agencies involved in development

There is a close link between the change of the overall status of women and the autonomy that she gains through changes in some crucial areas of her life, i.e., access to education, better health care, access to gainful employment and opportunity to take decisions, etc. The society, as is empirically known, does not grant these without struggle. Thus, there is a vicious circle. The three agencies which seem to help her in this struggle to break this circle and thereby help her

gain the required autonomy are namely, the individual (she herself), the community that she lives in and in the modern times the state. In recent times there have been other agencies, the United Nations, the World Bank, and multinational aid and developmental agencies which are supra-state or multinational agencies. However, at the moment, in most places, they try and invoke primarily the agencies of self, community and the state in furthering the interests and development of women.

There is a strong belief, i.e., the libertarian, which insists that, it is the individual and her merit that alone count. They argue that any intervention by the community and the state on her behalf, proves not only counterproductive in the final analysis but also detrimental to her well-being. This proves helpful in pursuing policies, which advocate the state's withdrawal from any welfare activities. Thus, women too have to fend for themselves according to this logic and only the meritorious would come up.

There is another approach, of the communitarian view, which has gained some popularity these days due to two factors. First, the most powerful women's movement over the last three decades have been fought by women with the help of the local communities. They have thus inspired other struggles. Second, the western aid agencies too are propagating the communitarian idea in their programmes. Quite often they are projected in opposition to the state. The basic proposition is that women's development and freedom lies in the community itself where rights are enshrined. It is therefore the community which should be galvanised to further the development of the women. On closer analysis, however, one finds that the natural or traditional communities in most places are bound up with patriarchal normative universe from which the women could hardly get true justice. The religious communities, village communities or even artificial communities like trade unions or other professional bodies are largely the epitome of equality between men and women.

In modern times, it is the state which has most often played the crucial role in enabling the women to access those facilities and resources that facilitate her autonomy. However, the dilemma remains that when the powers inimical to women's interest capture the state, women are left to fight one more agency. In the socialist model of development, the state played not only a central role but was also the organiser and mobiliser of production in society. Market was seen to have no role in the decisions of production. However, in cases like that of India, state was thought to be pivotal and acted as such. Here state not only acted along side the market but at the same time it played a socially emancipatory role too.

The state has a significant role to play in the developing countries. In India, for example, like many other colonised countries, the leadership of the freedom movement inherited the state apparatus of the erstwhile rulers. They tried to reorient those structures into taking up the role of new developmental tasks. Gender and particularly the development of women was also considered as a responsibility of state. The women's movement in India, for example, till today, keep forcing and demanding that the state should intervene more and more to bring equality between sexes in public places and work place, curb violence against women in both domestic and public places, and provide opportunities to women. However, the movement felt that making the state take up these tasks needs the presence of women in decision-making places and hence there are demands for guaranteeing women space in the otherwise male domain of legislature.

The idea of well-being sees an entrenched women's development in the development of her capabilities through which, it is argued, her freedom and development is ensured. These capabilities include those, which are essential for her survival as a human being also. Exploring gender and human development in India, Martha Nussbaum argues very strongly for an approach which seeks to raise the capabilities of women and therefore their possibilities in warding off the exclusionary practices. She argues that the key to development of women is to provide them with the cover of justice because only in such a situation can these capabilities be ensured. There is a strong need for the fulfilment of what she tried to develop as the list of 'Central Human Functional capabilities'. The list includes, life, bodily health, bodily integrity, senses imagination and thought, emotions, practical reason, affiliation, other species, play, control aver one's own environment.

### 3.3  Why Gender Development?

There is a common notion that development is indicated by a nation's rise in national and per capita income and GDP, growth of industries, increase in agricultural output, effective mobilisation of labour and capital and increase in foreign trade.

This notion does not take into account the equal distribution of resources, equal opportunities for all and the well-being of the population, especially women. In many countries and societies patriarchy is prevalent thereby leading to female subordination. It is a fact that, gender discrimination has led to inequality in economic, social and political activities. This calls for considering gender a very important issue.

There is an immediate need to take appropriate steps to provide both women and men with equal opportunities and conditions in economic, social, cultural, economic and political arenas to enable them to enjoy their rights, to participate in all the developmental activities and gain from the resulting progress.

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**Read and Reflect**

**The Different Needs of Men and Women**

The roles of men and women in existing societies and institutions are generally different. Thus, their needs vary accordingly. Two types of needs are usually identified: *Practical needs* arise from the actual conditions which women and men experience because of the gender roles assigned to them in society. They are often related to women as mothers, homemakers and providers of basic needs, and are concerned with inadequacies in living and working conditions, such as food, water, shelter, income, health care and employment. For women and men in the lower socioeconomic strata, these needs are often linked to survival strategies. Addressing them alone only perpetuates the factors which keep women in a disadvantaged position in their societies. It does not promote gender equality. *Strategic needs* are the needs required to overcome the subordinate position of women to men in society, and relate to the empowerment of women. They vary according to the particular social, economic and political context in which they are formulated. Usually they concern equality issues such as enabling women to have equal access to job opportunities and training, equal pay for work of equal value, rights to land and other capital assets, prevention of sexual harassment at work and domestic violence, and freedom of choice over childbearing. Addressing them entails a slow transformation of the traditional customs and conventions of a society.  (ILO, 2000b)

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## 3.4 Feminist Approaches to Development Theory

Ideally, the aim of any nation should be to work for development in all the spheres of economy in order to enrich the lives of its citizens. But it is generally observed that women have not benefitted much from development activities since the needs of males and females are different as illustrated in the box above. This aspect has been addressed by theorists through many approaches. Among them, the three main theories are:

▸ Women In Development (WID)

▸ Women And Development (WAD)

▸ Gender and Development (GAD)

### 3.4.1 Women in Development (WID) Theory

According to this theory, women can be integrated in the development process through legal policies and reforms in education, health and employment. Women are regarded as active participants in development. This theory assumes that reforms themselves will lead to opportunities which will be fair and equitably balanced. A number of women's associations and committees concerning WID were formed in Western Countries such as USA to examine issues like equal pay for equal work, more opportunities for women in professional organizations, amendment for equal rights etc.

The year 1975 was declared as the International Women's year by the United Nations and the years from 1975 to 1985 as the International Women's Decade. This gave raise to increased awareness on women's issues which resulted in policy making at both national and international level. The important themes of the Decade were equality, development and peace. Both the UN Decade for Women and the World Conferences on Women encouraged the inclusion of gender component in development debates.

#### Shortcomings in WID Theory

WID approach assumed that all developing economy should follow the same developmental processes as the developed ones. It did not identify the roles of men and women in various developmental projects. Although WID recognised the stereotyped roles of women while identifying projects, it overlooked the cultural aspects and class differences. This approach was more welfare-oriented and promoted women's traditional activities like weaving, tailoring etc. This theory was based on the assumption that changes will automatically happen in course of time; it relied on reformist system where women were marginalised.

> **Read and Reflect**
>
> **Historic overview on the World Conferences on Women**
>
> In June 1946, the United Nations Economic and Social Council (ECOSOC) established the Commission on the Status of Women (CSW) to ensure the empowerment of women and gender equality (E/RES/2/11, 21 June 1946), and to provide recommendations to the Council on the obstacles relating women's rights in political, economic, civil, social and education fields.

Over the years, the CSW has organised different conferences in order to assert and improve the rights of women. So far, four world conferences on women have taken place. The conferences have sought to unite the international community behind a set of common objectives with an effective plan of action for the advancement of women everywhere, in all spheres of public and private life.

The First World Plan for Action was adopted in Mexico City in 1975 and called upon governments to develop strategies that would bring gender equality, eliminate gender discrimination and integrate women in development and peace-building. Within the United Nations, the Plan of Action also led to the establishment of the International Research and Training Institute for the Advancement of Women (INSTRAW) and the United Nations Development Fund for Women (UNIFEM).

The Second World Conference, held in Copenhagen [] in1980, brought together 145 Members States to review the Mexico Plan for Action and stated that despite the progress made, special actions needed to be taken in areas such as employment opportunities, adequate health care services and education.

At the Third World Conference held in Nairobi in 1985, the UN revealed to Member States that only a number of women benefited from the improvements and participants were asked to find new areas to ensure that peace, development and equality could be achieved. Three sectors identified in Nairobi include equality in social participation and equality in political participation and decision-making. The conference further recognized the necessity of women to participate in discussions in all areas and not only on gender equality.

The Fourth World Conference on Women in Beijing (1995) was the largest conference the United Nations had ever organised. Over 189 governments, 17000 participants including 6000 government delegates, more than 4000 representatives of NGOs, 4000 journalists and all the United Nations organizations attended the Conference.

The 189 UN Member States adopted unanimously the Beijing Platform for Action (BPFA) to ensure the improvement of all women without any exceptions. The BPFA outlined 12 critical issues, which constitute barriers for the advancement of women, and identified a range of actions that governments, the United Nations and civil society groups should take to make women's human rights a reality.

*The Platform for Action: twelve critical areas*

The twelve critical concerns identified in the BPFA include: poverty of women, unequal access to education, lack and unequal access to health care systems, violence against women, vulnerabilities of women in armed conflict, inequality in economic structures, inequalities in power and decision-making, institutional mechanisms to improve the advancement of women, lack of respects and inadequate protection in human rights, under-representation of women in the media, inequalities in natural resource management and in the safeguarding of the environment, and the discrimination and violation against the girl child. Full implementation of the twelve issues would see the enhanced empowerment of women economically, socially and politically.

*Source: http://www.un-ngls.org/spip.php?page=article_s&id_article=1725*

### 3.4.2 Women and Development (WAD) Theory

This theory was developed in the 1970s by Marxist feminists. They argued for increased share in land, resources, employment and income for women. As Marxists, they believed that, developing countries are exploited by developed countries by means of unequal distribution of wealth caused by international structures. They also argued that women have always been there in the realm of economic development and they have always participated and contributed in all developmental activities, whether public or private; that women always have been integral part of the society and the work they do both inside and outside is central to the maintenance of the society. It is due to patriarchy and capitalism that there have been unequal gender developments. The WAD approach gave a comprehensive view of the social, economic and political realities of development. Taking this in view, the Development Alternatives with Women for a New Era (DAWN) network was first started in India.

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**Read and Reflect**

The UN decade for women released a number of data on the status of women all over the world. Despite the declaration of political emergency in India, the UN sponsored International Women's Decade provided a platform for women's organizations to meet and discuss issues, organize seminars etc. During this phase, an important and significant report on the status of women in India was published entitled the "Towards Equality" Report. This Report was tabled in the Parliament in 1974.

The Committee on the Status of Women was appointed by the Government of India in 1971 to look into the changes – legal, constitutional, administrative, political, social and economic -- that had occurred in the status of women since Independence. The Committee submitted its report in December 1974. Its investigations revealed the dismal reality of declining sex ratios, decreasing participation of women in employment and political activities. Illiteracy and lack of vocational training prevented women from being absorbed into the modern economy. Development itself was very uneven between different regions, communities and sections of society.

The low status of women in society was indicated by a number of factors such as – the age of marriage of girls was below 15 years in more than $1/3^{rd}$ of the districts of India. The life expectation for females was 45 years as compared to 47 years for males in 1961-71. The gap in male and female life expectation was in fact increasing. The female mortality rate was much higher than that of males especially in the age group of 15-44 years. Though there had been an increase in the female population, the number of females per thousand males was declining. In 1901, it was 972 females per thousand males, but by 1971, it had declined to 930 females per thousand males and in 1991 it had declined further to 929 women per thousand males. One of the reasons for the low sex ratio, it was observed, was the high maternal mortality. In 1964, it was 252 per 1,00,000 live births in the whole country, and in 1968, it went up to 573 for 1,00,000 live births in rural areas. Maternal mortality has been mainly due to frequent pregnancies, abortions, malnutrition, etc. Another reason was rampant female foeticide and infanticide.

The literacy rate among women was much lower than for males – 18.4% and 39.5% respectively. The number of women in the labour force came down from 34.4% in 1911 to 17.35% in 1971. 94% of the women workers were found in the unorganized sector and the rest 6% in the

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organized sector. It was also noted that a majority of women did not make use of the rights and opportunities guaranteed by the Constitution. There was an increase in the incidence of dowry in the urban as well as rural areas and also among communities which did not follow this practice earlier.

This report demystified the popular belief that equality between the sexes had been guaranteed by the Constitution. The mid-sixties witnessed an economic crisis, stagnation, inflation and increasing lawlessness. There was general discontentment and displeasure in society, especially among the youth and working class. All over the world there were strong protests by students, trade unions and anti-price rise movements as well as anti-war and colonial liberation movements.

*Source: Report of the Committee on the Status of Women in India, Towards Equality, 1974, Delhi: Government of India, 1975*

## Shortcomings in WAD Theory

This approach fails to address the class differences among women and groups all women in one category. The unique problems faced by women and the common problems of both genders are not taken into account. Also this approach fails to highlight the issue of patriarchy and resulting subordination and oppression. The focus of this approach is more on production and income generating activities rather than overall equal gender development.

### Read and Respond

▸ Find out more information relating to the vision of DAWN network.

▸ Hold a class discussion on the relevance of WAD approach from Indian Perspective.

## 3.4.3 Gender and Development (GAD) Theory

Both WID and WAD approaches emphasized on the separate development of women leading to marginalisation. This gave birth to the Gender and Development (GAD) Theory. This approach places much importance to the role and responsibilities of both men and women in any given environment. It identifies the main issues and problems affecting women in society - such as oppression, subordination, women's continuing state of disadvantaged positions and inability to participate in and benefit from development processes. This theory argues that, due to unequal power that exists between the rich and poor, men and women, there is unequal and un-equitable development and women's full participation. Therefore in order to achieve equal development, this approach stresses upon empowering disadvantaged people and women. It also stresses on the fact that the development of public sector can take place only if the domestic sector (which is mostly dominated by women) supports it. This approach also argues that, by providing certain facilities by the government, women's workload in domestic front can be reduced and their participation in productive work can be increased. This approach promotes the change in men's attitude regarding their participation in domestic work.

The Convention on the Elimination of All Forms of Discrimination Against women (CEDAW) espouses the GAD approach. The four global women's conferences as discussed earlier, provided the decree for CEDAW which led to the creation of UNIFEM (the United Nations Development

Fund for Women) and INSTRAW (the UN International Research and Training Institute for the Advancement of Women). Moreover, Millennium Development Goals (MDG)'s gender inclusive 2000, INSTRAW-UN, visibility of women in statistics and indicators (1988), GDI and GEM by the United Nations as well as development radars were developed by various countries including India.

Gender related Development Index (GDI) shows compared women's empowerment at Inter -district, Inter-state and Cross country levels. GDI originated from Human Development Index (HDI) which consists of per capita income, educational attainment and life-expectancy which is synonymous to health attainment. Disparities in Gender are calculated considering these three indicators. In addition to these, a new measure called Gender Empowerment Measure (GEM) has been formed to account for women's participation in economic and decision making activities. The indicators of GEM are share in parliamentary seats, an index that includes share in administrative and managerial jobs and share in professional and technical posts and share in income.

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### Read and Respond

Discuss the role of GEM in both the Rural and Urban set up in India. Do you think the objectives of GEM have been met?

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### Read and Reflect

**The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),** adopted in 1979 by the UN General Assembly, is often described as an international bill of rights for women. Consisting of a preamble and 30 articles, it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination.

The Convention defines discrimination against women as "...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."

By accepting the Convention, States commit themselves to undertake a series of measures to end discrimination against women in all forms, including:

▸ to incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women;

▸ to establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and

▸ to ensure elimination of all acts of discrimination against women by persons, organizations or enterprises.

The Convention provides the basis for realizing equality between women and men through ensuring women's equal access to, and equal opportunities in, political and public life -- including the right to vote and to stand for election -- as well as education, health and employment. States parties agree to take all appropriate measures, including legislation and temporary special measures, so that women can enjoy all their human rights and fundamental freedoms.

The Convention is the only human rights treaty which affirms the reproductive rights of women and targets culture and tradition as influential forces shaping gender roles and family relations. It affirms women's rights to acquire, change or retain their nationality and the nationality of their children. States parties also agree to take appropriate measures against all forms of traffic in women and exploitation of women

Countries that have ratified or acceded to the Convention are legally bound to put its provisions into practice. They are also committed to submit national reports, at least every four years, on measures they have taken to comply with their treaty obligations.

*Source: http://www.un.org/womenwatch/daw/cedaw/cedaw.htm*

## 3.5  The Concept of Social Development

In recent times, Global interdependence, instead of promoting growth and liberalisation in the world, has been a channel for various common crisis and increasing inequalities among nations and its people. The downfalls in financial markets with its cascading effect on shortfall in food and fuel have further added misery to the already existing woes in people's livelihoods, and are further threatening the development and progress of past decades. Moreover, the pressure on the environment and natural resources for various unsustainable development programmes have resulted in erratic climatic changes which in turn, have reduced the choices available to the poorer people living in fragile environs, mostly in developing countries. In the absence of planned and combined intervention, the quality of life of people will deteriorate and in all likelihood, will lead to a fight over the natural resources within the nations and among various countries. In such a scenario, it is imperative to ponder over the social considerations of development.

When we speak of development in general, it is always meant to be comprehensive and holistic and is beneficial to all members of society irrespective of gender or minority status or vulnerable section of the society. The foremost aim of development should be creating and providing the conditions for security to people and the community as a whole, realization of their rights, properly empower them to participate in developmental activities and take right decisions which will enable them to live fruitfully.

Social and Economic Development should be given utmost importance in any country's development programme. In order that each one in the society gets full benefit of the Social Development plans, the state should institutionalise the responsibilities to various bodies which work under the state mechanism. In the health sector, due importance is to be placed on the planning, management and implementation keeping the individual gender requirements. In the education sector too, it is imperative that the nature of access and the use of education by both males and females is planned and implemented by various organizations and institutions.

### 3.5.1 Social Development defined

**Social Development** can be broadly defined as development that deals with the dynamics of changes which enables improved human well-being, leading to a better *social relations* and *social institutions*; social development includes development that are *equitable, compatible* and *sustainable* as a result of *good democratic governance* and *social justice*. (Adapted from UNRISD).

In this definition, *social relations, social institutions and good democratic governance* are emphasized upon as they are important for good development outcomes which are- education and good health, availability of goods and services important for decent living and social, cultural and political success leading to feeling of security, maintenance of dignity and be an able member of a community through socio-cultural recognition and political representation. Thus, this definition also includes both process and outcome.

### 3.5.2 Social Development Indicators

As it is difficult to measure standards of living, the indicators of social development give a measure of social development. Gross Domestic Product (GDP) per capita, a basic measure, is the value of all goods and services produced

**INDIA AMONG ITS SOUTH ASIAN NEIGHBOURS**

| Country | Human Development Index rank | Gender Development Index Rank | % population poor (Multi-dimensional Poverty Index) |
|---|---|---|---|
| Sri Lanka | 73 | 66 | Not available |
| Maldives | 103 | 90 | Not available |
| India | 135 | 132 | 55.30% |
| Bhutan | 136 | Not available | 29.40% |
| Bangladesh | 142 | 107 | 49.50% |
| Nepal | 145 | 102 | 41.40% |
| Pakistan | 146 | 145 | 45.60% |

**LOSS ON ACCOUNT OF INEQUALITY**

| | | | |
|---|---|---|---|
| Sri Lanka | 14.2% | Bhutan | 20.2% |
| Maldives | 24.2% | Bangladesh | 28.0% |
| India | 27.7% | Nepal | 27.8% |
| | | Pakistan | 28.7% |

Source: 2014 UNDP Human Development Report

*Fig. 2*

within a region over a given time period, averaged per person. A more advanced measurement is provided by the Human Development Index (HDI), which considers life expectancy, education and GDP.

Many of the indicators such as **Population, Standard of Living (Food, Water and Sanitation, Healthcare and Disease, Education and Employment and Environment)** are used to measure progress towards the Millennium Development Goals (MDG), a set of targets agreed upon by United Nations member states as very essential for global human progress.

The three highest HDI-ranked countries in the world are Norway, Australia, and the U.S

## 3.6 The Issue of Gender in Social Development

In a majority of households in India, there is a gender differentiation with regard to access to health care, education and utilization of other social services like water supply, sanitation and housing due to:

a. Inequalities within the household in food allocation, in spending on health care and education;

b. There are established gender biases in service delivery.

**"Not all women are poor, and not all poor people are women, but all women suffer from discrimination". (Kabeer, 1996:20)**

As a result, the females receive less medical care than males, and many a times, less likely to survive the illness. In many instances, females suffer for longer duration of illness owing to
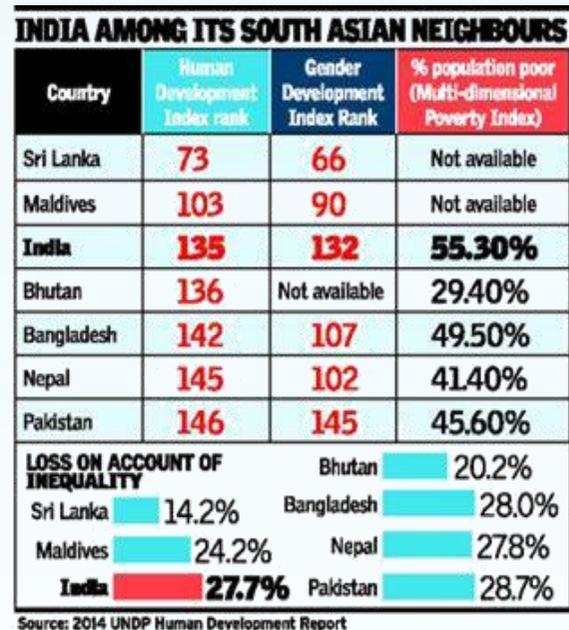
nutritional deficiencies. Despite many schemes introduced by the Government, millions of children, especially girls in both rural and urban set up, lack basic education as they never attend schools or drop out soon after their enrolment.

Apart from these issues, unemployment and poverty especially suffered by agriculturist and labourers, abuses faced by women (sexually, for dowry, at work place, being given lesser wages etc), child labour, infant mortality particularly of girl child are major deterrent to social development particularly in India. Despite several developmental schemes and projects introduced by the state mechanisms, they remain unutilised or lies underutilized due to either poor implementation or for the lack of public awareness.
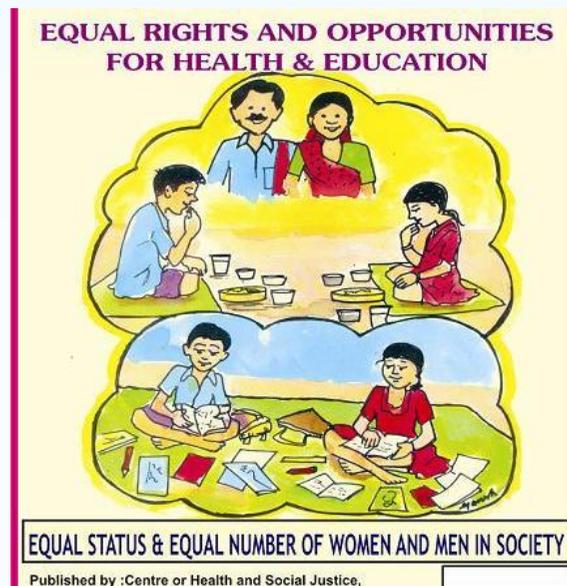


*Fig. 3*

## 3.7  The Concept and the goal of Economic Development

In general, a region is considered to be economically developed, if the people there enjoy a high standard of living which includes housing, health care facilities, education, employment and leisure activities. As there is no set definition of economic development, there is no single strategy, policy, or program for achieving successful economic development. Each country differs in its political and geographic strengths and weaknesses. Therefore, each country will have a unique set of challenges for economic development.

Typically, economic development is explained in terms of creation of jobs, income and an improved quality of life. It can also be described as a process which affects growth and restructuring of economy to enable the economic well being of both men and women in a community or a country.

Economic development can also be described as a change in quality of life and a major restructuring of country's economy due to social and technological progress. The economic development is indicated by increasing gross domestic product (GDP) or gross national product

(GNP) per capita. This in turn reflects increased economic productivity and average material wellbeing of a country.

Economic development and economic growth are closely linked. Economic growth is measured as the percentage increase in GNP or GDP annually; it describes a quantitative expansion of a country's economy. Economic growth is depicted in two forms: *extensive* and *intensive*. An economy can grow *'extensively'* by using more resources like physical or natural capital or 'intensively' by using the same amount of resources more efficiently. Economic growth achieved through intensive means results in higher per capita income resulting in improved standard of living. But in order for this to happen, economic development is required.

The main goal of economic development is to improve the economic well being of a country through efforts that lead to job creation and retention, tax base enhancements and quality of life.

### 3.7.1 The Major Areas of Economic Development

In a broader sense, economic development includes three major areas:

1. Government policies undertaken to meet broader economic objectives like control of inflation, generation of more employment and sustainable growth.

2. Policies to provide services like building of highways, management of parks, and providing medical access and facilities to the disadvantaged.

3. Policies mainly directed to improve the business climate through specific efforts, business finance, marketing, neighbourhood development, business retention and expansion, technology transfer, real estate development etc.



*Fig. 4*
*Source: http://dbie.rbi.org.in/*

### 3.7.2 The Indicators of Economic Development

One way of measuring a country's development is to refer its economic indicators. The most widely used indicators at the international level are those provided by the World Bank and the United Nations Development Programme (UNDP). At the national level in India, the Economic Survey published annually by the Government of India and the surveys undertaken by the Central Statistical Organisation of India (CSO) provide us with the data. Various other public and private organizations also exist for the collection of data at a sectoral level.

There are a number of indicators of economic growth:

**GDP trends from contribution of Agriculture, Industry and Services**: This indicator gives an overall picture of a country's economy. The growth rate of GDP with regard to the population growth and inflation rate indicates the availability of extra resources in the country.

**Human Development Index:** This is a standard means of measuring well-being in a country; it is a comparative measure of school enrolment ratio and adult literacy, along and healthy life, as measured by life expectancy at birth, standard of living as measured by (GDP).

**Employment:** Population, education, availability of food and remunerative employment opportunities are closely related and influence each other greatly.

**Education:** The survival and development of an economy in modern times is based upon the literacy level of the society; it is absolutely a necessary condition for development, but it is not sufficient. In this ever complex and technologically evolving world, ten years of school education is important for citizens to adapt and succeed economically, avail of the social opportunities and develop their individual potentials.

**Health:** The health of any nation's population is indicated by infant mortality and maternal mortality rates, life expectancy and nutrition, along with the incidence of communicable and non-communicable diseases.

**Rain fall Index:** Indian economy primarily considered as an agricultural economy – is dependent on the amount of rainfall, as large quantity of the agricultural produce comes from the monsoon fed crops. Good monsoon always means a good harvest and a raise in the GDP levels and vice-versa.

**Foreign Direct Investment (FDI) and Foreign Institutional Investment (FII):** FDI is a main component of national development strategies for all most all the countries over the globe. FDI is considered to be an essential tool for jump-starting economic growth through its provision of domestic capital, productivity and employment.

**Sensex:** 'Sensitivity Index' is popularly known as the barometer of the Indian stock market; it provides comparative statistical data over a fairly long period of time (since 1979). Rising SENSEX is indicative of improving business climate and greater growth expectations.

**Inflation:** It is an increase in the prices of commodities, or, alternatively, it is a decrease in the value of money. When we say that prices have gone up, it means that the value of money (purchasing power) has gone down leading to a downfall in the economy.

Apart from the important indicators elaborated above, some other indicators like Purchasing Power Parity (PPP) Index, Fiscal Deficit, Interest Rates, Crude Oil Rates Savings/GDP Ratio, the Generation of Electricity, and Exchange Rate provide a useful clue to the way ahead for the growth of economy as a whole for India.

## 3.8 The Issue of Gender in Economic Development

Although gender equality has long been acknowledged as a socially important goal, achieving gender equality was once thought to involve substantial costs and constraint to economic growth. On the contrary, in the recent times, it has been experienced that gender equality is very important for a robust economic future as women possess unique strengths and attributes. However, gender-sensitive approaches to economic policy may be essential for economic development as they also have distinct needs and vulnerabilities.

In many societies (e.g. Sub-Saharan Africa, Afghanistan etc.) it is observed that, women often face inequalities in access to political power and decision-making, inequalities within households, differences in access to education, difference in access to economic resources,

differences in legal status, gender division of labour within the economy, inequalities in the domestic/unpaid sector, violence and discriminatory attitudes. Therefore, gender considerations has to be included where there are disparities in asset ownership, access to finance, access to markets, business enabling environment.

**Read and Reflect**

The ILO has adopted an integrated approach to gender equality and decent work. This means working to enhance equal employment opportunities through measures that also aim to improve women's access to education, skills training and healthcare – while taking women's role in the care economy adequately into account. Examples of these include implementing measures to help workers balance work and family responsibilities, and providing workplace incentives for the provision of childcare and parental leave.

Differences between women and men should be viewed positively and they should be endowed with equal social rights and resources. They should also be encouraged to develop their abilities and make choices – without the restrictions set by rigid gender roles and prejudices – based on personal interests and capacities.

**Read and Respond**

Find out the percentage of female labour force participation rate in our country - both in rural and urban areas. Are there differences in men's and women's participation in scale, sector of operation, and earnings? Examine.
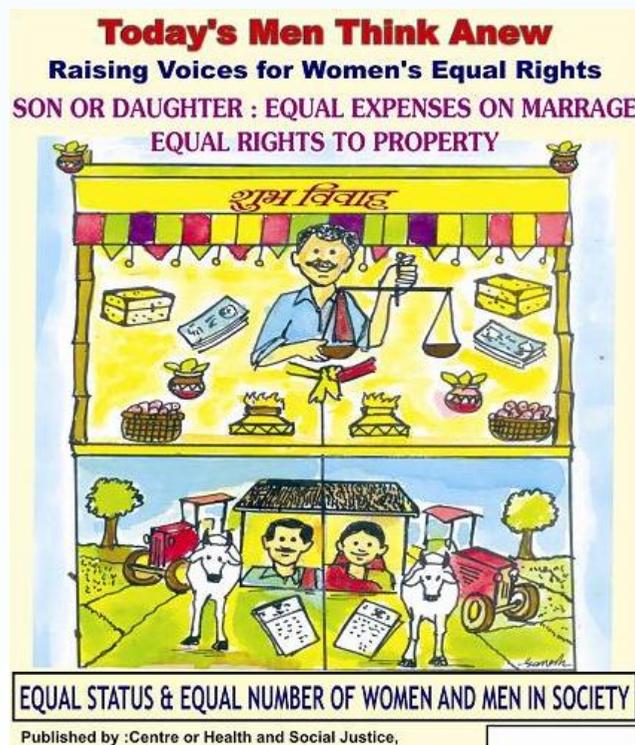
*Fig. 5*

## 3.9  Gender Equality and Economic Growth

Gender equality can contribute significantly to economic growth by increasing the stock of human capital, raising labour productivity, improving agricultural productivity and increasing the stock of physical capital.

1.  **Gender equality leads to enhanced human capital**

    No country can progress if the majority of women population remain illiterate. Many studies have shown that, women especially the literate, are efficient in using the resources at their disposal as compared to men, to promote nutrition, health and education of their children; well educated women can undertake higher-value economic activity. Except resource- rich countries like Oman, Bahrain and Saudi Arabia, countries which have poor gender equality in education lack good economic and social development.

    Socially and culturally developed countries enable improved and effective gender quality in education promoting growth; such countries encourage women to pursue better and higher education.

2.  **Gender equality promotes increased labour productivity**

    Gender equality leads to more competitive labour markets. Gender equality in education stresses on increased gender equality in employment too. It is generally observed that product markets become more competitive if all the prospective entrepreneurs can use their talents.

    Unfair laws and biased social norms act as an obstacle to female entrepreneurship; when women are treated differently from men with respect to access to institutions and loans, property rights and taxation, their ability to start a business becomes difficult.

3.  **Gender discrimination affects agricultural productivity**

    Gender discrimination can cause hindrance to improving agricultural productivity. In many countries where agriculture is a major occupation and major contributor to the total economy, a large number of women participate. Unequal distributions of resources which include credit facilities, labour and fertilizer lead to lower yields and profits. This is especially true for low-income countries Myanmar, Nepal etc.

4.  **Increased gender equality attracts investment in physical capital**

    The rate of investment is motivated by the expected rate of return on the investment. A good and an efficient productive workforce due to greater equality in education and employment increase the expectation in the returns, which in turn leads to increased investment and growth. New investment not only promotes growth directly but also encourages economies to adopt modern updated technologies for higher production, such as those used by manufacturers in East Asia.

    In addition, by improving women's wage rates through equal distribution of income, increased savings occur. They in turn can be used through the financial sector so as to provide capital for companies to make new investments.

**Major areas where gender considerations are required**

**Disparities in asset ownership**: In many countries there are gender disparities in asset ownership. Land is often the most valued asset, and where women are constrained by law or custom in owning land, they are unable to use land as an input into production or as collateral for credit. This is inefficient and may hamper growth. An example of how to address this issue comes from Vietnam, where land title certificates have been reissued with the names of both husbands and wives, giving women land use rights previously denied to them.

**Labour market imbalances:** Taboos and prejudices against hiring women are costly to society as a substantial proportion of its productive potential is stifled. Scepticism against female workers may hamper private sector development: as it restricts total labour supply, the price of male labour is pushed up and artificial labour shortages may result. In Lesotho, the World Bank funded a sensitization program aimed at increasing female participation in road construction activities.

**Access to financial services:** Designing financial institutions in ways that account for gender specific constraints – whether by substituting for traditional forms of collateral or by delivering financial services closer to homes, markets and workplaces – can increase access to savings and credit and affect the relative viability and competitiveness of female run enterprises. In parts of West Africa, "mobile bankers" bring financial services to clients, eliminating the need to travel in order to save and borrow.

**Access to markets:** Women's seclusion from the public arena, higher time poverty, and lack of mobility limit their access to markets in various ways. For instance, women usually have less information about prices, rules and rights to basic services. In Uganda, this type of inefficiency has been tackled by *Ideas for Earning Money*, a CDRom that teaches women new business skills and best business practices.

**Business enabling environment:** Women often benefit more than men from business enabling environment reforms, as their businesses tend to have more problems with customs, courts, business registration, tax rates and tax administration. To address this issue, the *Gender and Growth Assessment tool* was developed to help countries identify key investment climate constraints for women and provide a roadmap of needed reforms, which local organizations can work on implementing following assessment completion. The tool was a World Bank Group effort led by IFC Gender Entrepreneurship Markets (GEM) in Uganda, and has been replicated in Kenya, Tanzania, and Ghana. The issue of women's access to networks cuts across all key areas. As social norms may discourage women from mixing freely with men, participation in women only business associations can help women make connections, share information, identify business opportunities, generate cross referrals, and act as support for entrepreneurs who might otherwise feel isolated. Business organizations can also lobby for a more business friendly environment for women in general. In Afghanistan, an important task for the new Ministry of Women's Affairs was to set up the Afghan Women's Business Council, with support from UNIFEM.

*Source: web.worldbank.org*

### 3.9.1 Summing Up

Gender refers to the social classification of men and women into masculine and feminine and reflects the existing power relationship in any given society. It is a socio-cultural phenomenon. Women have been historically given a lower socio-economic and political status in society and this continues in modern society, Democracy and development are two main areas by which the state has to progress in order to modernise the state, society and institutions in order to guarantee equal and legal rights to both men and women. In this respect women too have put their effort in the movement for restoration of democracy aid subsequent development.

There are three agencies of development which are regarded as important in the struggle for rights. These are the individual, the state and the community. All these should play a role in ensuring the well-being of a woman and the development of her capabilities and her freedom. But it has been argued that while development focuses on providing opportunities and training of men, the economic work of women is never accounted for and was considered non-consequential. All ideas of development usually work against women, increasing inequalities and depriving them of whatever; control they had over the resources of the family and community. As a result or this criticism the United Nations decided that there should be a conscious effort to involve women in development and give them access to the formal sector of the economy. This was the Women in Development (WID) approach. To this was added a multitude of feminist movements showing the negative impact of the work done by the state or multinational agencies on the women at the local level. These experiences were transferred at the theoretical level and began to be referred to as the Gender and Development (GAD) paradigm. It advocated a look at the decision-making structures of development which was structured along patriarchal lines and often based on western models incapable of taking into account the concerns of the non-western women. Thus what can be done is empowerment of women to ensure their participation in their own development, focus on small scale women-only projects to avoid male domination and in recent years the need to investigate relationships among gender ideology, women's subordination and operation of social, economic and political power. GAD has been focussing on men and women in relation to one another.

Gender equity entails the concept that all human beings be it men or women are free to develop their personal abilities and make choices without the limitations set by stereotypes, rigid gender roles and political and other prejudices. Their different behaviour and aspirations should be valued and favoured equally and they would be treated fairly according to their respective needs. Development is seen as an important way to achieve this.

## Unit End Reflections

### Comprehension Questions

1.    What is development and how does it help in ensuring the rights of women?

2.    Identify the agencies of development. How do they contribute towards bringing women out into the productive arena?

3.    Has development been anti-women? Comment.

4.    Can state act as an agent for development of women? How far do you think it has been successful or unsuccessful in its endeavours?

5.	Write short notes on:

    i)	Gender Equity

    ii)	Women in Development (WID) Approach.

6.	Do you think there is a need for gender development in a developing economy? Discuss.

7.	How does GAD theory differ from WID and WAD approaches?

8.	Define GDI, HDI and GEM.

9.	Examine the social considerations of development.

10.	"Social and Economic Development should be given utmost importance in any country's development programme." Examine the statement.

11.	Discuss briefly about the indicators of Social Development.

12.	"In a majority of households in India, there is a gender differentiation." Examine the main areas where there is gender differentiation. Also discuss the reasons for such a differentiation.

13.	Discuss how economic development and economic growth are closely linked?

14.	Discuss the major areas of economic development.

15.	Examine the various indicators of economic development.

16.	"Gender equality is very important for a robust economic future". Examine the statement.

## Activity

Some suggested weaknesses in the WAD approach are:

1.	The approach doesn't do enough to address the different experiences of men and women.

2.	The theory does not look at the way women are oppressed and subordinated in male/female relationships.

3.	The global dimension to the theory looks towards the elimination of in equitable international structures. It could be argued this is idealistic and not relevant to the goal of dynamic local change.

In pairs discuss some more and list them as a chart.

# Chapter 4: Women's Movements and Empowerment

## 4.1  Understanding Empowerment

Empowerment can be better understood, if we have the clarity about 'Power'. Power can been defined as the ability of a person, in any social interaction, to exercise their will over and above the others in that interaction. The control over certain resources: physical, human, intellectual, and financial resources decides the amount of power with a person. These resources are unequally distributed in society, thus different people and groups of people have different levels of power. Power is also sustained through beliefs and ideas, which make the existing distributions of power in society, seem normal and desirable. This makes it difficult to challenge power.

Empowerment, as the term suggests, is about gaining power. It involves gaining control over resources and challenging ideas and beliefs that sustain unequal distributions of power. It also involves the transformation of social structures that promote unequal distributions of power. Thus this term, which may seem simple on the surface, has implications for many institutions and people in society. The box below lists various ways in which the term empowerment has been understood.

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**Read and Reflect**

*A review of definitions of empowerment reveals both diversity and commonality. Most definitions focus on issues of gaining power and control over decisions and resources that determine the quality of one's life. Most also take into account structural inequalities that affect entire social groups rather than focus only on individual characteristics. The UNICEF Women's Equality and Empowerment Framework emphasizes women's access, awareness of causes of inequality, capacity to direct one's own interests, and taking control and action to overcome obstacles to reducing structural inequality (UNICEF 2001). The United Nations Development Programme's Gender Empowerment Measure focuses on inequalities in economic and political participation and decision-making power and power over economic resources (UNDP 1995). Other writers explore empowerment at different levels: personal, involving a sense of self-confidence and capacity; relational, implying ability to negotiate and influence relationship and decisions; and collective (Rowlands 1997). The definition used by the International Fund for Agricultural Development includes both access to productive resources and the capacity to participate in decisions that affect the least privileged (Popular Coalition to Eradicate Hunger and Poverty 1995). In an extensive exploration of the term empowerment, Kabeer (1999, 2001) focuses on three dimensions that define the capacity to exercise strategic life choices: access to resources, agency, and outcomes. Amartya Sen (1985, 1999) has written extensively on the importance of substantive freedoms and the individual freedom to choose and achieve different outcomes.*

*(From Empowerment and Poverty Reduction: A Sourcebook. Published by the World Bank in 2002)*

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What we can understand from this summary is that empowerment involves a change for individuals: it means becoming self-confident, having greater bargaining-power, and being able to make decisions about things that will have significant impacts upon one's life. This condition

comes about when one has greater access to resources. It is in this context that social transformation becomes important, as the distribution of resources is mediated by social factors.

## 4.2 Understanding Women's Empowerment

Women are generally accepted as being the most dis-empowered, and among the oppressed classes. Thus the term 'women empowerment' has come to be associated with women's struggle for social justice and equality. In the grassroots programmes and policy debates, empowerment has virtually replaced the terms like welfare, upliftment, community participation and poverty alleviation and so on. It is also used to describe the goal of development and intervention. Empowerment of woman, more or less implies, the redistribution of power that challenges patriarchal ideology and male dominance. It is both a process and a result of the process.

Empowerment essentially entails the transformation of the structure or institutions that reinforce and perpetuate gender discrimination. It is a process that enables women to gain access to and control of material as well as information resources. However, empowerment for women begins in the household with equality, autonomy and respect. Achieving equality between men and women in the family is the foundation on which empowerment in other areas is based.

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**Read and Reflect**

*"Women's empowerment is thus the process, and outcome of the process, by which women gain greater control over material and intellectual resources, and challenge the ideology of patriarchy and gender-based discrimination of women in all institutions and structures of society."*

(Batliwala 2013)

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**Read and Reflect**

**The Goals of Women's Empowerment**

1. To challenge and transform the ideology and practice of women's subordination;

2. To transform the structures, systems and institutions that have upheld and reinforced this discrimination – such as the family, caste, class, ethnicity and the social, economic and political structures and institutions including religion, the education system, the media, the law, top-down development models; and,

3. To gain access to and control over material and knowledge resources.

(Batliwala 2013)

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With this in mind, read the following extract, taken from the Report of the Working Group on Women's Agency and Empowerment, which was constituted by the Planning Commission.

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**Read and Reflect**

*"Empowerment of women is essentially the vehicle of change to achieve gender equality that is meaningful and sustainable. Empowerment of women is a socio-political ideal, encompassing notions of dignity and equality, envisioned in relation to the wider framework*

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*of women's rights. It is a process of gaining control over self, over resources and over existing societal perceptions and attitudes and would be achieved only when an improvement in the 'condition' of women is accompanied by an advancement in their 'position' by enlarging the economic, social and political freedoms and choices available to them.*

*The National Policy for the Empowerment of Women, 2001 views empowerment as an enabling process that must lead to their economic as well as social transformation."*

*(accessed from www.nmew.gov.in/index1.php?lang=1&level=1&sublinkid=256&lid=235&ltypeid=3& domid = 10 on 12.06.14)*

It is to be noted in the above extract that the concept of women's empowerment has been discussed from the perspective of the woman herself: it speaks of a woman gaining greater control over herself and her circumstances. It links her personal situation with her social situation: her personal 'condition' is linked to her social 'position'. This means that the immediate, personal problems that she faces are linked to the structural inequalities that have given rise to them.

Thus, women empowerment is a process of awareness and capacity building leading to greater participation in the decision-making (power and control) and transformative action by females.

The women empowerment can be achieved with control over material assets, intellectual resources and ideology. The material assets over which control can be established may be of any type-physical, financial and Intellectual resources (knowledge, information and ideas). Control over ideology signifies the ability to generate, capacity to propagate, sustain and institutionalize specific sets of beliefs, principles, values, attitudes, actions and behaviours. This control, in turn, confers the power of decision-making vested in women.

However, power is not likely to be handed to the "have not" group in the society as a charity. Power must be developed or taken by the powerless themselves, as well as being generated. Power has to be acquired and once acquired, has to be exercised, sustained and preserved. "*The process of challenging existing power relations, and of gaining greater control over the sources of power may be termed empowerment*" (Batliwala, 1994).

## 4.3  Need for Women Empowerment

Gender inequality is a universal fact of life. Women are systematically discriminated against the backdrop of patriarchal ideologies and values. The inequality and vulnerability of women in all sectors-economic, social, political, education, health care and nutrition, legal is evident. Rural women suffer from being both economically and socially 'invisible' despite their important and substantial economic roles. This is because of the perception that women are not relevant to the wage and market economy. Excessive workload, lack of proper nutrition and health care, repeated pregnancies, poor education, lack of access to economic resources, deep-rooted social biases against them mark the lives of the majority of women, particularly the poor women.

*Fig. 1: Women in a self-help group*

Women are exploited and discriminated in all spheres of life, and therefore they need to be empowered in all walks of life.

Women's empowerment must be seen as a transformation that occurs both at the level of society and of the individual. It involves changes in how structures and institutions are organised in society, and also in the everyday lives of individual women. The process of empowerment will help in transformation of gender relations within the family and the society. That is equality of status and of opportunities of sexes needs to be accepted and implemented in its entirety.

## 4.4  Strategies of Empowerment

Literature of empowerment suggests intervention at the individual, group, family and community levels. However, a ready package in the name of empowerment strategies cannot be provided. The 'right' strategy totally depends on the 'condition' of women concerned. Certain strategies are found to be more effective at practical level, and certain others have more impact at strategic level, helping to transform women's 'position'. The most important aspect of any empowerment strategy is that it is designed to challenge patriarchal ideology of subordination and 'it enables poor women to gain access to and control over material and information resources.

In most general terms, certain strategies are suggested for organisations working in the area of women's empowerment in South Asia.

▶ Work with the poorest and most oppressed women of a selected geo-political region, urban or rural.

▶ Select and train activists to be gender-aware and politically conscious. Intensive preparatory training is critical in order to equip them with the skills to mobilize women and raise their consciousness. It is suggested that female activists operate better. because they are in a better position to initiate the process of empowerment with the women.

▶ Encourage women to set aside time and space for themselves, perceive themselves to be a collective, and not just the individual recipient of welfare or development programmes.

▶ Help women to develop critical thinking and perceive their environment in a new way, develop a positive self-image, recognize their strengths, and break away from sexist misconceptions.

▶ Help them to claim access to new information and knowledge, and understand the structures of power which govern their lives.

With greater collective strength and consciousness, women's groups prioritize the problems they would like to tackle. They confront the oppressive forces both in and out of home. This often leads to changing their treatment of the girl child. They begin to assert their reproductive rights. Through collective decision-making, action plan and accountability, they plan new strategies and methods, like forming alliances with other oppressed groups, or involving empathetic men of their communities. In order to enhance their autonomy, they learn real skills like vocational and managerial know- how, literacy, arithmetic skills, and so on. Such greater strength allows them to challenge existing laws and programmes, which affect their lives adversely, and negotiate for better position in society.

## 4.5  Indicators of Women Empowerment

In the draft country paper for the 4th **World Conference on Women, Beijing** 1995, India proposed the following qualitative and quantitative indicators for evaluating women's empowerment.

### 4.5.1 Qualitative Indicators of Empowerment

▶ Increase in self-esteem, individual and collective confidence.

▶ Increase in articulation, knowledge and awareness levels on issues affecting the community at large and women in particular.

▶ Increase in personal leisure time and time for childcare.

▶ Decrease in workloads of women as a result of the new programme.

▶ Changes in the roles and responsibilities in the family and in the community.

▶ Visible decrease in levels of domestic violence and other forms of violence against women.

▶ Response to and change, in social and other customs that are anti-women, e.g. child marriage, dowry, discrimination against widow.

▶ Visible changes in women's participation levels, e.g. in attending public meetings, training programmes. More demands from women to participate in other related activities to their lives.

▶ Increase in bargaining/negotiating power of the women as an individual in the house and the community as well as in collecting of women.

▶ Increasing access to and ability to gather information and knowledge not only about the project, but about what affects their lives,

▶ Formation of cohesive and articulate women's groups/collectives at the village level, district, block and state levels,

▶ Positive changes in social attitudes amongst the community members towards discrimination against women and the girl child.

▶ Awareness and recognition of women's economic contribution within and outside the household.

▶ Women's decision-making over the kind of work she is doing, in her income and expenditure.



*Fig. 2: Women today are making confident career choices*

### 4.5.2 Quantitative Indicators of Empowerment

▶ Demographic trends

- Maternal mortality rates

- Fertility rates

- Sex ratio

- Life expectancy at birth

- Average age of marriage

▶ Number of women participating in different development programmes.

▶ Greater access and control over commercial resources/government schemes/services e.g. crèches, credit-saving groups, cooperatives, etc.

▶ Visible changes in physical health status/nutritional levels.

▶ Changes in male/female literacy levels-primary, secondary and adult literacy, enrolment and retention rates.

▶ Participation levels, as women in political processes at the local and national levels.

Thus, by applying these indicators in the study of women's empowerment various levels can be described.

## 4.6  Empowerment and Women's Movements

How do people go about changing those social structures, institutions and practices which they deem to be unwanted and harmful? One way can be to utilise legal and institutional channels, such as the law courts and governmental policies and provisions. In other cases, people challenge social norms and practices, and change their circumstances, through their individual efforts. In

some cases, transformations occur when people go about their daily lives in ways which challenge established norms and stereotypes. In this section, however, we are going to look at movements, which occur when people come together to seek change.

### 4.6.1 Social Movements

Read the following definitions of a social movement:

*A social movement is an intentional, relatively organized effort on the part of individuals and groups to either bring about social change or resist it within a society. Social movements typically operate outside established political institutions. Social movements may be narrowly defined and target a specific social issue or may be broader in scope and target fundamental issues within the society.* (The Editors of Salem Press 2011, 163)

*Social movements involve purposive collective actions that voice demands for fundamental changes in political or economic arrangements in a society. Social movements typically involve sustained collective action by groups favouring some form of social change (whereas collective action may be fleeting).* (Olzak 2004, 666-7)

*As a specific form of collective action and behaviour that typically operates outside established political institutions, social movements may be narrowly defined and target a specific social issue, or may be broader in scope and target fundamental issues within the society. Thus, some are small and local; others are vast and inspire global membership. The goals of social movements vary too. Some work toward policy or legal reform, while others exist to signal protest and draw attention to areas of social, cultural, economic or political life that are problematic in some way.* (Wienclaw and Howson 2011)



*Fig. 3: Social and Economic Empowerment*

These definitions highlight some basic features of social movements:

1.  They are collective efforts, by groups and/or individuals. They take place when people come together and work together.

2.  They operate outside of formal institutions.

3. They aim to bring about or resist social change.

4. Different movements work towards different sorts of goals; also, the same movement may address various types of goals

Social movements are collective efforts. They involve groups of people who work together with some degree of coordination to achieve their goals. They seek to change something undesirable in society, or to bring about some desirable change. For example, movements may try to end those practices which they feel have adverse environmental impacts, and seek to bring in legislation that would prevent environmental degradation. Thus movements may have various sorts of long-term and short-term goals.

When we say that social movements operate outside of formal institutions, we mean that they operate outside of formal power and decision-making structures, like the legislature and the judiciary. They may make appeals to these institutions, for example, by petitioning the government or by proposing some legislation.

### 4.6.2 Social Movements and Empowerment

Movements, as we have seen above, involve actions taken by people outside of formal institutions. Through movements, people are able to challenge and change their adverse circumstances. Even if movements are unsuccessful, the processes of identifying and understanding problems, coordinating with each other in order to find the best ways to tackle them, and facing the challenges put up by people who are opposed to one's aims and goals, is itself empowering. As we saw above, empowerment referred to both wider social changes and also personal changes for individuals. Thus it refers not only to the situation wherein people bring about changes in society, but also the process of bringing about change.

Movements are thus an important way by which people who do not have a strong voice in formal institutions, are able to take control over the conditions in which they live. Women can find the process of being part of a movement empowering because through this, they can come together, develop inter-personal bonds and connect with each other, and can confront the social institutions which hinder them.

## 4.7 Resurgence of Women's Movement in Contemporary times

The late 1970s and 1980s was marked by a resurgence of women's struggle and emergence of new women's groups and organisations. After their participation in nation's independence struggle women again withdrew from public life and the debate on women's issues also faded out from the public arena. Several scholars have talked about the absence of women's movement in the 1950s and 1960s in India and the slow erosion of concern for women's issues. The growth of 'protest polities' and breaking out of a limited perspective of legislation and education as the main instrument for improving women's position marked the women's movement in the 1970s. Even the older women's organisations set up during the pre-Independence or during the 1950s which were mainly engaged in 'welfare' and 'charity' work, gradually started changing their stand on several issues concerning women. There were various issues that inflamed women's movement in India.

However, many women activists, who were working with political parties, trade unions, peasant and workers movements, realised that they were hesitant to take up issues which concerned women exclusively. The issues women raised were the retrenchment of women from textile mills and other industries due to technological changes and replacing them by men who received training on new machines, lack of maternity benefit to women workers, lack of provision of children at work place, wage discrimination between men and women, inadequate education and training facilities for women workers and discrimination at work places. These led to the emergence of separate women's organisations in various parts of the country, which seriously attempted to organise poor women for change.

### 4.7.1 Emergence of New Organisations and Approaches

The growing economic hardships of poor rural and urban women (fifty per cent of the households were below poverty level at the end of the Sixth Five Year Plan) and failure to take up women's issues by the general agrarian and industrial workers' movements resulted in women labourers organising separately. Let us now look at the new organisations and approaches in more detail.

#### Organisation

Such new organisations as *Self-Employment Women's Association (Gujarat), Working Women's Forum* (Tamil Nadu), *Sramik Mahila Sangathna* (Maharashtra) concerned themselves with the plight of women workers in the unorganised sector. Organising women labour and taking up the issues of their wages, working conditions, exploitation and health hazards became an important task for these women's organisations. Research on women in the unorganised sector helped in developing new strategies for dealing with the problems of poor rural and urban workers. Anti-price rise movement in 1973-74 was a united front of women's organisations belonging to several parties.

#### Approaches

In the late nineteen seventies several women's organisations emerged which were not affiliated to political parties or to trade unions. They were called *'autonomous women's organisations'*. They rejected the 'welfarist' approach adopted by the previous women's organisations, many of which were set up during the pre-Independence period, and adopted 'protest polities' for mobilising women on specific issues.

#### Deforestation and Ecological Movement

Economic hardships faced by women in the Himalayan region due to cutting down of forests resulted in spontaneous mobilisation of women. They hugged the trees to prevent the contractors from felling them. This is popularly known as Chipko movement. The disappearance of forests means acute hardships to women who are primarily responsible for the collection of fuel, fodder, fruits, herbs for medicine and other forest produce which give them income and employment. This is why we find that women are even now in the forefront of these ecological agitations.

## 4.8  Issue Based Movements in the 1970s and 1980s

The ineffectiveness of social legislation at reform is clearly indicated by several studies in the 1970s. The autonomous women's organisations' took up issues related to women's oppression like

dowry, violence within the family, alcoholism among men and wife-beating, discrimination at the work place etc. to mobilise women for collective action. For the first time some groups in Mumbai, Delhi, Hyderabad, Patna etc. raised issues such as sexual exploitation of poor scheduled castes and scheduled tribe women by upper caste landlords. Issues of rape, dowry murders, crime and violence against women were taken up. All India anti-dowry and anti-rape movements were launched by women's organisations and Civil liberties and democratic rights organisations also joined them. They launched important issue based movements. Let us examine few of these movements.

### 4.8.1 Anti-dowry Movements

Dowry murders have witnessed a sustained campaign by several women's organisations and civil rights groups. Journalists wrote extensively about the dowry problem. In the 1980s several women's and other progressive organisations formed a joint front in Delhi called "Dahej Virodhi Chetna Manch". Organisations in other major cities also campaigned through protest, demonstrations, discussions, street theatre, posters etc. against the ghastly murders of young brides for dowry. The Law Commission and the Parliamentary Committee also looked into the problem. After a sustained



*Fig. 4*

campaign, finally a Bill was introduced in the Parliament in 1984, which made certain changes in the Dowry Prohibition (Amendment) Act of 1961. The Dowry Prohibition (Amendment) Act, 1984 was passed. The Act sets a limit to the amount given in dowry but does not ban dowry. While cruelty by the husband and his relatives leading to suicide or death has become an offence, punishable with imprisonment, still dowry deaths continue. In 1986 alone 1,285 dowry deaths were reported but there were few convictions. In 1998, as many as 6917 dowry deaths were reported throughout India (National Human Development Report 2002).
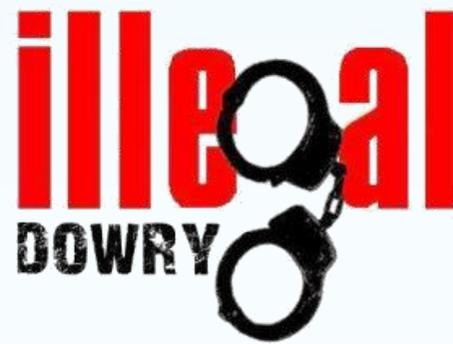
### 4.8.2 Anti-sati Movement

In 1829 the practice of Sati was abolished through a legislation which marked the culmination of a debate initiated by the British.

The burning of a young widow Roop Kanwar in 1988 on the funeral pyre of her husband in Deorala, Rajasthan, sparked off strong protests by women's organisations. The delayed response of the government came in the wake of mounting agitation in the shape of Commission of Sati (Prevention) Bill, which was hurriedly passed in the Parliament. The Act assumes that it is a practice sanctioned by the custom. It does not seek to punish those who profit by raising money by selling photographs and raising donations in the name of so called 'sati'. There is nothing on preventive action. The pre-sati feeling within the community mounted a counter agitation against the so called attack on their religious custom. It is strange that the barbaric practice, against which social reformers raised their voices, still persists in a country, which reveres mother goddesses.

### 4.8.3 Anti-rape Movement

An anti-rape movement was launched in the last decade demanding review of the Supreme Court judgment in a rape case, which acquitted the culprit. Women activists forced the government to review Rape Laws. Several women's organisations and legal and social activists held discussions with the Law Commission to amend the law and in 1983 Criminal Law (Amendment) Act was passed.

In the 1990s women took up the issue of communalism and globalisation through a wider networking both at the national and international level. At the beginning of the twenty-first century the women's organisations in India are linked together through networks on different issues and campaigns. While former methods of protest and advocacy are still used, new methods of resistance and mobilisation for change are also being evolved.
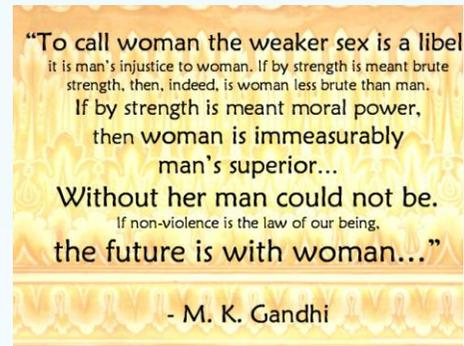


"To call woman the weaker sex is a libel it is man's injustice to woman. If by strength is meant brute strength, then, indeed, is woman less brute than man. If by strength is meant moral power, then woman is immeasurably man's superior... Without her man could not be. If non-violence is the law of our being, the future is with woman..."

\- M. K. Gandhi

*Fig. 5*

### 4.8.4 The Emerging Trends and Government's Response

One should not get the impression that women's movement in India is largely urban based. We find that it has also involved middle class educated women. There are several active grassroot organisations of poor rural and urban working class women, tribal, self-employed women who are fighting against all forms of oppression, injustice and exploitation. Various national and regional political parties and trade unions have also set-up women's wings.

As a response to women's movement that began in the late 1970s, the government set up women's cells within a few ministries (Rural Development, Labour and Human Resource Development). In government's programme for rural poor 30 per cent women beneficiaries are to be selected for training and income generation programmes. In the late 1980s the government prepared a National Perspective Plan for Women (1988-2000 A.D.), which has made several recommendations relating to legal, economic, social and political status of women. The government also appointed a National Commission on self- employed women and women in the informal sector to look into the specific problems of unorganised women labour who constitute eighty seven per cent of women workers but do not get any protection from Labour Laws like equal wages, maternity benefits, childcare facilities and better working condition. The 73rd and 74th amendments of the Constitution prepared in the late 1980s was passed in 1993 and it contained an across the board reservation of 33.33 percent in panchayats, panchayat samitis, zilla parishads and local body institutions for women. *The National Commission for Women* was set up in 1992 envisaging to cover all facets of issues relating to safeguarding women's rights and promotion of their empowerment. It was visualised as an expert body to advice the government on women's issues and be a powerful advocate of their rights and hence a statutory body to lend it independence (Annual Report of Women and Child development Department, Ministry of Human Resources, 2002). Besides this the government has come out with various programmes such as *Rashtriya Mahila Kosh* (RMK), *Indira Mahila Yojana* (IMY), *Balika Samriddhi Yojana* (BSY), Swasakthi Project etc. for the benefit of the women.

The shift in issues and agenda for action within the women's movement and response from the government are also due to the fact that research on women's problems, particularly on women in the working class and other weaker sections especially during the 1970s and 1980s has thrown several challenges for the women's movement as well as the government. The women's movement during 1970s and 1980s while being effective in bringing women's issues back into the arena of public debate, was only a beginning of the long struggle ahead for equality, justice and dignity to all women.

## 4.9 Some Significant Women's Movements in India

In this section, we are going to examine some of the movements in which Indian women have participated. By examining these movements we can see how women have identified various facets of their lives as needing change, and how they have organised themselves to better their conditions.

The following examples are of the Bodhgaya Land Struggle and the Kerala Fishworkers' Struggle. In the case of the Bodhgaya Struggle, women drew upon the existing organisation and worked towards adding to and modifying the demands of the movement. In Kerala, women formed a new organisation to raise the issues that were affecting them. Make note of these organisation and their structures, and also observe the transformation that women underwent during the course of their activism. What personal changes did they experience? What new skills did they learn?

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### Read and Reflect

#### The Bodhgaya Land Struggle

Bodhgaya (in Bihar) saw, in the 1970s, a major campaign to redistribute the agricultural land that was held by the Bodhgaya Math. In 1978, the Chhatra Yuva Sangharsh Vahini (CYSV), a group which was working in the area, organised demonstrations by agricultural workers and peasants to redistribute the land. In 1979, agricultural workers went on strike as part of the campaign for land redistribution. Women participated in this campaign in large numbers, and many courted arrest and were in fact arrested at various stages of the campaign. However despite their participation, women still faced violence within their households, and bore the burden of doing all the housework as well as carrying out campaign activity. Many women began to question the violence they faced, and feel the need for a change in gender relations.

The CYSV understood that violence was linked to the power structures within which the women of Bodhgaya lived. Men derived power from the ownership of property and the power structures within the family. Women worried that domestic violence would increase if men became landowners after the redistribution.

In 1981, women demanded the right to land, arguing that since they were equal partners in the struggle, and that they too performed agricultural work like sowing and weeding, they were entitled to land in their own names. Both the men and the local administration objected to this demand. However in 1982, when land was redistributed, about 10% of the land was given to women in their names. In later years, the trend shifted towards joint ownership.

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**Kerala Fishworkers' Struggle**

Although women in fishing communities did not go to the seas to catch fish, they played a major role in the distribution and marketing of fish. Nonetheless, when fishworkers came together to form a cooperative, women's work in the fishing industry was not given due consideration. By 1972-73, women fishworkers in Trivandrum, Kerala, began to feel the need to come together. They first formed groups which met for religious reflection and Bible study, and then discussed village problems and other topics.

Such groups also began involving themselves in village affairs, like the maintenance of public facilities. Dealing with such issues also gave women the experience of interacting with public officials.

Women also turned their attention to broader issues, including those arising out of their roles in the fishing industry. For example, although they were responsible for the marketing of the fish, they were not permitted to use public transport. Transporting the fish to the market on foot was a difficult task. These were broader issues that involved women of many villages, and to tackle them, women would have to campaign widely and involve large numbers of women, across the district. In 1979-80, women began campaigns, demanding transport from the government. The campaign was successful to the extent that the fisheries department organised separate transport for women fishworkers; however, they were not allowed to use the state public transport.

Although the campaign met with partial success, it gave women experience of organising and running campaigns, of communicating their demands clearly and preparing campaign material like posters. It also gave women more confidence and allowed them to emerge as leaders.

The anti-alcohol and anti-price rise movements are important because they are examples of women's activism around issues that were affecting all of society. Rising prices affected entire households, as did the excessive alcohol consumption of even one member of a household. Women, however, were affected in specific ways: as those considered primarily responsible for managing the household finances, as those who suffered the most when household income was insufficient to counter inflation, and as victims of violence.

Make a note of the various strategies employed by women to have their demands met. Why do you think these particular strategies were adopted? What sorts of strategies would you adopt in a similar situation?

**Mahila Pratikar Sahyukta Mahila Andolan: the Anti Price-Rise Movement**

The Anti-Price Rise movement arose in Maharashtra in 1972. It took the form of a joint action, with the leaders of the movement speaking to women and appealing to them to attend meetings and demonstrations.

Many women stepped out of their homes to protest against inflation, in particular of goods like foodgrains and fuel, cooking oil, and other essential items. Women demonstrated by marching on the streets, carrying rolling pins, plates, spoons, and empty ghee tins, and by gheraoing

(encircling) government officers and industrialists, and raiding warehouses where hoarding was taking place. In August 1974, women snuck into the state secretariat, and beat on empty kerosene tins till they were arrested.

These demonstrations attracted between 10000-20000 women, who also demanded that essential commodities be made available at subsidised rates. The movement ended due to the declaration of emergency in 1975.

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### Read and Reflect

### Anti-Alcohol Agitations

Anti-alcohol agitations have taken place in many parts of the country. People have objected to alcohol consumption and its consequences.

For example, in Shahada in Maharashtra, anti alcohol agitations began in 1972. Here alcohol consumption was linked to domestic violence, as many men would beat their wives after consuming alcohol. Women gathered together to smash liquor pots, and would even go to other villages to do the same. They would confront police officials, demanding that liquor dens be shut down. They would also confront men who were known to beat their wives, forcing them to apologise to their wives in public.

In Uttarakhand, anti-alcohol agitations took different forms, with a stress on shaming of alcohol sellers and manufacturers. The attempt was to turn public sentiment against the sale and consumption of alcohol.

Alcohol consumption was also objected to on other grounds. Men would spend large amounts of the family income on alcohol, causing financial difficulties for their families. Alcohol consumption had an adverse impact upon their health, and the depletion of funds meant that their families would also not be able to afford adequate nutrition.

In Srikakulam in Andhra Pradesh, one of the issues faced by women was exploitation and abuse at the hands of money-lenders. The problem was exacerbated by the fact that moneylenders were often also liquor merchants. This increased the chances of men becoming indebted, which made women more vulnerable to abuse. This was a major reason for women to join the Mahila Sangam which was active in the region. In Jharkhand, it was seen that men would often sign away their land in return for alcohol. Thus, there were different reasons behind objections to alcohol.

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In the section on social movements, we saw that they involve activism outside of the formal institutions of power. The example of the Samagra Mahila Aghadi shows how women who were outside the local political body sought to enter it, in this case, by contesting the Zila Parishad elections. Can you think of other movements which have taken similar steps? How far have their attempts been successful?

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### Read and Reflect

### The Samagra Mahila Aghadi

The Samagra Mahila Aghadi came into being in Maharashtra in the 1980s. It grew out of the activities of the Shetkari Sangathana, a peasant organisation active in the area. The Samagra Mahila Aghari was formed by women from the Shetkari Sanghathana, after a shibir (camp) held

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in 1987. Its manifesto listed various issues that reflected the problems and concerns faced by rural women. Women had to walk long distances to collect drinking water and fuel, and suffered due to a lack of medical facilities. Thus the Aghadi manifesto declared that it would give priority to the provision of drinking water and cooking fuel, and would introduce health facilities that would be relevant for women. It would also strengthen the panchayat system by arranging for independent funding. One of the major concerns of this organisation was contesting elections to the Zila Parishad. The postponement of the Zila Parishad elections prevented the Aghadi from contesting the elections, but they had managed to form all-women panels for all seats in nine districts, and half the seats in several others.

The next three examples are of women's activism around issues which concern them as women, and not only as wives, mothers, homemakers etc. In each case, make a note of what women have campaigned for and/or against. Why do you think these issues were important for the women involved? You will also see that women worked towards various sorts of goals – for example, legislation, changing public opinion etcetera. What sorts of strategies did they employ?

**Read and Reflect**

**Anti-Dowry Agitation**

Dowry as an issue came to the forefront towards the end of the 1970s. The Progressive Organisation of Women in Hyderabad was one of the first organisations to protest against dowry, in 1975. However the campaign against dowry gathered momentum only a few years later. Various dimensions of the issue were highlighted: understanding the phenomenon of dowry itself, the rise in dowry payments and their link to consumerism, and the violence related to dowry.

The Mahila Dakshata Samiti and Stri Sangharsh, both active in Delhi, organised demonstrations against dowry. Stri Sangharsh took up the case of Tarvinder Kaur, a young woman who was alleged to have been killed by her in-laws when their dowry demands were not met. Many other organisations also took out marches and demonstrations against dowry murders. These were all widely reported in the press.

Dowry murder was an important issue because though it was a widespread form of violence against women, it had not received much attention. Often it was passed off as suicide or death due to an accident. Even if women made 'dying declarations' stating that their husband or in-laws were responsible, these were disregarded, or else legal procedures dragged on for too long.

The anti-dowry agitation adopted various strategies. Stri Sangharsh produced a street play, titled *Om Swaha,* on the issue. This enabled activists to directly engage with the wider public. Members of the Mahila Dakshata Samiti met the Prime Minister and the Inspector General of Police (Delhi). The IGP (Delhi) set up a standing committee to handle dowry cases. Organisations also held protests and demonstrations outside the houses of families accused of demanding dowry or accused of having committed dowry murders.

Various legal changes also came about as a result of these campaigns. For example, the Code of Criminal Procedure was amended to make a post mortem examination mandatory in the case of a woman who died within seven years of marriage.

**League of Extraordinary Women**

**Ninglun Hanghal**

*In a collective fight against outdated patriarchal laws, Mizo women fight for legal reforms*

In a historic victory for the women's movement in Mizoram, the State Law Commission is now in the final process of reviewing The Mizo Marriage Bill, 2013, The Mizo Inheritance Bill, 2013, and The Mizo Divorce Bill, 2013, which will be introduced in the State Assembly after public consultations across the State. This is the result of a struggle that has gone on for over a decade, a key party to which is the Mizo Hmeichhe Insuihkhawm Pawl (MHIP), an apex body representing several local women's groups.

After years of advocacy and repeated attempts at sending memorandums and draft bills to the Assembly and other executive bodies, the MHIP finally managed to push the system into considering judicial and legislative changes in the marriage, divorce, inheritance and succession laws in order to safeguard the interests of ordinary women....

Traditionally, Mizo women have made a mark outside their homes as entrepreneurs, teachers and officers in the State administration. However, just as the State's history has been strife-torn, so has the life of its women, who have borne the worst consequences of the instability and violence that had marked the region.

...The MHIP was created in 1974 when Mizoram was still a Union Territory and it literally means binding women together. One of their main challenges has been to convince people to change traditional systems and customs that suppress women....

*(accessed from http://www.thehindu.com/features/metroplus/society/league-of-extraordinary-women/article5111555.ece on 14.05.2014)*

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**The Gudiya Tradition**

During the festival of Nagpanchmi, people in the Sitapur district of Uttar Pradesh would gather for a ritual known as thrashing the gudiya (doll). Women would make rag dolls, which their brothers would then publicly beat with whips. Women from a women's organisation in the area gradually realised that though they too celebrated the ritual, it was also a sign of violence against women. If they wished to challenge violence, they would also have to campaign against this ritual. However they felt that culture and tradition had an important place in peoples' lives and could not just be abandoned. Thus the ritual would have to be transformed, and a new ritual developed which would have more positive meanings and potential.

They thus put forth an alternative version of the ritual, where instead of beating the gudiya, people would gather to swing the dolls. They used the slogan 'gudiya peeten nahi, jhulayen ji' [*do not beat the doll, swing it*] to popularise their alternative vision. It took a long time for the transformed ritual to catch on, but the group felt that they had met with success when in 2000, over five thousand people gathered to swing the gudiya, thereby claiming this new tradition as their own.

These are some examples of movements of Indian women over the last few decades. They all involve a group of women working as a collective, co-ordinating with each other to achieve their goals. In some cases, there are more than a single group working on a particular issue – for instance in the case of dowry murder, and in the various anti-alcohol struggles. Different groups have also tried to bring about changes in different ways. Thus in the case of the anti-alcohol and anti-dowry struggles, some people have tried to prevail upon government officers, and thus shape laws and policies, while other have tried to change the perceptions of common people on the issues at hand. In other cases, like that of the Samagra Mahila Aghadi, women decided to try to enter the formal decision-making institution at the local level, in this case, the Panchayat.

These examples show us the link between movements and empowerment. They show us how women have understood their need for greater resources, and have tried to mobilise to gain these resources. Thus the women in Bodhgaya understood the importance of land ownership for their lives. Women of the Samagra Mahila Aghadi understood their need to be able to channel the resources made available by the government.

Women have also worked collectively to further their own interests. They have recognised those social practices and structures which have harmed or tried to curtail them. The anti-alcohol agitations illustrate the variety of problems that arose due to alcohol consumption, and how alcohol itself was tied to other oppressive social institutions. Mizo women have tried to do away with harmful social practices through legislation.

Another aspect of empowerment is also important here. The example of the women fishworkers in Kerala showed us how women gradually became used to and adept at working with local officials and then district officials. Their activism taught them new skills, and how to deal with a variety of different situations. Thus it also gave them an opportunity for personal transformations, for a greater sense of personal achievement. Thus movements have not only a social impact but a personal impact as well.

## Unit End Reflections

### Comprehension Questions

1. What is meant by the term 'empowerment'? What are some of the different ways in which empowerment has been defined?

2. Define women's empowerment.

3. What are the features of a social movement? How are social movements different from other attempts at social change?

4. Write a note on how is empowerment linked to:

    a. the idea of power

    b. social movements

5. What sorts of changes have been sought by women through social movements? What areas of the wider society have they tried to impact?

6. Using the examples given above, describe how women's movements have changed women's lives both in terms of changing their social situations and their personal lives.

7. Discuss some of the different strategies adopted by women's movements. How are the strategies of the movements linked to their goals?

## References

Batliwala, Srilata. *Engaging With Empowerment: An Intellectual and Experiential Journey*. New Delhi: Women Unlimited, 2013.

Gandhi, Nandita. "The Anti Price Rise Movement." In *A Space Within the Struggle: Women's Participation in People's Movements*, edited by Ilina Sen, 50-81. New Delhi: Kali for Women, 1990.

Jasper, James A. "Social Movements." In *The Blackwell Encyclopaedia of Sociology*, edited by George Ritzer, 4451-4459. Oxford: Blackwell Publishing, 2007.

Kelkar, Govind, and Chetna Gala. "The Bodhgaya Land Struggle." In *A Space Within the Struggle: Women"s Participation in People's Movements*, edited by Ilina Sen, 82-110. New Delhi: Kali for Women, 1990.

Kumar, Radha. *The History of Doing: An Illustrated Account of Movements for Women's Rights and Feminism in India, 1800-1990*. New Delhi: Zubaan, 1993.

Olzak, Susan. "Ethnic and Nationalist Social Movements." In *The Blackwell Companion to Social Movements*, edited by David A. Snow, Sarah A. Soule and Hanspeter Kriesi, 666-693. Oxford: Blackwell, 2004.

Sangtin Writers. *Playing With Fire: Feminist Thought and Activism Through Seven Lives in India*. New Delhi: Zubaan, 2006.

The Editors of Salem Press. *Theories of Social Movements*. Pasadena and New Jersey: Salem Press, 2011.

Vindhya, U. "The Srikakulam Movement." In *A Space Within the Struggle: Women's Participation In People's Movements*, edited by Ilina Sen, 25-49. New Delhi: Kali for Women, 1990.

Wienclaw, Ruth A., and Alexandra Howson. "Major Social Movements." In *Theories of Social Movements*, edited by The Editors of Salem Press, 37-45. New Jersey and Pasadena: Salem Press, 2011.

# UNIT-3

# Chapter 5: Investigating Abuse, Harassment and Crime against Women in Domestic and Public Spaces

The previous chapters have extensively discussed how gender discrimination emanates from the patriarchal structures of oppression. The patriarchal ideology functions by creating subtle and explicit forms of violence against women. The present chapter attempts to investigate both subtle and explicit forms of violence against women. It will explore how abuse, harassment and crimes against women are tools to deepen the roots of patriarchy.

## 5.1 Defining Gender Specific Violence

*Violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women..."*

(The United Nations Declaration on the Elimination of Violence against Women, General Assembly Resolution, December 1993.)

The United Nations Declaration on the Elimination of Violence against Women (1993)defines 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 women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.*"

The following table summarises the various forms of violence against women as defined by United Nations.

| | |
|---|---|
| *Physical abuse* | slapping, beating, arm twisting, stabbing, strangling, burning, choking, kicking, threats with an object or weapon, and murder. It also includes traditional practices harmful to women such as female genital mutilation and wife inheritance (the practice of passing a widow, and her property, to her dead husband's brother). |
| *Sexual abuse* | coerced sex through threats, intimidation or physical force, forcing unwanted sexual acts or forcing sex with others. |
| *Psychological abuse* | behaviour that is intended to intimidate and persecute, and takes the form of threats of abandonment or abuse, confinement to the home, surveillance, threats to take away custody of the children, destruction of objects, isolation, verbal aggression and constant humiliation. |
| *Economic abuse* | denial of funds, refusal to contribute financially, denial of food and basic needs, and controlling access to health care, employment, etc. |

*Source: www.unicef-irc.org/publications/pdf/digest6e.pdf*

Violence against women and girls has come to acquire a status of global epidemic that torments women physically, psychologically, sexually and economically. It is not only violate their human rights, but also deprive them of their basic rights to equality, safety, self-respect, and their right to mobility. When most of societies prohibit violence against women, ironically these acts of violence take place through the tacit sanctions legitimised through cultural practices and misinterpretation of religious texts.

Recall the discussion in chapter 5 which reflects a critically low sex ratio in most of the states in India. A preference for a male child over a female child, an incline in the female feticides explains how violence against women begins even before they are born.

**Crimes against Women**

Table - 5(A)
Crime head-wise incidents of crime against women during 2008 - 2012 and
Percentage variation in 2012 over 2011

| Sl. No. | Crime head | Year | | | | | Percentage variation in 2012 over 2011 |
|---|---|---|---|---|---|---|---|
| | | 2008 | 2009 | 2010 | 2011 | 2012 | |
| 1 | Rape (Sec. 376 IPC) | 21,467 | 21,397 | 22,172 | 24,206 | 24,923 | 3.0 |
| 2 | Kidnapping & abduction (Sec. 363 to 373 IPC) | 22,939 | 25,741 | 29,795 | 35,565 | 38,262 | 7.6 |
| 3 | Dowry death (Sec. 302 / 304 IPC) | 8,172 | 8,383 | 8,391 | 8,618 | 8,233 | -4.5 |
| 4 | Cruelty by husband and relatives (Sec. 498-A IPC) | 81,344 | 89,546 | 94,041 | 99,135 | 106,527 | 7.5 |
| 5 | Assault on women with intent to outrage her modesty (Sec. 354 IPC) | 40,413 | 38,711 | 40,613 | 42,968 | 45,351 | 5.5 |
| 6 | Insult to the modesty of women (Sec. 509 IPC) | 12,214 | 11,009 | 9,961 | 8,570 | 9,173 | 7.0 |
| 7 | Importation of girl from foreign country (Sec. 366-B IPC) | 67 | 48 | 36 | 80 | 59 | -26.3 |
| A | **Total IPC crime against Women** | **186,616** | **194,835** | **205,009** | **219,142** | **232,528** | **6.1** |
| 8 | Commission of Sati Prevention Act,1987 | 1 | 0 | 0 | 1 | - | -100.0 |
| 9 | Immoral Traffic (Prevention) Act, 1956 | 2,659 | 2,474 | 2,499 | 2,435 | 2,563 | 5.3 |
| 10 | Indecent Representation of Women (Prohibition) Act, 1986 | 1,025 | 845 | 895 | 453 | 141 | -68.9 |
| 11 | Dowry Prohibition Act, 1961 | 5,555 | 5,650 | 5,182 | 6,619 | 9,038 | 36.5 |
| B | **Total SLL crime against Women** | **9,240** | **8,969** | **8,576** | **9,508** | **11,742** | **23.5** |
| | **Total(A+B)** | **195,856** | **203,804** | **213,585** | **228,650** | **244,270** | **6.8** |

*Source: NCRB, retrieved from: ncrb.nic.in/CII%202009/cii-2009/Chapter%205.pdf*

## 5.2 Domestic Violence

Domestic violence is perpetrated against women by her intimate partner or a family member. It is the most underreported crime by women. Often it is assumed to carry a social sanction where violence against wife/daughter/ daughter in law is believed to be a private affair and therefore beyond the purview of public scrutiny. Researching on the nature and degree of domestic violence becomes difficult as it is underreported crime. In many cases when a victim musters the courage to report to the police, often it is dismissed on the ground by rendering it to be a

'private matter'. Unfortunately, the law refuses to acknowledge wife beating except under the broader classification of jostling or assault.

Across cultural ideologies 'legitimacy' for violence against women stems from such a perception where chastising and wife battering is sanctioned. Wife battering originates from a notion which perceive woman as an object who is owned by adult male member of the family. It is father or elder brother before marriage and husband post- marriage. This notion places men in position of authority and socially entitles them propriety rights over women and girls. This further legitimizes them to control over women's body and more specifically their sexuality. It is this control over Women's sexuality which is intricately linked to the concept of family/community honour in many cultures. Conventional norms in such cultures legitimize the killing of alleged 'delinquent' daughters, sisters and wives who are doubted of polluting the honour of the family by indulging in prohibited relationships, or marrying and divorcing without the approval of the family/community. It is this logic where a woman is perceived to be the carrier of honour of the family and community, which makes women a potential target during communal riots and ethnic conflicts.

# THE HINDU

Opinion » Editorial

Published: January 25, 2014 01:03 IST | Updated: January 25, 2014 01:04 IST

Stamp out kangaroo courts

The incident in Subalpur village in West Bengal's Birbhum district, in which a 20-year-old tribal woman was gang-raped by a dozen men as punishment for alleged immoral conduct, is shocking in its unimaginable brutality and points to a larger malaise. The order by a kangaroo court led by a village headman is proof that a section of rural India is outside the pale of the country's constitutional values and judicial system. Ill-informed men with medieval social attitudes and patriarchal prejudices are allowed to adjudicate on the conduct and morality of women and pass unconscionable forms of punishment, such as social ostracism, payment of arbitrary fines and, as in this case, sexual violence in lieu of monetary penalty. The Supreme Court and the National Commission for Women have taken suo motu cognisance of the incident, which has caused widespread outrage and revulsion. The West Bengal government, which has been sharply criticised in recent times for callousness and insensitivity towards crimes against women, has seen to it that the village headman and the 12 men who raped the hapless woman for a whole night have been arrested. And Chief Minister Mamata Banerjee, upset that the police did not seek custody of the accused for questioning and allowed them to be sent to prison directly, has ordered the suspension of the Superintendent of Police. It is disturbing that the entire village, including women, backed the kangaroo court by whose verdict the man could get away with a fine, but the woman was punished for not having the means to do so.

Outposts of feudalism still thrive in vast swathes of rural India, ranging from khap panchayats in the north to caste-based gatherings of village elders in the south. In 2011, the Supreme Court wanted illegal khap panchayats that encourage 'honour killings' or other institutionalised atrocities to be stamped out ruthlessly. Over a year has elapsed since the country voiced its anger against sexual violence targeted at women and seemed to take a collective vow to ensure the protection of all women. The penal law on sexual violence and harassment has been strengthened significantly since then. Yet, India's cities and villages continue to be unsafe for women. The locus of sexual violence is everywhere: in public spaces and private homes, under the cloak of darkness and in the open, and perpetrated by well-acquainted persons as also as by strangers. The Birbhum incident is a chilling reminder that legal processes, security measures and stringent laws are not enough. Social attitudes need to change, reflecting liberal and humane values, if the country is to ensure gender equality and protection for all its women.

Keywords: rural India, Kangaroo courts, Khap panchayats, sexism, crime against women, moral policing, caste-based gatherings, Birbhum gang-rape, West Bengal gangrape, Labhpur vilage, Birbhum district, honour killings

Printable version | Sep 15, 2014 5:42:13 PM | http://www.thehindu.com/opinion/editorial/stamp-out-kangaroo-courts/article5614885.ece

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The implicit forms of violence include recurrent dishonor and abuse, enforced seclusion, restrictions on mobility, and disowning of economic assets are more tacit form of violence which leaves woman in a state of constant mental pressure and a sense of powerlessness. The researches done in this area have reflected multiple factors that make women vulnerable to violence. These factors, of course, are the manifestations of deep rooted unequal power relations between men and women. Some of the factors include, Socioeconomic status (SES), the role of family and other social institutions in gendered socialisation where hierarch zed gendered relations are approved, control over female sexuality, and legislation and cultural sanctions that continue to deprive woman to have an independent status in socio-legal terms. Women's economic dependence on male members in the family further contributes to their inability to break from the relations of oppression and violence.

In India, Domestic Violence is defined under the *'Protection of Women from Domestic Violence Act of 2005'*. According to this Act, "*any act, omission or commission or conduct of the respondent shall constitute domestic violence in case it - (a) harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or (b) harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security; or (c) has the effect of threatening the aggrieved person or any person related to her by any conduct mentioned in clause (a) or clause (b); or (d) otherwise injures or causes harm, whether physical or mental, to the aggrieved person.*" (Domestic Violence Act 2005)

## 5.3 Dowry Related Crime

In India, the Dowry Prohibition Act, 1961, defines dowry as "*any property or valuable security given or agreed to be given either directly or indirectly a) by any party to a marriage to the other party; or b) by the parents of either party to a marriage or by any other person to either party to the marriage or the other person, at or before or after the marriage*" (MWCD, 1961).

According to this act any person who engages in giving or taking or abets such an exchange of dowry is guilty and shall be punished with a jail term of minimum six months or fine or both. Putting a demand for dowry, directly or indirectly from the parents or guardians of a bride is considered a similar punishable offence. However, gifts in the form of cash, jewellery, clothes or any other articles are not included within the ambit of this act.

Unfortunately, despite of having legislative provisions and concerted efforts by feminist and civil society groups, dowry deaths and dowry related crimes have continued to spike over the years.

> **Read and Reflect**
>
> *First time he said I'll beat you, I thought he was joking. No one had said all these words all my life. When he beat me the first time with his hands, I was shocked. The second time- with a wooden hanger, I said to myself, this can't be true, it cannot happen to ME! The third time, it was the belt, the buckle hurt the nose, and the bridge broke. I was numb, not so much with pain, but despair. No one had warned me marriage included this. He said: You are a sick*

*curse, you are an idiot. You are good for nothing. I could have got a better girl and lot of dowry too.'…..A couple of times after fierce fight, and lot of battering I left house and took shelter with a relative. But each time, the faces of my children would haunt me, and I would return the next day or the day after. Sometimes I left with the children, but how long can one stay with a relative with three small children? So I returned. If any relative tried to intervene, he would break off relations with them. With the results that the number of friends who dropped in became less. I was afraid of making new friends (what will they think when they find out my husband beats me?) So I started living in isolation, a social outcaste with stigma attached to my name.*

*Source: Extracted from Kumar (1993), History of Doing. Zubaan*

Gender based violence (GBV) is a global issue which transgresses geographical, class, caste, religion boundaries. This global prevalence of GBV has concerned the feminists and human rights activists across the world. The Article 1 of UN Declaration on the Elimination of Violence 1993 defines GBV as 'any act that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life" (UN Declaration on the Elimination of Violence 1993).

In India, violence against women emanates from a general belief that relegates women inferior socio-cultural status vis-à-vis men. Violence on women is used to keep this hierarchical relationship intact. Besides domestic and sexual violence, Indian society is also plagued by practices of Sati, dowry, honor killing, witch hunting, child marriage and female foeticide to list a few. These acts of GBV continue to shape the anti-woman culture in our society as these practices are legitimised through socio-cultural mores. Kumar (1993) writes, "*it is impossible to live in India without being aware of the grueling hardship people have to face to survive, the paucity of food and clothing, or education, that is part of everyday life. The situation is made more difficult because years of conditioning which do not allow a woman to see her husband as anything other than god. Thus, women will protect men even at the cost of their own lives*" (p. 117).

## 5.4 Rape

Rape is one of the most common and frequent of crimes against women in India. According to Kumar (2003), rape is one of the most underrated crimes in India. She further describes rape and sexual assaults are the ugliest and most brutal expression of masculine violence on women across caste, class and religion. The fear of social exclusion, the unresponsiveness of the police and ruthless judicial procedures discourage the rape survivor to fight against the rape accused. Similarly, rape within the family is seldom reported.

*Fig. 1: Student protests the rising violence against women in New Delhi, Copyright by Nilroy (Nilanjana Roy)*
*Source: www.freiheit.org/Aktuelle-Berichte/1804c27055i1p/index.html*

According to NCBR "there were 24,915 victims of rape out of 24,923 reported rape cases in the country during the year 2012. 12.5% (3,125) of the total victims of rape were girls under 14 years of age, while 23.9% (5,957 victims) were teenaged girls (14-18 years). 50.2% (12,511 victims) were women in the age-group 18-30 years.

However, 12.8% (3,187 victims) victims were in the age-group of 30-50 years while 0.05% (135 victims) was over 50 years of age" (NCBR, 2013).

On December 16, 2012, a medical student was gang-raped and brutally injured in a moving bus. The woman died after few days succumbing to her injuries. The incident sparked international coverage and protests across the country. The year of 2013 witnessed some landmark shifts in the laws pertaining to rape and sexual harassment The incident was condemned by the United Nations Entity for Gender Equality and the Empowerment of Women, asked the Government of India and the Government of Delhi "to do everything in their power to take up radical reforms, ensure justice and reach out with robust public services to make women's lives more safe and secure" (Stenhammer, A. F.2012)

Sensing the pulse of majority of citizens, Government felt the need for harsher punishment for the offence like rape. Under the chairmanship of former chief justice of India J.S.Verma committee was set up and was asked to give its report on the possible amendments considering the rise in the crime against women. After considering the recommendations of J.S.Verma committee report government came out criminal amendment bill 2013. After thoughtful deliberations on the proposed changes in the law both houses of the parliament passed the bill.

Major changes that were enacted in laws are as follows:

a) **Acid attack**: This has been included in the law with provision of maximum punishment upto ten years with fine.

b) **Sexual harassment**: Punishment reduced from five years to three years. The offence is no longer gender-neutral, only a man can commit the offence on a woman.

c)  **Voyeurism**: The offence is no longer gender-neutral, only a man can commit the offence on a woman.

d)  **Stalking**: The offence is no longer gender-neutral, only a man can commit the offence on a woman. The definition has been reworded and broken down into clauses, The exclusion clause and the following sentence has been removed "or watches or spies on a person in a manner that results in a fear of violence or serious alarm or distress in the mind of such person, or interferes with the mental peace of such person, commits the offence of stalking". Punishment for the offence has been changed; A man committing the offence of stalking would be liable for imprisonment up to three years for the first offence, and shall also be liable to fine and for any subsequent conviction would be liable for imprisonment up to five years and with fine.

e)  **Rape**: The word sexual assault has been replaced back to rape. The offence is no longer gender-neutral, only a man can commit the offence on a woman. Harsher punishment has been imposed on rape, resulting in death or vegetative state and gang rape. In both cases punishment is twenty and can be extended to life term. The age of consent increased from sixteen years to eighteen years, it means anyone who is less than eighteen years having a physical relationship constitutes a statutory rape.

The Articles 14 and 15 of the Constitution of India guarantees right to equality to every citizen of India irrespective of his/her religion, race, caste, gender or place of birth. Sexual harassment is considered as a violation of this fundamental right. Therefore, any sexual favour asked at a work place, or making sexually colored remarks or any conduct of sexual overture are considered as violation of this constitutional right. It is worth noticing that, even after the provisions for severe perpetrator of such crimes in Indian law system, the cases of sexual harassment are rampant.

The ideology of 'honour' and 'shame', which is often attached with the sexuality of a woman perceive rape as a threat to the honour of the family or community. The victim fear the reporting of such incidence may bring social dishonor and ostracism for the family. Many victim fears that reporting of such incidence may restrict their mobility of time and space. Also a growing mistrust on police system also instills a sense of fear and reluctance in reporting of sexual harassment cases. Many a time these complaints are dismissed as mere 'eve-teasing' or '*ched-chad*' which is socially accepted as 'natural' part of growing up as men.

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**Read and Respond**

Have you or someone that you know, ever been subject to eve-teasing in public place? Was this incidence reported to family the family or a trusted adult? What was their action to deal with the incidence?

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Jagori conducted a research on women's safety in 2010. The study was conducted in Delhi by interviewing 5000 persons including both men and women. Findings suggest that 85.4% of women and 87% of men have suggested or witnessed sexual harassment. The cases of such acts were reported more from the women who are working in unorganized sectors.

Gopalkrishnan and Shroff (2014) discuss that the workplace defined in the Sexual Harassment Act 2013 has wider dimension which includes both organized and unorganized sectors.

They provide examples of workplace such as "government bodies, private and public sectors, NGOs, organizational bodies carrying on commercial, industrial, financial activities; hospitals and nursing homes, educational institutions, sports institutions and stadiums used for training individuals and a dwelling place or a house" (p.33).

The transport provided to the employee by the employer also counted as a workplace. The Sexual Harassment Act 2013, thus, makes it compulsory for every employer to constitute an 'internal complaints committee'. Law also makes it binding on an employer to address complaints of sexual harassment at workplace in a time bound manner.

## 5.5  Female feticide

Women who constitute half a human population have been discriminated, harassed and exploited irrespective of the country to which they belong, unmindful of the religion which they profess and oblivious of the timeframe in which they live. Everywhere women are confronted with many challenges. Female foeticide is perhaps one of the worst forms of violence against women where a woman is denied her most basic and fundamental right i.e. "the right to life". The phenomenon of female foeticide in India is not new, where female embryos or foetuses are selectively eliminated after pre-natal sex determination, thus eliminating girl child even before they are born. As a result of selective abortion, between 35 and 40 million girls and women are missing from the Indian population.( Female Foeticide in India : A Serious Challenge for the Society by Dr. Krushna Chandra Jena(Orissa review, December 2008)

According to Census 2011, the Child Sex Ratio (0-6 years) has declined to 919 girls per 1,000 boys against 927 girls per 1,000 boys recorded in the 2001 Census. This indicates prevalence of pre-natal sex determination and consequent abortion of female fetuses.

*(http://www.downtoearth.org.in/content/data-indicates-poor-enforcement-law-check-female-foeticide*)

Before the advent of technology, the female infant was susceptible to homicide at the hands of the attending midwife; however, with ultrasonography creating a breakthrough in technology, female feticide is more rampant in the country than ever before.(Sharma: Female feticide, JIAFM,30(3).

Until 1970 the provisions contained in the Indian Penal Code (IPC) governed the law on abortion. The Indian Penal Code 1860 permitted 'legal abortions' did without criminal intent and in good faith for the express purpose of saving the life of the mother. Liberalizations of abortion laws were also advocated as one of the measures of population control. With these considerations, the Medical Termination of Pregnancy Act was passed in July 1971, which came into force in April 1972. This law was conceived as a tool to let the pregnant women decide on the number and frequency of children. It further gave them the right to decide on having or not having the child. However, this good intentioned step was being used to force women to abort the female child. In order to do away with lacunae inherent in previous legislation, the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act had to be passed in 1994, which came into force in January 1996. The Act prohibited determination of sex of the foetus and stated punishment for the violation of the provisions. This act was amended in the year 1996 and became PC & PNDT (Pre Conception & Pre Natal Diagnostic technique). It also provided for mandatory registration of genetic counseling centres, clinics, hospitals, nursing homes, etc. Thus

both these laws were meant to protect the childbearing function of the woman and legitimise the purpose for which pre-natal tests and abortions could be carried out. However, in practice we find that these provisions have been misused and are proving against the interest of the females. (Female Foeticide and Infanticide in India: An Analysis of Crimes against Girl Children by Sneh Lata Tandon and Renu Sharma (International Journal of Criminal Justice Sciences Vol 1 Issue 1 January 2006)

Recent figures released by the NCRB shows grave picture of female feticide and one can inferred that PC & PNDT has somehow failed in curbing this menace. Although figures do not specify the gender of the fetus it is anybody's guess that most of the fetuses were female.

**2012 foeticide, infanticide cases: MP and India**

| Country | Cases reported |
|---------|----------------|
| India | 210 |
| Madhya Pradesh | 64 |
| Rajasthan | 37 |
| Haryana | 28 |
| Punjab | 25 |

The government of India, in order to make the law more stringent, has amended various provisions of PC & PNDT Rules. These pertain to sealing, seizure and confiscation of unregistered ultra-sound machines and punishment for unregistered clinics, regulation of use of portable ultrasound machine only within the registered premises besides restricting medical practitioners from conducting ultrasonography at maximum of two ultrasound clinics within a district. The government has been exhorting states and Union Territories to strictly implement PC & PNDT Act.

## 5.6  Human Trafficking

India is a country where the trafficking of women and children occurs frequently and the incidents are seemed to be correlated with the economic social demographic and natural factor among other. Trafficking is one kind of migration meaning to recruitment of children and women within and across the national boundaries for work, marriage or services by means of violence, threat of violence. It has been observed poor helpless families and tribal society have become the main target group of traffickers. Trafficking has become great human problem in all over human society.

According to Home ministry data 1,379 human trafficking cases were reported from Karnataka in the four-year period (2009-12). Tamil Nadu leads the table with 2,244 cases and Andhra Pradesh snapping at its neighbour's heels at 2,157.

The Immoral Traffic Prevention Act (1956) (ITPA) is the main legal instrument addressing the trafficking of human beings in the country. It is supplemented by provisions in certain other domestic laws, including the Indian Penal Code (IPC, 1860). The ITPA is focused on trafficking for

the purpose of prostitution. Accordingly, it outlaws the running of a brothel; living on the earnings of a prostitute; procuring, inducing or taking a person for the sake of prostitution; and detaining a person in a place where prostitution is carried on.38 The Act also provides for the rescue and rehabilitation of victims/survivors of trafficking, action against exploiters and increased punishment for trafficking offences involving children. In general, punishment is stringent under the Act, and ranges from seven years to life imprisonment. Also relevant for the repression of child trafficking is the Juvenile Justice (Care and Protection of Children) Act (2000) which includes prohibitions on cruelty to a child; employment of a child for begging; providing a child with narcotic drugs or psychotropic substances; and forcing a child into hazardous employment. Child' is defined by the Act as a person under the age of 18. The Juvenile Justice Act also establishes a framework for providing care, protection, treatment, education, vocational training, development and rehabilitation to vulnerable children. To assist with this, the Juvenile Justice Act authorizes the establishment of Child Welfare Committees and protection homes in each state (Section 29). At present however, Child Welfare Committees and protection homes have been established only in selected districts of the country, and their operation is not without obstacles, especially as concerns the tracing of children's families and their possible return to their homes.40 Also, in general, the rehabilitation mechanisms set up under the Act could benefit from better coordination among concerned bodies at the implementation stage. (Preventing and Combating the Trafficking of Girls in India Using Legal Empowerment Strategies, © International Development Law Organization 2011)

## Unit End Reflections

### Comprehension Questions

1. How do you define Gender based Violence? Look at the newspaper today, how many GBV news can you identify. Analyse these news clippings and write your views on the reasons for their occurrence.

2. Compare the status of crime against women in your State/U.T. Prepare a comparative for past 5 years. Analyse the table in terms of increase/decrease of their prevalence and possible reasons behind it.

3. Define domestic violence. Usually a case domestic violence is not reported to the police, until it becomes life threatening. What can be the possible reasons for this?

4. What are the possible reasons of Dowry cases? What are the possible societal/community level remedies possible to avoid such cases?

5. What are the various forms of GBVs? How can these be related to the patriarchal structures of oppression?

6. *Women are often too scared to come forward to report rapes or sexual abuse for fear their families and communities will shun them.* Comment on how can this situation be addressed.

7. *Only legislation and law enforcement agencies cannot prevent the incident of crime against women. There is need of social awakening and change in the attitude of masses, so that due respect and equal status is given to women.* Deliberate and present your point of views.

8.	*India still has one of the lowest sex ratios on the world with approximately 35 million women "missing". The highest number of missing women at birth is in the north-western states of Punjab, Rajasthan and Haryana, etc. Research indicates that 12% of this gap is found at birth which increased to 25% in childhood.* Which forms of crime against women can you relate this situation with? How can this situation be improved?

9.	*The NCRB statistics indicate that an Indian woman is most unsafe in her marital home with 43.6% of all crimes against women being "cruelty" inflicted by her husband and relatives. This may also mean that children – boys and girls – in India grow up in a situation where they see violence against women as the norm.* Do you agree that it is not a crime to hit the spouse? Why/why not? How should this situation be addressed?

10.	*One major barrier to reporting of crime by women is the unwillingness of police officials to register complaints. If the case is lodged, sub-standard investigative procedures and low conviction rates strengthen the impression that there is little benefit in reporting the crime. Moreover, most police in India function within the framework of the Police Act of 1861 which emphasizes enforcing order rather than upholding rights.* How can this issue be addressed? Suggest some reforms that may be introduced to improve this situation.

## Project work

*According to recent Thomson Reuters Foundation Reports of crimes against women in India such as rape, dowry deaths, abduction and molestation increased by 26.7 percent in 2013 compared to the previous year, government statistics.*

*The National Crime Records Bureau (NCRB) said there were 309,546 crimes against women reported to the police last year against 244,270 in 2012, with the highest number recorded in Andhra Pradesh.*

*Crimes included rape, kidnapping, sexual harassment, trafficking, molestation and cruelty by husbands and relatives. They also include crimes in which a woman was driven to suicide as a result of demands for a dowry from her husband or in-laws.*

How do you think that enacting stiffer penalties for crimes against women, including death for repeat rape offenders, criminalising stalking and making acid attacks and human trafficking specific offences will help reducing this number? Compare the laws of any 5 countries (preferably from different continents) and find out the correlation between the occurrences of crime in relation to the severity of punishment.

# Chapter 6: Legal Remediation and Support

## 6.1 The Need for Legal Remediation and Support

Right to Equality has been recognised as one of the most important right at par with the right to life. Article 14 of the Constitution of India provides to everyone the right to equality in clear and unambiguous terms promising to the people 'equality before law' and 'equal protection of law'. 'Equality before law' and 'Equal Protection of Law' assumes its primacy in the countries/ states having "Rule of Law".

However, Right to Equality implies in it that Right to Equality should only be among Equals and there cannot be equality among unequals. For example only a person with the requisite medical qualification can only be permitted to practice as doctor and no one else. Here a person who does not have requisite medical qualification cannot claim right to equality with a doctor in order to carry on medical practice. Similarly a non-engineer or a non-lawyer cannot claim equality with those specially qualified persons for a particular job. This discrimination is called reasonable discrimination. Therefore, only equals should be treated equally and similarly unequals have to be treated unequally. Treating unequals equally is as bad as treating equals unequally. However, there should be reasonable and acceptable reasons for such discrimination.

Similarly, the two genders also cannot be treated equally for all purposes because of their natural differences from each other. This does not mean that one is superior or other one is inferior. It only means that that there is a natural and inborn difference between the genders which should be accepted and respected. Because of that difference, for some purposes depending upon their respective characteristics cannot be treated equally. However, none of the gender, cannot be put to any disadvantageous position only because he or she belongs to a particular gender rather any gender, if legs behind in some aspect due to any reason, natural or social, that reason needs to be addressed in order to facilitate equality and remove that shortcoming. This making an extra effort in favour of a particular disadvantaged group who had suffered discrimination, in order to uplift them and bring them at par with others i.e. make them equal is an integral part of right to equality and such kind of discrimination is called 'positive discrimination' and the action through which disadvantaged group or class is protected and promoted is called 'affirmative action'. Women had also been subjected to such discrimination in many ways. There are many societal vices, which are prevalent in many parts of India even today i.e. female foeticide, denial of education to girl child, child marriage, dowry system, etc. Women have also been subjected to domestic and sexual violence, sexual harassment.

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**Read and Reflect**

**Positive Discrimination**: (In the context of the allocation of resources or employment) the practice or policy of favouring individuals belonging to groups which suffer discrimination.

**Affirmative Action**: Action favouring those who tend to suffer from discrimination; positive discrimination.

*Source: http://www.oxforddictionaries.com/definition/english*

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## 6.2  Constitutional Protection to Women

Articles 14 to 18 together deal with various aspects of Fundamental Right to Equality. Summarising them, Article 14 promises equality to all persons. Article 15 prohibits discrimination against any one on the grounds of religion, race, caste, sex, place of birth or any of them. Article 16 promises equality of opportunity in matters of public employments. Article 17 abolishes the practice of 'untouchability' and Article 18 abolishes all titles including feudal titles, which were worn by such title-holders as a mark of their superiority over others.

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### Article 14 – 18, Constitution of India

**14.**  The State shall not deny to any person equality before the law or the equal protection of the laws within theterritory of India.

**15.**  (1) **The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, placeof birth or any of them.**

(2)  No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to anydisability, liability, restriction or condition with regard to—

(*a*)  access to shops, public restaurants, hotels and places of public entertainment; or

(*b*)  the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public.

(3)  **Nothing in this article shall prevent the State from making any special provision for women and children.**

(4)  Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.]

(5)  Nothing in this article or in sub-clause (*g*) of clause (1) of article 19 shall prevent the State from makingany special provision, by law, for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes or the Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of article 30.]

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

(2)  No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.

(3)  Nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class orclasses of employment or appointment to an office 1[under theGovernment of, or any local or other authoritywithin, a State or Union territory, any requirement as to residence within that State or Union territory] prior tosuch employment or appointment.

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(4) Nothing in this article shall prevent the State from making any provision for thereservation of appointmentsor posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately representedin the services under the State.

(4A) Nothing in this article shall prevent the Statefrom making any provision for reservation [in mattersof promotion, with consequential seniority, to any class]or classes of posts in the services under the State in favourof the Scheduled Castes and the Scheduled Tribes which,in the opinion of the State, are not adequately representedin the services under the State.]

(4B) Nothing in this article shall prevent the Statefrom considering any unfilled vacancies of a year whichare reserved for being filled up in that year in accordancewith any provision for reservation made under clause (4)or clause (4A) as a separate class of vacancies to be filledup in any succeeding year or years and such class ofvacancies shall not be considered together with thevacancies of the year in which they are being filled up forvacancies of the year in which they are being filled up fordetermining the ceiling of fifty per cent. reservation ontotal number of vacancies of that year.]

(5) Nothing in this article shall affect the operation of any law which provides that the incumbent of an office in connection with the affairs of any religious ordenominational institution or any member of thegoverning body thereof shall be a person professing aparticular religion or belonging to a particulardenomination.

17. "Untouchability" is abolished and its practice inany form is forbidden. The enforcement of any disabilityarising out of "Untouchability" shall be an offence punishable in accordance with law.

18. (1) No title, not being a military or academicdistinction, shall be conferred by the State.

(2) No citizen of India shall accept any title from anyforeign State.

(3) No person who is not a citizen of India shall,while he holds any office of profit or trust under the State, accept without the consent of the President any title from any foreign State.

(4) No person holding any office of profit or trustunder the State shall, without the consent of the President, accept any present, emolument, or office of any kind from or under any foreign State.

Article 15, while prohibiting discrimination on grounds of religion, race, caste, sex and the place of birth simultaneously allows positive discrimination in favour of women and children by allowing the government to make any provision in favour of women and children through Clause 3 of Article 15, which paved way for various enactments which we will be discussing later in this chapter.

Other than the Fundamental Rights chapter, Directive Principles of State Policy also contain provisions for Women. Article 39, directs State to include in its policy the equal opportunity to have adequate means of livelihood, equall pay for equall work that means no discrimination in wages on the ground of gender or worker and to protect the health and strength of children at the tender age. Article 42 directs State to provide for just and humane conditions of work. Though the first part of this Article i.e just and humane conditions or work is gender neutral but

its application reaches out to women including in its scope the proper working hours of women, no compulsion to work in the night shifts, proper facilities e.g. separate wash-rooms and proper maternity reliefs e.g. maternity holidays and benefits.

> **Article 39: Certain Principles of Policy to be followed by the State**.-The State shall, in particular, direct its policy towards securing—
>
> (*a*)    that the citizens, **men and women** equally, have the right to an adequate means of livelihood;
>
> (*b*)    that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;
>
> (*c*)    that the operation of the economic system does not result in the concentration of wealth and meansof production to the common detriment;
>
> (*d*)    that there is **equal pay for equal work for both men and women**;
>
> (*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;
>
> (*f*)    that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.
>
> **Article 42: Provision for Just and Humane Conditions of Work and Maternity Relief**.-The State shall make provision for securing just and humane conditions of work and for maternity relief.

## 6.3  Constitutional Support and Remedies

Constitution of India under Article 32 and Article 226 confers jurisdiction and power upon the Supreme Court of India and the High Courts respectively to ensure that the Fundamental Rights, as provided under the Constitution and interpreted by the Supreme Court to the persons, are protected and enforced. The Supreme Court and/or the High Court can act upon a written petition filed by the aggrieved or some other person or even *suo-motto*. This special power and jurisdiction to entertain direct petitioner for the violation of Human Rights is called the Writ jurisdiction of the Supreme Court of India and the High Court respectively. Writ Jurisdiction is the exclusive jurisdiction of the Supreme Court and High Courts which no other Courts enjoy and therefore they are also called 'Writ Courts'. The High Court and the Supreme Court alone has the jurisdiction over the matters arising from the Constitution and are also called the 'Constitutional Courts'.

> **Remedies under Constitution of India**
>
> **Article 32**:
>
> "(1)   The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed.

(2)   The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of *habeas corpus, mandamus, prohibition, quo warranto*and *certiorari*, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part.

(3)   Without prejudice to the powers conferred on the Supreme Court by clauses (1) and (2), Parliament may by law empower any other court to exercise within the local limits of its jurisdiction all or any of the powers exercisable by the Supreme Court under clause (2).

(4)   The right guaranteed by this article shall not be suspended except as otherwise provided for by this Constitution.

**Article 226**:

(1)   Notwithstanding anything in article 32 every HighCourt shall have power, throughout the territories in relation to which it exercises jurisdiction, to issue to any person or authority, including in appropriate cases, any Government, within those territories directions, orders or writs, including writs in the nature of *habeascorpus, mandamus,* prohibition, *quo warranto*and *certiorari*, or any of them, for the enforcement of any of the rights conferred by Part III and for any other purpose.

(2)   The power conferred by clause (1) to issue directions, orders or writs to any Government, authority or person may also be exercised by any High Court exercising jurisdiction in relation to the territories within which the cause of action, wholly or in part, arises for the exercise of such power, notwithstanding that the seat of such Government or authority or the residence of such person is not within those territories.

(3)   Where any party against whom an interim order, whether by way of injunction or stay or in any other manner, is made on, or in any proceedings relating to, a petition under clause (1), without—

   (*a*) furnishing to such party copies of such petition and all documents in support of the plea for such interim order; and

   (*b*) giving such party an opportunity of being heard, makes an application to the High Court for the vacation of such order and furnishes a copy of such application to the party in whose favour such order has been made or the counsel of such party, the High Court shall dispose of the application within a period of two weeks from the date on which it is received or from the date on which the copy of such application is so furnished, whichever is later, or where the High Court is closed on the last day of that period, before the expiry of the next day afterwards on which the High Court is open; and if the application is not so disposed of, the interim order shall, on the expiry of that period, or, as the case may be, the expiry of the said next day, stand vacated.]

(4)   The power conferred on a High Court by this article shall not be in derogation of the power conferred on the Supreme Court by clause (2) of article 32.

Under Article 32, any person can directly approach Supreme Court in case of any violation of any fundamental right. Right to approach Supreme Court for the protection of one's Fundamental Right is itself a fundamental right. Any person can approach Supreme Court for violation of his or

her fundamental right as a matter of right. Supreme Court can issue directions or orders or writs of any nature whichever may be appropriate, for the enforcement of any or all of the fundamental rights guaranteed by the Constitution.

Similarly under Article 226 High Courts can be approached not only for the violation of one's fundamental rights but also any other natural, constitutional or legal rights violated by State or any of its agency. The last words of this Article "or any other right" increases its scope beyond the fundamental rights. The scope of the power of the High Court under Article 226 is wider than that of the Supreme Court under Article 32. The High Court under Article 226 can therefore look into any matter which affects the rights of people, whether they be fundamental or otherwise. The rationale behind giving High Court wider power than Supreme Court under Article 226 is to save and disburden Supreme Court from excessive burden of litigation and to give another check for the writ orders as Supreme Court presides over the High Courts and the orders passed by the High Court are appealable in Supreme Court. So far as fundamental rights are concerned, Supreme Court and High Court have concurrent jurisdiction.

## 6.4  Statutory Support and Remedies

Constitutional Remedies are against the acts of State i.e. the Government or its agencies. For the violations committed by individuals or private parties enforcement agencies and enforcement mechanisms are created through statutes. 'Statutes' are laws enacted by the legislative bodies. The enacted laws are called 'Acts'. Statutes are enacted to ensure the excise and enjoyment of the rights of women by them i.e. to provide support system and to create a remedial mechanism not only to prevent any kind of violation but also to provide remedies for their violations. Now We will discuss the various statues, provisions and support systems enacted for the protection of the rights with respect to life, education, health and work of women.

Other than provisions protecting right to life of all persons, irrespective of gender, applicable to everyone, men, women and children, there are certain laws enacted specially for women, are introduced as following:

a.  **Right to Life: Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994**: One of the worst of the crimes against the fairer gender has been female foeticide. With the development of technology to detect the gender of the foetus, its misuse also grew. For various social reasons, there had been a tendency in a few parts of India to detect the gender of child in womb and abort if the child is a female child, which not only resulted in a grave social imbalance in terms of gender radio but was also a very heinous crime against the unborn child, humanity and society. Through Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act the misuse of the technology to see the foetus has been prohibited and made a punishable offence i.e. the detection of gender of child for the purpose of sex-selection is prohibited and is a punishable offence. Through this Act, the use of technology is also regulated and is ensured that technology may only be used for its best purposes i.e. purposes of detecting genetic abnormalities or metabolic disorders or chromosomal abnormalities or certain congenital malformations or sex linked disorders.

    In order to achieve the objectives of the Act, Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act establishes **Central Supervisory Board** at

national level, **State Supervisory Board** at state level and **Union Territory Supervisory Boards** for each of the Union territories in order to regulate the use of this technology and impose penalties to the centres who violate the mandate of the Act within their respective jurisdictional areas. Indian Penal Code also penalises abortion severely.

b. **Right to Education: Right of Children to Free and Compulsory Education (RTE) Act**

The Right to Education was highly recommended through the Education for All (EFA) goals including expanding early childhood education, universal primary education, lifelong learning and skills, improving educational quality, increasing adult literacy and gender parity in education. The target devoted to primary education seeks to ensure that by 2015 all children, particularly girls.

**The Right of Children to Free and Compulsory Education (RTE) Act,** implemented in **2009**, is a historic moment in the history of Indian education. This national provision for free and compulsory education to everyone till the age of 14 is a landmark that would benefit all the individuals.

There are several provisions that influence gender parity in the schools as well as encourage girls' education. Let us see how some of the recommendations influence girls' education in particular.

One of the most crucial issues for girls' education has been the possibility of access and retention. One of the reasons for drop out of the girls has always been lack of financial support. With the availability of free education to all learners it would be a boon for those who cannot afford education in school and also to those who do not send the girls to school as it costs them.

By making it a duty of parents and guardian to admit their ward in school, the act has made a positive effort to involve parents.

Another factor that has influenced the girls; education is provision of separate toilets in schools. The act says that for a school having more than 100 students, should provide separate toilets for girls and boys. This provision makes it mandatory to have separate toilets in school which was a neglected area in many schools.

Apart from some of the highlights given above there are many more provisions that can be directly linked with the girls' education. For example provision of a primary school in the neighbourhood has become more specific which ultimately benefits girls also. The state is now bound to take these steps with their responsibilities being fixed at all the levels. The compulsion to act gives strength to already running programmes and prepares premise for future developments.

c. **Rights at work:** According to the **Equal Remuneration Act, 1973**, men and women are to be paid equally for doing the same or similar work. This Act also forbids discrimination on the basis of sex at the time of recruitment and after. However, this Act is not applicable to the unorganised sector where the bulk of the women work.

**The Maternity Benefit Act, l961** provides for the maternity leave to women working in the factories, mines, plantations and in the government and semi- government establishments. Provisions are also made for the crèches to care for the children of women working as contract labourers under the **Contract Labour (Regulation and Abolition) Act, 1970** and the **Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979**.

- in writing to the employer stating the date of absence from work and also certificate of pregnancy. The employer has to pay the maternity benefit in advance for this period to the concerned employee or any other person nominated by such employee.

▶ For the six weeks, leave from the date of delivery, another notice must be sent together with a certificate of delivery after the child is born. The employer has to pay to the employee, or her nominee, the maternity benefits within 48 hours of receiving the notice. Failure to give notice for the subsequent six weeks does not disentitle a woman to maternity benefit.

▶ The Act stipulates that the employer will not compel the woman to do any strenuous work during her pregnancy, or give notice for discharge or dismissal during this period.

▶ It makes provisions for two nursing breaks of 15 minutes each, once the mother gets back to work. An employer cannot reduce the remuneration on account of light work assigned to her or for the breaks taken to nurse the child.

**Employees' State Insurance Act, 1948:** This Act provides for certain benefits to employees in case of sickness, maternity and injury caused at workplace. The Act applies to all factories (including government factories but excluding seasonal factories) employing ten or more persons and carrying on a manufacturing process with the aid of power or employing 20 or more persons and carrying on a manufacturing process without the aid of power, and such other establishments as the government may specify.

**Payment of Gratuity Act, 1972**: The Act is applicable to every establishment employing ten or more persons. Under Section 4 of the Act, an employee, who has completed a continuous service of not less than 5 years, is entitled to get gratuity on termination of his or her employment due to superannuation, retirement, resignation, death or disablement. This Act provides for payment of gratuity at the rate of 15 days wages for each completed year of service subject to a maximum of Rs.3,50,000.

**The Minimum Wages Act, 1948**: The Minimum Wages Act is among the most important legislations for the benefit of the unorganized labour. The Act provides for periodic revision of minimum rates of wages. It aims to prevent exploitation of workers employed in certain scheduled employments. The workers in this sector are vulnerable due to lack of bargaining power and machinery for regulation of their wages. The objective is to secure the welfare of the workers in a competitive market by fixing the minimum limit of wages through introduction of elements of social justice, fairness and reason. This Act is important for women workers as they can hope for minimum wages, in an exploitative environment.

| Law | Provisions |
|---|---|
| Industrial Employment (Standing Orders) Act, 1946 | Provision of safeguards against sexual harassment of women workers at the work place. |
| Mica Mines Labour Welfare Fund Act, 1946 | Appointment of women members in the Advisory and Central Advisory Committee is mandatory. |
| The Beedi and Cigar Workers (Conditions | Provision of crèches for the benefit of women |

| of Employment) Act, 1966 | workers in the industrial premises wherein more than fifty female employees are ordinarily employed. |
|---|---|
| Lime Stone and Dolomite Mines Labour Welfare Fund Act, 1972 | Appointment of a woman member in the Advisory and Central Advisory Committee is mandatory. |
| Beedi Workers Welfare Fund Act, 1976 | Appointment of a woman member in the Advisory and Central Advisory Committee is mandatory. |
| Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund Act, 1976 | Appointment of a woman member in the Advisory and Central Advisory Committee is mandatory. |

**Table: Women-Protective Legal Provisions in Some of the Labour Laws**

**Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013**: It is a legislative act in India that seeks to protect women from sexual harassment at their place of work. It was passed by the Lok Sabha (the lower house of the Indian Parliament) on 3 September 2012. It was passed by the Rajya Sabha (the upper house of the Indian Parliament) on 26 February 2013. The Bill got the assent of the President on 23 April 2013. The Act came into force from 9 December 2013.

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**Read and Reflect**

**Supreme Court's order for the prevention of sexual harassment at the work place**

As a precursor to **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013,** the Hon'ble Supreme Court in its order dated 13.8.1997 had passed an order laying down the norms and guidelines to be followed by the employers for tackling the incidents of sexual harassment of women at the workplace and other institutions. The guidelines issued by the Supreme Court included setting up of a complaints redressal forum in all work places and amendment of the disciplinary/conduct rules governing employees by incorporating the norms and guidelines. A Complaints Committee for handling the complaints regarding sexual harassment of women at the workplace is also to be constituted in the Department in compliance of the directions of the Supreme Court.

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d.  **Indecent representation of women**: The indecent representation or objectification of women in the media has been a crucial issue in India. The **Indecent Representation of Women (Prohibition) Act, 1986** has been passed by the Parliament. This law seeks to ban the "depiction in any manner of the figure of a woman, her form or body or any part thereof in such a way as to have the effect of being indecent or regatory to, or denigrating women or is likely to deprave, corrupt or injure the public morality or morals" (Government of India 1988).

e.  **Age at Marriage:** To curb the practice of getting girls married even before they have attained puberty, the **Sarda Act or Child Marriage Restraint Act** was introduced in 1929, which fixed the age at marriage for girls to 15 years. This Act applied to all the

communities. This was later revised in 1954 when the Special Marriage Act was passed which fixed minimum age of marriage at 21 years for males and 18 years for females. However, investigations show that quite often marriages of the girls are fixed below 18 years.

There are prejudices and certain beliefs underlying this preference for child marriage, especially among rural and backward communities. Dominant is the popular notion of the woman's role defined in terms of marriage, child bearing and rearing and taking care of all other domestic activities. Thus women are regarded as dependent beings who would ultimately move from the father's house to the husband's house. This largely explains the parent's reluctance in sending girl children for formal education. Instead they tutor the girl child to handle all domestic chores which are to benefit her after marriage.

f.  The **Dowry Prohibition Act, 1961**, defines dowry as "any property or valuable security given or agreed to be given either directly or indirectly a) by any party to a marriage to the other party; or b) by the parents of either party to a marriage or by any other person to either party to the marriage or the other person, at or before or after the marriage".

   The Act says that any person who gives or takes or who abets the giving or taking of dowry shall be punished with a jail term which may extend to six months or with fine or with both. It is also an offence to demand, directly on indirectly from the parents or guardians of a bride any dowry and shall be similarly punished. However, presents in the form of cash, ornaments, clothes and other articles are excluded by the Act from its purview. As already mentioned, this Act was later amended to shift the burden of proof.

g.  The practice of flesh trade or trafficking in women is another crime committed against women. In order to control this the **Immoral Traffic (Prevention) Act, 1986** was enacted. This Act covers all those persons who are sexually exploited for commercial purposes.

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### Read and Reflect

### Protection of Women from Domestic Violence Act, 2005

President A.P.J. Abdul Kalam has given assent to the Protection of Women from the Domestic Violence Act, 2005, which seeks to provide protection to victims of violence within the family. The Act will be applicable to all States and Union Territories except Jammu and Kashmir. It aims at protecting women from verbal, emotional, economic and sexual abuses and offers free legal service to such victims. Under the new Act, any woman subjected to mental or physical injuries, physical abuse, criminal intimidation or force, sexual abuse (any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of a woman), will be covered under domestic violence. Domestic violence, as per the Act, constitutes physical or mental harm, including sexual, verbal, emotional or economic abuse by a male member of the family or anyone living under the same roof. Harassment of the victim with a view to coercing her or any other person related to her to meet any unlawful demand for dowry or property is also covered under the new law.

The victim can approach a police officer, protection officer, service provider or magistrate for relief by way of a protection order; have right to free legal services under the Legal Services Authorities Act, 1987, and to file a complaint under Section 498A of the Indian Penal Code, wherever relevant. The aggrieved person is also entitled to shelter if need be in the shelter

home and will also be provided medical facilities. The State Governments shall, by notification, appoint such number of protection officers, as far as possible women, in each district as may be necessary. It shall also notify the area or the areas within which a protection officer shall exercise the powers and perform duties conferred on him by or under this Act.

## 6.5  Legal Aid Cells and Legal Awareness

A major obstacle to the implementation of women's statutory rights is the lack of legal awareness and resources. Indeed, women are often unaware of their legal rights. Even where they do know about their rights, they often lack the resources necessary to bring claims (which involve paying lawyers and court fees).

There is a need to secure equal access to legal services regardless of financial capacity or gender for the attainment of an egalitarian society. Several analyses and reports of the Law Commission make this clear. The importance of legal literacy has also been emphasized in the evaluation of the Total Literacy Campaign taken up by an expert group. The Committee on the status of women in India had referred to the need to educate women regarding legal rights and duties.

Legal aid was started in 1970 and a Commission for implementing legal aid services was set up in 1979 along with legal aid structures at the State and District level all over the country. The Legal Services Authorities Act, 1987, created structures for aid to specific categories entitled to free legal aid, including women. The Committee for implementing Legal Aid Schemes and the State Legal Boards has been providing legal aid to citizens belonging to certain prescribed levels of income.

Legal Aid cells are another positive development. It can go a long way in making women aware of their rights and competent enough to fight for their rights. The Delhi Legal Aid Cell has branches in Patiala House, Tees Hazari Courts, the High Court and the Supreme Court. They provide women with lawyers to fight their cases and give legal aid to those who seek assistance either directly or through the PIL. Many NGOs now have setup Legal Aid Cells which provide legal assistance especially to women. The issues, which they handle, may rangefrom matrimonial disputes to physical assault like rape, etc. These cells have professional counsellors and lawyers handling the issues. Many of them have networking with various legal advisors and lawyers and provide referral services. The type of legal aid provided ranges from custody of children to maintenance allowance to restitution of conjugal rights, as well as criminal cases involving rape, violence, etc. Many of them provide these services free of charge.

### 6.5.1 Crimes against Women Cell

Crimes Against Women Cells are special cells set up by the police force which takes up cases related to violence against women, including matrimonial disputes. It replaced Anti-Dowry Cell created in 1983 as an experiment to give relief to the growing number of battered, abandoned and terror-stricken wives. Though no specific guidelines were framed for this special cell, a full cadre was created for the Cell. These cells attempt to help resolve disputes between the couple or settle the matter through mutual consent, and thus prevent the woman from having to go through lengthy legal procedures. The Crimes against Women cells also network with agencies working with women (both government and private) and legal aid cells, and often refer the

women who come to them to these organizations for counselling, temporary accommodation and legal aid. There are ten Crimes against Women cells all over Delhi i.e., one in each district police station.

*Mahilathanas*or "all-women" police stations were established in some states to encourage women to bring their complaints to police by staffing them with women police officers.

### 6.5.2 Family Courts

Family courts are specialized courts, which were established with the objective of maintaining the welfare of the family by utilizing a multi-disciplinary approach to resolve family problems within the framework of the law. These courts aim at securing the legal rights of individuals on one the hand, and undertake the role of a guide; helper and the counselor on the other, to enable families to cope with their problems and establish family harmony. It followed the principle of dignity of the individual and equality of status of both the sexes. The basic premise of family courts emerged from the conviction that family being a social institution, disputes connected with family breakdown, divorce, maintenance, custody of children, etc., need to be viewed from social rather than legal perspective.

The Family Courts Act was passed in 1984. It provided for the establishment of family courts with the view to providing conciliation in and secure speedy settlement of disputes relating to marriage and family. The main emphasis of the Act is on conciliation of family disputes. The success of the family court, therefore, depends upon the type of personnel namely judicial and non-judicial associated with such courts.

Since family courts intend to reduce and simplify legal formalities, the courts are expected to follow a multidisciplinary approach to ensure a fair trial and expeditious disposal of cases at low cost. In order to make the proceedings simple, family courts are empowered to lay down their own procedures for settlement by way of rules in consultation with the High Courts. Though the Act is novel in terms of its perspective as well as the envisaged implementation, its successful implementation seems to depend on a variety of comprehensive services including counselling, conciliation, legal infrastructure and the operational mode of such supportive services.

Though it is obligatory for the State Governments to establish family courts in cities with over a million populations in consultation with the High Court, only a few states have established family courts.

### 6.5.3 Lok Adalat

LokAdalat or People's Court are doing their bit to take off the load from the regular courts. LokAdalat (people's court) is established by the government, which settles disputes through conciliation and compromise. The First LokAdalat was held in Chennai in 1986. LokAdalat accepts the cases which could be settled by conciliation and compromise and pending in the regular courts within their jurisdiction. They dispense speedy and affordable justice. The LokAdalat is presided over by a sitting or retired judicial officer as the chairman, with two other members, usually a lawyer and a social worker. The main condition of the LokAdalat is that both parties to the dispute should agree for a settlement. The decision of the LokAdalat is binding on the parties to the dispute and its order is capable of execution through legal process. No appeal lies against the order of the LokAdalat.

## 6.6  Problems related to the Implementation of Law

In India, various progressive laws (see figure 32.2) have been passed and significant amendments have been introduced to the existing laws for women's emancipation. However, within the existing values and norms of the society many of the progressive laws have not got the scope of full expression. The CSWI report points out that certain "pend provisions in the law are definitely influenced by the established patriarchal system, the dominant position of the husband and the social and economic background of women" (CSWI, 1974).

Again, there are several loopholes and gender biases in the existing laws. For example, the personal laws pertaining to marriage provides a provision for restitution of conjugal rights and this is equally available to the husband and wife. However, in most of the cases, it is used by the husband against the wife ignoring the fundamental rights of the latter.

On the one hand, women have been subjected to discriminatory traditional norms and values and gender biases and on the other, a vast number of them have remained unaware about the significant provisions of the laws. Hence, there is a great need to educate women about the legal provisions and to make specific provisions for free legal aid to women. The NPPW observes: "Legal aid programmes for women have to be developed which are not litigation oriented. These must consist of:

i)   creating legal awareness amongst the people and especially women,

ii)  holding local aid camps,

iii) conducting para-legal training programmes for social workers and voluntary agencies, and

iv)  supporting public interest litigation, by which social workers can participate and carry forward the legal aid programmes for women" (Government of India 1988: 144).

## 6.7  Conclusion

In India the evolution, modification, renewal and growth of institutional structures for women have come about as responses to emerging perspective on women's issues through close interaction with the women's movement. As development planning for women has straddled principles spanning, welfare, development, equity, efficiency and empowerment, so has the institutional structure for women. While in the past, women were perceived as persons in need of 'welfare doles', today "women's empowerment" which regards women as active agents participating in and guiding their own development is widely accepted.

With the shift in the whole perception of women as partners in the process of development, decision makers and administrators are taking initiatives to provide for various grievance redressal forums. Mental, physical or psychological torture of women both in the private sphere of family and the public sphere of society began to be considered as the violence against women and effective measures were embarked upon to quell such violence using institutionally supported legal and other measures.

We here discussed such legal remedies available for women to get protection as well as to fight against violence inflicted upon them in different spheres of life. The legal channels available include the court of law and other statutory bodies that function to safeguard the interests of

women. It is also discussed in the unit how special Crimes Against Women cells; family court and women's organization extend a helping hand to women in their fight against violence.

Judicial activism by the Supreme Court of India through public interest litigation and occasional efforts by India's free media have also emerged as major instruments for bringing about changes in societal attitudes and in their fight against injustice. Recently a number of media advocacy groups have come up largely in the non- governmental sphere to guard against negative portrayal and promote positive portrayal of women and girl children, particularly in the electronic media.

## Unit End Reflections

### Comprehension Questions

1. Do you think there are enough avenues available for legal remedies for women? What factors prevent them from using the existing avenues for seeking justice?

2. Do you think the media plays a significant role in highlighting the violence perpetrated against women? Is it a mere glamorization of such issues or a serious concern? Cite examples either way.

3. Find out about some NGOs who are actively involved in securing justice to women. Learn about some specific cases and the manner in which they extended help to them. Exchange your notes with the classmates.

4. Discuss the reasons for the persistence of crimes against women in our society despite the constitutional provisions for the gender equality as well as protective legislative measures.

5. Examine the reasons why women's labour, both in the organized and the unorganized sector needs the protective covering of labour legislations?

6. What do you understand by domestic violence? Examine how effective will be the legislation on the prevention of domestic violence be for tackling the problem.

7. Speak to different people and collect their opinion about the practice of dowry. Analyse their opinions with reference to the continuance of dowry and possible measures to remove it.

8. What are Family Courts? Explain the nature, trial, and disposition of the cases in such courts.

9. Do you think there are enough avenues available for legal remedies for women? What factors prevent them from using the existing avenues for seeking justice?

### Project Work

1. *Parivarik Mahila Lok Adalat* **(PMLA)-An Alternative Justice Delivery System**   The National Commission for Women has evolved an innovative concept of PMLA for redressal and speedy disposal of cases under Legal Service Authority Act, 1987, which has its roots in the traditional *Nyaya Panchayats*. The essential features of PMLA are amicable mutual settlement and flexibility in functioning. The NGOs in association with District Legal Aid and Advisory Boards, activists, advocates and others, organize *Parivarik Mahila Lok Adalats* with the Commission's financial assistance. Find out details of PMLAs conducted so far and cases addressed through them.

2. *On the 28th of January, 2010, 19-year-old Anu, undergoing training to become a nurse, was returning home with two of her friends when an unidentified malefactor threw acid on her face. The burns she suffered from were on her face, neck and arms, resulting in her withdrawal from*

*college, as well as society in general. Medically, hers is a delicate case, requiring intensive surgery far beyond the means of her family. The perpetrator remains unpunished even today, one-and-a-half years after the incident. Needless to say, Anu can never look the way she did before the attack, surgery or otherwise.*

*Hundreds of such incidents occur across the country every year and many of them go unreported. Again, in many of the reported cases, the accused is never apprehended. Finally, even in those cases where the accused is brought before the court, the law often seems to be too lenient to secure justice for the victims. From the investigatory stage to the trial, the criminal justice system in India exhibits major lacunae as far as providing justice in cases of acid attacks is concerned.*

Identify more such cases and find out about their legal proceedings.

## References

Shobha, Saxena 1995. *Crimes Against Women and Protective Laws*. Deep & Deep Publications: New Delhi

Bhandari, Sunanda 1987. "Crimes Against Women". In B. K. Pal (ed) *Problems and Concerns of Indian Women*.ABC: New Delhi

National Perspective Plan for Women (1988-2000).*Report of the core group strategy Department of Women and Child Development*. Ministry of HRD, Govt. of India: New Delhi

Amita Dhanda and Archana Parashar, *Engendering Law: Essays in Honour of Lotika Sarkar,* Eastern Book Company, Lucknow, 1999

Archana Parashar, *"Women and Family Reform in India",* Sage Publications, New Delhi, 1992  Flavia Agnes, *Feminist Jurisprudence: Contemporary Concerns*, Majlis, Bombay, 2003

Ngaire Naffine, *Law and the Sexes: Explorations in Feminist Jurisprudence*, Allen and Unwin, Sydney, 1990.

Saheli, *25 Years of Continuity and Change (1981-2006),* 2006 ZoyaHasan, ed. *Politics and the State in India,* Sage, 2000

*National Law School Journal, Special issue on Feminism and Law*, Volume I, 1993.

Kalpana Kannabiran and Ritu Menon, *From Mathura to Manorma: Resisting Violence against Women in India,* Women Unlimited and ICES, 2007.

Nandita Haksar and Anju Singh, *Demystification of Law for Women,* Lancer Press, New Delhi, 1986.

Janaki Nair, *"Women and Law in Colonial India: A Social History"* Kali for Women, New Delhi, 1996

Ratnakapur and Brenda Cossman, *Subversive Sites: Feminist Engagement s with Law in India,* Sage Publications, New Delhi, 1996.

Radha Kumar, *The History of Doing: An Illustrated Account of Movements for Women's Rights and Feminism in India, 1800-1990,* Kali for Women, 1993 Maitrayee Mukhopadhyay, *Legally Dispossessed: Gender, Identity and Process of Law*, Stree, Calcutta, 1998) Omvedt, Gail 2000. *Violence against Women – New movements and New Theories in India.*Kali for Women: New Delhi

Seth, Mira 2003. *Women and Development — The Indian Experience*. Sage Publications: New Delhi

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