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**RESEARCH ARTICLE**

**THE RIGHTS OF WOMEN IN INDIA- MILESTONES AND HURDLES.**

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**Abstract**

Seven decades after Independence, India has not been able to ensure equal rights to its Women. The violation of constitutional rights of women is a daily affair. A large body of research is there to back the statement that Indian society has been unfair towards women. The regressive, shameful, shocking and sometimes barbaric practices prevailed in the society since times immemorial. Some of them continue today as well. It has been a long and partially successful journey to bring about social, political, and economic empowerment of women. This paper reviews the available literature and consolidates the already existing ideas to reiterate what has been said many times but not often heard. The aim of the paper is to initiate a discussion yet again on the vital issues of women's rights, the violation of these rights and the empowerment that can be brought with the awareness surrounding these rights. In addition, the paper talks about the initiatives of the government in this regard along with a few suggestions on how to remedy the grim situation.

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*"A women's physical structure and the performance of matrimonial function place her at a dis-advantage in the struggle of subsistence and her physical well being becomes an object of public interest and care in order to preserve the strength and vigour of the race"*

*- Muller V. Oregon*

**Introduction:-**

In the long history of humankind and its evolution, woman has been a counterpart to man, struggling for the survival of the species, propagation of the species, and withstanding natural calamities just like man. She has had an equal share of nature's ferocity. But with the evolution of human civilization and the inception of society, her status saw a massive change. Despite being an equal of man, she is kept in subordination in social settings (Kidwai, 1976). She is treated as the property of man who is her father, husband or son. She is considered a commodity or slave (Nigam, 1998).

It is acknowledged universally that gender equality is the key element to achieve progress in all areas. An egalitarian society rests on the foundation of gender equality. Seven decades since the birth of Indian Democracy, we are still unable to boast of a society devoid of gender discrimination. Gender equality is a topic of theoretical discussions and discourses but things on the practical front are changing rather slowly.

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Gaps in public services available to women are closing. Nevertheless, women still lack a participatory voice in economic and political matters. In 2013, Saadia Zahidi, director of constituents at the World Economic Forum, explained:

"Ninety six percent of health gaps have been closed; 93% of education gaps have been closed. Only about 59% of economic participation gap and only 18% of the political empowerment gap [have been closed]. So what we find is that ... women are starting to be as healthy and almost as educated as men. And yet they are not being channeled into the economy and not able to participate in decision-making. So that's an immense loss in the global economy."

Women empowerment involves upliftment of political, social and economic status of women in the society. There are several obstacles in the way to empowerment of women like gender discrimination, social exclusion, low mobility, lack of awareness, illiteracy, and many other social and economic factors. Women empowerment is the process of building up of society devoid of physical and financial exploitation, exclusion, discrimination, oppression and a general feeling of persecution which comes with being a woman in a society modeled on males' fancies, whims, and desires like ours.

Women rights are human rights. Rights which affect women 'play a critical part in the quest to achieve a just and fair society' (Cartwright, 1997). Human rights issues which affect women are very central to maintaining peace and prosperity in the society. Universal human rights are not confined to only political and civil rights but also extend to social and economic rights. The current spate of sexism and culture that justifies violence and rape against women is not only a vestige of backward and regressive traditional practices but also an expression of patriarchal mindset that aims to discipline women. It is a manifestation of a long history of unequal power relations between man and woman which eventually leads to subjugation of women.

#### **Religion, culture, tradition and women:-**

The principal religions have viewed women as a reason to men's downfall and advocate women's subjugation. The discrimination against women started as early as the account of Eve being created from the rib of the Adam was accepted. According to the account in Bible, the Original Sin was Eve's. She was the first to disobey the God and also tempted Adam to taste the forbidden fruit. Manu, the law giver in Manu Smriti said, "Day and night woman be held by their protectors in status of subjugation". Koran lays "Men have authority over women because Allah's made the one superior to the other, and because they spend their wealth to maintain them. Good women are obedient."

History is replete with the records of religious and social movements regarding the emancipation of women. For instance, Raja Ram Mohan Roy's struggle for the abolition of Sati tradition was one such reform movement (Jha & Pujari, 1998). In various eras, men and women both have come forward and tried to eradicate gender discrimination and bring about gender equality. India has witnessed many social reform movements for the same purpose during 19<sup>th</sup> and 20<sup>th</sup> century. It is a land where the status of deity is conceded to women. Womanhood is celebrated even today but only in temples. Despite the provisions in the Constitution and host of legislations, the subordinate status accorded to woman has not changed. This is due primarily to the psycho-social factors that find their roots in the culture and tradition. The patriarchal mindset is the biggest culprit to blame. The dominant motifs invented for women like *pativrata*, *matratva*, *Sati-savitri*, *Sita* along with objectifying practices and phrases like *kanyadan*, *paraya dhan* etc are commonly used to describe women and their conditions. Women are supposed to conform to these roles that cater to patriarchal fantasies and when they don't, they are witch-hunted or violation of their rights ensues.

#### **Crime against women:-**

Shocking figures on crimes against women reveal the rampant violation of rights of women. Latest data available from National Crime Records Bureau (NCRB) shows the alarming trends. There were a total of 337922 incidents of crimes against women in 2014. They have more than doubled over the past ten years from 155553 in 2005 to 337922 in 2014 according to latest data released by NCRB. 26 crimes against women are reported every hour in India. Cruelty by husbands and relatives is the major crime against women with 909,713 cases reported in last decade i.e. 10 cases every hour. The second most reported crime against women is assault on women with the intent to outrage her modesty with 470,556 cases. Whenever a crime is committed against women, it leads to small wave of shock but it dies before bringing much transformation in the society. And in the cases of sexual abuse, victim-blaming ensues adding insult to the injury.

**Human development report and women:-**

UNDP (2013) report on Human Development Indicators revealed that all Asian countries except Afghanistan ranked better for women than India. According to this report, in India, a girl child aged 1-5 years is 75 % more likely to die as compared to a male child, a woman is raped every 20 minutes and only 10% of all crimes are reported. Women constitute 48% of India's total population and only 29% are involved in National workforce. As of 2013, 39 % of women in India had access to internet compared with 61 % of men. UNDP (2015) report reveals that in India women have an unequal access to finance and more than eighty percent women are unbanked i.e. they don't have a bank account. The report finds that women's representation in the Indian parliament was only 12.2% in 2014 as compared to 20% in Bangladesh and 19.7% in Pakistan.

The UNDP's Gender Inequality Index (GII) measures the human development costs of gender inequality. GII is a composite score of reproductive health of women (comprising maternal mortality rate + adolescent birth rate), women empowerment (based on their share of parliamentary seats occupied by them + the percentage of 25 plus population with secondary education) and women's economic status (work force participation). A GII value of 0.563 in the case of India exposes a greater disparity between men and women. India ranks 130 of 155 countries on GII.

**The journey of women empowerment in India:-**

The question of women's empowerment is critical to the human rights based approaches to development. Women empowerment and economic development are two sides of the same coin. The journey of women empowerment has crossed many milestones and also an equal, or may be more number of hurdles. Although women have come a long way but their true empowerment still eludes us. Women's empowerment is not a new concept as women all over the world have been challenging and changing gender inequalities since the beginning of the history of human civilization. Many men who were outraged at injustices against women have participated in these struggles. Gender inequality exists in every nation on the planet. It has been acknowledged by the humankind that until women are given the same opportunities as men, the societies will continue to perform below their true potentials. The greatest challenge thus lies in effecting the change in the social attitude towards womenfolk.

Vedic period (4000 BC- 1500 BC) is considered a period of feminine glory. Women enjoyed freedom and participated in all spheres. But things changed afterwards and saw a downward trend from 500 BC to 500 AD. Throughout history after post vedic era (1500 BC- 500 BC), women's status has been ambiguous. She has been worshipped in the form of *durga*, *kali*, and *chandi* but also been a victim of traditions and man's excesses. It is a paradoxical situation that she is sometimes lifted to the status of goddess and at other times she is treated merely as a slave. Even in contemporary India, exclusion of women from mainstream is a grave social problem.

In the year 1917, Women's Indian Association (WIA) was formed in Madras. Annie Besant was one of the founding members. It was the first organization of its kind to create an awakening among women and to bring them together for a cause of mutual service and the good of the country. One of the objectives of this organization was to influence the government policy on women's suffrage and issues related to educational and social reforms.

In the history of India, the drafting of the Constitution after Independence has been a critical event. The framers of the Constitution of India were aware of the need of emancipation of women and also of other marginalized sections of society. The principles of equality, liberty, and fraternity enshrined in the Constitution set forth a process of positive social change. The preamble to the Constitution of India resolves to secure to all its citizens- social, economical and political justice. It also assures to provide liberty of thought, expression, belief, faith and worship, equality of status and opportunity. The dignity of an individual as well is assured in the Preamble to the citizens of the nation. Indian women are beneficiaries of these provisions in the same manner as men. Articles 14, 15 and 16 ensure equality. Discrimination on the basis of gender is a violation of the Constitutional rights.

In 1972, a trade union named Self Employed Women's Association (SEWA) was registered. It is an organization of self employed women workers who earn a living through their own labour or small businesses. The main goal of this trade union is to organize women workers for full employment whereby the workers get work, income, food and social security. SEWA had nearly 2 million members in 10 states of India and is one of the most influential organizations of informal workers worldwide. It encourages individual and collective self reliance.

In 1992, by an Act of Parliament, National Commission for Women was constituted with an aim to monitor matters related to constitutional and legal safeguards for women, reviewing the existing legislations and to suggest required

amendments if any. It is the apex national level organization of India with a multi-pronged strategy to protect and promote interests of women. It works with the aim of generation of legal awareness among women.

A National Policy for the Empowerment of Women was formulated in 2001. A task force was set up to review and amend the laws which helped in important amendments pertaining to divorce and maintenance, notably – Indian Divorce (Amendment Act) 2001, Indian Succession Amendment Act 2001, Marriage Laws (Amendment) Act 2001.

Women's political participation at grass root level of governance substantially increased with 73<sup>rd</sup> and 74<sup>th</sup> amendment. According to the Annual Report (2011-12) by Ministry of Panchayati Raj, there is 36.94 percent average women representation in panchayats across India. The states of Bihar, Madhya Pradesh, Himachal Pradesh, and Uttarakhand have reserved 50 per cent seats for women while Sikkim has reserved 40 per cent.

Education plays a vital role in the overall development of a nation. The empowerment of women in India has been hindered for centuries owing to various reasons. Depriving women from basic educational facilities is one of them. At present, free and compulsory education for both boys and girls up to age 14 is guaranteed in India. The 2011 Census reported that male literacy in the country is 83.14% in comparison to female literacy rate of 65.46%.

The process of affirmative action and judicial activism has been a force behind various pronouncements of the Higher Judiciary in India for the empowerment of women. Strict enforcement of Constitutional Articles 14, 15, and 16 (equality clause) and protective discrimination in the favor of women ensured by judiciary has benefitted the womenfolk immensely. Their educational standards have improved paving way for their confidence in competing with their male counterparts on an equal footing in employment opportunities.

The formidable enemy of the women empowerment is the social perception of women. Economic empowerment, political status and professional competence of women are looked down upon even today. There are innumerable legislations passed to discourage such mindset for example, the Enforcement of Child Marriage Restraint Act, the Dowry Prohibition Act, Sati Prevention Act, Immoral Traffic Prevention Act etc. But these legislations are rendered infructuous due to social barriers. The society is far from realizing the dream of equality of gender.

#### **Steps that can be taken for the empowerment and inclusion of women:-**

- Prescribing gender sensitive curricula at all education levels in schools, colleges and universities;
- Including gender sensitivity training in all professional group trainings;
- It is imperative to effect a change in the mindset of men regarding women;
- Large scale media campaign to foster changes in the mindset of viewers;
- To frame public policy in such a way that women related issues are addressed effectively and timely;
- Strict adherence to the Acts and legislations is warranted to ensure justice for women;
- Strict implementation of the Programmes enacted by government should be there to curb the mal-practices prevalent in the society.
- Women's education, means of livelihood and personal exercise of agency have to be promoted and protected.

#### **Conclusion:-**

'Women need to be made visible in order to understand how and why international power takes the forms it does' (Enloe, 1990). It is evident that in order to bridge the gaps between reality and aspirations surrounding gender equality it is necessary to promote political, social and economic interests of women. Exploitation in all its forms has to be curbed and eliminated with the political and legal might if an egalitarian society is desired. The ideals of equality are enshrined in the Constitution to provide social justice to all the citizens. Under the leadership of Jawaharlal Nehru, it was directed to make India a Welfare State. It cannot be denied that empowerment of women begins with the guarantee of their health, safety, economic security. And the empowerment has to begin at the grass-root level.

In order to create a sustainable world, women empowerment must ensue. The need of the hour is to identify the loopholes which are delimiting the realization of empowerment of women. Empowerment can be ensured by inducting women in the mainstream. It can only be effective when women have steady means of income and property. The society must take an initiative to create a women friendly climate. Awareness of their rights can act as

an effective tool in the hands of woman which would aid their march towards liberation. The battle has to be fought for the rights in the corporate workplace, offices, educational institutions, fields, factories, and families.

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