

PROTECTION OF WOMEN'S RIGHTS AND DIGNITY: A SOCIAL RESPONSIBILITY

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ABSTRACT

Bharat Ratna Dr. APJ Abdul Kalam, former President of India was a great admirer of women's qualities. Especially, while remembering nobility of his mother, the incomparable love she showered on him and his siblings, he once said, "My mother was a woman of love, kindness and, above all, a divine nature. I firmly believe that the respect that its women enjoy tells us how developed a country is."¹ Equally, Kalam sir truly believed that every man must have the courage to stand up against any injustice done to the other gender. India has demonstrated this over centuries, and we should salute and further this quality. It has been observed that from the Vedic period women have always been given the highest respectable status in our country (except few contradictions). But, in contemporary India despite various laws and government endeavors for their development, education and empowerment; the conduct of bad elements of society towards women and girls is condemnable. There is widespread violence faced by women. It is a shame that in many places the women and girls are sexually harassed, socially abused and sometimes their dignity, choices and freedom are brutally attacked. This paper asserts, besides laws and efforts of governments the women's development, education, protection and safety are a sacred duty of society as a whole. This study also suggests everybody must respect the right of women to equal opportunities and a dignified life. We have a collective responsibility to create a social system that ensures the safety, security and dignity of women in society.

Keywords: Woman, rights, laws, conduct, abuse, condemnable, ensure dignity, responsibility.

¹. <http://www.indianwomenblog.org/apj-abdul-kalam-the-respect-that-its-women-enjoy-tell-us-how-developed-a-country-is/>

INTRODUCTION

Man and woman are like two equal wheels of a perfect chariot. If any wheel is short in radius then the chariot cannot run properly. Likewise if anyone of the spouse is short in position and not treated equal or lacking in dignity then the family cannot run its functioning smoothly, and cannot fully contribute its might to the society. Wise people also compared wife and husband with chickpea seed and termed both of them are like two pulses of a chickpea. When both pulses combined then they form a whole chickpea. Likewise when a husband and wife come together in harmony and live peacefully they become a family full of love, peace and prosperity.

Countries that agree to follow human rights principles contained in Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) recognize that the “full and complete development of a country, the welfare of the world, and the cause of peace require the maximum participation of women on equal terms with men in all fields” (United Nations, 1981, preamble)². Adherents to CEDAW note the great contribution of women to the welfare of the family and to the development of society, which so far is not fully recognized.

Manu, the great sage, in his famous treatise 'Manusmriti' proclaims that women form the foundation of a prosperous society. "The society that provides respect and dignity to women flourishes with nobility and prosperity. And a society that does not consider women on such a high status has to face miseries and failures regardless of how-so-much noble deeds they perform otherwise."³ Another Shlok of Manusmriti says, “Women give birth to next generation. They enlighten the home. They bring fortune and bliss. Hence women are synonymous to Prosperity.” This Shlok forms the basis of women being called ‘Ghar ki Laxmi’ or ‘Goddess of Fortune in Home’ in India even in the present day society.⁴

There is no reason to doubt and it is evident from the critical analysis of ancient literature that except a few exceptions Indian Society has always revered women. In Hinduism, man and

² Convention on the Elimination of All Forms of Discrimination against Women Adopted and opened for signature, ratification and accession by General Assembly resolution 34/180 of 18 December 1979 entry into force 3 September 1981, in accordance with article 27(1). Please see, <https://www.ohchr.org/documents/professionalinterest/cedaw.pdf>

³ Manusmriti, Shlok 3.56: Pl. see, <http://agniveer.com/manu-smriti-and-women/>

⁴ Manusmriti, Shlok 9.26: Ibid

woman represent the two halves of the divine body. There is no question of superiority or inferiority between them. The history is witness to the super-women, such as Gargi, Maitreyi and Sulabha, whose faculty of learning and reasoning was far superior to that of ordinary mortals. Many female deities Saraswati, Durga, Laxmi, Kali etc., are worshipped across the country. According to the religious teachings, 'by respecting and cherishing the dignity of woman one virtually worships the goddess of prosperity'.

Since the Vedic period, Hindus marriage was considered as a sacramental union, and this continued to be so during the entire period and is still considered as "sacrament" according to the sociological literature. In the Shastric Hindu law, marriage has been regarded as one of the essential *sanakaras* or sacrament for every Hindu.⁵ Everybody must marry, "To be mothers were woman created and to be fathers men." The Veda ordains that "Dharma must be practiced by man together with his wife and offspring". "He is only perfect who consists of his wife and offspring." "Those who have wives can fulfill their obligations in this world; those who have wives truly have a family life; those who have wives can be happy; those who have wives can have a full life."⁶ For Hindu a marriage is essential, not only for begetting an offspring in order to discharge his duty to the ancestors, but also for performance of other religious and spiritual rites and rituals. The institution of marriage is considered sacred even by those who view it as a civil contract.

In our country, especially in northern India, a wife is known as *Patni*. This signifies that she shares everything with her husband, including identity, as does he. A wife is also known as *ardhangini* or half of the *anga* or body. In Tamil, a wife is called *Manaivee*, which means head of the household. The concept of *ardhangini* probably comes from *Ardhanarishvara*. This is the androgynous form of the Hindu deity 'Shiva' with his consort *Shakti* fused in one body. This symbolizes that the male principle *Purusha* and female principle *Prakriti* cannot exist without each other.

It is evident from the above discussions that women were seen as the epitome of power and luck in all sections of society. It is therefore extremely ironic to note how over the ages, the

⁵ Diwan P, Diwan P. *Modern Hindu Law*. Allahabad: Allahabad Law Agency; 2008.

⁶ *Ibid*.

position of women in Indian society has degenerated to the extent that today, women continue to struggle for their rightful position and due in society. A woman in ancient societies could have more than one husband, and could remarry if her husband died. It is believed that even primitive societies had some degree of barbarism and there were few checks on the tyranny of men over women. Anthropological studies too are divided on the issue. A traditional male bias among anthropologists has depicted ancient society as egalitarian, while some have stressed on the traditional notions of male superiority. The truth perhaps lies somewhere in the middle. At the comparative level, women in pre-Vedic period were certainly in a better position vis-a-vis later ages, but some kind of hegemony did exist. Suvira Jaiswal writes, “ ... while some anthropologists emphatically maintain that early societies were sexually egalitarian, having relations of reciprocity rather than subordination, others point out that hunting societies did subordinate women to men in certain respects, but men did not exercise the amount of control over women as they did in class societies.”⁷

It is true that in the early days of the Vedic period, women were allowed to study and take part in religious ceremonies. They participated in public sacrifices alongside men. Some Vedic hymns have also been attributed to women such as Apala, the daughter of Atri, Ghosa, the daughter of Kaksivant or Indrani, the wife of Indra. Apparently, in early Vedic times women also received the sacred thread and could study the Vedas.⁸ However, in spite of all these records, the fact remains that only 1% of the Rig Veda was actually written by women. There does exist contradictory evidence within the Vedas, suggesting egalitarianism and degradation simultaneously for women. The Rig Veda also states how in ancient times women would participate in samhotra or communal sacrifice and samana or community festival.⁹

Islam also recognizes the indispensable nature of man and woman. They complement and respect each other, working together for the ultimate goal of seeking the pleasure of Almighty Allah and His Prophet (saw) in life and so cannot do without each other. There are complementary roles of men and women, who are created to work together in uniformity, possessing the same goals and objectives, equal but not identical; complimentary and not

⁷ Suvira Jaiswal. *Caste: Origin, Function & Dimensions of change*, Manohar publishers & distributors, New Delhi, 1998, pp. 88-89.

⁸ A tribute to Hindusim. [www.tributetohindusim.com/women in Hindusim.html](http://www.tributetohindusim.com/women%20in%20Hindusim.html)

⁹ Rigveda X. 86-90. cited in Suvira Jaiswal. op cit.

adversaries. By describing husbands and wives as garments for each other, alludes to them being each other's protectors, supporters and friends. They should help each other and since one is indispensable to the other they should both aim to live in harmony and tranquility. In a Hadith of the Holy Prophet he states, "Women are the other half of men"¹⁰

In whole theological scheme of things of Christianity also women are treated having equal rights to that of men. This can be well inferred from the following teachings of religious books:

Male and female are both created in the image of God.¹¹ Both are fellow heirs of the grace of life.¹² Both are given an indispensable role in the achievement of God's ultimate purposes. Paul seems to be thinking in this way of equality and equal rights of both sexes though there is a bodily difference between the two genders. He says, "In the Lord woman is not independent of man nor a man of woman; for as woman was made from man, so man is now born of woman. And all things are from God."¹³ So, he seems to be bent on affirming differences and affirming that, with every difference, there is a kind of positive element as a counterpoint of indispensability.

Despite all the religious teachings, international treaties, states laws, government schemes and programs for women empowerment, equal rights and the girls education the condition of women in contemporary India is deplorable. The social status of women in the patriarchal society seems to be dependent on their men. There are several instances of violence against women. The access to social justice and equality are denied to them. Sonia Gandhi (UPA's Chairperson) expressed her concern in Parliament, "The harsh reality is that the building blocks of discrimination against women lie within the very systems that are supposed to nurture and defend them, namely the family and the community. Every so often women end up, for no fault of their own, as victims of tradition. Too often, it is the family and community that opts for sex selection, makes distinctions between male and female children when it comes to food and education, forces girls into early marriage, demands dowry when sons get married,

¹⁰ Sunan Abu Dawud, Kitab At-Taharah, please see: <https://www.minhaj.org/english/tid/2934/The-Status-of-Women-in-Islam.html>

¹¹ Genesis 1:27

¹² 1 Peter 3:7

¹³ 1 Corinthians 11:11-12

withholds girls' opportunities for employment and independence and denies them their legitimate share of family property."¹⁴

The problems of women like discrimination against girls child, increasing violence against women, Trafficking in women, their health and nutrition problems , harassment at work place and hardships due to divorce, desertion and dowry etc. still exist in the society. Added to all these things, the process of 'Globalization' let loose more in the beginning of 21st century and increasing impact of social media has brought for females new opportunities, and at the same time, it created new anxieties, fears and challenges. We have to fight collectively to find social and legal remedies and effective solutions to women's problems.

GENDER DISCRIMINATION

Women are discriminated in every society of the world. It has been observed that women are not treated on par with men. This is because of the traditional practice of gender discrimination. Gender discrimination refers to "the practice whereby one sex is given preferential treatment over the other."¹⁵ This simple definition implies three subtly different beliefs or views: (1) It implies the belief that one sex is superior to the other. (2) It implies the belief that men and women are very different and this should be strongly reflected in society, law, language and the right to have sex. (3) It may denote some type of hatred or bitterness towards men or towards women (misogyny).

The gender discrimination resulted into five major areas of heinous crimes against the girl child.¹⁶ These crimes are: (a) Female Foeticide, (b) Female Infanticide, (c) Selling of girl children, (d) Girl Child Prostitution, and (e) Sexual abuse of Girl Children:

¹⁴ Smt. Sonia Gandhi's Speech in Parliament on 8th March, 2016

¹⁵ David Jary and Julia Jary: 'Collins Dictionary of Sociology', HarperCollins Publishers, New York, 1991: Page:58

¹⁶ Vir Bala Aggarwal in 'Status of women in Modern India' –Edited by S.B. Verma, Deep & Deep Publications, New Delhi, 2005: pp. 4-8.

Female Foeticide:

It is an atrocity against a girl even before she is born. It is a forced abortion of unwanted pregnancies and it has been present in all societies in one form or the other since ages. Female foeticide is a sex selective abortion. This is the most unfortunate way of preventing birth of daughters through sex determination test in which greedy doctors are involved. Though the Indian government has passed Pre-Conception and Pre-Natal Diagnostic Techniques Act (PCPNDT) in 1994 to ban and punish prenatal sex screening and female foeticide, it is carried on secretly. It is currently illegal in India to determine or disclose sex of the foetus to anyone. However, there are concerns that PCPNDT Act has been poorly enforced by authorities. Besides this in the Population Census of 2011 it was revealed that the population ratio of India 2011 is 943 females per 1000 of males. The Sex Ratio 2011 shows an upward trend from the census 2001 data. Census 2001 revealed that there were 933 females to that of 1000 males.¹⁷ Female foeticide is a problem that haunts even the educated and the urban people. It may lead to serious changes in the marriage patters, fertility rate, male-female relationships and more importantly, in the sexual behaviour of the people. Shortage of women population in the society may create problems for men to find marital life-partners. This situation may also lead to an increasing number of sexual atrocities on women. It is an abhorrent act for it causes great harm to two victims of gender violence i.e. the female foetus and her mother who has no control over her own body and hence is often forced unwillingly to abort the unborn girl child.

Female Infanticide:

This refers to the practice of killing female babies as soon as they are born. It is reported to be in existence in parts of Haryana, Rajasthan, Bihar, U.P., West Bengal and Tamil Nadu. A few districts of Tamil Nadu have been notorious for this heinous crime. The practice of female infanticide that is killing a girl child is found perhaps in two countries in Asia, namely China and India. In some poverty ridden community of Usilampatti in Tamilnadu, it is widely practiced. It is shocking to note, the mothers who mercilessly killed their own daughters openly and strongly defended their action. Due to poverty, traditional belief and pressure from the male members of family, women of some tribal communities practice infanticide. In a society

¹⁷ Press Information Bureau Government of India Ministry of Health and Family Welfare, August, 2013; Please also see <http://pib.nic.in/newsite/PrintRelease.aspx?relid=98466>

where women have in actuality limited rights, the problem can be solved through awareness building, education and removal of poverty.

Among the cities, Census 2011 shows that Delhi and Chandigarh are among the highest offenders when it comes to skewed child sex ratio. An AIIMS study found that, 'between 1996 to 2012', 238 fetuses and newborns were abandoned in South Delhi, a swanky and posh neighborhood in the national capital. Among the live born cases, 77% of the deaths were attributed to murder.¹⁸ Gita Aravumudan, journalist and author of "Disappearing Daughters" points out that female infanticide and sex selective abortions are responsible for the falling child sex ratio. "It is one form of patriarchy. The basic problem is that Indian families want sons and they feel having a son is very important," she notes.¹⁹

Selling of Girl Children:

Due to sex-selective abortions and female infanticide, and a preference for male babies, has created one of the most severe gender imbalances in the world. Now, the shortage of women is generating a dangerous demand for brides among men desperate to marry, especially in states like Haryana, which has one of the country's worst gender ratios. Traffickers are stepping in to meet this demand, kidnapping women from other states and selling them to men; in Haryana women had come from other states. Al Jazeera discovered that some women living in villages in Haryana have been sold (like cows and goats) as many as three times. The villagers call them "Paros", a derogatory term implying they've been purchased. This is story of a woman named 'Sanjida'. She was trafficked to Haryana when she was just 10 years old. She says an older girl from a village near her family's home in the north-eastern state of Assam drugged and kidnapped her. "I was made to do field work, cut grass, feed cows, to do all the work. I cried for a year. I was in captivity for four years." Then she was sold into marriage.

Sanjida further says, "I couldn't run away or bring my life to an end. There was nobody whom I could ask for help," But she was luckier than most other Indian women sold into marriage. She says, "Her husband has always treated her well". Sanjida now works for an NGO helping

¹⁸ The New Minute, 19 August, 2016: <https://www.thenewsminute.com/article/baby-girl-murdered-chennai-female-infanticide-real-and-alive-urban-india-48519>

¹⁹ Ibid

other women. As told by her it is pity that the people in Haryana were disrespectful towards women like her. Everybody says we have no self-respect ... and that we are sold like cows and goats. Talking about her feelings she says, "We feel very bad when we hear all this because we are human beings and we belong to India, just like them," .Sanjida is now helping Muklesha, the girl first sold when she was 12, after she was rescued from her abusive husband. Not only that the girls are sold within India but there are organizations and agencies doing this work in a secret manner with the knowledge of corrupt officials, police and bad elements among the people deployed for security of border.

Girl Child Prostitution:

In many countries across the world, young people are being increasingly exposed to 'raunch culture', where sex and sexual desire become commodities.²⁰The rise of raunch culture is arguably driven by stereotypes in mainstream media, lack of prosecution for sexual harassment offenders and a lack of education about sex and sexuality.²¹

In the first month of 2013 a horrific case came into limelight. 14- year-old girl not come to the All India Institute of Medical Sciences on January 18 with a two-year-old girl battered and bitten all over. Maltreated, battered and forced to have sex with seven men every day, the poor girl is living with emotional and physical trauma which she suffered for months. The teenager said that there is a process set according to which these girls have to satisfy seven men each day. If she is unable to meet the target, she is asked to make-up for it the very next day by sleeping with more men. The incident took place in the capital city New Delhi.²² .

In India nearly 1.2 million sex workers are below the age of 18 with about 40 underage girls being forced into prostitution on a daily basis. With the 8 % of increase in the flesh trade, India has become one of the prominent name in child prostitution. Research suggests that there may

²⁰ Feminists in anti-raunch culture revolt, The Australian, available at: <http://www.theaustralian.com.au/news/nation/feminists-in-anti-raunch-culture-revolt/story-e6frg6nf-1225840212908>

²¹ Raunch culture, feminism and the pole, available at: <http://cts.hss.uts.edu.au/students06/Group5%20website/Group5Website/Group%205%20Website/raunch%20culture.html>

²² <https://www.indiatoday.in/education-today/news/story/child-prostitution-in-india-awareness-can-help-218632-2013-11-25>; January 25, 2013.

be as many as 10 million children involved in prostitution worldwide. Prostitution of children exists in every country, though the problem is most severe in South America and Asia.²³

Sexual Abuse of Girl Children:

Girls children often become the victims of sexual abuse. Sexual abuse refers to the forced involvement of children in sexual activities who are immature to understand or enjoy sex. Most of them become the victims of it at about 14 years of age or a little above that age. Around 20% of the girls suffer from it in one way or another. Girl children are abused at home, neighborhood, school, hospital and such other places. In more than 65% of the cases, they become the victims at hand of employers, co-workers, tenants, neighbours and acquaintances. It is shameful that recently, there have been wide spread news from different parts of India about sexual assault on children.

After two separate cases of gang rapes which took place in Jammu and Kashmir's Kathua and Uttar Pradesh's Unnao, leading to massive outrage across the country, consequently the Union Cabinet cleared the ordinance on POCSO act whereby death penalty to be given to those convicted of raping a child up to 12 years of age. Centre has cleared the criminal law amendment ordinance, and POCSO Act is a part of this amendment. The Central government has increased minimum punishment in case of rape of women from 7 years to 10 years, extendable to life imprisonment. In case of gang rape of a girl below 12 years, punishment will be life imprisonment or death sentence.²⁴

In this chain the government has also taken a serious view of wide spread reports of sexual abuse of minors from shelter homes in Muzaffarpur, Bihar, Deoria, Uttar Pradesh and, even the recent , from a hostel for differently abled women in Bhopal. The Union Cabinet has approved amendments to the Protection of children from sexual offences (POSCO) Act and included death penalty for aggravated sexual assault on minors. Certainly, this amendment will discourage the trend of child sexual abuse. Basically, the POSCO Act aims to protect the children from sexual assault, sexual harassment and pornography. Sections 4, 5 and 6 of the

²³ Ibid

²⁴ FE online updated 21 April, 2018: <https://www.financialexpress.com/india-news/what-is-pocso-act/1140766/>

Act are proposed to be amended to provide the option of stringent punishment including death penalty for committing aggravated penetrative sexual assault on a child. The amendments are also proposed to section 9 of the Act to protect children from sexual offences in times of natural calamities and disasters and in cases where children are administered, in any way, any hormone or any chemical substance, to attain early sexual maturity for the purpose of penetrative sexual assault. The official of Union Law Ministry termed it as 'gender neutral legislation.'²⁵

INEQUALITY OF RIGHTS TO WOMEN THAN MEN IN INDIA

The man and woman are defined two ways; i.e. (i) on the basis of 'sex' which is a biological or physiological phenomenon and (ii) on the basis of 'gender' which is a socio-cultural term, referring socially defined roles and behaviors, assigned to males and females, in a given society. In its social, historical and cultural aspects, gender is a function of power relationship between men and women where men are considered superior to women. Therefore, gender may be understood as a man-made concept, while 'sex' is natural or biological characteristics of human beings. Gender Inequality, in simple words, may be defined as discrimination against women based on their sex. Women are generally considered by the society as weaker sex. Woman has been accorded a subordinate position to men. Her rights are exploited, degraded, violated and discriminated both in their homes, work place and in outside world. This peculiar type of discrimination against women is prevalent everywhere in the world and more so in Indian society.

Causes and Forms of Gender Inequality: The root cause of gender inequality in Indian society lies in its patriarchy system. According to the famous sociologists Sylvia Walby, patriarchy is "a system of social structure and practices in which men dominate, oppress and exploit women".²⁶ Women's exploitation is an age old cultural phenomenon of Indian society. The system of patriarchy finds its validity and sanction in our religious beliefs, whether it is Hindu, Muslim or any other religion. For instance as per the ancient religious book 'Manusmriti', "Women are supposed to be in the custody of their father when they are children, they must be under the custody of their husband when married and under the custody of her

²⁵ The Economic Times, New Delhi/Gurgaon, Saturday, 29 December, 2018.

²⁶ Walby, S.: *Theorizing Patriarchy*. Oxford: Blackwell, 1990.

son in old age or as widows. In no circumstances she should be allowed to assert herself independently.²⁷ This described position of women as per Manusmriti is still the case in present modern day social structure. Barring few exceptions here and there in upper classes, women have no power to take independent decisions either inside their homes or in outside world. In Muslims also the situation is same and there too sanction for discrimination or subordination is provided by religious texts and Islamic traditions. Similarly in other religious beliefs also women are being discriminated against in one way or other.

The unfortunate part of gender inequality in our society is that the women too, through, continued socio-cultural conditioning, have accepted their subordinate position to men. And they are also part and parcel of same patriarchal system. There are several types of problems faced by women viz. (i) Dowry and bride burning, and the worst casualty in this is the dignity of the young woman as well as her family due to non fulfillment of demands. It sometimes spells death for the woman.

(ii) Domestic violence in which women are often subject to violence within the Family, a place which is expected to protect their dignity and assure their safety. It refers to a pattern of violent abusive and coercive behavior through which one member tries to gain power and control over another person inside the family. The domestic violence includes crimes such as ~wife battering, marital rape, sexual abuse of female children and women of one's own family, deprivation of sufficient food to female members, committing incestuous offences, inducing female members of the family to resort to sex-trade, female genital mutilation, abusing female servants of the family, and so on. However, "Protection of Women from Domestic Violence Act, 2005" gives some protection to women against domestic violence mentioned above.

(iii) Violence against women outside the family or Social violence which includes kidnapping, raping and murdering women. These are very serious offences. Crimes and violence committed against women like compelling women for abortion and to undergo tubectomy operation, eve-teasing, kidnapping girls of premature age and forcing them to marry, Sexual harassment of women employees at workplace, immoral trafficking in women, forced prostitution, mutilating

²⁷ The Manusmriti 5/151, Please see-Hariday N. Patwari: The Status Of Women As Depicted By Manu In Manusmriti, <http://nirmukta.com/2011/08/27/the-status-of-women-as-depicted-by-manu-in-the-manusmriti/>

the organs (such as hands, legs, ears, nose etc.) of female children to use them for the purpose of begging, resorting to forcible religious conversion of young women, female genital mutilation,²⁸ blackmailing of women, throwing acid at the faces of young women who refuse to marry, even in some cases the police and jail personnel committing sexual crimes against female prisoners, the people deployed in boarder areas for security purpose committing sex crimes against the female citizens, and so on.

(iv) Disparity in Education in the matter of admitting children to school at elementary level, female children are discriminated against male children. Low female literacy rate means an overall sluggish growth of India, as it impacts every arena of the development. India is struggling hard to stabilize its growing population through family planning programs. But if females are illiterate, then this has a direct and negative impact on these initiatives. As per the census of 2011, an effective literacy rate for men was 82.14% whereas for women it was 65.46%. Though there has been seen a substantial increase in the number of literate women and this gap is narrowing, it still persists. Among such figures, there exists a ray of hope as well. According to the 2011 census, since year 2011, 110 million additional women had become literate as compared to 107 million men; it means that the number of literate women is increasing. Nevertheless, it is a matter of concern that girls in rural India are being discouraged to go for higher education that is, college and university level education and also for professional and technical education. There are regional imbalances, and gender bias in the school curriculum is witnessed. Our syllabus system, text books, classroom teaching, co-curricular activities are still not free from gender bias.

(v) Problems of healthcare and nutrition of women are not properly taken care of in the society. Due to gender prejudice, health care of women and girls is neglected though needs of women's health care and nutritious food at all stages of the life-cycle are very important to improve their status in the society.

²⁸ "The cruel practice of female genital cutting or female genital mutilation (FGM) is not happening only in far away Africa. It's not just being practised in tribal societies. Young girls aged six and seven are regularly being cut right here, in India. Mumbai abounds with untrained midwives who continue to scar young girls from the Bohra community, a Shia sub sect", Source: India's Dark Secret – by Harinder Baweja, An article published in Hindustan Tiems, Please see- <https://www.hindustantimes.com/static/fgm-indias-dark-secret/>

GOVERNMENT EFFORTS FOR EMPOWERMENT OF WOMEN

Indian Constitution provides for positive efforts to eliminate gender inequality; the Preamble to the Constitution talks about goals of achieving social, economic and political justice to everyone and to provide equality of status and of opportunity to all its citizens. Further, women have equal right to vote in our political system. Article 15 of the Constitution provides for prohibition of discrimination on grounds of sex also apart from other grounds such as religion, race, caste or place of birth. Article 15(3) authorizes the State to make any special provision for women and children. Moreover, the Directive Principles of State Policy also provides various provisions which are for the benefit of women and provides safeguards against discrimination.

Other than these Constitutional safeguards, various protective Legislations have also been passed by the Parliament to eliminate exploitation of women and to give them equal status in society. For instance, the Sati (Prevention) Act, 1987 was enacted to abolish and make punishable the inhuman custom of Sati; the Dowry Prohibition Act, 1961 to eliminate the practice of dowry; the Special Marriage Act, 1954 to give rightful status to married couples who marry inter-caste or inter-religion; Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Bill (introduced in Parliament in 1991, passed in 1994 to stop female infanticide. Besides these laws, Prime Minister Narendra Modi has stated, “The Sustainable Development Goals (SDGs) reflect our evolving understanding of the social, economic and environmental linkages that define our lives.” India’s development mantra “Sabka Saath Sabka Vikas” (Collective Effort, Inclusive Development) and the associated national programs closely track the SDGs. “Our country appreciates the focus on ‘Eradicating poverty and promoting prosperity in a changing world’. The SDGs address the root cause of poverty and are an elaborate exercise to help nations work towards a unifying agenda for development. While targeting economic growth, infrastructure development and industrialization, the country’s war against poverty has become fundamentally focused on social inclusion and empowerment of the poor. Several major programs have been implemented to address these priorities and meet the economic, social and cultural aspirations of a diverse people.”²⁹

²⁹ Arvind Panagariya Vice Chairman, NITI Aayog, excerpts from Opening Statement of India Voluntary National Review Report (India) on Implementation of Sustainable Development Goals -United Nations High Level Political Forum 2017. Please refer - <https://sustainabledevelopment.un.org/content/documents/15836India.pdf>

GOAL 5 OF 17 UN SUSTAINABLE DEVELOPMENT GOALS (SDG 2030)

To achieve gender equality and empower all women and girls: While much more progress remains to be made, a number of indicators pertaining to the status of women in India have moved in the right direction over the years. For instance, 68.4% of women were literate in 2015-16, as compared to 55.1% in 2005-06. Additionally, 53% of women were independently using a bank or savings account in 2015-16, which is a significant improvement from 15.1% in 2005-06. Numerous measures have been put in place for promoting gender equality. For example, the Beti Bachao Beti Pado (Save the Girl Child, Educate the Girl Child) initiative focuses on a comprehensive package of interventions for the girl child including those pertaining to education and protection. The Maternity Benefit Programme protects women from wage loss during the first six months after childbirth. Further, several programmes are being implemented for enabling greater participation of women in the work force.³⁰ Following is a list of the most noteworthy programs/schemes introduced by the Government of India in the recent years. Each one is thoughtfully crafted and covers a lot of ground towards the upliftment of women:-

1. Beti Bachao, Beti Padhao, meant for uplifting women in the sphere of women's education.
2. Sukanya Samridhi Account, meant to help families' save for their daughters.
3. One Stop Center scheme meant to offer easy access for women suffering from domestic abuse or violence, and needing support.
4. Pradhan Mantri Ujjwala Yojana meant to offer free LPG connections to women living below poverty line
5. Mahila Haat meant to support women entrepreneurs and women self help groups
6. Rajiv Gandhi National Crèche Scheme for Children of Working Mothers meant to provide affordable daycare services to working women.
7. Maternity Benefit Scheme meant for pregnant women and lactating mothers
8. Women's Helpline 1091 meant to provide emergency assistance to women in trouble, especially those facing violence of any kind.

³⁰ Ibid.

These are just some main programs for women introduced by the government and are well-intentioned, although the actual results would be seen based on the mode and efficiency of implementation.

SUGGESTIONS FOR WOMEN'S EQUALITY & DIGNITY

Role of Indian Judiciary:

This is important that a judge while administering the laws, if deprived of requisite sensitivity may frustrate the objectives sought to be achieved by the best of the laws. However, one thing shall have to be clearly borne in mind i.e. the role of the judiciary, in the vindication of gender justice. According to Justice V.R. Krishna Iyer, "case law, creative, imaginative and gender-friendly, has its logic and limitation. Judges cannot make law but only interpret it and decide specific cases and controversies within defined bounds although in that process they do make law interstitially. But legislation is essentially a wider function covering vaster spaces and free to weave fabrics of fundamental mutation. So it is substantive codification, radical in transformation of the social order, that we need, an avant-garde operation Parliament must perform. Magnificently as the judiciary has acted they have not, and could not usurp legislative functions."³¹

Justice Lahoti suggests the following principles to be kept in mind by the judges to achieve the goal of gender justice:³²

1. The court should keep in mind the historical and cultural background of patriarchal society in which the women have lived and respect their feelings.
2. The court should adopt the balanced approach in dealing with any issue related to a woman keeping in their view the position of the victim as a weaker section of society.

³¹ Quoted by Justice R.C. Lahoti in "WOMEN'S EMPOWERMENT" ROLE OF JUDICIARY AND LEGISLATURE, (2005) 2 SCC (Jour) 49, please see:

http://www.supremecourtcases.com/index2.php?option=com_content&itemid=1&do_pdf=1&id=885

³² Ibid

Their case me be dealt with in such a way so that they may be treated not only as equals but also feel confident that they are equals;

3. The Court is expected to treat them with dignity and respect by their conduct, behavior and ideology. Such an approach would certainly inculcate confidence in women seeking justice as a victim. They should not feel harassed in any manner.
4. The Court should make best endeavors to deliver quick, speedy and economical justice. It would be an effective and meaningful justice without any delay.

There are the broad principles and the same are shared with the readers a few courtroom tips which the Hon'ble Justice himself followed in the trial court as well as in the higher judiciary. These are:³³

1. Women to be treated with courtesy and dignity while appearing in the court. Any comment, gesture or other action on the part of anyone in or around the courtroom which would be detrimental to the confidence of the women is to be curbed with a heavy hand.
2. There should be no gender bias in the courtroom. The protection from gender bias should be extended to each female present or appearing in the court whether she is a member of the staff or as party or witness or member of legal profession. The behavior if it is unbecoming of the dignity of woman should not be tolerated by the court.
3. The Court proceedings in women's cases must begin on time and in a systematic way so that they are concluded as expeditiously as possible avoiding the repeated appearance of women in the honorable court.
4. The examination and cross-examination in respect of women witnesses, particularly in cases of violence against women should be conducted under the supervision of the presiding judge. The Hon'ble Judge may take such care and caution as to avoid lengthy and tedious questions so that any harassment to the witness may be prevented.
5. The female advocates need to be encouraged in their profession. They may be given opportunity for appointment as Court Commissioners to inspect and recording statements of the witnesses.

³³ Ibid.

6. In the matter of assigning legal aid work or to work as amicus curiae briefs, preference may be given to female lawyers to ensure their more effective appearances in the honorable courts.
7. Sexual harassment and crime against women ought to be dealt with on priority basis. As they say justice delayed justice denied. Therefore, to avoid this feeling, it is desirable that the cases of women victims may be decided at an early date lest the delay should defeat the justice.

The way forward: The issue of gender injustice should not be perceived as a war between the two sexes. Long before, when consciousness in society towards gender injustice was not present then resentment on the part of women was justified; but now the approach should be of complementing each other rather than competing on perceptions, which may not be real or may be non-existent. Societal bonds are based upon integration, mutual dependence and respect. They are not just contractual but based on deep organic unity. It is true that the male sex is most of the time blamed as the disseminator of gender injustice; but it cannot be ignored that the male sex also suffers from and feels pained at gender injustice, as the woman subjected to injustice is sometimes his mother or his daughter or sister or wife. Therefore, perceptual change is needed for greater social awareness and sensitization which breeds equality of the sexes and not rivalry of the sexes.

CONCLUSION

There are varied legislative safeguards and protection mechanisms for women but the ground reality is very different. Despite all the legal provisions and government endeavors still women are not being treated as equal to men in our country. More often than not, men are treating them as an object to fulfill their carnal desires. Crimes against women are at alarming stage. The practice of dowry is still widely prevalent and female infanticide seems to be a norm in our society. There are wide spread news of sexual violence against women, incidence of rapes, dowry death, women trafficking, honor killing and domestic violence against women, in dailies, on TV and in social media which are disturbing the peace of mind of the people.

The formidable foe is the societal role perception of women. Economic empowerment, professional competence and integrity of women are not given due importance even in contemporary society. That is the reason why the numerous legislations passed to help women to occupy equal place in society often seem to be grating concessions they are rendered infructuous for they are not properly implemented. Enforcement of women and children legislations like Child Marriage Restraint Act, the Dowry Prohibition Act, Sati Prevention Act, Immoral Traffic Prevention Act, Domestic Violence Act, Pocso Act, Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act are glaring examples which are not being scrupulously implemented in letter and spirit. The patriarchal mindset, even in the 21st century of post modernization, is refusing to realize that women remain an integral part of the human community and that it will be impossible to consider socio-economic and societal transformation in isolation without women and men together playing their due developmental role.

There have been great and commendable contributions of women over the years in the building of our nation. We must thank them for the same. The bill for 33 percent reservation for women in elected bodies is a long pending issue that so far the country has not been able to achieve over 12 per cent representation. People in society have to make themselves effective with issues, facts and figures relating to women empowerment. Mere changes in the legal provisions, framing government programs/policies for gender equality will not suffice. Moreover we see some or the other changes keep happening in the structure. In order to reach our goal of women participation and their welfare and bring them in a leadership role, people should have the knowledge of the laws and schemes to develop an independent image as a public representative. We must make an attempt of building a dignified image of women in our country. Once the image of equality is established among people, it will last for long. You will see people accepting the ideas once these are thus established. In this respect Prime Minister Modi called upon the people “we must think beyond women’s development” and move towards “women-led development.”³⁴

Recently, on 18 November, 2018 author of this paper have had the opportunity to attend the International Seminar on the theme “Global Enactment of Justice for Women and Children:

³⁴ Press Trust of India, posted on 8 March, 2016, please see: <https://yourstory.com/2016/03/safety-of-women-duty-president/>

Issues and Challenges" successfully organized by a reputed Law Institute of Delhi-NCR. There was a consensus among all the participants, "We all know laws are there, more systematic and coordinated efforts at national, regional and international levels must be intensified to implement laws, policies and strategies aimed at improving the situation of women and children." We have to make our best endeavors to prevent gender inequality and children inability and sensitize the public to work for their cause. Children are future generation of the nation and the world. If they are weak they form the weak nation. If the children and women are strong nation is strong. The delegates and dignitaries stressed girls' education. Women are bonding between father and children. If father is head of family mother is heart of family. Woman is practically backbone of the family and the community. She brings up the children. So, parental obligation is richer by the women. Girls' proper education is important to create independent mind. Without that we cannot control the population. There has to be strict implementation of laws to prevent rape, abduction, torture domestic violence. We have to see, how we can remove all these tyranny and crime against women and children. Young generation can contribute in this regard. One more thing, children and women are allowed to participate in the matters of their concern, what you desire, what's your hope, interest, rights and claim. Society should help NGOs involved in furthering the cause of children and women.

It would be appropriate to conclude this paper with the words of wisdom of former President Pranab Mukherjee as he wisely said, "The rights of women to equal opportunities and a dignified life must be respected and the nation has a collective responsibility for creating the ecosystem to ensure their safety and dignity in society."³⁵ This beautiful message was disseminated on the eve of International Women's Day, when he graciously thanked all women for the contributions made by women folk over the years in the building of our national heritage. With a view to spread the gender sensitization among the society Mr. Mukherjee reminded the contribution made by several great women in India and abroad. He emphasized that women have always been given the highest level of respect in our country. Therefore, protection and safety of women and girls is a sacred duty of society as a whole.³⁶ Obviously, it is necessary to sensitize the public at large through seminars, workshops, televisions, print and social media about the existing provisions of statutes favoring women cause so that public

³⁵ Ibid.

³⁶ Ibid.

opinion may be formed against patriarchal thinking in the society. Moreover, there is a strong need to implement the legislations strictly to stop discrimination against women at all levels.

