

EQUAL OPPORTUNITY AND EQUAL PARTICIPATION TO WOMEN: A CATALYST FOR INDIA'S DEVELOPMENT

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*"A Just society is that society in which ascending sense of reverence and descending sense of contempt is dissolved into the creation of a compassionate society."*¹

Dr. B. R Ambedkar²

INTRODUCTION

The mythology of India is evident when women were compared to Goddesses and were worshipped. Their sanctity was given the first priority and they were the guiding authorities. With due passage of time, urbanization and development the sanctity is lost. Their chastity is questioned. They are raped, murdered, abused, and harassed in every possible manner. So the need of the day is to bring a reform in the system of justice. So that these women feel free, secure and proudly say **"I am not alone."** To make this idea possible women should be given equal opportunity and participation in every field. This will not only make them represent others but also they would be a driving force or a catalyst for the country's development.

CONCEPT OF EQUAL OPPORTUNITY

In general equal opportunity could be considered as that rule which generates equal level of scope and occasion for every person to extend their livelihood. It can further be summarized as the availability of resources to prove his ability and performance. As per the Law Dictionary, "Each opportunity is available to everyone equally regardless of their age, race, sex, religion, political association, ethnic origin, and any other individual or group characteristic unrelated to ability, performance, and qualification. The pinnacle principle of non-discrimination.

¹ Raghavendra R. H, *Dr B.R. Ambedkar's Ideas on Social Justice in Indian Society*, CONTEMPORARY VOICE OF DALIT, (Apr. 13, 2018, 10:50 PM), <http://journals.sagepub.com/doi/full/10.1177/2455328X16628771>.

² Bhim Rao Ji Ambedkar, Father of Indian Constitution.

Adamant that education, employment, and advancement possibilities, as well as benefits, and resources, must be openly available to every citizen.”³

Equal opportunity does not mean of the concept provided Under Article-14 of the Constitution of India. It means that at every stage in life, a woman should be of equally important to as that of a man. She should not be criticized or should not be looked upon down. She should be educated, independent and be a role model of the society. Therefore, it was very rightfully said that if we educate a man, we simply educate a single person but when we educate a woman, we educate a family and in turn a society.

Equal opportunity and equal participation in every field means a strong definition where women are made the role models to govern the country. The participation of women is highly essential to maintain the stability of the democratic principles.

- Participation is important as it represent the general value in our society and individuals opinions to be expressed.
- Participation represents a goal per se but is also important as a means to other ends.
- It is highly reliant to achievement of social goals as a person elected will be the representative of entire system.

So, at the first place women should be given a chance to participate in decision making and that will indeed yield positive results.

HISTORICAL DEVELOPMENT

Before Independence

The status of women has radically changed with time. At one point when she was compared to be a Goddess, at the other point she was deprived of her rights. She was asked to sit at home and take care of the children. She was just a home-maker but her work was never valued. The lives of women in India have been traditionally governed by the historical, political, economic and social factors that have shaped Indian society. Most of the norms and ethics that govern them even today have their roots in the past and especially in the scriptures. But to what cause when they were never meant to be followed?

³ Available at <https://thelawdictionary.org/equal-opportunity/> (Apr. 13, 2018, 11:20 PM)

With the rise in colonialism in India, there was deterioration in the status of women when they were suppressed by the male dominant society. But with passing time, the voices of women were still recognized. The main writings were Aamar Jibon (My Life) of Rassasundari Devi, writings of Tarabai Shinde, Pandita Ramabai, etc.

Raja Rammohun Roy was most prominent as a reformer who fought for women in India. He stood against the concept of Sati pratha(the custom where a woman was pressurized to sacrifice her life by dying alongside her husband in funeral pyre) .It was abolished by the British in 1829. Thus, it may be argued that women became the “subject” of discussion by male reformers and academicians. They were considered to be preserved and protected instead of being bold and independent.

Just as Raja Rammohan Roy spoke in favour of Sati abolition, Ishwar Chandra Vidyasagar fought a battle in favour of widow remarriage and education of women. There were various views in favour and against the movement. Women were also deprived from taking a share in the property. The work of the reformers and developers paid off. Various changes were made and the first missionary school was set which provided education to the elite class only.

Geraldine Forbes writes:

From liberal homes and conservative families, urban centers and rural districts, women - single and married, young and old -- came forward and joined the struggle against colonial rule .. Women's participation called into question the British right to rule, legitimized the Indian nationalist movement and won for activist women, at least for a time, the approval of Indian men.”

The fight for freedom of Independence brought man and woman together. They participated and fought in the same manner as the men did. And the end result was the Independent India considered India as the Motherland and vowed to protect the morality and chastity of women. And at the utmost level to protect it.

After Independence

The question thus arises, has the situation for Indian women changed today, nearly 70 years after Independence? In some ways, there is improvement found but women are still victims. Among 548 seats in Lok Sabha, only 11.3%, or 62 are represented by women. When one sees

the figure, there is a considerable gap in the literacy rates between men and women. As per 2011 census, the literacy rate for men was 82.14% whereas for women it was 65.46%. The following list of legislations were brought to protect women:

- (i) The Hindu Marriage Act, 1955 which prohibits polygamy, polyandry and child marriage and concedes equal rights to women to divorce and to remarry.
- (ii) The Hindu Succession Act, 1956 which provides for women the right to parental property.
- (iii) The Hindu Adoption and Maintenance Act, 1956 which gives a childless woman the right to adopt a child and to claim maintenance from the husband if she is divorced by him.
- (iv) The Special Marriage Act, 1954 which provides rights to women on par with men for intercaste marriage, love marriage and registered marriage.
- (v) The Dowry Prohibition Act, 1961 which declares the taking of dowry an unlawful activity and thereby prevents the exploitation of women.
- (vi) The Suppression of Immoral Traffic of Women and Girls Act, 1956 which gives protection to women from being kidnapped and being compelled to become prostitutes.
- (vii) The Medical Termination of Pregnancy Act, 1971 which legalizes abortion conceding the right of a woman to go for abortion on the ground of physical and mental health.
- (viii) The Family Court Act, 1984, which seeks to provide justice to women who get involved in family disputes.
- (ix) The Indecent Representation of Women [Prohibition] Act, 1986 which prohibits the vulgar presentation of women in the media such as – newspapers, cinema, T.V., etc.
- (x) The 73rd and 74th Constitution Amendment Acts, 1993 which empower women and seek to secure greater participation of women at all the levels of the Panchayat System. They further more provided 33% of reservation for women.

Although these provisions were made they remained mere rubber stamps to be used by higher authorities. To this Prime Minister Indira Gandhi mentioned that women have been handicapped from birth even if they are given enough rights. She extolled the role that women

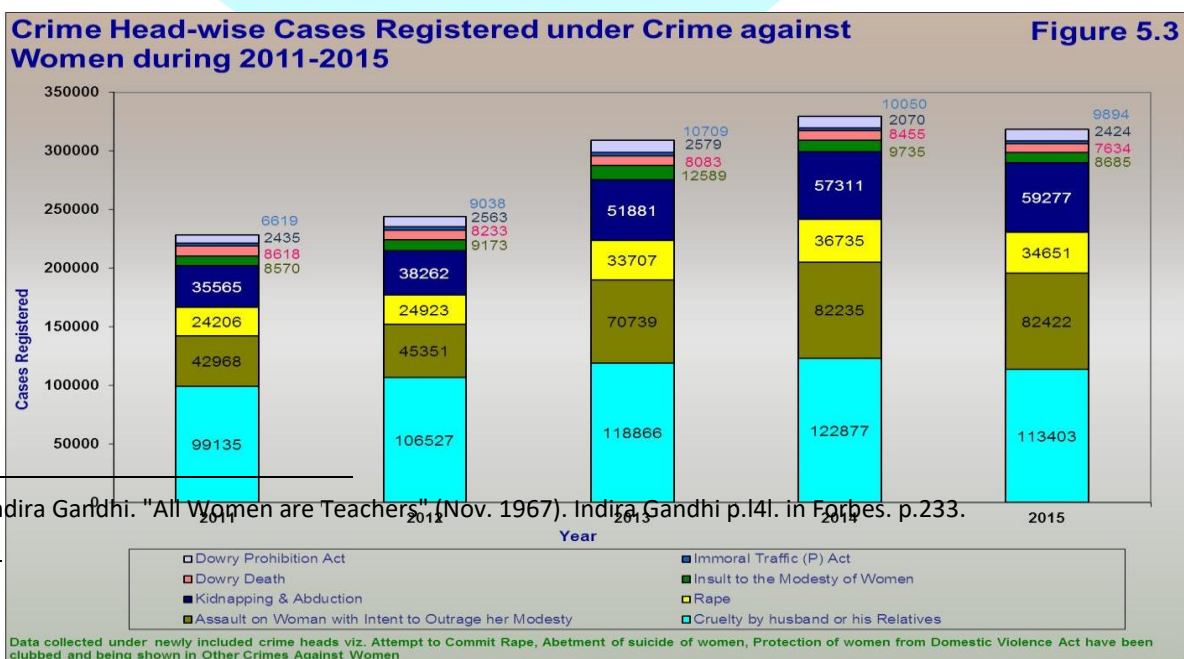
played within the family system but also felt that simultaneously, she should "be able to exert her influence for the good and benefit of the community."⁴

But even after having numerous efforts women stands helpless. The evidence is Kathua rape case where a 8 year old child is brutally raped and the government stands helpless in the name of community and religion. So women should be given equal opportunity and equal participation in every field so that they can take a stand for themselves as well as others.

NEED FOR EQUAL OPPORTUNITY

As per the reports of National Crimes Records Bureau, crimes against women have been increasing and the data statistics show upto 2015. The majority crimes recorded are:

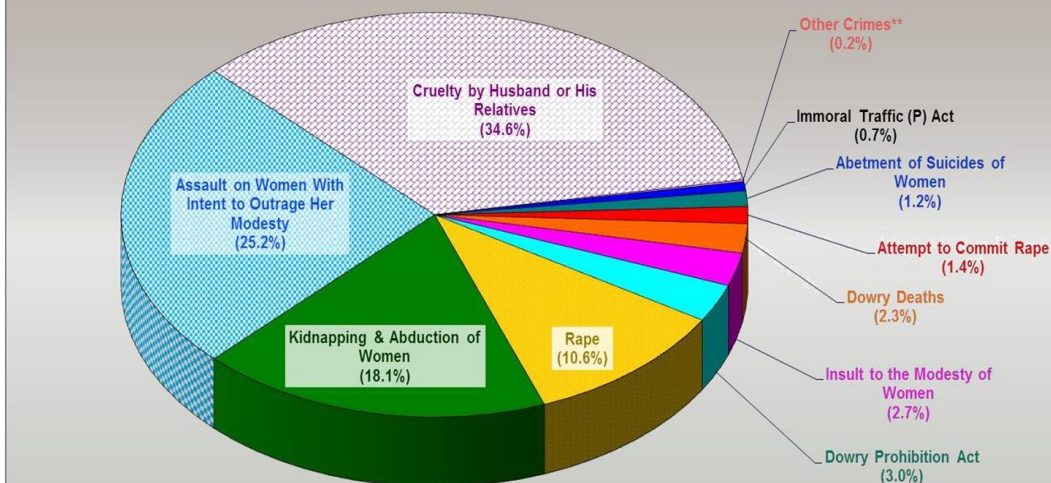
- Custodial Rape
- Attempt to commit Rape
- Kidnapping and Abduction of Women
- Rape other than Custodial Rape
- Dowry Deaths
- Assault on Women with Intent to outrage her modesty
- Cruelty by husband and relatives
- Insult to the Modesty of Women
- Importation of Girls from Foreign Countries
- Abetment of Suicide for Women, etc.



⁴ Indira Gandhi. "All Women are Teachers", (Nov. 1967). Indira Gandhi p.141. in Forbes. p.233.

Crime Head-wise Percentage Distribution under Crime Against Women during 2015

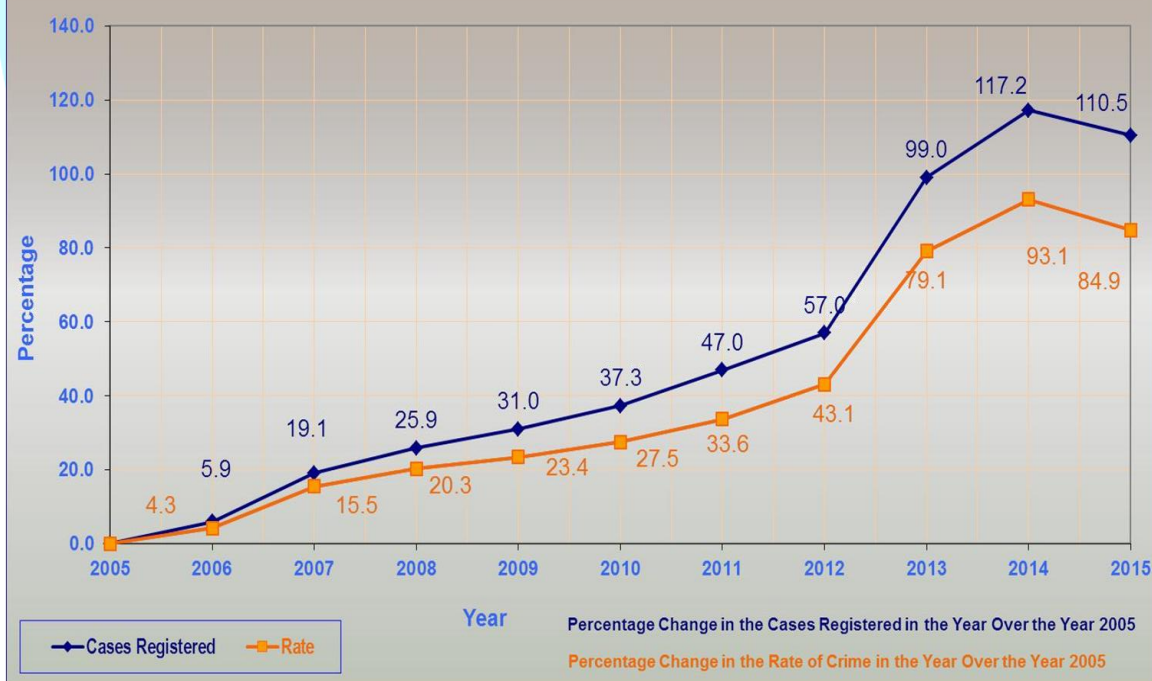
Figure 5.1



** The cases of Importation of Girls from Foreign Country, Indecent Representation of Women (Prohibition) Act, 1986, Commission of Sati Prevention Act 1987, Protection of Women from Domestic Violence Act 2005 altogether have been shown as Other Crimes.

Percentage Change in Cases Registered & Rate of Crime against Women during the Year Over 2005

Figure 5.2



All these pictures show the status of crime against women till 2015. And still also the political thinkers question why there is a need of equal participation.

There is a need for equal opportunity and equal participation as :

- (i) the level to achieve a goal can be decided and everyone could stand for their own right and in case of violation ask for remedy.
- (ii) acts of participation will influence the decision makers and they will take steps which could be beneficial on ground level.
- (iii) there will be ample area of innovative as well as protective measures which will lead a better system.
- (iv) at the best the representatives could be voices of the people.

The most important factor that could enhance the concept of equal participation is that it will relate to improvise politics. The likelihood of an individual will be governed by the resources he possesses, his motivation to participate, conduciveness of the social structure and the culture where he lives.

The recent example of women reservation bill not being passed by the Parliament is a matter of question. There is a need to bring a reform in the nature to access the justice. The Women Reservation Bill seeks to reserve 33.33% in the Lok Sabha or State Legislative Assemblies in accordance to the 73rd and 74th Constitutional Amendments. After a long battle, Rajya Sabha passed the bill on 9th March 2010. But due to lack of political consensus, the bill is found pending in Lok Sabha.

The major arguments against passing of this bill are such that the Bill would only benefit the women from the privileged strata of the society. They further argue that the bill would only help the relatives of current politicians to enter the public space. And the most genuine one being that modern women do not need reservation.

Then here the major question is **“If modern women do not need reservation, then why there is only 11.3% of women representing in the Lok Sabha?”**, **“Why special status is given to women and children under Art-15(4) of the Constitution of India?”** , **“Then why in the name of politics a small kid is not given justice?”**

The arguments seem baseless and vague. This way of framing the problem seems to leave open two ways responding: abandoning freedom and choice, on the grounds that they ideological

shams that merely serve to justify vast inequality, or abandoning equality of results, on the grounds that freedom is a cherished that ought not to be sacrificed and that results cannot be equalized case. There is a third response, however, that merits careful examination: abandoning the quest for tidy solutions to clashes among fundamental principles, on the grounds that uncertainty, tentativeness, and tensions political principles are permanent features of the project of democracy.

Walzer has very rightly said:

“Justice and equality can conceivably be worked out as philosophical artifacts, but a just or an egalitarian society cannot be. If such a society isn't already here-hidden, as it were, in our concepts and categories -we will never know it concretely or realize it in fact.”⁵

Women's participation in politics is no doubt an important step for country's growth. It is a pillar towards social equality, economic development and national and international peace. Due to lack of gender specific, non-discriminatory approach, the fact of women's participation is overlooked. In each and every, democratic political systems, citizens should have the right to take part in decision making. Furthermore, Dr. B. R Ambedkar has pointed out that:

“I measure the progress of a community by the degree of progress which women have achieved.”

CONCLUSION

A per the Preamble of the Constitution of India, “WE THE PEOPLE” are the source of Indian Constitution and the ideologies and the principles should be governed by us. So there is a need to bring a reform in the concept of access of justice by giving up equal opportunity and equal participation to women in every domain of life. Therefore, we can see a bright light of hope on the other side of the tunnel that, **“A day will come when every female will feel safe and secure and stand upright to fight for their right and justice”**. With the motivating words of Dr. B. R Ambedkar, it can be inferred that,

⁵ Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New Basic Books, 1983), xiv.

“I have completed my work; I wish there should be a sunrise even tomorrow. The new Bharat has got political freedom, but it is yet to raise the sun of social and economic liberty.”

the work has been completed, what is needed is a reform to access justice for all.

