

ECONOMIC EMPOWERMENT OF WOMEN: THE REAL EMPOWERMENT¹

INTRODUCTION

Women play an important role in the society. In India women used to be treated with great respect and honour but gradually the behaviour towards women has been changed and limitations and restrictions on their development has been imposed. The status of women can be observed in the following retrospect.

Vedic Era

During the Vedic period women had exalted position and they enjoyed a fair amount of freedom and equality with men. Both boys and girls had equal opportunities for education. The position of the wife was an honoured one in the household and husband and wife stood on an equal footing in terms of freedom. Wife was the very centre of the domestic world and was its empress. Dowry system rarely prevailed and any gifts which were given to son-in-law were completely voluntary.

Post Vedic Period

The honoured and respectable position which the wife enjoyed in the family and society during the Vedic era gradually started declining. Manu suggested the ways and means to keep the wife under subjugation, men have adopted these ways and cruelly exploited women through the

¹ Mr. Sandeep Sripada, Student of 3rd year BA LLB , B R Ambedkar College of Law, Andhra University, Visakhapatnam.

ages. This kind of behaviour towards women is the consequence of Manu's theory that 'marriage establishes the supremacy of the husband over the wife².' Further widow marriages were also prohibited by Manu.

Medieval Period

The invasion of the country by Muslims brought further deterioration of the position of women. Child marriage was the popular feature of the social life depriving child education. Sati of a child widow was enjoyed by the law giving the unfortunate victim the hope of heavenly bliss³. Domestic violence, in a way, used to force widows to commit 'sati'.

British Period

At the dawn of the British rule, the position of women in the family and society had reached the maximum level of deterioration. The wife's position in the household was in a sorry state because of socio-religious practices, sinister customs and inhuman superstitions crept into the society. The reform movements in favour of women during the British period tackled, the problems of sati and other evils in the society. However, it is to be noted that the pace of women's welfare process then was very slow. In order to eradicate these evils Child Marriage Restraint Act, 1929 popularly known as Sharada Act⁴.

Post-Independence Period

After Independence, many efforts have been made to promote the welfare of women. The fundamental rights contained in Art. 14, 15, 16 of the constitution envisages that women should not be treated as inferior to men in any aspect. Many laws were enacted to eradicate domestic violence and to reduce physical and all other abuses against them.

DOMESTIC VIOLENCE

Women has always been an object of cruel violence in the hands of men. The physical weakness of a women makes her an easy prey. She has been a victim both physical and mental violence not only outside but also inside the home. Inspite of the enactment of many laws and statutes, equality between men and women continues to be an imaginary goal. The vulnerable

² Manu smriti, v, 152

³ Shakuntala Rao Shastri, Women in Sacred Laws, (1980)175

⁴ See Manmohan Kaur, Role of Women in the Freedom Movement, 1857-1947, (1968) 4.

person is the one who has little choice to escape pain and agony. It is a situation where in the victim is helpless and forced to forms of pain.

Violence is often because of conflicts of caste, communalism and terrorism. All these factors make a negative impact on women. Violence against women takes any of the stated ugly forms of situations:

- Child abuse
- Female foeticide
- Female infanticide
- Child marriage
- Sati
- Dowry death
- Rape
- Molestation
- Murder
- Sexual harassment

Among all the types of violence against women domestic violence is the most serious type as it is caused within the boundary of the house. Recent studies say that domestic violence is linked to real or perceived satisfaction of masculinities⁵. Violence is regarded as the fundamental aspect of many human rights violations. There is a link deep between the domestic violence and maternal mortality as some pregnant women die by domestic violence.

Manifestation of domestic violence

Domestic violence can be described mainly at two levels like at natal home and at the conjugal home.

Violence at natal home

In a society where son is more preferred and a daughter is least expected, the journey of a girl from the womb to tomb is full of pain and agony. She has to undergo through some of the horrific events at her own home such as (i) Female foeticide (ii) Female infanticide (iii)

⁵ Domestic violence in India: Exploring strategies

Abandonment of girl child (iv) Child abuse (v) Incest (vi) Child labour (vii) Deprivation of basic necessities like proper food, education etc.

In India the cases of female foeticides have become more popular and have been increasing rapidly with the spread of amniocentesis- a technique to discover gender of child. It is observed in many cases that the first child infant is never generally a victim of this practice, the second child would often escape and it is mainly the third child who is invariably the victim and has to undergo this evil.

In India there is an instance of prejudicial treatment meted out for the girl child in home. The increase in the ideology of male dominance confines the girls to certain roles and obligations which leads to discrimination.

Violence at conjugal home

In India after marriage the life of the women completely changes, her priorities, loyalties everything. She also loses her independent social life. In India there reserves the tendency that martial violence under all heads of dowry harassment. So it can be said that dowry is one of the most important factor which causes domestic violence. In our society beating wife is the most common form of abuse irrespective of class, caste, religion etc. Another major form of domestic violence or abuse is martial rape and other sexual abuses. It is observed that there are many instance of forced sexual intercourse against her will either with her husband or any of his relatives.

International Instruments to Curb Violence against Women

After having identified the main problems of domestic violence against women and its principle causes, now I would like to discuss about the legislative response to the pernicious evil practices of violence against women.

Throughout the globe the human rights agenda are built on an important distinction between civil and political liberties. There have been many efforts put in by United Nations to curb the offences against women. However, even after sever efforts for many years the benefit thus derived is very minimal. The General Assembly has recognised the urgent need for the universal application of women's rights for equality, liberty, security, integrity. United Nations declared the year of 1980-1990 a decade for women.

Indian Constitution and Protection for Women

Women constitute around one half of the total global population. As Justice Rama Swamy.K said “Self- sacrifice and self-denial are their nobility and fortitude and yet they have been subjected to all inequities and discrimination.⁶ The Indian Constitution is a comprehensive document enshrining many principles of justice, equality, liberty and fraternity.

The parliament of India realised the grave implications arising out of the misuse of the pre-natal diagnostic techniques and intended to regulate the same for specific medical purposes. The government found out the abuse of technology leading to female foeticide that disturb the dignity and status of women. Hence the government introduced the Pre-Natal Diagnostic Techniques Act 1994 was passed. However, because of social sanctions, it is tough for the authorities to register any case under this act unless people come to know about the importance

More often women are harassed, abused and forced to commit suicide and sometimes even burned live in a very brutal manner for not bringing sufficient dowry. Initial late 1900's women death by fire were said as suicides and were not seen as dowry deaths. Later laws were made and strict sanctions were imposed on whoever causes dowry deaths shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life.

Since harassment, torture and death or violence on a married women happen within four walls of the matrimonial home, the prosecution takes place on the circumstantial evidence. There are many loopholes in the law for dowry deaths as it presumes that dowry deaths and harassment for dowry only happens in the first seven years of marriage and it had no scope for harassment after seven years of marriage.

In a view to control the evil practices of dowry through law, Dowry prohibition act 1961 was passed and it was further amended in 1984 and 1986 to make laws even more strict and stringent.

The main weakness in the act is that it holds the giver as well as the acceptor as equally guilty which pulls back many parents of women to come forward and complaint about the harassment

⁶ Madhu Kishwar v State of Bihar(1996) 5 SCC 148

of their daughter. After a shocking death of Roopa Kanwar in Rajasthan. The commission of Sati Prevention Act 1987 was enacted to punish sati offenders with imprisonment and fine.

EMPOWERMENT OF WOMEN

India is a country of many religions and customs. We have, through many centuries, developed many types of traditions, practices and customs. These can be considered good as well as bad, has become a part of our collective consciousness. We worship to female goddesses, we also treat with great importance and respect to our mothers, sisters, daughters, wives and other females in our lives. But at the same instance, we are also very famous for treating our women badly and cruelly both in and out of our homes.

In Indian society there are people belonging to almost every kind of religious beliefs. Every religion preaches to give women a special place and to treat women with utmost respect and dignity. But in the time being the society has so developed that many types of ill practices against women both the physical and mental have become a custom since ages. For example, Sati, dowry, female infanticide, sexual violence, wife burning, sexual harassment at work place and home, domestic violence and other various types of discrimination.

There are many reasons for such behaviour against women but the most important one is the male superiority complex and patriarchal system of society. To eradicate these evil practices and discrimination against women many legal and constitutional rights are there but in practise there is a lot to be done. Many organizations and NGOs are working in this direction, also the women themselves are working harder to break the societal barriers and achieve great positions in very possible dimension i.e., social, political and economic. But the society collectively has not accepted women as equal to men and the crimes and offences against women are still increasing. For this to change, the society's deep rooted mind set has to be changed through social conditioning and other programmes.

So we could say that the concept of women empowerment not only focuses on giving women strength and skills to rise above from their miserable situation but at the same time it also stresses on the need to educate men regarding women issues and inculcating a sense of respect

and duty towards women as equals. In the present write-up we will try to describe and understand the concept of Women Empowerment in India in all its dimensions.¹

SUGGESTIONS

Economic Empowerment

When we observe the economic empowerment of women through their economic stability and the amount of domestic violence, it is evident that higher levels of income and wealth of women may decrease domestic violence against them it improves the position of women in the household. Women with higher earnings capacity are less likely to face domestic violence. In particular scenario, with an increase of Rs. 10,000, decreases the probability of reporting that beatings are common.

There are number of ways through which changes in women's inheritance laws and income might influence the probability of facing domestic violence. Rise in the wealth through gender neutral inheritance laws and increase in the income through earnings from job, are likely to raise the standard and importance of women within the household. Even in the cases where actual inheritance has not taken place, the possibility that a woman could inherit property may have a same effect. It is possible that a woman with higher inheritance rights or higher level of incomes may be more probable to marry a non-abusive spouse. So it is that empowering women through income and wealth decrease the likelihood that they will become a victim of domestic violence.

As per the survey conducted by the National Family Health Survey more than 40% of married women have experienced some kind of physical abuse from their spouse like being slapped, kicked, burned etc. Government had introduced many laws to prohibit and stop these kinds of aggressiveness against women and to reduce domestic violence. The most saddening part is that most of women who are victimised do not know about these laws and their rights. So along with enacting and implementing the laws, the duty of the government also extends to

create awareness among women about these laws and their rights and to empower and educate them in every possible manner.⁷

To achieve the efficient in the problems of domestic violence by economic empowerment and other sources the main factor or the first step should be to give proper and appropriate education which would help women developing into an independent individual. Every girl has equal right along with boys to get education and every family in the country should educate their children. But the enrolment of girls in schools and colleges are still very low when compared to boys and there is a serious need to address this problem.

Government has introduced many policies and initiatives like Beti Bachao Beti Padhao to protect the girl child from female foeticide and female infanticide and to increase the enrolment in the schools and colleges, Sukanya Samriddhi Yojana to encourage parents to save some amount of money for their girl child which would help them financially in the future. It has been shown in many ways that if proper and adequate opportunity provided, girls will never shy in showcasing their talent and capability by achieving higher positions in any dimension of field. The enrolment of girls in education has been gradually but steadily increasing and still it has far way to go.

Thus we can come to the hypothesis that proper inheritance laws which are gender neutral and which does not show any discrimination or partiality to one gender, increasing the income capacity of the women by educating them from childhood and increasing the rate of enrolment of girl in the schools and colleges and by providing equal opportunities to women in all dimensions which would help in their development and make them economically stable and independent would eventually decrease the rate of crime and offences against them and especially it would reduce domestic violence.

Creating awareness

Even though many laws like Protection of Women from Domestic Violence Act, 2005 and other came into implementation, many sections of the society still don't know about the laws and many aggrieved women does not know about their rights. So the current need is publicity

⁷ www.ideasforindia.in

about the Acts and laws to increase awareness among women and to make the complaint forms easily available.⁸

Amendment to Indian Penal Code

The law which deals with the dowry deaths needs to be amended by increasing its scope to observe the amount of cruelty in the situation of harassment and the scope of section 498-A should be enlarged to include harassment of unmarried daughters at their parental home. At present the law covers only the married women who face cruelty at their marital home and its scope needs to be increased and it should also include divorced and widow women too face such cruelty. An amendment to the Indian Penal Code is to be made for marital rape.

Amendment to Dowry Prohibition Act

The definition of the dowry in the Act needs to be amended by covering all the wedding presents, traditional gifts etc. given in the name of custom and tradition and in guise of voluntary presents. Mere demand for dowry should constitute an offence, irrespective of the fact whether it was accepted or not by the opposite party, whether given before or subsequent to the marriage.

Setting up more Family Courts

The absence of adequate civil courts leads many women to seek police help and exploit the provisions in the IPC for getting divorce and for settling marriage disputes. In order to get away from this practice more family courts are required to dispense judgements much more quickly and efficiently. The role of courts in the cases of domestic violence is of great importance. These courts are subjected to deal with these cases in a realistic manner so as to further the objects of social legislation. A lot more change in the way of approach of the judiciary has to change on the part of the judiciary is also essential to make gender justice a reality.

Training for Judicial Personnel

⁸ Law Relating to Domestic Violence- Dr. R. Revathi

The Supreme Court of India emphasized the importance of training of the judicial personnel in *Santa Singh v. State of Punjab* 1976(44) SCC 190. Sentencing councils or boards can be set up with people of expertise and trained in various disciplines like social work, psychiatry. And other discipline and job of sentencing may be handed over to them.⁹

Setting up Diagnostic Clinics

It can be observed in developed countries that the sentencing power should be taken away from the judges and entrusted over to a board of scientists known as diagnostic clinics, which would contain people with experience in the fields of human behaviour like psychiatrists, social workers etc. These clinics should distinguish through test and investigations who suffer from emotional disorders and who suffer from mental retarded. It is so that Law is good but Justice is even more better and its results are very welcoming.

Internalization

For the successful enforcement of social legislation social values, attitudes and policies are key factors. Till there is no internalization of these crucial factors, there will be disobedience of law in the society and desired results cannot be achieved. Thus a social legislation can be an effective means of social change only when the prevailing norms are given a legal sanction.

Social Revolution

Just passing of an Act is not enough to change the attitude of the people or alter a social evil. There should be a revolution against such evil practices in the societies, unless the revolution doesn't arise from the society, the desired change cannot be achieved in the society

Strengthening Monitory Bodies

⁹ Law Relating to Domestic Violence-Dr.R. Revathi

The body called Mahila Suraksha Samithi in Maharashtra and Gujarat consisting of police officers, legal aid workers, representatives of women organizations and counselling experts etc. should be set up in all districts of each and every state.

Support of Voluntary Organizations

It is established fact that in most regions in India, it is voluntary organizations that have shown great interest to combat against the social evil practices in the society. Keeping in mind the amount of public generation NGO can accumulate, State and Central government should provide required aid to these NGOs which would help them to work more efficiently

Pre-marital counselling

The Central Welfare Board has assisted many voluntary organizations to set up family counselling centres in each districts of each states through State Social Welfare Advisory Boards. These centres consists of members having expertise in these fields and work towards reconciliation in order to maintain the institution of family. These centres handle cases like marital conflicts due to dowry or any other reasons.

Role of Women Groups

There is urgent need to deal with the deep rooted social customs of dowry and other evil practices and these women groups help in taking up on war for equal rights and economic empowerment as a rallying point.

Dowry deaths

While the harassment and cruelty against young brides within the matrimonial home is a horrendous ordeal, the only remedy available to dowry deaths is the financial deprivation or confiscation of the property of the husband and laws should be made to confiscate the property of the culprit in every case of dowry deaths.

CONCLUSION

Women occupy a unique position in the society due to the importance in the procreation of the human race. However, patriarchy and traditional patterns of life have reduced women to a

position of insignificance. Women suffer this discrimination in silence and they are exploited both in the house and in the society. The gender based violence haunts the women throughout all the stages of her life. The birth of daughter is considered as a bad luck and even a growing girl child is felt as a burden to the family. A teenage girl is subjected to sexual exploitation and a married woman faces various kinds of cruelty in her marital home. And there are many more tough situations a woman has to undergo in her life.

Government has introduced many laws and statutes to protect women from evil behaviour of the society and along with enacting laws government should also create awareness about the laws in the public. The one of the important ways to get through this problem is making women economically stable and enabling her to live her life and her decisions independently to achieve this rate enrolment of girls in schools and colleges should be increased and proper education should be provided to every child and they should be given equal opportunities to men by which they can develop and prosper.

