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# GENDER STUDIES

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# 1. Introduction and Concepts in Gender Studies

## Introduction

The philosopher Simone de Beauvoir once said: "One is not born a woman, one becomes one". In Gender Studies, the term 'gender' is used to refer to the social and cultural constructions of masculinities and femininities, not to the state of being male or female in its entirety. The field emerged from a number of different areas: the sociology of the 1950s and later, the theories of the psychoanalyst Jaques Lacan, and the work of feminists such as Judith Butler.

(Gender Studies is an interdisciplinary study which analyzes the phenomenon of gender. Gender Studies focuses on both genders and their relations to each other. At the same time, it also takes into account how gender intersects with social, ethnic and cultural differences. These multiple interdependencies allow Gender Studies to produce more precise knowledge)

Gender Studies analyzes gender relations in the past, present and future. It advances the understanding of social processes. Thus, it contributes to the solution of key problems societies face today. For instance, gender research has revealed that:

- ☛ The needs of boys and girls can be met better if educational requirements and capabilities are systematically researched from a gender perspective.
- ☛ Not only women have difficulties balancing family and work, but growing numbers of men/fathers suffer from this problem.



- Women occupy jobs as men, but are paid less. Women also have difficulties entering leading positions which in part results from the unequal division of labor in the home.

## Concepts

Before we explore further the field of Gender Studies, let's look at some basic concepts which will improve our understanding of this area of study.

## Sex and Gender

'Sex' refers to the biological characteristics that categorise someone as either female or male; whereas 'gender' refers to socially determined ideas and practices of what it is to be female or male. Whilst often used interchangeably, 'sex' and 'gender' are in fact distinct terms. [A person's sex is biologically determined as female or male according to certain identifiable physical features which are fixed.] Women's marginalisation has often been seen as 'natural' and a fact of their biology. However these biological differences cannot explain why women have less access to power and lower status than men.

[Gender refers to how a person's biology is culturally valued and interpreted into locally accepted ideas of what it is to be a woman or man. Gender and the hierarchical power relations between women and men based on this are socially constructed, and not derived directly from biology. Gender identities and associated expectations of roles and responsibilities are therefore changeable between and within cultures.] Gendered power relations permeate all social institutions so gender is never absent. The value of the distinction between the terms 'sex' and 'gender' has been challenged more recently as 'sex' has also been seen to be socially constructed (Baden and Goetz, 1998). Use of the term gender, rather than sex, signals an



awareness of the cultural and geographic specificity of gender identities, roles and relations. It also recognises gender inequality as the outcome of social processes, which can be challenged, rather than as a biological given. For this reason, its use can generate considerable opposition, not only from conservative religious and cultural groups but also in mainstream development institutions.

Sex	Gender
Biological Construct	Social Construct
Chromosomes, Internal and External Genitalia, hormonal states, secondary sex characteristics	Environmental shaping on sex, socially and psychologically determined
Given and Natural	Gender is scripted by society and learnt
Immutable	Changeable
Universal	Culture specific, region specific, caste, community specific
Do not differ from and same across the planet	Cultures vary in gender roles

Susheeli Kaushik Women's Studies Perspectives Manual 1 2008

### Biological Determinism

The main feminist motivation for making the distinction between sex and gender (see above) was to counter biological determinism or the view that biology is destiny. (Perceiving and

identifies. It is not necessarily based on biological sex, either real or perceived, nor is it always based on sexual orientation. The gender identities one may identify as include male, female, both, somewhere in between (third gender), or neither.

Gender identity was originally a medical term used to explain sex reassignment surgery to the public, but is also found in psychology, often as core gender identity. Although the formation of gender identity is not completely understood, many factors have been suggested as influencing its development. Biological factors that may influence gender identity include pre- and post-natal hormone levels and gene regulation. Social factors which may influence gender identity include gender messages conveyed by family, mass media, and other institutions. One's gender identity is also influenced by the social learning theory, which assumes that children develop their gender identity through observing and imitating gender-linked behaviors, and then being rewarded or punished for behaving that way. In some cases, a person's gender identity may be inconsistent with their biological sex characteristics, resulting in individuals dressing and/or behaving in a way which is perceived by others as being outside cultural gender norms. These gender expressions may be described as gender variant or transgender.

## Transgender

Transgender is a general term applied to a variety of individuals, behaviors, and groups involving tendencies to vary from culturally conventional gender roles. Transgender is the state of one's gender identity (self-identification as woman, man, neither or both) not matching one's assigned sex (identification by others as male, female or intersex based on physical/genetic



sex). Transgender does not imply any specific form of sexual orientation. Transgender people may identify as heterosexual, homosexual, bisexual, pansexual, polysexual, or asexual. Some may consider conventional sexual orientation labels inadequate or inapplicable to them. The precise definition for transgender remains in flux, but includes: "Of, relating to, or designating a person whose identity does not conform unambiguously to conventional notions of male or female gender roles, but combines or moves between these." "Non-identification with, or non-presentation as, the sex (and assumed gender) one was assigned at birth."

A transgender individual may have characteristics that are normally associated with a particular gender, identify elsewhere on the traditional gender continuum, or exist outside of it as "other", "agender", "Genderqueer", or "third gender". Transgender people may also identify as bigender, or along several places on either the traditional transgender continuum, or the more encompassing continuums which have been developed in response to the significantly more detailed studies done in recent years.

### Sexual orientation

(Sexual orientation describes a pattern of emotional, romantic or sexual attraction to men, women, both genders, neither gender, or another gender.) According to the American Psychological Association, sexual orientation is enduring and also refers to a person's sense of "personal and social identity based on those attractions, behaviour expressing them, and membership in a community of others who share them." The current consensus among scholars is that sexual orientation is

not a choice. No simple, single cause for sexual orientation has been conclusively demonstrated, but research suggests that it is by a combination of genetic, hormonal, and environmental influences, with biological factors involving a complex interplay of genetic factors and the early uterine environment.

Though people may use other labels or none at all, sexual orientation is usually discussed in terms of three categories: heterosexuality, homosexuality, and bisexuality (asexuality is increasingly recognized as a fourth). The three exist along a continuum that ranges from exclusively heterosexual to exclusively homosexual, including various forms of bisexuality in between. This continuum does not suit everyone, however, as some people identify as asexual. This linear scale is a simplification of the much more nuanced nature of sexual orientation and sexual identity.

### Patriarchy

Patriarchy is a social system in which the role of the male as the primary authority figure is central to social organization, and where fathers hold authority over women, children, and property. It implies the institutions of male rule and privilege, and is dependent on female subordination. Patriarchy is best defined as control by men. The opposite is matriarchy which means women heading families. Obviously, most cultures and societies are patriarchal. Historically, the principle of patriarchy has been central to the social, legal, political, and economic organization of Celtic, Germanic, Roman, Greek, Hebrew, Arabian, Indian, and Chinese cultures, and has had a deep influence on modern civilization. Most forms of feminism characterize patriarchy as an unjust social system that is



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Gender discrimination refers to the practice of granting or denying rights or privileges to a person based on his/her gender. Attitudes toward gender discrimination can normally be traced back to the roots of certain segments of society. Much of the discrimination is attributed to stories such as a woman being made from a man's rib and societal practices such as dowry paid to fathers by prospective husbands to purchase their daughters to be wives. Countless literary fictional references have made female the fairer, weaker sex and whereas the male as the strong, invincible hunters of the world. The combined power of these societal and religious beliefs left little room for equitable thinking for centuries.

### Feminism

- Feminism may be defined simply as the belief that asserts equality between sexes. It includes
- Belief in the social, political, and economic equality of the sexes.
- Social movement that seeks equal rights for women.

### Gender discrimination

Gender discrimination refers to the practice of granting or denying rights or privileges to a person based on his/her gender. Attitudes toward gender discrimination can normally be traced back to the roots of certain segments of society. Much of the discrimination is attributed to stories such as a woman being made from a man's rib and societal practices such as dowry paid to fathers by prospective husbands to purchase their daughters to be wives. Countless literary fictional references have made female the fairer, weaker sex and whereas the male as the strong, invincible hunters of the world. The combined power of these societal and religious beliefs left little room for equitable thinking for centuries.

Although gender discrimination is traditionally viewed as a problem normally encountered by females. But it has significantly affected males as well. Jobs customarily and historically held mainly by women are often denied to men due to social stigma. Some of the more common jobs that fall into this category are nurses, childcare providers and flight attendants.



## Gender Analysis

Gender analysis is the collection and analysis of sex-disaggregated information. Men and women both perform different roles. This leads to women and men having different experience, knowledge, talents and needs. Gender analysis explores these differences so that policies, programmes and projects can identify and meet the different needs of men and women. Gender analysis also facilitates the strategic use of distinct knowledge and skills possessed by women and men.

## Gender Equality

Gender equality is defined in the Millennium Development Goals Report (UN, 2005) as "... a human right... [which] means equal control over resources and equal representation in public and political life". It further elaborates that "Having an equal voice in the decisions that affect their lives – from within the family to the loftiest realms of government – is a key element of women's empowerment". The connection between economic, social and political equality between women and men is thus clearly set out. Gender equality means that women and men have equal conditions for realizing their full human rights and for contributing to, and benefiting from, economic, social, cultural and political development. Gender equality is therefore the equal valuing by society of the similarities and the differences of men, women and the roles they play.

## Gender Equity

Gender Equity is the process of being fair to men and women. To ensure fairness, measures must often be put in place to compensate for the historical and social disadvantages that prevent women and men from operating on a level playing field. Equity is the means. Equality is the result.



## Gender Stereotyping

Gender Stereotyping is basically putting down someone because of their sex or not believing they are able to do something because they are either male or female. Gender stereotyping is thinking someone is inferior or different based on whether they are male or female. By saying and doing things that go with popular belief but not necessarily true, gender stereotyping causes discrimination. Gender stereotypes are formed at an early age with men and women being identified with particular occupations. Much work is being done to challenge such gender stereotyping, especially to encourage women to enter professions which have traditionally been a male domain, such as construction and engineering.

## Gender Sensitivity

Gender sensitivity is the understanding and consideration of socio-cultural factors underlying sex-based discrimination. It is the awareness and insight into the state of the other sex with reference to the historical roots of sexist stereotyping, discrimination and violence.

## Gender Division of Labour

Gender division of labour refers to socially determined ideas and practices that define what roles and activities are deemed appropriate for women and men. While gender division of labour tends to be seen as natural and immutable, in fact, these ideas and practices are socially constructed. This results in context-specific patterns of who does what by gender and how this is valued. Gender divisions of labour are not necessarily rigidly defined in terms of men's and women's roles, as is sometimes assumed. They are characterised by co-operation in



joint activities, as well as by separation. Often, the accepted norm regarding gender divisions varies from the actual practice.

However, roles typically designated as female are almost invariably less valued than those designated as male. Women are generally expected to fulfill the reproductive role of bearing and raising children, caring for other family members, and be involved in household tasks and home-based production. Men tend to be associated more with productive roles, particularly paid work and market production. In the labour market, although women's overall participation rates are rising, they tend to be confined to a relatively narrow range of occupations or concentrated in lower grades than men, usually earning lesser than men.

### Gender and Socialization

In the socialization process, females become women through a process whereby they acquire feminine traits and learn feminine behaviour (same can be said for men). Masculinity and femininity are thought to be products of nurture or how individuals are brought up. They are causally constructed (Haslanger 1995; 98). Kate Millett takes gender differences to have "essentially cultural, rather than biological bases" that result from differential treatment. For her, gender is "the sum total of the parents', peers', and culture's notions of what is appropriate to each gender by way of temperament, character, interests, status, worth, gesture, and expression" (Millett 1971, 31). Gender-norms, conveniently fits with and reinforces women's subordination so that women are socialised into subordinate social roles: they learn to be passive, ignorant, docile, emotional (Millett 1971, 26)



For instance, in most cases, if a child has a newspaper and packet of milk in its hands, it will give the newspaper to the father and milk packet to the mother without any direction. Hence the home is the breeding ground for gender unequal messages and parents are its breeders. It is necessary to unlearn social roles by addressing and diminishing the influence of socialization.

### Private vs Public

Men's and women's space often get divided both at home and in the public sphere. Such space division manifests into acquiring differential capabilities and potential for men and women. While the private sphere is associated with women and girls, the public sphere is associated with men and boys. For instance, it is more acceptable for boys, and not girls, to stay out of the home most of the time. The father goes out for work in most families leaving the mother at home to do household work. It is more acceptable in traditional Indian society for a guy to return home late from college or work, to play cricket or go to cinema halls, but a girl is expected to return home soon after college or work, and help her mother with household activities or study.

Such a public-private divide cannot be ignored, because it has consequences. Boys and men, because they are associated with the public sphere, get an opportunity to learn, access information, gain analytical thinking while women, being expected to spend most of their time indoors, are deprived of such opportunities. Their general knowledge, potential, capabilities and analytical mind often lags behind men though they perform better academically. It is a routine for men in villages to go to teashops in the morning where as women are

tied down at home with household work. Same is true for men in cities, who as a routine spend their mornings drinking their coffee, watching TV and reading newspapers, thus improving their knowledge of the world or the public sphere, while women spend most of their mornings in the kitchen and getting kids ready for school, probably honing their skills in household management.

### **Personal is Political**

This is an important concept in Women's and Gender Studies. It refers to the fact that often certain gender-based discriminations are dismissed as being a personal matter but is actually political, as it is linked to issues of power. The state (in the form of law enforcement) often fails to intervene in cases of domestic violence and dowry harassment cases as they are seen as being personal. They are in fact not personal problems because they are organised, planned, socially sanctioned acts of a powerful group, in this case, men. An understanding of the above concepts reveal that socially sanctioned norms shape and determine the behaviour, attitude and aptitude of men and women in society, invariably placing one gender as subordinate to the other, thus giving way to organised oppression and suppression.



## 2. Policy Initiatives in Women's Studies

### Women's Studies

Women's studies, also known as feminist studies, is an interdisciplinary academic field which explores politics, society and history from an intersectional, multicultural women's perspective. It critiques and explores societal norms of gender, race, class, sexuality and other social inequalities.

Women's studies was first conceived as an academic rubric apart from other departments in the late 1970s in the West, as the second wave of feminism gained political influence in the academy through student and faculty activism. By the late twentieth century, women's studies courses were available at many universities and colleges around the world.

Women's Studies is not limited solely to women's issues, but various forms of oppression in which women's issues become intricate focal points. The field recognizes that we must be active participants in alleviating all forms of oppressions in order to create a safe space for women and that we have a responsibility to act and advocate on behalf of human rights.

Women's Studies, like Gender Studies, employs feminist, queer, and critical theory. Within the past several decades, Women's Studies has taken a post modern approach to understand gender and how it (gender) intersects with race, class, ethnicity, religion, age, and (dis)ability to produce and maintain power structures within society that ensure social inequality.

Gender Studies has emerged out of the field of women's studies. Gender Studies examines women's identities, roles, and statuses with an accompanying awareness of how "manhood" is defined in different cultures or contexts.



While women's studies concentrates on work relevant to women's issues like psychology of women, women's history and literature gender studies is more generic and concerns itself with both women and men. It looks at the broader issue of how gender affects people, examining both women's and men's experiences.

In India, a majority of universities offer Women's Studies rather than Gender Studies. Some of the initiatives and guidelines for Women's Studies offered by the University Grant Commission, the apex body for higher education in India, is given below.

#### UGC Initiatives and Guidelines for Women's Studies

In order to promote Women's Studies, the University Grants Commission has been playing a significant role through the creation of Centres for Women's Studies by implementation of a scheme on Development of Women Studies in Indian Universities and Colleges.

These Centres in the University system have been functioning for about two decades, since 1986 and have succeeded in playing an interventionist role by initiating a gender perspective in many domains; in knowledge generation and in policy designs and practice etc.

The Women's Studies Centres were designed to act as catalysts for promoting and strengthening Women's studies through teaching, research, curriculum, field and extension work, training and continuing education. The Centres have carried out their work not only in the above areas, but also in areas of gender equity, economic and self reliance, girls'



education, population education, women's rights and law. They have been instrumental in incorporation of women's studies in various courses of teaching as well as facilitated research in socially relevant areas.

The Centres for Women's Studies have contributed to the visibility of women's issues, tried to combine erudite knowledge with socially relevant theories, and have succeeded in opening a dialogue in multi-disciplinary collaborations. Over the last two decades in India, Women's Studies has raised important questions about the invisibility, distortion and marginalization of gender as a category of analysis in mainstream disciplines.

The Women's Studies Centres play a vital role in academic upliftment including creating regular, short term and basic foundation courses to incorporate new gender perspective in all faculties. It has to develop, update and restructure curricula.

These Centres create a conducive environment by creating infrastructure and women's basic educational and common facilities including the benefits of involving and capitalizing faculties from other departments to adopt multidisciplinary approach in an integrated manner.

The Centres aim at greater participation of women teachers in the faculty of the Centres and also to cover various sub disciplines concerned in the emerging areas of global and national interests, but also create adequate women's hostel facilities and hostel accommodation to cater to the requirement of female students especially in colleges. The University will take initiatives in monitoring admission and related women's issues in this regard.

Although gender discrimination is traditionally viewed as a problem normally encountered by women, it affects men as well. For instance, jobs customarily and historically held mainly by women, like nurses, childcare providers and flight attendants, are often denied to men based on social stigmas. In many countries, while widows get bereavement benefit, there is no equivalent benefit for widowers. Paternity leave for men is quite rare and is offered only in certain countries or sectors.

#### Family and Home

Gender discrimination often begins at home. Son preference, as we know, is widespread in India. It is also prevalent in China, North Korea and Pakistan. Female infants, girls and women are prejudiced against when it comes to nutrition, health care or education.

Due to the advances in technology, determining the sex of the foetus in the womb is now possible. Though sex determination tests are illegal in India, the practice of finding out the sex of the foetus is quite common. This often leads to aborting fetuses if it is female (female foeticide). The killing of female infants (female infanticide) is also common. Widespread practice of female foeticide and infanticide has led to a skewed sex ratio in countries like India and China.

Sex ratio is the ratio of females to males in a population. Sex ratio is an important social indicator to measure the extent of prevailing equity between males and females at a given point of time.

Sex Ratio is defined as the number of females per 1000 males. Sex Ratio is an important social indicator to measure the extent of prevailing equity between males and females at a

given point of time. It is mainly the outcome of the interplay of sex differentials in mortality, sex selective migration, sex ratio at birth and at times the sex differential in population enumeration. The average natural sex ratio for humans from birth is approximately 105:100. Scientists are not sure why there are 105 males born for every 100 females around the world.

Sex ratio (females per thousand males)

India	933	Rural	946	USA	900
State with Highest Female Sex Ratio	Kerala				958
State with Lowest Female Sex Ratio	Haryana				861
UT with Highest Female Sex Ratio	Pondicherry				901
UT with Lowest Female Sex Ratio	Daman & Diu				710
District with Highest Female Sex Ratio	Mahe (Pondicherry)				947
District with Lowest Female Sex Ratio	Daman (Daman & Diu)				591

Source: Census Data 2001

According to the 2001 census, the sex ratio of India stands at 933:1000 (there are 933 females for every 1000 males). It is heavily skewed in favour of males, showing that Indian society is still prejudiced against females. The population sex ratio for Tamil Nadu has increased from 974 females per 1,000 males in 1991 to 986 in 2001. This is true of most States. Only four States among those with a population exceeding 20 million in



2001. Haryana, Gujarat, Maharashtra and Punjab - report a decline in population sex ratios between 1991 and 2001. However, Tamil Nadu's child sex ratio - defined as the number of girls per 1,000 boys in the age group of 0-6 years - shows a decline from 948 in 1991 to 939 in 2001. The decline in child sex ratios in some districts of the State is quite alarming.

The family can be seen as one of the main sites of gender discrimination as most human behavioural patterns can be traced to what people learn at home. Women and men are often treated unequally in the family. In most households, the father or some other male member, is considered the head of the family, and hence, the centre of authority.

Women, as we know, generally do most of the domestic chores like cooking and cleaning and are responsible for child care. In most Indian households, domestic work is considered a woman's area of sphere, while work done outside the home is the man's sphere. The distribution of work and roles in the family based on sex is called gender division of labour.

To understand the problems with gender division of labour, one must understand the concept of social reproduction or simply 'reproduction'. As opposed to production (which is work done in the market, for instance, work done in a factory manufacturing cars), reproduction refers to the whole range of activities that allow human beings to continue their lives - household work, cooking, cleaning, washing, caring for children, ill, old, socializing of the new generation. Without these things, it is impossible for any production to happen.

Activities associated with production are valued more than those associated with reproduction. As women do most of the

reproductive work, their work (which they spend most of their time and effort doing), besides being unpaid, is valued less. As their work is unpaid, most women, have to be financially dependent on male members of the household, thereby, leading to unequal power relations between men and women in the household. The head of the family, being the man, enjoys more authority and power and remains the main decision maker. Property assets are registered and passed on through the male line. The arrangement of relationships, which upholds male superiority and female subordination is called patriarchy. In many ways, family socialization upholds gender discrimination. Daughters and son are brought up to perform different roles and acquire different qualities.

Marriage and motherhood are prescribed as the ultimate goals for daughters, where as, for sons, it is his professional or work. Family resources like food and money are often not equally distributed among daughters and sons. The rationallisation is that resources spent on a son's education bring back returns to the family, but the daughter takes away family resources, including dowry, when she moves to another family upon marriage. It is this kind of thinking, that has led to an increase in criminal practices like female foeticide, infanticide and dowry. The family is thus the first site of gender discrimination. It is in the family that daughters and sons are socialized for playing different roles in society.

### Education and Literacy

Education has a special and unique role to play in all societies. It plays a major role in transmission of culture from one generation to another. The school has a very strong influence in the formative years of a child's life. Images and impressions



created in the school go a long way in moulding a child's views about gender.

The National Policy of Education, 1986, has laid down that gender discrimination must be completely eliminated from the educational system. Yet, many school text books continue to present women/girls as inferior to men/boys.

There is a wide gender disparity in the literacy rate in India: adult literacy rates in 2009 were 76.9% for men and 54.5% for women. At higher levels of education some courses are considered more suitable for women than men, like nursing and home science.

Education is a right and depriving women of education violates that right. Additionally, the lack of education is the root cause for many other problems. The low female literacy rate has had a dramatically negative impact on family planning and population stabilization efforts in India. Studies have indicated that female literacy is a strong predictor of the use of contraception among married Indian couples, even when women do not otherwise have economic independence.

#### Health

Gender disparities in nutrition are evident from infancy to adulthood among the poor in India. In fact, gender has been the most statistically significant determinant of malnutrition among young children and malnutrition is a frequent, direct or underlying, cause of death among girls below age 5.

Girls are often breast-fed less frequently and for a shorter duration in infancy. In childhood and adulthood, males are fed first and better. Adult women in India consume approximately 1,000 fewer calories per day than men according to one estimate.

Nutritional deprivation has two major consequences for women: first they never achieve their full growth potential and secondly they become anemic. This condition complicates childbearing and results in women and infant deaths, and low birth weight infants.

Generally in India, in a majority of the low-income groups, women eat last and least in the whole family. The UNICEF report of 1996 clearly states that the women of South Asia are not given proper care, which results in higher level of malnutrition among the women of South Asia than anywhere else in the world. Malnourished women give birth to malnourished children, perpetuating the cycle.

A primary way that parents discriminate against their girl children is through neglect during illness. As an adult, they tend to be less likely to admit that they are sick and may wait until their sickness has progressed far before they seek help or help is sought for them. Women's social training to tolerate suffering and their reluctance to be examined by male personnel are additional constraints in their getting adequate health care.

Many women in rural areas die in childbirth due to easily preventable complications. The maternal mortality rate in India is among highest in the world. Malnutrition results when women do not eat well. When these malnourished women marry early they are impregnated at younger age while their body is not ready to bear the burden of the child. All this results in complications, which may lead to gynecological problems, ultimately lead to death.

#### Discrimination against Men:

Worldwide, more attention is given and more money spent on breast and cervical cancer affecting women, than prostate



and testicular cancer which affect men. Deaths from prostate cancer are known to be almost as high as deaths from breast cancer and 6.7 times higher than deaths from cervical cancer.

## Employment

The workplace has been one of the main sites of gender discrimination. The majority of women worldwide earn an average of about three-fourths of the pay of males for the same work. It is not men who are always the breadwinners in families. One in every four households in the world is now headed by a woman.

The past two decades have witnessed what's called the 'feminisation of the labour force' both in the developed countries as well as in the developing world. It refers to the huge increase in the number of women entering the workforce. While women's employment has increased, men's employment has either stagnated or has declined.

Globalisation of trade and the economy has opened up economic and income opportunities in developing countries especially for women, both in the manufacturing and services sectors. With the expansion of Information and communication technologies (ICT), information processing work can now be globally distributed, leading to new modes of working, such as telework, teletrade and e-commerce. Women as offshore data entry workers, software programmers and systems analysts are finding novel employment opportunities in this digital age.

This increase in opportunities has had contradictory effects on women. It has brought great freedom to many women, especially those living in traditionally conservative countries like India, Indonesia, Ireland and Thailand, where many women



are able for the first time to be economically independent of men and to have more choice about what they do in their lives.

By bringing women into the workforce, globalisation has given women economic power they lacked in the past — the power to end the system that breeds poverty, exploitation and oppression. Some academicians and activists see this as definite progress towards women's emancipation and empowerment.

(This economic independence has also resulted in her improved status in the household and an increase in her position in society as well as her self-esteem.) It also means that women are increasingly unwilling to remain in relationships that are abusive or not supportive. Women have started enjoying more personal freedom, including more choice in marriage.

However, women workers cluster into low-skilled jobs, in specific branches, and their working conditions are poor, while wages paid are much lower than the average wage of men workers. Women are recruited in preference to men because they are cheaper, more flexible, and are not expected to offer collective resistance. The majority of the women workers labour under inferior working conditions and often on shifts with serious implications for their social and physical health. Those in the lower end, labour-intensive consumer electronics industries suffer from health problems that include extreme fatigue and general health problems due to chemical hazards and job stress.

Second and more important, they suffer more than men from the effects capitalism and neoliberalism. First, their entry into paid labour force has not reduced their roles and responsibilities in the home and family. Many of them who were

earlier not working outside the homes now have to bear a double burden or do the double shift because of the gender division of labour in the household (Being the primary care giver at home, and doing a disproportionate amount of household work). So the 'double burden' faced by all women means that the lives of women workers are everywhere very difficult as they try to reconcile work and family life.

The socialist feminist literature discusses the contradictory tendencies within capitalism to which women are subjected. On the one hand there is a demand to draw women into wage labour. At the same time there is a requirement to maintain the family as a unit for reproduction of labour power and to reinforce women's role in domestic labour within it. These contradictory tendencies are embodied in the organisation of labour processes such as creation of flexible shifts, part-time work, house-work and so on. This does not mean that the two aspects of women's lives - as domestic workers and as wage workers - are harmoniously related. While within the family men control the resources and are the main decision makers, outside, in the work-force hierarchy women's status is never equal to that of men. The majority of them are confined to low-paid, low-skilled and irregular work. In the end, women do not progress to skilled employment or to supervisory jobs, even in a branch where the lower-level jobs are exclusively performed by them.

As noted above, this trend towards the feminisation of paid employment in Asian countries was driven by the need of employers, usually transnational corporations (TNCs), for cheaper and more flexible sources of labour. Global capitalism makes use of the existing patriarchal ideology whereby women are perceived to be more subservient to (male) managerial

authority, less prone to organise into unions, more willing to accept poorer working conditions and easier to dismiss using such life-cycle criteria as marriage and childbirth.)

### Politics and Governance

Worldwide, women currently make up 18.4 per cent of elected representatives. This means that less than 3 in 5 politicians who are given the important task of taking decisions is female. Many feel that such an imbalance is unfair and that there is a good case for having special measures to increase women's participation in politics.

In India, like in many other countries in the world, women have always been hugely underrepresented in the Parliament. The percentage of women in the lower house (Lok Sabha) has never crossed 11 per cent in the six-decade history of the Indian Parliament.

Hoping to correct this under-representation, in 1993 the United Front coalition government proposed legislation to ensure a 33.3 per cent quota for women in the Parliament. The 81st Constitution Amendment Bill, making the above changes was introduced in the Parliament in September 1996. The Bill is yet to be passed.

The advocates of the Bill say that the quota is essential for active political participation of women and would result in empowerment of women as a whole. Increased political participation would help women fight the discrimination and inequality that they have been suffering. However quotas for women have proved to be controversial. Though it has been introduced in the Parliament several times since then, the Bill could not be passed due to lack of political consensus.



However some progress has been made at the Panchayat level. As per the 73rd and 74th Constitutional Amendment Acts, local elected bodies should reserve one-third of their seats for women. This has encouraged thousands of women to enter politics. However many of the women politicians at the Panchayat level remain puppets in the hands of their husbands or other male members of the party. Although the percentages of women in various levels of political activity has risen considerably over recent decades they still remain underrepresented.

### Religion

Practically all religions in the world are male dominated, and most gender discrimination have their roots in these religions, with women being relegated to a much lower level than men. She is regarded as unclean when she menstruates, she becomes untouchable after childbirth until she undergoes a ritual cleansing. She has to cover herself from head to foot in order not to weaken the man's purity of resolve, and she is supposed to have been created by God from Adam's rib, and that too as an afterthought, and God is a man of course.

From being burnt at the stake accused of being witches to honour killings that still continue in places like India, Pakistan, and other Islamic countries, to undergoing fasts for the well-being of her husband - all religions have always discriminated against women and continue to do so.

Religion has had a profound impact on human behaviour, all over the world. Most religious texts have been written by men as women were not allowed to receive education for a long time. These texts discriminate against women. Little wonder

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then, that many values and practices which suppress women, claim to have religious sanction. Religion often practices double standards for men and women. For instance, the Hindu religious scripts talk about respecting women, but at the same time it upholds practices such as humiliation of widows or sati. In many religious rituals women and men are not accorded equal status. Since religions has a large following, its influence in formulating social attitudes relating to men and women is very strong.

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#### 4. Women in Development and Gender in Development

##### Women's Empowerment

Before defining the term 'empowerment' let us examine its root concept 'power'. Power is a complex term. What exactly does it mean to have power? One way to understand what it means is by looking at the different ways in which it operates. They are 'power over', 'power to', 'power with' and 'power within'.

'Power over' involves an either/or relationship of domination/subordination and is based on threats of violence and intimidation. 'Power to' relates to having decision-making authority and power to solve problems. 'Power with' involves people organizing with a common purpose or common understanding to achieve collective goals. 'Power within' refers to self-confidence, self awareness and assertiveness and relates to how individuals can recognize how power operates in their lives, and gain the confidence to act to influence and change that (Oxaal with Baden, 1997).

While the 'power' in 'empowerment' is widely understood as referring to 'power to', feminists have repeatedly emphasized that it includes 'power with' and 'power within' as well. To achieve these three kinds of power, one needs to increase his/her ability to resist and challenge 'power over'.

Empowerment, therefore, at least in its conventional understanding, is "about bringing people who are outside the decision-making process into it" (Rowlands, 1995: 102). However, it is more than simply opening up access to decision-making. It includes the processes that lead people to "perceive themselves as able and entitled to occupy that decision-making space" (ibid.).



Kabeer defines empowerment as "the processes by which those who have been denied the ability to make choices acquire such an ability" (1999:437). Therefore, according to her, people who exercise a great deal of choice in their lives may be very powerful, but they are not empowered, if they were never disempowered in the first place.

While empowerment, as widely understood, is about having the ability to make choices, just because a person has and makes a choice, it does not make him/her empowered. Kabeer (1999) argues that 'choice' needs to be qualified. First, the choices people make are limited by the existence of alternatives which are significantly limited for the poor, since an insufficiency in the means for meeting one's basic needs often rules out the ability to exercise meaningful choice. Second, choices are dependent on the consequences they entail, and can come at a high cost. Thirdly, what is chosen may not always contribute to the welfare of those making the choice. For instance, the individual making the choice may have internalized his/her social status as a person of lesser value and therefore we should also look at the kind of choices one makes.

Another important thing to bear in mind here is that empowerment is not something that can be done to or for others, in this case, women. NGOs, development agencies and other outsiders can therefore only work as enablers or facilitators to enhance women's capacity for self-determination (Kabeer, 1999). It is important that women recognize their 'power within' and act together with other women to exercise 'power with'.

#### Use and abuse of the term.

The term 'women's empowerment' emerged during the women's movement in the 1980s, mainly in the Third world,



where there was growing discontent among feminists about the largely apolitical and economic models in prevailing development interventions (Batliwala, 2007). 'Women's empowerment' was a more political and transformatory idea for struggles that challenged not only patriarchy, but also the mediating structures of class, race and ethnicity which determined the nature of women's position and condition in developing societies (Batliwala, 2007).

However, over the last two decades, 'women's empowerment' has become a buzzword especially in development policy. It has become a loose term and is used so widely that it has been robbed of its original meaning and value. The term is increasingly being used to refer to the economic upliftment of women, while the political and transformatory aspects of the term like justice and equality is being disregarded. For instance, in many countries in the global south, the term women's empowerment has become synonymous with projects that give women small loans to set up small scale businesses.

Working towards women's empowerment should involve a multi-focal approach and should move beyond the current narrow focus on economic power. While an increase in income may empower women to a limited extent, it is dependent on specific relations determined by gender, culture, class or caste (Rowlands, 1995). It is often assumed that alleviating women's poverty will automatically 'empower' them. In fact, feminists have pointed out that often, a woman's access to loans or increased earnings may not even improve her economic situation, let alone bring about other benefits for her. For instance, in India, where women's empowerment initiatives are mainly focused on women's increased economic activity and quotas for women in politics, there is little evidence that either

result in sustained changes in women's position within their families, communities, or society at large (Batliwala, 2007). In fact it could be having a negative impact on their lives.

Batliwala states:.... "there is a growing body of analysis that argues that the empowering effects of these interventions are complex, and that they can consolidate existing power hierarchies as well as create new problems, including manipulation and co-optation by dominant political interests, growing indebtedness, doubling and tripling of women's workloads, and new forms of gendered violence" (2007: 562).

When the income is generated or when livelihoods are enhanced, it hardly alters hierarchies and patriarchal structures within families and households (Deshmukh-Ranadiye, 2003). This is why public interventions for women which result in new social activity or new avenues of income generation can actually accentuate tensions within households. Deshmukh-Ranadiye argues that in such situations, supplementary interventions that can change the socio-cultural space of women in the home are required.

### 'Women in Development' and 'Gender and Development'

Women in development (WID) and Gender and Development (GAD) are approaches that have been adopted in development processes to bring about gender equality. The WID approach calls for greater attention to women in development policy and practice, and emphasises the need to integrate them into the development process. The WID perspective evolved in the early 1970s from a 'liberal' feminist framework and was particularly influential in North America. It was a reaction to women being seen as passive beneficiaries of development. It



marked an important corrective, highlighting the fact that women need to be integrated into development processes as active agents to achieve the efficient and effective development. Women's significant productive contribution was made visible, although their reproductive role was downplayed. Women's subordination was seen in terms of their exclusion from the market sphere, and limited access to and control over resources.

Programmes informed by a WID approach addressed women's practical needs by, for example, creating employment and income-generating opportunities, improving access to credit and to education. Women's 'problem' was therefore diagnosed as insufficient participation in a benign development process, through an oversight on behalf of policymakers. In contrast, the GAD (or Gender and Development) approach to development policy and practice focuses on the socially constructed basis of differences between men and women and emphasises the need to challenge existing gender roles and relations.

### Gender and Development:

GAD emerged from a frustration with the lack of progress of WID policy, in changing women's lives and in influencing the broader development agenda. GAD challenged the WID focus on women in isolation, seeing women's 'real' problem as the imbalance of power between women and men. GAD seeks to have both women and men participate, make decisions and share benefits. This approach often aims at meeting practical needs as well as promoting strategic interests by challenging existing divisions of labour and power relations. Practical needs refer to what women (or men) perceive as immediate material necessities such as water, shelter and food.

Interventions addressing strategic gender interests focus on fundamental issues related to women's (or, less often, men's) subordination and gender inequities. Strategic gender interests are long-term, usually not material, and are often related to structural changes in society regarding women's status and equity. They include legislation for equal rights, reproductive choice, and increased participation in decision-making.

Although WID and GAD perspectives are theoretically distinct, in practice it is less clear, with a programme possibly involving elements of both. Whilst many development agencies are now committed to a gender approach, in practice, the primary institutional perspective remains as WID and associated 'antipoverty' and 'efficiency' policies. There is often a slippage between GAD policy rhetoric and a WID reality where 'gender' is mistakenly interpreted as 'women'.

#### State Initiatives

There have been several global initiatives to promote gender equality, mostly in the form of international conferences. Below are some of the major milestones.

1970 Resolution of Concerted International Action for the Advancement of Women

1975 International Women's Year (IWY)

The World Conference of IWY, Mexico City, World Plan of Action

1976-1985 United Nations Decade for Women (UNDW): Equality, Development and Peace

1979 Convention on the Elimination of All Kinds of Discrimination against Women (CEDAW)



1980 World Conference of the UNDW, Copenhagen

1985 World Conference to Review and Appraise the Achievements of the UNDW, Nairobi Forward-Looking Strategies for Advancement of Women (NFLS), 1985 - 2000.

1993 World Conference on Human Rights, Vienna Declaration and Programme of Action

1994 International Conference on Population and Development (ICPD)

1995 World Social Summit for Development, Copenhagen

1995 Fourth World Conference on Women, Beijing.

Beijing Declaration and Platform for Action 2000 General Assembly 23rd Special Session 'Women 2000: Gender Equality, Development and Peace in the 21st Century,' or Beijing+5, New York

2000 Millennium Summit, New York

2003 49th Session of the Commission on the Status of Women on

Beijing+10, New York

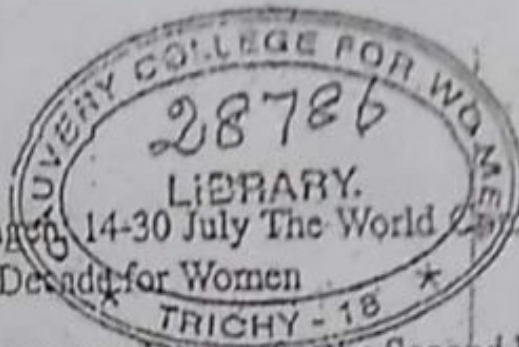
2005 UN World Summit, New York

The United Nations World Conferences on Women

1975: Mexico City, 19 June-2 July

The World Conference of the International Women's Year

Outcome: The Declaration of Mexico and the World Plan of Action for the Implementation of the Objectives of the International Women's Year



1980: Copenhagen, 14-30 July The World Conference of the United Nations Decade for Women

*Outcome:* Programme of Action for the Second Half of the United Nations Decade for Women

1985: Nairobi, 15-26 July 1985

The World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace

*Outcome:* The Nairobi Forward-looking Strategies for the Advancement of Women 1986-2000

*Attendance:* Conference, 157 States NGO Forum, about 16,000 participants and attendants

1995: Beijing, 4-15 September 1995 The Fourth World Conference on Women

*Outcome:* Beijing Platform for Action for Equality, Development and Peace; Beijing Declaration

*Attendance:* Conference, 189 States, c. 17,000 delegates and observers; NGO Forum; c. 35,000 participants [Pietilä (2007: 53)]

The Millennium Declaration, the Beijing Platform of Action, and CEDAW

The gender-related goals set forth in the United Nations Millennium Declaration (2000), the Beijing Platform for Action, and the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), all of which have a strong gender dimension.



*The Millennium Declaration* encompasses the following goals:

1. Eradicate extreme poverty and hunger. This cannot be achieved without due attention to both women and men living in poverty.

2. Achieve universal primary education of both girls and boys.

3. Promote gender equality and empower women. This goal is intended to represent the Beijing Platform for Action.

4. Reduce child mortality. This cannot be achieved without better reproductive health services for women and the end of discriminatory behaviors that contribute to high levels of female child mortality in some parts of the world.

5. Improve maternal health. This cannot be achieved without reducing gender gaps in resources and access to health services.

6. Combat HIV/AIDS, malaria, and other diseases. In many countries, HIV/AIDS is spreading more rapidly among women than among men, which reflects women's lack of resources and opportunity. The burden of caring for HIV/AIDS victims and orphans also falls disproportionately on women.

7. Ensure environmental sustainability. Access to water is an important gender issue in many countries.

The goals of the Millennium Declaration are intended to further progress on the some of the 12 critical areas for action identified by the Beijing Platform of Action: women and poverty, education and training of women, women and health,

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violence against women, women and armed conflict, women and the economy, women in power and decision making, institutional mechanisms for the advancement of women, human rights of women, women and the media, women and the environment, and the girl child. All UN member countries have endorsed the Beijing Platform for Action.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW):

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.

### India

India has ratified various international conventions and human rights instruments committing to secure equal rights of women. Key among them is the ratification of CEDAW in 1993.

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It has also endorsed the The Mexico Plan of Action (1975), the Nairobi Forward Looking Strategies for Advancement of Women (1985) and the Beijing Declaration as well as the Platform for Action (1995).

### National Policy for the Empowerment of Women 2001

The National Policy for the Empowerment of Women, 2001, was framed by the Government of India with the goal of bringing about advancement, development and empowerment of women.

The Goal of this Policy is to bring about the advancement, development and empowerment of women. Specifically, the objectives of this Policy include:

- Creating an environment through positive economic and social policies for full development of women to enable them to realize their full potential;
- The de-jure and de-facto enjoyment of all human rights and fundamental freedom by women on equal basis with men in all spheres - political, economic, social, cultural and civil;
- Equal access to participation and decision making of women in social, political and economic life of the nation;
- Equal access to women to health care, quality education at all levels, career and vocational guidance, employment, equal remuneration, occupational health and safety, social security and public office etc.;
- Strengthening legal systems aimed at elimination of all forms of discrimination against women;

- Changing societal attitudes and community practices by active participation and involvement of both men and women;
- Mainstreaming a gender perspective in the development process;
- Elimination of discrimination and all forms of violence against women and the girl child; and
- Building and strengthening partnerships with civil society, particularly women's organizations.

### Gender Mainstreaming

Gender Mainstreaming is an organisational strategy to bring a gender perspective to all aspects of an institution's policy and activities, through building gender capacity and accountability.

The 1970s strategies of integrating women into development by establishing separate women's units or programmes within state and development institutions had made slow progress by the mid-1980s. In light of this, the need was identified for broader institutional change if pervasive male advantage was to be challenged. Adding women-specific activities at the margin was no longer seen as sufficient.

Most major development organisations and many governments have now embraced 'gender mainstreaming' as a strategy for moving towards gender equality.

With a mainstreaming strategy, gender concerns are seen as important to all aspects of development; for all sectors and areas of activity, and are seen as a fundamental part of the planning process.



Responsibility for the implementation of gender policy is diffused across the organisational structure, rather than concentrated in a small central unit.

Such a process of mainstreaming has been seen to take one of two forms. The agenda-setting approach to mainstreaming seeks to transform the development agenda itself whilst prioritising gender concerns. The more politically acceptable integrationist approach brings women's and gender concerns into all of the existing policies and programmes, focusing on adapting institutional procedures to achieve this. In both cases, political as well as technical skills are essential to a mainstreaming strategy.

Any approach to mainstreaming requires sufficient resources, as well as high-level commitment and authority. A combined strategy can be particularly powerful. This involves the synergy of a catalytic central gender unit with a cross-sectoral policy oversight and monitoring role, combined with a web of gender specialists across the institution. The building of alliances both within the institution and with outside constituencies, such as women's organisations, is crucial for success. Mainstreaming tools include gender training, introducing incentive structures which reward efforts on gender, and the development of gender-specific operational tools such as checklists and guidelines.

## 5. Women's Movement in India, Safeguarding Mechanisms

Unlike the Western feminist movement, India's movement was initiated by men, and later joined by women. Some of the most influential men involved were Dr. Babasaheb Ambedkar, Raja Ram Mohan Roy, Ishwar Chandra Vidyasagar, Keshav Chandra Sen, Malabari Phule, Gopal Ganesh Agarkar, Mahadev Govind Ranade and Dhondo Keshav Karve.

The efforts of these men included abolishing sati (widow killing herself by jumping into the husband's funeral pyre), the custom of child marriage, abolishing the disfiguring of widows, promoting women's education, obtaining legal rights for women to own property, and requiring the law to acknowledge women's status by granting them basic rights in matters such as adoption.

The women's movement in India today is rich and vibrant and has taken different forms in different parts of the country. Activists contend that the absence of a single cohesive movement, rather than being a source of weakness, may be one of the strengths of the movement. Although scattered and fragmented, it is a strong and plural movement.

### Overview of the Women's Movement in India

The women's movement in India took off in the 1920s, building on the 19th century social reform movement. The women's movement progressed during the period of high nationalism and the freedom struggle, both of which shaped its contours.

Among the many achievements of the movement, the most significant were the constitutional guarantees of equal rights

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for women and universal adult suffrage in independent India. However, these guarantees did little to bring about social and material change in the lives of most Indian women. A New Women's movement, articulated to mass and popular politics, emerged in the 1970s.

Autonomous women's organizations, as opposed to party-affiliated ones, started making an appearance following the International Women's Year in 1975. This was also the time when party-affiliated organizations like All India Democratic Women's Association (CPM), and All India Mahilla Dakshata Samiti (Janata Dal), came into being. Existing organizations like the All India Women's Conference, National Federation of Indian Women too were stirring into action. Autonomy from the liberal, which situated women's emancipation within existing society as well as those who did not wish to be limited by socialism. The cutting edge of this movement was provided by a socialist feminist stream which redefined and extended the very definition of politics with its slogan of 'personal is political' and situated itself in a struggle against capitalist patriarchy. The family was brought into the public arena with issues of dowry, female foeticide, wife battering, incest and the rights of women in the society as well as within the family, without losing sight of the goal of a society free of exploitation and discrimination.

While the vision broadened, the practice was not so rosy. Various factors contributed to it. First and foremost factor is the role of the UN itself. Till the mid eighties it was the women's decade and the very agency which had catalyzed the women's movement into action, became the cause for the movement to be co-opted. Throughout this period, large amounts of funding



were made available to carry out women's development-related activities. One estimation puts the number of NGOs at 50,000 – those that came up to use these funds. This meant that the funders' agenda started to dominate the scene. This also resulted in a larger number of women joining NGOs, as opposed to the movement, as they believed that they could follow their politics, reach out to large numbers of women and also make a living in the process.

The token presence of women on various committees has been used by national and international agencies to legitimize their own anti-people and anti-women policies. They legitimized their actions by holding consultations with women's organizations over many years, even if it meant propping up and promoting organizations for this very purpose. Collective functioning has been one of the key elements of the autonomous women's organizations.

Despite the longstanding and vigorous women's movement, patriarchy remains deeply entrenched in India, influencing the structure of its political and social institutions and determining the opportunities open to women and men. The negotiation and conflict between patriarchy and the women's movement are central to the constitution of the nation-state.

The 2006 National Conference of women's movements (Seventh National Conference of Autonomous Women's Movements in India) had a vision of an alternative society based on equality, social justice and equitable development. A society that is free from violence and that believes in women's rights, human rights, democratic processes, diversity, dignity and peace. It observed that:



Violence against women, ranging from the visible to the invisible – from battery to sexual atrocities like molestation and rape, dowry tortures and murders, trafficking and female infanticide – continues to be perpetrated by families, communities and the state.

- As rising nationalisms, religious fundamentalisms and fascist pressures sweep the world, they pervade political space and civil society, and have become entrenched in institutions such as education, the law, and the media.
- More than a decade of economic “liberalisation” has resulted in the withdrawal of the state from many essential sectors like health care, power and water. As they get privatised, the inequalities between the rich and poor are getting starker, large sections of the people are losing access to them, especially women and girls.
- Women’s movements resist the view that women are reproductive beings alone, to be targeted for achieving population control goals through the manipulation and coercion of state-controlled and eugenic population policies.
- Over the last few decades, the Indian state – a powerful conglomeration of upper class, upper caste, patriarchal and large capital interests – has been compelled to respond to the demands of the women’s movement in many ways.
- Women’s movements believe that as women, we share common interests and goals, and hence come together in our collective struggles. But caste, nation, class, religion, ethnicity, sexuality, ability or disability are deeply rooted social constructs which create multiple identities for many women.)



It is important to recognise that for a country of India's magnitude, change in gender relations and the kinds of issues the women's movement is focusing on, will not come easily. For every step the movement takes forward, there will be a possible backlash, a possible regression.)

### National Commission for Women

In January 1992, the National Commission for Women (NCW), was set up as a statutory body under the National Commission for Women Act, 1990 to review constitutional and legal safeguards for women; recommend remedial legislative measures, facilitate redressal of grievances and advise the Government on all policy matters affecting women.

As the problem of violence against women is multifaceted, the NCW has adopted a multi-pronged strategy to tackle the problem. The Commission has initiated generation of legal awareness among women, thus equipping them with knowledge of their legal rights and with a capacity to use these rights. It assists women in redressal of their grievances through pre-litigation services. To facilitate speedy delivery of justice to women Parivarik Mahila Lok Adalats are organized in different parts of the country to review the existing provisions of the Constitution and other laws affecting women and recommending amendments thereto, any lacunae, inadequacies or shortcomings in such legislations. It organises promotional activities to mobilise women and get information about their status and recommend paradigm shift in the empowerment of women.

The Complaints and Counselling Cell of the commission processes the complaints received (oral, written or suo moto) under Section 20 of the NCW Act. The complaints received



relate to domestic violence, harassment, dowry, torture, desertion, bigamy, rape, refusal to register FIR, cruelty by husband, deprivation, gender discrimination and sexual harassment at work place. NCW tackles the problems by ensuring that investigations by the police are expedited and monitored. Family disputes are resolved or compromised through counselling.

As per the 1997 Supreme Court Judgement on Sexual Harassment at Workplace, ( Vishakha Vs. State of Rajasthan ) every employer is required to provide for effective complaints procedures and remedies including awarding of compensation to women victims. In sexual harassment complaints, the organisations concerned are urged to expedite cases and the disposal is monitored. For serious crimes, the Commission constitutes an Inquiry Committee which makes spot enquiries, examines various witnesses, collects evidence and submits the report with recommendations. The implementation of the report is monitored by the NCW.

The complaints received by the NCW show the trend of crimes against women and suggest systemic changes needed for reducing them. The complaints are analysed to understand the gaps in the routine functioning of government in tackling violence against women and to suggest correctional measures. The complaints are also used as case studies for sensitization programmes for the police, judiciary, prosecutors, forensic scientists, defence lawyers and other administrative functionaries. Individuals interested in getting in touch with the Commission may contact its Complaints Cell. The number is 91-11-3222369. Enquiries can even be e-mailed to [embersecretary@nationalcommissionforwomen.org](mailto:embersecretary@nationalcommissionforwomen.org).

## All-Women Police Stations in Tamil Nadu

The commissioning of all-women police stations was a pioneering initiative in Tamil Nadu. Further, 30% reservation for women in the recruitment of Police Constables was implemented in 1997. In order to enable women to approach police stations without fear and instill in them a feeling of confidence, the Government ordered the appointment of one women sub-inspector and two women police constables (Grade II) in every police station in the state. (Multi-level gender sensitive training has been imparted to both women and men in the police to promote better understanding between them.)

(Eight all-women police stations in Chennai Suburban Commissionerate provide immediate relief to women in distress, rescue girls and missing children, assist policemen in raids to curb immoral trafficking and for public order (bandobust) duties at large gatherings where women congregate.)

All crime cases against women under Indian Penal Code, Dowry Prohibition Act, Tamilnadu Prevention of Women Harassment Act, Domestic Violence Act, Child Marriage Act, Medical Termination of Pregnancy Act, Child Labour act, Juvenile Justice act, Prevention of Immoral Traffic Act, etc. are investigated by all-women police stations.

### Domestic Violence

The Protection of Women from Domestic Violence Act 2005 is the first significant attempt in India to recognize domestic abuse as a punishable offence, to extend its provisions to those in live-in relationships, and to provide for emergency relief for the victims, in addition to legal recourse.



(The Act was brought into force by the Indian government with effect from October 26, 2006. The Act was passed by the Parliament in August 2005 and assented to by the President on 13 September, 2005.)

Definition: 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.

For the purposes of this section,

- (i) "physical abuse" means any act or conduct which is of such a nature as to cause bodily pain, harm, or danger to life, limb, or health or impair the health or development of the aggrieved person and includes assault, criminal intimidation and criminal force;
- (ii) "sexual abuse" includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of woman;

(iii) "verbal and emotional abuse" includes-

(a) ridicule, humiliation; name calling and insults or ridicule specially with regard to not having a child or a male child; and

(b) repeated threats to cause physical pain to any person in whom the aggrieved person is interested.

(iv) "economic abuse" includes-

(a) deprivation of all or any economic or financial resources to which the aggrieved person is entitled under any law or custom, whether payable under an order of a court or otherwise or which the aggrieved person requires out of necessity, including, but not limited to, household necessities for the aggrieved person and her children, if any, stridhan, property, jointly or separately owned by the aggrieved person, payment of rental related to the shared household and maintenance;

(b) disposal of household effects, any alienation of assets whether movable or immovable, valuables, shares, securities, bonds and the like or other property in which the aggrieved person has an interest or is entitled to use by virtue of the domestic relationship or which may be reasonably required by the aggrieved person or her children or her stridhan or any other property jointly or separately held by the aggrieved person; and

(c) prohibition or restriction to continued access to resources or facilities which the aggrieved person is entitled to use or enjoy by virtue of the domestic relationship including access to the shared household.

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Primarily meant to provide protection to the wife or female live-in partner from domestic violence at the hands of the husband or male live-in partner or his relatives, the law also extends its protection to women who are sisters, widows or mothers.

The salient features of the Protection from Domestic Violence Act, 2005 are as follows:

The Act seeks to cover those women who are or have been in a relationship with the abuser where both parties have lived together in a shared household and are related by consanguinity, marriage or a relationship in the nature of marriage, or adoption; in addition relationship with family members living together as a joint family are also included. Even those women who are sisters, widows, mothers, single women, or living with the abuser are entitled to get legal protection under the proposed Act.

- *"Domestic violence" includes actual abuse or the threat of abuse that is physical, sexual, verbal, emotional and economic. Harassment by way of unlawful dowry demands to the woman or her relatives would also be covered under this definition.*
- *One of the most important features of the Act is the woman's right to secure housing. The Act provides for the woman's right to reside in the matrimonial or shared household, whether or not she has any title or rights in the household. This right is secured by a residence order, which is passed by a court. These residence orders cannot be passed against anyone who is a woman.*
- *The other relief envisaged under the Act is that of the power of the court to pass protection orders that prevent the abuser from aiding or committing an act of domestic violence or*

any other specified act, entering a workplace or any other place frequented by the abused, attempting to communicate with the abused, isolating any assets used by both the parties and causing violence to the abused, her relatives and others who provide her assistance from the domestic violence.

- The Act provides for breach of protection order or interim protection order by the respondent as a cognizable and non-bailable offence punishable with imprisonment for a term which may extend to one year or with fine which may extend to Rs 20,000 or with both. Similarly, non-compliance or discharge of duties by the Protection Officer is also sought to be made an offence under the Act with similar punishment.

### **Sexual Harassment at the Work Place [SHWP]**

Sexual Harassment refers to an employee's continued, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, made to another employee, against his or her wishes. Sexual harassment can occur in a variety of situations. Below are a few examples of sexual harassment.

- Unwanted jokes, gestures, offensive remarks on clothing, and unwelcome comments and repartee.
- Touching and any other bodily contact such as scratching or patting a coworker's back, grabbing an employee around the waist, or interfering with an employee's ability to move.
- Repeated requests for dates that are turned down or unwanted flirting.



- *Transmitting or posting emails or pictures of a sexual or other harassment-related nature.*
- *Displaying sexually suggestive objects, pictures, or posters.*
- *Playing sexually suggestive music.*

According to the Protection of Human Rights Act, 1993 "human rights" means rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India) It is necessary and expedient for employers in work places as well as other responsible persons or institutions to observe certain guidelines to ensure the prevention of sexual harassment of women, because living with dignity is a human right guaranteed by our constitution. It has been laid down by the Supreme Court that it is the duty of the employer or other responsible persons in work places or other institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedure for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required:

#### *Steps to be taken by the Employers:*

All employers or persons in charge of work place whether in public or private sector should take appropriate steps to prevent sexual harassment. Without prejudice to the generality of this obligation they should take the following steps:

- Express prohibition of sexual harassment (as defined above) at the work place should be notified, published and circulated in appropriate ways.*
- The Rules/Regulations of Government and Public Sector bodies relating to conduct and discipline should include*

rules / regulations prohibiting sexual harassment and provide for appropriate penalties in such rules against the offender.

(c) As regards private employers steps should be taken to include the aforesaid prohibitions in the standing orders under the Industrial Employment (Standing Orders) Act, 1940.

(d) Appropriate work conditions should be provided in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at work places and no female employee should have reasonable grounds to believe that she is disadvantaged in connection with her employment. :)

#### Maternity Benefit Act, 1961

The object of maternity leave and benefit is to protect the dignity of motherhood by providing for the full and healthy maintenance of women and her child when she is not working.

With the object of providing maternity leave and benefit to women employees, the Maternity Benefit Bill was passed by both the Houses of Parliament and subsequently it received the assent of President on 12th December, 1961 to become an Act.)

The Act is meant to regulate the employment of women in certain establishments for certain period before and after child-birth and to provide for maternity benefit and certain other benefits.

The Act applies to a) every establishment being a factory, mine or plantation including any such establishment belonging to Government and to every establishment wherein persons are



employed for the exhibition of equestrian, acrobatic and other performances (b) to every shop or establishment in which ten or more persons are employed, or were employed, on any day of the preceding twelve months.

Subject to the provisions of this Act, every woman shall be entitled to, and her employer shall be liable for, the payment of maternity benefit at the rate of the average daily wage for the period of her actual absence, that is to say, the period immediately preceding the day of her delivery, the actual day of her delivery and any period immediately following that day.

#### The Hindu Succession (Amendment) Act, 2005

The Hindu Succession Act (1956) was passed by the Parliament of India in 1956 to amend and codify the law relating to intestate or unwilled succession, among Hindus. The Act lays down a uniform and comprehensive system of inheritance and applies to persons, governed by both the Mitākcarā and Dāyabhāga schools. It is hailed for its consolidation of Hindu laws on succession into one Act. The Hindu woman's limited estate is abolished by the Act. Any property, possessed by a Hindu female, is to be held by her absolute property and she is given full power to deal with it and dispose of it by will as she likes. (The Act was amended in 2005 by Hindu Succession (Amendment) Act, 2005.)

The Hindu Succession Act applies to all those who practice the Hindu religion as well as those who fall under the term Hindu within the Indian Legal system, including Buddhists, Jains, and Sikh.

Under the Hindu Succession Act, 1956, females are granted ownership of all property acquired either before or after the

signing of the Act, abolishing their "limited owner" status. However, it was not until the 2004 Amendment that daughters were allowed equal receipt of property as sons. This invariably grants females property rights.

(The property of a Hindu female dying inestate, or without a will, shall devolve as follows:

- (a) first, upon the sons and daughters (including the children of any pre-deceased son or daughter) and the husband.
- (b) second, upon the heirs of the husband.
- (c) third, upon the heirs of the father, and
- (d) fourth, upon the heirs of the father, and
- (e) finally, upon the heirs of the mother.

The Hindu Succession (Amendment) Act, 2005 amended Section 6 of the Hindu Succession Act, 1956, allowing daughters of the deceased equal rights as sons. In the case of coparcenary property, or a case in which two people inherit property equally between them, the daughter and son are subject to the same liabilities and disabilities. The amendment essentially furthers equal right between males and females in the legal system.

( It gives the following rights to daughters under Section 6:

- The daughter of a coparcener cell by birth becomes a coparcener in her own right in the same manner as the son;
- The daughter has the same rights in the coparcenary property as she would have had if she had been a son;



- *The daughter shall be subject to the same liability in the said coparcenary property as that of a son; and any reference to a Hindu Mitakshara coparceners shall be deemed to include a reference to a daughter of a coparcener;*
- *The daughter is allotted the same share as is allotted to a son;*
- *The share of the pre-deceased son or a pre-deceased daughter shall be allotted to the surviving child of such pre-deceased son or of such pre-deceased daughter;*
- *The share of the pre-deceased child of a pre-deceased son or of a pre-deceased daughter shall be allotted to the child of such pre-deceased child of the pre-deceased son or a pre-deceased daughter.*

### The Pre-natal Diagnostic Techniques [PNDT] Act and Rules

(The Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994, was enacted and brought into operation with effect from 1st January, 1996, in order to check female foeticide. Rules have also been framed under the Act. The Act prohibits determination and disclosure of the sex of foetus. It also prohibits any advertisements relating to pre-natal determination of sex and prescribes punishment for its contravention. The person who contravenes the provisions of this Act is punishable with imprisonment and fine.

### **Eve Teasing**

In the Indian Penal Code, the word 'eve-teasing' does not exist. Eve teasing is an attitude, a mindset, a set of behaviours

that is construed as an insult and an act of humiliation of the female sex.

However, victims of eve teasing could take recourse to certain sections of the IPC. Section 298 (A) and (B) of the Indian Penal Code sentences a man found guilty of making a girl or woman the target of obscene gestures, remarks, songs or recitation for a maximum tenure of three months.

Section 292 of the IPC clearly spells out that showing pornographic or obscene pictures, books or slips to a woman or girl draws a fine of Rs.2000 with two years of rigorous imprisonment for first offenders. In case of repeated offence, when and if proved, the offender will be slapped with a fine of Rs.5000 with five years imprisonment.

Under Section 509 of the IPC, obscene gestures, indecent body language and acidic comments directed at any woman or girl carries a penalty of rigorous imprisonment for one year or a fine or both.

What should the victim do?

1. The victim/complainant should go to the nearest police station and file an FIR.
2. She should ensure that the FIR is written down in the register and take the registration number or ask for a receipt of the same.
3. It is then the duty of the police to investigate into the incident.

Family Courts in India

The Family Courts Act was brought into force on 14th September 1984 with the main object of providing easy and



speedy settlement of disputes concerning marriages and family affairs.

The Family Courts' main purpose is to assist the smooth and effective disposal of cases relating to family matters. However, like any other system there are certain issues which become a matter of concern when it comes to the working of these courts. One such issue is that of continuity. For example, in the family courts at Tamil Nadu, the counsellors are changed every three months. Thus, when cases stretch for a period of time which is longer than this, the woman or the aggrieved person has to adjust with new counsellors and she has to tell her story all over again.

(A major drawback of the Family Courts Act happens to be that it doesn't explicitly empower courts to grant injunctions to prevent domestic violence. While there has been progress, viz the enactment of the Protection of Women from Domestic Violence Act, 2005 which now extends to punishing women for acts of violence as well; there are still issues of jurisdiction to be tackled.)

### Self Help Groups

A self-help group (SHG) is a village-based financial intermediary usually composed of between 10-20 local women. Members make small regular savings contributions over a few months until there is enough capital in the group to begin lending. Funds may then be lent back to the members or to others in the village for any purpose. In India, many SHGs are 'linked' to banks for the delivery of microcredit.

An SHG is a registered or unregistered group of micro entrepreneurs having homogenous social and economic

backgrounds, voluntarily coming together to save regular small sums of money, mutually agreeing to contribute to a common fund and to meet their emergency needs on the basis of mutual help. It can also be understood as a group of people who pool in their resources to become financially stable by taking loans from the money collected by that group and by making everybody in that group self-employed. The group members use collective wisdom and peer pressure to ensure proper end-use of credit and timely repayment. This system eliminates the need for collateral and is closely related to that of solidarity lending, widely used by microfinance institutions. To make the book-keeping simple enough to be handled by the members, flat interest rates are used for most loan calculations.

Self-help groups are sometimes started by non-profit organizations (NGOs) that generally have broad anti-poverty agendas. Self-help groups are seen as instruments for a variety of goals including empowering women, developing leadership abilities among poor people, increasing school enrolments, and improving nutrition and the use of birth control. Financial intermediation is generally seen more as an entry point to these other goals, rather than as a primary objective.

The concept of Self Help Groups is based on the idea of community participation, as sustainable community development requires the active participation of the entire community. Popular participation ensures that the benefits of development are equitably distributed. To further this, proposals are made for the decentralization of the authority so as to ensure redistribution of wealth, improved access to education and other social services. Consequently the focus of self-help groups is to develop the capacity of the disadvantaged, particularly



women, and to organize them, so that they can deal with socio-political and socio-economic issues that affect their lives.

One of the main objectives of self-help groups is to provide emotional and practical support and an exchange of information. Such groups use participatory processes to provide opportunities for people to share knowledge, common experiences, and problems. Through their participation, members help themselves and others by gaining knowledge and information, and by obtaining and providing emotional and practical support. These groups have been particularly useful in helping people with chronic health conditions and physical and mental disabilities. Traumatic life events such as death and divorce are also the basis for groups. Self-help groups are voluntary, and they are mostly led by members. Generally, groups meet on a regular basis, are open to new members, and do not cost money to join.

### **Reservation for Woman in Panchayati Raj Institutions**

The 73rd Amendment of the Indian Constitution has made it mandatory on the part of states to reserve a minimum of 30 per cent of seats for woman in gram panchayats so as to involve them actively in the decision making process. The statutory reservation of seats for woman in Panchayati Raj bodies has provided an opportunity for their formal involvement in the development and political processes at the grass root level thereby enabling them to influence the decision making process in the local governments. (Gram panchayats are local governments at the village or small town level in India. As of 2002 there were about 265,000 gram panchayats in India. The gram panchayat is the foundation of the Panchayat System.)



(However, this has not been successful at the national level. Hoping to correct the under-representation of women in politics, in 1996 the United Front coalition government proposed legislation to ensure a 33.3 per cent quota for women in the Parliament. The 81st Constitution Amendment Bill, making the above changes was introduced in the Parliament in September 1996. The Bill is yet to be passed.)

*Conclusion*

Women and men should stay, work and progress together by mutually supporting each other without conflict, gender role division and equal division of benefits of development with equality and social justice. Both boys and girls should be treated equal and socialised equal.

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