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DISCRIMINATION, EVILS, INJUSTICE AND INDIAN WOMEN

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INTRODUCTION

Women, the better half of any country, have always been the object of discrimination which proves detrimental to the progress of that country. As far as countries like India is concerned, women, even in urban areas, are treated as second class citizen as compared to their male counterpart. In spite of the fact that their all round development and progress is essential for the progress of any nation, they are very badly dominated and subjugated irrespective of their class, religion and community. Some of the areas of discrimination against women are explained below:

Land and Property Rights :

In most Indian families, women do not own any property in their own names, and do not get a share of parental property. Due to weak enforcement of laws protecting them, women continue to have little access to land and property. In fact, some of the laws discriminate against women, when it comes to land and property rights.

The Hindu personal laws of mid-1950s (applied to Hindus, Buddhists, Sikhs and Jains) gave women rights to inheritance. However, the sons had an independent share in the ancestral property, while the daughters' shares were based on the share received by their father. Hence, a father could effectively disinherit a daughter by renouncing his share of the ancestral property, but the son will continue to have a share in his own right. Additionally, married daughters, even those facing marital harassment, had no residential rights in the ancestral home. After amendment of Hindu laws in 2005, now women have been provided the same status as that of men.

In 1986, the Supreme Court of India ruled that Shah Bano, an old divorced Muslim woman was eligible for maintenance money. However, the decision was vociferously opposed by fundamentalist Muslim leaders, who alleged that the court was interfering in their personal law. The Union Government subsequently passed the Muslim Women's (Protection of Rights upon Divorce) Act.

Similarly, the Christian women have struggled over years for equal rights of divorce and succession. In 1994, all the churches, jointly with women's organizations, drew up a draft law called the Christian Marriage and Matrimonial Causes Bill. However, the government has still not amended the relevant laws.

Health :

While considering the issue of women health the notion of justice itself comes into a big question as women are not enjoying the equal opportunities with their male counterparts. There are two

main reasons behind the cause of such discrimination against the women folk in India. Firstly, women in general have to bear extra responsibility in society as the producer and sustainer of life. Secondly, women belong to a neglected section where male domination is a fact of life. Thus women are more vulnerable as they bear the risk of reproduction, child rearing and household services. The reproductive role of women is very important in determining their health standard which is often associated with the health risk. The average female life expectancy today in India is low compared to many countries, but it has shown gradual improvement over the years. In many families, esp. rural ones, the girls and women face nutritional discrimination within the family, and are anaemic and malnourished. Again lack of health education is one of the important factors that deprive women from availing the benefit of proper health services. The other factors are lack of proper rest due to overloaded household work, privacy, low economic status, reluctance to visit a doctor, lack of communication with the health worker, lower priority of women health in a family etc.

Family Planning :

The average Indian woman has little control over her own fertility and reproductive health. Women, particularly in rural areas, do not have access to safe and self-controlled methods of contraception.

A 1972 survey of 3 Indian states showed that 1) husbands impose a variety of restrictions on wives, with rural husbands placing more restrictions than urban husbands; 2) women's role in decision making in household affairs is positively correlated with the degree of awareness and knowledge of contraceptives as well as adoption of family planning; and 3) communication between husband and wife is significantly related to the practice of family planning in both rural and urban areas. Hence to help encourage adoption of family planning and reduce fertility, India should 1) emphasize education for women, 2) enforce the legal minimum age at marriage, 3) promote employment opportunities for women, 4) improve women's role in decision making, and 5) encourage good communication between husband and wife and the latter's involvement in family affairs.

Crime Against Women and Domestic Violence :

Police records show high incidence of crimes against women in India. Crime against women viz. physical and mental torture results either bodily injury or emotional trauma or both. As such rape, kidnapping and abduction, homicide for dowry, murder, wife-battering, sexual abuse, eve teasing etc. are all examples of crime against women. Generally crime against women may be categorized as :

- i) *Criminal Violence* – rape, abduction, murder, trafficking etc.
- ii) *Social Violence* – forcing the wife / daughter-in-laws to bring more dowries and to go for female foeticide, eve teasing, harassment by senior officers, industrialists etc. at work place (in case of working women) etc.

iii) *Domestic Violence* – dowry deaths, wife battering, sexual abuse, maltreatment of widows etc. The female sex is vulnerable to violence from even before the time she is born. The India society has placed women in a state of dependence as daughter on her father, as a sister on her brother, as a wife on her husband and lastly as a mother on her son. This male supremacy exerts its impact in domestic violence in India.

Alcoholism is a common cause of violent behavior of the husbands. Extra marital relations and gambling on the part of the husband are also responsible factors for domestic violence against women. In India failure to pay the dowry can lead to domestic violence against women.

Wife abuse can occur at any age groups but it is generally seen that women of young age are at high risk of being abused. It may be due to the fact that younger couples are still learning to make adjustment with each other and addition of children in the family put demands and stresses on the young couple. Absence of children is likely to affect the quality relationship between the husband and wife. Similarly more number of children can also lead to hardship and insufficiency in the family and resultant domestic violence. Whatever may be the reason, the fact is that domestic violence is a major concern for most of the Indian families specially due to the fact that the cases of such violence specially violence like wife-battering and force incest with the women of the household are never reported at all.

Sexual Harassment:

The peril of sexual harassment of women at work place or elsewhere continues to remain a burning issue in India as more and more cases are reported every day. Sexual harassment at workplace amounts to violation of human rights. It is the worse form violation against the women. It is a dehumanizing act and an unlawful intrusion into the right of privacy and sanctity of a female worker.

The gender based violence outside or inside home usually takes the form of sexual assault specially against the female as a whole and not against individual woman or even woman of a sexually active age. In such cases, whether sexual assault or rape, the victim is held to be morally responsible. The logic is that the woman who gets assaulted is automatically proven to be bad or immoral.

Sexual harassment in public places in India is common. The eve-teasing ranges from bad whistles and unlawful remarks and unwanted advances in public places or work places. There is also an assumption that a woman found unescorted by a man in a public place (after dark specially) is easy prey for man and the worst part of it is that this kind of exploitation and oppression is easily justified as the woman is of loose character and invites male attention.

Dowry :

Dowry system has always given rise to innumerable socio-economic problems of far reaching consequences and wide ranging ramifications. India has already witnessed numerous incidents of

bride burning, harassment and physical torture of the young brides and various tactics being adopted by the husbands, in-laws to pressurize for more dowries.

The Dowry Prohibition Act, 1961 was amended in 1984 and again 1986 to make the provisions of this law more stringent. Under this law court now has powers to act on its own knowledge or on a complaint by any recognized welfare organization. The offence has been made cognizable for the purpose of investigation. Anti Dowry Cells are also established in some important urban centres to tackle this issue effectively. In spite of all these, thousands of dowry related cases of domestic violence, suicides and murders have been reported every year all over India.

In 1985, the Dowry Prohibition (maintenance of lists of presents to the bride and bridegroom) rules were framed. According to these rules, a signed list of presents given at the time of the marriage to the bride and the bridegroom should be maintained. The list should contain a brief description of each present, its approximate value, the name of whoever has given the present and his/ her relationship to the person. However, such rules are hardly enforced.

Female Foeticide and Infanticide :

In India, female foeticide has always been regarded as a sin and wrong. Indian Penal Code has also provided penalties for causing miscarriage. A woman who causes harm to herself for miscarry can also be punished under law. But under certain situations the right to abortion has been recognized under Medical Termination of Pregnancy Act, 1971 if it invokes a risk to the life of the pregnant women. But this provision has provided a licence to some medical practitioner to terminate pregnancy whether it is needed or not. It is a criminal offence. Hence, the problem of female foeticide has become a major issue in India and non-governmental organizations, media, human activists and intellectuals demand state intervention. The Parliament having realized the gravity of the implications arising out the misuse of the pre-natal diagnostic techniques, enacted *The Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994*. The act has been amended to make it more stringent and purposeful. Its name has been changed to *The Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex selection) Act, 1994*. But still at many places in India females are being killed before their birth in their mother's womb.

Female infanticide (killing of girl infants) is also prevalent in some rural areas in India. The abuse of the dowry tradition has been one of the main reasons for sex-selective abortions and female infanticides in India.

Trafficking :

Trafficking is the dark underside of globalization and women and children are the worst victims of trafficking. The specially vulnerable group includes women and children who are economically depressed. They are forced into prostitution, domestic work or child labour. Trafficking happens to -

- i) Women and children who are living in villages near International Borders.
- ii) Young female seeking better livelihood option outside their locality.
- iii) Girls forced to arranged marriage
- iv) Young girls sent to household chores through middle men
- v) Young girls belonging to families which cannot give them support due to alcoholism and domestic violence
- vi) Smart looking, well educated young girls in dream of glamorous jobs in metropolis.

Though the *Immoral Traffic (Prevention) Act* was passed in 1956 many cases of trafficking of young girls and women have been reported regularly in different parts of India.

Thus it will not be wrong to say that though human rights have been universally adopted and several laws supporting women's cause have been enacted in India, Indian women have to go a long way to attain their rights in social, economic, political and cultural fields. After sixty-five years of India's independence women are still one of the most powerless and marginalized section of society and they are treated as 'inferior' in their own families. It is the violation of gender justice that must be universally condemned.

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