

# **THE JOURNEY OF EMPOWERING WOMEN IN PATRIARCHAL SOCIETY: A STUDY OF VARIOUS THOUGHT PROCESSES IN INDIAN SCENARIO**

SarmisthaBhaumik<sup>1</sup>, Bhupal Bhattacharya<sup>2</sup>, Partha Pratim Sengupta<sup>3</sup>

**Abstract-** Women empowerment is an extremely subjective issue. Every woman has been raised differently and has varied expectations from the world around her. For some, marriage is the sole aim in life while for others; a business might be their goal. It doesn't mean that the one who seeks marriage is backward. They are truly empowered when it is their choice to make. From being a member of family to everywhere, there have numerous instances of men regulating the activities of woman. Constitution of India and most of other nations recognises equal rights of man and woman, but still the female member of family in most of the cases are governed by her husband or father.

In these days there is a large movement to ensure that the rights of women are protected in furtherance to basic human rights. However in present days most of the rights are centered amongst the primary rights and other ancillary rights are getting unnoticed.

Women everywhere have been empowered to a certain measure; however certain deep-rooted problems still persist. The concept of dowry is still prevalent, even among educated families. Highly qualified women still fall under family pressure and desire for a son. Instead of coexisting status, the husband is still given primary importance in the family and their sons are given preferential treatment. The saddest fact is that even these actors and directors are highly educated people, yet they are still engaged in highlighting only the regressive part of society rather than showing our progressive mindset.

Further, in case of the death of a married woman, her personal property goes first to her husband and then his side of the family before going to her own parents. Muslim women in India have always had the right to hold their own property individually and also in the form of Mehr, however the actual exercise of this right is seriously curtailed by the unilateral right of the husband to instantaneous Talaq, also known as triple Talaq, and after the intervention of Constitutional courts of India, such practices have been declared as void.

This chapter in its entirety aims to study through doctrinal method the unexplored prevailing gender inequality and biases defining the conditions of women in modern society.

**Key words:** Women Empowerment, Development, Indian condition.

## **1. INTRODUCTION**

The fruit of justice is not enjoyed by the women folk because of discrimination, male domination which prevailed in our so called society since time immemorial. Though in Bhagwat Gita, Puranas, Upanishads, it is narrated that the women are the half of the men and both are two wheels of a vehicle. Women were worshiped as Durga or Kali in the name of "MAA" and gradually these beliefs are losing its grip from our culture. It is hard to digest that the position of women are deteriorating gradually. Crime which hampers the modesty of women is the crimes against women.

## **2. ATROCITIES AGAINST WOMEN**

Crime has become an issue of great concern irrespective of the fact that crime has no gender preferences.

There are series of crimes against women:

Molestation

Sexual assault

Rape

Female feticide

Female genital mutilation( FGM)

Dowry death

Domestic violence

Girl child sexual abuse

Women trafficking

Marriage against will

Acid attack

<sup>1</sup> Research Scholar, Department of Humanities and Social sciences National Institute of Technology Durgapur-713209

<sup>2</sup> Research Scholar, Assam University, Silchar&Associate Professor, Jannalal Bajaj School of Legal Studies, BanasthaliVidyapith, Rajasthan, India-304022

<sup>3</sup> Professor, Department of Humanities and Social Sciences, National Institute of Technology Durgapur-713209

Marital rape  
Child marriage

The above lists which are not exhaustive constitute crime against women and which has crushed the dignity of women in society.

Indian Penal Code (IPC) 1860 had provided various arenas in which culprits will be judged on their actions for example section 354, 354A, 354B, 354c, 354d, 375, 376, of IPC, "protection of women from domestic violence Act 2005", "Prevention of children from sexual offences Act (POCSO)", etc are some of the provisions that are meant to protect women in society from ill mentalities. Statutory provisions not only penalize the culprits but also help in maintaining the peace in the society and to a extent help in maintaining women status in society leading to women empowerment.

Moreover, human trafficking is one of the fastest growing criminal activity after drugs and arms which has affected millions of lives; often referred as the "Dark side of the Globalisation" and "Modern-Day Slavery"<sup>i</sup>. There are many forms of trafficking e.g. Sex Trafficking, Labour Trafficking and Organ Trafficking. Today almost every corner of the world is affected by such victimization, eroding the values of democracy, the rule of law, and the respect for human rights. It is estimated that women and children constitute of total of 70 percent of trafficked victim forced into global sex trade every year.

### **3. EQUALITY AND EMPOWERMENT**

The constitution of India guarantees equal opportunities for all its citizens irrespective of class, gender, region or culture but still India has a long way to move along in this direction.

Article 14 of Indian constitution provides right to equality to its citizens and states that this right cannot be discriminated on the basis of gender. But this right is still very far away from the reach of the women.

### **4. WOMEN AND POLITICAL PARTICIPATION**

The political participation of women not only shapes and colours of the overall political output but also decides the character of developmental progression of a nation in terms of economic, societal and moral perspectives.

The picture of effective political participation of women seems to be an easeless issue. According to the report prepared by the Inter-Parliamentary Union and UN Women India stands at 148th position in the global ranking in terms of women participation in parliamentary politics<sup>ii</sup>.

Paradoxically India claims to have one of the largest fraternities of women politicians in the world and some of the most dignified constitutional posts are held by women in India as well, but the representation of women is regrettably meagre in its highest constitutionally elected bodies with regard to its huge population and as well as global percentage. The picture of tortoise-like progress in this regard is quite evident when we compare the representation of women in Indian parliament between the 1st Lok Sabha elections in 1952 and the 16th Lok Sabha elections in 2014 in India as it has just increased from 4.4 per cent to 11.9 per cent which is quite below par in comparison to the global (23.4%) and Asian average (19.6%) and adding salt to the injuries only five women were given an access to the union cabinet of 27 ministers in the same year<sup>iii</sup>.

### **5. RELIGIOUS PRACTICES AND WOMEN**

Marriage as an institution in Hinduism has a divine element, which it doesn't have in any other religion. For Hindus, marriage is a divine union of not just minds and bodies but of the soul itself. Initially in the ancient texts, highest of qualifications were necessary from both parties and the element of consent was extremely important, which is why it was deemed as a perfect union and there was no concept of divorce.

Slowly, the ideals of marriage derogated into a give and take policy where the bride was sold to the groom as an eternal slave for his family. The qualifications of men took a backseat while women were pressurised to have the perfect 'solahshringara'. The institution of dowry and sati further emphasised the inferior nature of women and the uselessness of their consent, and people began to see a girl as a burden<sup>iv</sup>. That's why legislation to regulate such social evils became necessary.

For Muslims, the story goes much the same way, even though it had different origins. Marriage is a contract under traditional Muslim law, which places paramount importance on the consent of both parties, especially that of the bride<sup>v</sup>. Customarily, the groom asks for the hand of the bride and she retains full power of refusal. As a security, a certain amount as Mehr has to be paid to her and both parties have a right to terminate the marriage upon fulfilment of certain conditions.

While social reform legislations succeeded in reforming these evils to a certain extent, the high profile Shah Bano case and the resulting regressive Muslim Women's (Protection of Rights on Divorce) Act clearly shows the volatility of legislative reforms. This has further created problems to determine the legitimacy and rights of children born of such relationships, property rights of such children, rights of partners to succeed to each others property<sup>vi</sup>, maintenance rights of abandoned partner, maintenance rights of the child and so on and so forth. Even judges seem to be confused on this topic, with one set of judgements pronouncing such relationships to be equivalent to that of marriage, while another set refusing to recognise it. Even under the Hindu Acts, married women were given a right to adopt and to succeed to coparcenary property of their fathers only post 2005. In such a scenario, it is no wonder that many strong, independent and career oriented women and men are opting for live in relationships.

## 6. FEMINIST APPROACH AND EMPOWERMENT

Nationalist sentiments which were the by-product of the colonial rule in India generated a number of stereotypes such as patriotic malesvii, Mother India, and females as embodiment of cultural and spiritual essence. The nationalist movement in India, thus created novel ideologies when it comes to the discussion of gender and patriotism. The nationalists claimed superiority to the spiritual realm and the outer material domain was perceived as inferior to that of the West. Thus, they believed that it is in this spiritual realm that the true identity and autonomy of the nation resides. The outer material realm was considered superficial and as it was perceived as the one that is subordinated to the West, the nationalist project was to create the inner authentic realm. Interestingly, this creation of nationalist discourse to project the spiritual, inner realm was mainly perceived as the task of the modern Indian woman.

The modernity in the background of the Indian nationalist movement is different from the notions that the word modern generates in the minds of the laymen. The modern Indian woman was defined differently: it means that this modern woman did not bear any semblance with the westernised or western women. Similarly, the patriarchic mainstream propaganda of modernity did not include the lower caste and lower class women in India. Therefore the modernity must be traced elsewhere. The true 'indianness' and 'modernity' of the modern Indian women through the magnifying glass of a nationalist ideology lied in the construction of an Indian woman figure who is not interpellated by the western culture in the inner or spiritual realm but is capable of having a liberal attitude towards the West when it comes to the matter of external appearance. The act of the modern Indian woman to balance the inner realm of nationalist sentiments and the materialist realm of external modern appearance is a very interesting construct.

It is undeniably true that the women in India are directly involved with household and community activities and have a better understanding of the problems which they have to face in their lifeviii. Now if a portion of such women get associated with the local decentralized decision making bodies, they can be able to effectively address those problems with sympathetic attitudes. And in the higher level of power-structure where crucial decisions are made, women can again contribute to such decision makings on the basis of their own experiences helping the nation translate its dream of becoming a developed country.

## 7. CONCLUSION

Why women empowerment is necessary around the globe? Why women are deprived of equal opportunities in the society, is it we call 21st century? If we are discussing women empowerment then the development of women residing in rural areas is an issue of great concern. As still in 21st century most of the population is living in rural areas. If we ourselves could try to get the balance then there would be no need to debate for women empowerment.

If we empower a woman then only we can empower a family and a society as a whole. These can be possible by awareness, education, and consciousness and by the strict implementation of laws. Further as we treat women equally along with men and hence their rights can never be delinked from human rights and any violence or violations of these rights in case of women should be treated severely.

It is again suggested that it is the sacred responsibility of the legislatures to review the provisions which are creating hindrance to promote and practice equality in the state which ultimately will lead to the overall development of women and the society as well. Because the development of a country can be possible only when status of the women is possible.

Considering the need of the hour the policy to establish women police station has been accepted in few States of India. A Police Station manned by all women can take care of above predicament of women victims to a great extent where women victims can speak to female police from her heart, narrate her woes in great detail, and show the evidence of crime without any kind of hesitation. Undoubtedly, woman police station is a foundation stone for long journey towards women empowerment.

Swami Vivekananda, one of the greatest sons of India, quoted that, "There is no chance for the welfare of the world unless the condition of women is improved, and it is not possible for a bird to fly on only one wing." Women Empowerment itself elaborates that Social Rights, Political Rights, Economic stability, judicial strength and all other rights should be also equally provided to women. Women should know their fundamental and social rights which they have right from their birth.

There should be respect and dignity towards Women.

Have total independence of their own life and lifestyle inside the home and as well as outside.

They should be free to take their own decision.

They should have respect in society.

They have equal rights in society and other judicial works.

There should not be any discrimination in respect of education.

They should be independent in their economic and financial spheres.

There should not be any sort of gender discrimination in respect of employment.

They should have safe and secured Working place.

They should have access to all health facilities like; maternity, sanitary e.t.c.

They should be made more aware about their personal hygiene.

They should have access to all the government schemes and amenities.

Many evil and masculine forces still prevail in the modern Indian society that resists the forward march of its women folk. It is a well-known fact that women in India have made a considerable progress in almost seven decades of Independence, but they still have to struggle against many handicaps and social evils in the male-dominated society. However in present days most of the rights are centered amongst the primary rights and other ancillary rights are getting unnoticed. There have been changes in the position of women, but their true empowerment is still awaited.

To call women as weaker sex is a libel, it is man's injustice to women..... Mahatma Gandhi.

## 8. REFERENCE

- [1] <sup>i</sup> Ewelina U. Ochab, "The World's Fastest Growing Crime", Accessed on July 27, 2018, <https://www.forbes.com/sites/ewelinaochab/2017/07/29/the-worlds-fastest-growing-crime/2/#e216cbd6547f>.
- [2] <sup>ii</sup> Women in Politics Map 2017
- [3] <sup>iii</sup> "Women Representation in Political Decision Making: A Catalyst to achieving Gender Equality", Oxfam India, Accessed on July 27, 2018, <https://www.oxfamindia.org/blog/2014/women-representation-political-decision-making%3A-catalyst-achieving-gender-equality>.
- [4] <sup>iv</sup> 2010. "Protection of lives and dignity of women Report on violence against women in India", Accessed on May 28, 2018, <http://hrn.or.jp/eng/activity/Report%20on%20violence%20against%20women%20in%20India.pdf>.
- [5] <sup>v</sup> Irini Ibrahim, Faridah Hussain & Norazlina Abdul Aziz. "The Child Bride: Rights under the Civil and Shariah Law", *Procedia social and behavioural science*. Accessed on May 25, 2018, [https://ac.els-cdn.com/S1877042812008026/1-s2.0-S1877042812008026-main.pdf?\\_tid=bb73621d-6d9a-42e3-a909-5c2a8c28e7ac&acdnat=1527523535\\_7b61d31d24e1cabd01db6ae1884a8ff2](https://ac.els-cdn.com/S1877042812008026/1-s2.0-S1877042812008026-main.pdf?_tid=bb73621d-6d9a-42e3-a909-5c2a8c28e7ac&acdnat=1527523535_7b61d31d24e1cabd01db6ae1884a8ff2).
- [6] <sup>vi</sup> Carroll, L. "The 'Biological Urge': What's the Truth?", Accessed on May 08, 2018, [https://www.huffingtonpost.com/laura-carroll/childfree\\_b\\_1752906.html](https://www.huffingtonpost.com/laura-carroll/childfree_b_1752906.html).
- [7] <sup>vii</sup> "Allahabad High Court overrules triple talaq but upholds Quran", Accessed on May 09, 2018, <https://www.dailyo.in/politics/triple-talaq-allahabad-high-court-islamic-law/story/1/14454.html>.
- [8] <sup>viii</sup> "Efforts to Empower Women, Initiatives to Promote Sustainable Economic Growth Mutually Reinforcing, Say Third Committee Speakers; united Nations", Accessed on May 27, 2018, <https://www.un.org/press/en/2009/gashc3950.doc.htm>.
- [9] <sup>ix</sup> "Woman Has Right To Residence In Matrimonial Home, Irrespective Of Whether She Has Any Proprietary Right: Bombay HC" Live Law.in, accessed on May 09, 2018, <http://www.livelaw.in/woman-right-residence-matrimonial-home-irrespective-whether-proprietary-right-bombay-hc-read-judgment>.