

Indian Women Empowerment and Sociological Justice – A Study

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Abstract

The issue of gender justice and women empowerment has been a concern in many nations and in many an arena for some centuries. Though there has been formal removal of institutionalized discrimination, yet the mindset and the attitude ingrained in the subconscious have not been erased. Women still face all kinds of indignity and prejudice. The malady sometimes pounces with ungenerous monstrosity giving a free play to the inferior endowments of nature in a man thereby making the whole concept a ridicule, destabilising the entire edifice. The recent incident in the Capital of the Nation not only exhibits how such treatment is basically an anathema to the concept of gender justice but also exposes the barbaric mindset annihilating the values of basic civilization. The days of yore when women were treated as fragile, feeble, dependent and subordinate to men, should be a matter of history. Gender equality and women empowerment are the call of the day and attempts are to be made to achieve satisfactory results. Everybody should be prepared to fight for the idea and actualize the conceptual vision in practicality.

Fight for the rights of women may be difficult to trace in history but it can be stated with certitude that there were lone and vocal voices at many a time raising battles for the rights of women and claiming equal treatment. Initially, in the West, it was a fight to get the right to vote and the debate was absolutely ineffective and, in a way, sterile. In 1792, in England, Mary Wollstonecraft in “A Vindication of the Rights of Women” advanced a spirited plea for claiming equality for, “the Oppressed half the Species”. In 1869, “In Subjection of Women” John Stuart Mill stated, “the subordination of one sex to the other ought to be replaced by a principle of perfect equality, admitting no power or privilege on the one side, nor disability on the other”. On March 18, 1869 Susan B. Anthony proclaimed “Join the union girls, and together say, “Equal pay, for Equal work”. The same personality again spoke in July 1871 : “Women must not depend upon the protection of man but must be taught to protect themselves”.

Giving emphasis on the role of women, Ralf Waldo Emerson, the famous American Man of Letters, stated “A sufficient measure of civilization is the influence of the good women”. Speaking about the democracy in America, Alexa De Tocqueville wrote thus: “If I were asked to what singular prosperity and growing strength of that people (Americans) ought mainly to be attributed. I should reply; to the superiority of their women”. One of the greatest Germans has said : The Eternal Feminine draws us upwards”.

Key words: Women empowerment; Economic; political; Social; Justice for women

Introduction

Lord Denning in his book *Due Process of Law* has observed that a woman feels as keenly thinks as clearly, as a man. She in her sphere does work as useful as man does in his. She has as much right to her freedom - develop her personality to the full – as a man. When she marries, she does not become the husband's servant but his equal partner. If his work is more important in life of the community, her's is more important in the life of the family. Neither can do without the other. Neither is above the other or under the other. They are equals.

At one point, the U.N. Secretary General, Kofi Annan, has stated "Gender equality is more than a goal in itself. It is a precondition for meeting the challenge of reducing poverty, promoting sustainable development and building good governance." Long back Charles Fourier had stated "The extension of women's rights is the basic principle of all social progress."

In our society women enjoy a unique position and their contribution to the Social development and progress can never be denied. In almost all parts of the world their role in building the national character is significant. Their contribution to the society is manifold and they have got multifaceted personality as they play the role of mother, sister, wife and daughter during various stages of their life. In their role in various capacities they become a part of the society. In the modern age in this new millennium they have shown their excellence in almost all fields and their contribution in political, civil & overall growth of a country is widely appreciated and recognized and they have proved be more week and are equal with men. Despite all these, even today, a major chunk of women folk are deprives of the basic necessities of life and are being considered as a neglected segment of the society. They have become victim of the social set-up and sex-based discrimination continued to dominate the society ther by depriving them from all sort of facilities. They are treated unfavorably and the concept of equality and equal status has become myth for them. The modern and independent India realizing the inequality and discrimination against women has incorporates in the constitution, the Law of the land, several provisions which unequivocally declare that women should be treated at par with men at all walks of life and their should be no discrimination and specific provisions are laid down for their up-liftment. The Legislature has also not lagged behind and has come from time to time with various welfare legislations specifically directed towards the women and their protection keeping in mind the various needs and facilities they require. Judiciary is also placing the women at high places and coming out with landmark decision to protect the interest of women thereby adopting a soft approach towards the various problems they face in the society.

Objective:

This paper seeks to explore the empowerment of women n India from the pre independence era to the modern era with the sociological impact of the same.

Status of women in India

It has been said "Yatra Narayanatu Poojyante Ramante Yatra Devatah". It means where women are respected, diving grace adores that place. Women are symbol of sacrifice, kindness, excuse, softness and tolerance. Maharshi Manu also placed

women in high esteem glorifying their dignity. As he said, “upadyayana dashacharya, acharyanam shatapita sahasra pitrunam mata swabhavata pitrichete.” It means that “The glory of an Acharya is more than that of ten upadhyayas, the glory of a father is more than that of hundred acharyas and the glory of a mother is more than that of thousand fathers”. But a question is being raised here whether they have been able to get such place of respect in the society? The answer is a big no. Because the studies on the status of women made so far reveals that there was no practical equality between man and woman in any society. In theory they might be enjoying a respectable status but in practice they were subject to all sorts of ill treatment and misbehavior.

Women during Pre-Independence Period

The pre Independence period was dominated by the Britishers who ruled India for nearly 200 years that is from middle of 18th century till 1947, the year India got the independence. There was around development during the British period. They gave more stress on the economic aspect with little interest on the Laws governing Hindus and Muslims. But the impact of their rule could be felt in almost all fields; economic, political, social as well as legal remarkable changes were also noticed in the lifestyle of the people. During this period the status of women changed to a great extent and remarkable development could be noticed in the lifestyle of the people. During this period the status of women changed to a great extent and remarkable development could be noticed which affected both economic and social structure of the society. Almost all the evil social customs were abolished thereby improving the quality of life of women. They were treated equal with men and substantial progress in the field of education, employment, social rights etc., was achieved. Women were given a place of pride in both social and economic structures of the society almost all the evil social customs were abolished thereby improving the quality of life of women. They were treated equal with men and substantial progress in the field of education, employment, social rights etc., was achieved. Women were given a place of pride in both social and economic structure of the society. They also enjoyed certain political rights. Thus substantial development of women took place during the British rule.

Women during the Post-Independence Period

During the early part of the twentieth century the women were not enjoying a good status a status they were supposed to have. They continued to remain under depression and maintain a low status. The reasons may be illiteracy, economic dependence, dominant nature of males, religious attitude and cast restriction. But after the end of the British rule in the year 1947 and particularly after 1950, the year, the Indian constitution came in to force, a sea change has been made when we the people adopted and enacted to give to ourselves a constitution [1].

The concept of empowerment flows from that of power. In the ordinary sense “Power is the capability to do anything”. In the social context power can be considered “as the authority, right to command, right to govern or rule, capability to influence etc.,” empowerment simply means the vesting of power where it does not exist, or exist inadequately. It is a concept that does not merely concern personal identity but brings out a broader analysis of human rights and social justice. Empowerment has three elements:-

- Access to productive asset such as land, credit and technologies that can produce Income.
- Access to basic needs such as education, health services, water, fuel, shelter etc.
- Participation in decision-making [2].

International Convention on Empowerment of Women

Today as we stand at the threshold of the 21st century, we are still unable to boast of a society where there is total gender equality or gender equity. Until recently, the question of gender equality or gender equity was merely a topic of theoretical discussion. Things are changing but rather slowly. Movement from the first U.N. world conference on women. Having in view classification and object of legislation “Women” can be treated as a separate group and Special Laws can be made in their favour. . Not only this but the constitution has gone further and empowered the state to a positive act where it is needed, by giving “preferential treatment” in behalf of women.

Clause (2) of Article 16 lays down specific grounds on which citizens are not to be discriminated against each other in matters of opportunity and offices under the state. These are religion, race, caste, sex, descent, place of birth, residence or any of them. Discrimination on the basis of sex has been specifically prohibited under the constitution so as to bring women at par with men. Sex shall not be the sole ground of ineligibility for any post.

Critical Approach to Sociological justice

The rights, which are available to women in chapter III of the constitution that is Art. 14, Art.15(1), Art.15(3), Art.16, Art.21 and Art.23 can be ensured against states and not against another individual

person, because fundamental rights are available against ‘state’ only. For example in *University of Madras v. Santa Bai* [3] the respondent was refused admission to the college on the ground of ‘sex’ only. The syndicate of university had directed to the college under its jurisdiction not to admit women students without obtaining permission of the syndicate. Had the respondent not been a woman, she would have been admitted in the college on the basis of her marks. The Madras High Court held that the Madras University was not a ‘state’ and therefore, the respondent could not complain of discrimination under Art.15 (1) as Art.15 (1) of the constitution prohibits discrimination made by the ‘state’ only. The court rather held that university was right in refusing admission to the respondent in the colleges open for men only, because in these colleges there were no facilities for women like separate common room, toilet and the like. The decision appears to be wrong on the following grounds: Firstly, that the rule made by the syndicate does not satisfy the legal criteria for discrimination. If discrimination in fact results, it is unconstitutional, now ever sound the motive or object may be. Secondly, for want of adequate facilities, the fundamental right conferred on women cannot be denied because states itself is responsible for this creating facilities for male students and in failing to create equal facilities for women. Thirdly, omission of the word ‘sex’ in Art.29 (2) does not empower the state to segregate women from men in educational institution, when Art.15(1) of the constitution gives them equal right in educational institutions. Another specific example is clause (1) of Art.16 that through the constitutional provisions parliament enacted so many laws to empower the women, but the question is that how many law are properly implemented: how many women aware about their rights; even the existence provision is there in the law but still so many women are subject to cruelty, exploitation, operation and victim of male dominated society. After having the provision in Art.15 (3) and Art.16 (2) women are waiting for 33% reservation in legislation and other employment. In immoral traffic of women and girl act managing and conducting ‘brothel’ is an offence even though in big cities like Mumbai thousands of ‘brothel’ conducting and lack of minor girls and women forced and exploited for prostitution (4). Even after enactment of medical termination of pregnancy act and pre-natal diagnostic Technology (Prevention) Act, numbers of illegal adoption are doing even without the consent of concerned women and kill the fetus in mother womb that is a serious crime. Every day in every city the cases of rapes are happened even testing is going on and the cases of dowry death and cruelties are pending before judiciary for getting justice. Numbers of cases for

maintenance filed by divorce or wife who is neglecting by her husband are pending before the court (5). They may or may not get the justice even after three to four years after filing the case. Suppression of Muslim women right is yet another problem. She got half status than man in the laws she is not entitle for maintenance, husband allow to do till four marriages, and talak system still there in which husband just give divorce without filing the divorce application in the court. Very recently, the legislation enacted Domestic Violence Prevention Act 2005 through which the protection is given not only the wife, but to sister, mothers, and daughter also. But the question is that now many women aware about this Act?

Women empowerment and sociological justice 21st Century

Long before the word 'empowerment' became popular, women were speaking about gaining control over their lives, and participating in making the decisions that affect them in home and community, in government and international development policies. But problem is, very few have clear conception on empowerment. This is very easy to say but difficult to understand what is empowerment? This article takes an initiative to clarify the concept based on several scholar's views. And finally, make a conclusion with alternative analysis of women's empowerment. It has taken hold human imagination like never before. For all practical purposes, the concern of gender equity has graduated to the level of a policy objectives (Sharma : 2000). Two perspectives have emerged in the contemporary discourse on the modalities of gender equity; women's development and women's empowerment. It is Easter Boserup's (1970) pioneering work, Women's Role in Economic Development that paved way to the rise of women's development perspective.

According to Sharma (2000;21), the development strategy, however, has come under severe interrogation not only for its failure to deliver its promise but also for working against the interest of womankind. Consequently, the decade of 90s has witnessed the rise of women's empowerment perspective which shot into prominence at Beijing Conference. As our experience, Paulo Freire (1996) in his book Padagogy of the Oppressed has discussed 'empowerment' in a formal way for the first time in 1970s. And after him, many scholars discussed it as human potential especially for women empowerment. Caroline Moser (1993), at first, discussed it as redistribution of power. But as a concept, 'empowerment' is widely used, but seldom defined. The often-uncritical use of the term "empowerment" in development thinking and practice disguises a problematic concept. There is a room for greater clarity about the concept and its application. Confusion arises with the concept empowerment because the root concept 'power' is itself disputed. Power has been the subject of debate in social science. Some definitions focus, with varying degree of subtlety, on the availability. John Friedman's (1992) view : Friedman's (1992: 32-34) theory of 'alternative development' is derived from the concept of empowerment that arises from indigenous, political and social cultures of society. According to Friedman, There are three kinds of power, social, political and psychological. Social power consists in processing knowledge, information and skills. Political power is a mechanism that influences policy changes both at the micro and macro level. It's the result of the power of voice and collective action. When we observes S. Batliwala (1993) observation, where she says the word "power" is contained within the term empowerment implying that empowerment is about changing the balance of power in a given society, power being defined as control over resources and ideology. The resources may be categorized into physical, human, intellectual, financial, and self, including self-esteem, confidence, and creativity. Ideology refers to beliefs, values, attitudes, and ways of thinking and perceiving situations. She point out that empowerment is a process that involves a redistribution of power, particularly within the household. So power, power redistribution and power relationship are emphasized by the modern scholars when they have made clarification.

Regarding empowerment, Hashemi et al (1993) have clarified it in a study 'Targeted Credit Programs and the Empowerment of Women in Rural Bangladesh' and emphasized on women control over on her lives. They have identified six general domains in which, traditionally subordination of women is played out and in which empowerment of women is believed to be taking place. The six domains are: 1. Sense of self and vision of a future. 2. Mobility and visibility. 3. Ability to earn a living. 4. Decision-making power within the household. 5. Ability to interact effectively in the public sphere. 5. Participation in non-family groups. In another study of 'Rural Credit Programs and Women's Empowerment in Bangladesh' Syed Hashemi et al (1996) have developed eight empowerment indicators to measure women's empowerment especially for Bangladesh context as a developing country. And his conceptualisation is highly praised in women development area. The eight indicators are: a. Mobility b. Economic security c. Ability to make small purchases d.

Ability to make larger purchases e. Involvement in major decisions f. Relative freedom from domination by the family g. Political and legal awareness h. Participation in public protests and political campaigning. And once it has found, scholars has analyses empowerment through gender lens and establish it for judging women development. Though it is very difficult to differentiate real boarder line between development and empowerment. It has also found in Chen and Mahmud's (1995) clarification when they have conceptualized also empowerment as women's advancement. As Chen and Mahmud (1995) Empowerment is a process of positive change that improves women's fallback position and bargaining power within a patriarchal structure, and identify different causal pathways of change; material, cognitive, perceptual and relational. In short, empowerment is a process of awareness and capacity building leading to greater participation, to greater decision-making power and control, and to transformative action. In addition, empowerment is a process that is individual. From structural viewpoint, another problem with women's empowerment is that it treats women as a homogeneous category, an undifferentiated mass.

This, however, is not true. The fact of the matter is that there is internal differentiation among women and it is as telling as between man and woman (Sharma: *ibid*). These women differ significantly not only in their backgrounds but also in their needs and interests. The question, then, is; whose empowerment are we talking about? Empowerment of women of which section or class? It is no secret that movement for women's empowerment has been hijacked ny women of higher strata, particularly upper class/middle class and power elites (Caplan: 1985). From cultural perspectives, women's empowerment approach can be criticised for its marked Western ethnocentrism (Sharma: *ibid*). It has incapability to relate to the cultural ethos of the countries of the East, including Indian Subcontinent. Its most severe limitation is its Western ethnocentric bias. So mired it is in the Western feminist discourse that it fails to capture the cultural reality of gender relations in the non-western part of the world. In view of the above delineated limitations of women's empowerment approach it needs gender empowerment. Where it fails also to identify male's empowerment because most male of Third World Countries have no power and they are also exploited by the existing power-structure in the society. So it needs also to define empowerment as a gender-neutral concept.

At this point, it is necessary to clarify the concept of 'gender empowerment'. Gender empowerment should not be mistaken for empowerment of man vis-a-vis woman or the vice versa. It signifies transformation of gender relations from hierarchal to egalitarian plan rather than just tinkering with women's power position. It aims at reworking of gender relations in a complimentary framework rather than a conflictual framework. Gender empowerment is a broad category which includes empowerment of women without creating a misgiving of emasculation of men. It stands for fostering a balance in gender relations as against the one-sided women empowerment approach. Furthermore, empowerment is not just a question of

rearrangement of power both economic and political; it is also a matter of change of values. In my view, men need gender sensitisation as much as women do. In fact men need it even more, for they still are in a position of domination on account of the perpetuation of patriarchy.

Conclusion

Today as we stand at the threshold of the 21st century, we are still unable to boast of a society where there is total gender equality or gender equity. Until recently, the question of gender equality or gender equity is merely a topic of theoretical discussion. Things are changing but rather slowly. For women empowerment I would like to suggest that education is the best weapon for fighting against injustice. Illiteracy is the root of all exploitation, violence and oppression our government make laws for women, try to implement it but also take the care that each and every women in our society should be educated. Legal awareness to women rights is also necessary and most important thing that women should take care of their rights. In the word of Prof. Harold Laski-“ Internal vigilance is the price of liberty and not a particular doctrine or rule of law”.

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