

ATROCITY AGAINST WOMEN

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ABSTRACT

The status of women in a society indicates its level of progress. However it is affected by certain macro forces as economic development, political participation, and ideological observations. It is also shaped by the norms and values society lies down with regard to women's behaviour. It has gone through several changes during various historical periods. The women were less literate, more unemployed, less visible in the authority structure, more prone to diseases and suffered more from barriers of customs and patriarchal norms and values. The year 1975 was observed as the International Women's Year and 1975 – 1985 as the International Women's decade and March, 8 is observed as the International Women's day each year. Women's rights are human rights and should be treated as such. Gender equality and equity are integral parts of our thought and culture. Gender bias works against females since infancy. The law ensures the minimum age of marriage of men (21 years) and Women (18 years). Child Marriage is a common feature in our society. It is more common in villages and among the illiterates. Dowry system is very common in the Indian society. The Rural people still believe in many superstitions. Sometimes women are to be declared as 'witches' or 'Daynis' by the 'Sadhu' and 'Tantrik' and forced to die to get rid of evil spirits. There is a lower enrolment of girls in schools and higher dropout rate. The incidence of dropout and stagnation amongst girl is nearly twice that of boys. Malnutrition and anemia are the prime cause of this lower health status and lower health status manifests itself in lower life expectancy, higher rate of mortality, morbidity and lower levels of productivity. Trafficking is also a serious problem. Women continue to face the harsh realities of eve teasing & rape. Underreporting is one of the main problems in these cases because of social bearers. The Government of India has brought about specific legislation to protect and safeguard the rights of women. The 73rd and 74th Constitutional Amendment Acts of 1993 mark historic events in the advancement of Indian women. The major policy initiatives undertaken by the Department in the recent past include the establishment of the National Commission for Women (NCW), Rashtriya Mahila Kosh (RMK), adoption of National Nutrition Policy (NNP), strengthening of ICDS, setting up of National Creche Fund (NCF) and several other programme for women. But unless mass literacy and financial independence, are achieved the betterment of the situation is not possible. This is an attempt to discuss various problems faced by the women and the role of Government in this regard.

Key Words: Dowry, equality, government, literacy, superstition, Women.

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INTRODUCTION

Woman –thy name is creation. In the words of Pandit Jawaharlal Nehru “when women move forward, the family moves, the village moves and the nation moves.” Indian women as a whole were much worse off than men. The women were less literate, more unemployed, less visible in the authority structure, more prone to diseases and suffered more from barriers of customs and patriarchal norms and values. According to Census of India, 2001, literacy among females 54.16%as against 75.85% of males. Sex ratio is 933, more than 50% women in the age group 15 – 49 years are anemic. The 1999 Human Development Report of UNDP says that while 67% of the world’s work is done by women, only 10% of global income is earned by women and a mere 1% of global poverty is owned by women.

The status of women in a society indicates its level of progress. Former Soviet President Mikhail Gorbachev, in his welcome addresses to the World Congress of Women at Moscow in June, 1987 said, “the status of women is a barometer of the democratism of any state, an indicator of how human rights are respected in it.” However it is affected by certain macro forces as economic development, political participation, and ideological observations. It is also shaped by the norms and values society lies down with regard to women’s behaviour. It has gone through several changes during various historical changes. In the Vedic period (2500 B.C. – 1500 B.C.) women participated in all the fields like men and took active part in every sphere of human life. Women were man’s friend, his co-worker and never his inferior. Women had enjoyed every rights including remarry. But the situation had declined during post Vedic period. The status of women gradually declined during the post Vedic period and reached in the worst position in Islamic period (500 A.D. – 1800A.D.). Purdah, polygamy, child marriage, Sati was included in the social system and women particularly hindu women suffered a lot. After independence (1947 onwards), the constitution makers and the national leaders had tried to get equal rights to women with men. The Government of India has enacted many legislation and laws to protect the rights of women. The year 1975 was observed as the International Women’s Year and 1975 – 1985 as the International Women’s decade and March, 8 is observed as the International Women’s day each year.

But what is the reality? Reality is quite shocking and the daily newspaper proves it. Seven years old girl being raped, sixty years old women being harassed, custodial rape, marriage

promised rape and dowry deaths are common news. Not only that Roop kanvar of Rajasthan made 'Sati' in few years ago and girl child was overthrown from the hospital by her mother occurred in Kolkata in the 21st century. Though several laws have been passed to protect the rights of women, but unless mass literacy, mass awareness and women empowerment, the position will not be improved.

Women's rights are **human rights** and should be treated as such. Recently, the war crimes tribunal at the Hague, Netherlands in a landmark judgment in a case involving three former Bosnian Serb commanders declared rape to be a crime against humanity. The fact that women's rights need to be safeguarded in every country of the world cannot be overemphasized. In a historic decision, the Rajasthan Government is changing the service rules to punish employees who are found guilty of torturing their wives. As reported in a national daily, the punishment could involve sacking and action would correspond the crime, with punishments including suspension and stoppage of increments.

Gender equality and equity are an integral part of our thought and culture. Equality does not necessarily imply treating everyone as equal. It can also imply treating 'equal as equal' and 'unequal as unequal. It is the duty of the State to remove inequities in the personal laws of various religions. Recently it has been made compulsory to include the mother's name along with that of the father in various forms required to be filled for an Indian child while seeking admission in a school and otherwise. Article 15 & 16 of the Indian Constitution protect women from the discrimination on grounds of sex and employment opportunity in public employment. Under the Hindu Succession Act, 1956 a married woman also enjoys her father's property with their brothers. Equal Remuneration Act, 1976 ensure equal wages for men and women for the same type of work.

Gender bias works against females since infancy. Though the Act has enacted, of late sex determination tests are still being carried out and the fetus aborted, if female. This scenario is very acute in the so-called developed and modern cities like Delhi, Hariyana, Chandigarh, Kolkata etc. and as a result sex ratio¹ is too low in these cities. The National Literacy Mission through the Total Literacy Campaigns (TLCs) has played a key role in raising awareness on issues of gender equity, as have the Women's Development Program, "Mahila

Samakhya" and several other programs. The National Perspective Plan for Women (1988-2000) was drawn up in 1988 as an important strategy to change social attitudes.

The Special Marriage Act, 1954 permits marriage of people from different religious, faiths without changing their religions. The Act was amended in 1976 to provide for the right of a girl. Who do not marry under the Special Marriage Act, 1954, are governed by the Hindu Marriage Act, 1955. The term Hindu in this case includes Buddhists, Jains, Sikhs and their denominations. The law ensures the **minimum age of marriage** of men (21 years) and Women (18 years). Child Marriage is a common feature in our society. It is more common in villages and among the illiterates. The mean age at marriage in case of female is 15.4 years². Child Marriage Restraint Act, 1976 raises the age of marriage for girls from 15 to 18 years and boys 18 to 21 years. Bigamy is prohibited in this Act and each party is expected to give consent to the marriage. For a civil marriage, three witnesses are necessary. Progressive laws such as these protect the woman. Under the Islamic law, marriage is considered a contract and a '*nikah*' is performed with several dos and don'ts.

Dowry system is very common in the Indian society. Because of non-payment of dowry in form of cash and otherwise constant physical and mental torture is one of the common incidents against women. Even it leads to death in several occasions. The Indian government has reported that an estimated 6,000 women a year die as a result of dowry abuse. Many more are maimed and injured. Dowry is a criminal offence under the Dowry Prohibition Act, 1961(revised in 1984) and imprisonment as well as cash punishment is charged against the criminal. Hindu Adoption and Maintenance Act, 1956 protects the divorce women through economic support.

The Rural people still **believe in many superstitions**. They also believe in the force of magic and in the healing power of the '*Sadhu*' and '*Tantrik*'. When people suffer from illness or if there is a lack of drinking water or there is a death in the family or cattle or if there is a crop failure or even it is a natural calamity, then these sadhus/tantrik/Janguru are approached to solve the problem. His orders are accepted unquestioningly. He usually declares a woman or more to be 'witches' or 'Daynis' and suggests the solution through death of the evil spirits i.e. the poor woman. The witch are then killed or ostracized from the community. Only education

and awareness generation can change the social system. The role of civil society is more important than the Government in this regard.

The report on the Convention on the Elimination of all forms of **Discrimination Against Women (CEDAW)** released by the Government recently mentions the steps taken by it to contain the negative impact of restructuring of the economy that India has embarked upon. It enumerates the steps that have been taken to protect women. The Government of India made special efforts to increase its support for social sectors and started a number of schemes aimed at the poor, particularly poor women and women in the informal sector. These include the Rashtriya Mahila Kosh and the Mahila Samakhya programs. Indecent representation of Women's Protection Act was passed in 1986 but the media continues to project women as sex objects. Once the censor board has permitted, the Supreme Court cannot intervene.

Pandit Jawaharlal Nehru said, "Education of a boy is the education of one person but education of a girl is the education of entire family". But there is a **lower enrolment** of girls in schools **and higher dropout** rate among girls. The female literacy rate as per census 2001 is 54.16% (lowest in Bihar, 33.57%) in compare to the male 75.85%. In some states (Bihar, Rajasthan, Uttarpradesh) almost half of the households did not have a single literate female member. For instance, in Rajasthan, rural female literacy among scheduled caste was only 1.18%³ and among scheduled tribes 0.09%³. In case of Bihar, the percentages were 1.78%³ & 6.48%³ respectively. According to the latest statistics, two out of every ten girls in the age group 6 –11 years are still not enrolled in the schools. The incidence of dropout and stagnation amongst girl is nearly twice that of boys. The problem is particularly serious in rural areas. The single most important factor that prevent children particularly girls from going to school seems to be lack of interest in education (17.30%)⁴. It is to be underlined that it is parents' lack interest (32.60%) in education more than their children⁴. These figures put a big question mark on the result of "Education for All". Article 45 of the Directive Principles of State Policy of the Constitution guarantees free and compulsory education to all till they complete the age of 14 years. In this direction several plans have been taken in different plan periods of which National Policy on Education, 1986 emphasized on female literacy. Besides these several programmes have also been launched in different times i.e. Operation Black Board (1987-88), Non-formal Education Programme, DPEP and latest Sarva Shiksha Abhiyan & Sishu Siksha Karmasuchi.

Women constitute about half of our population and more than one third of the total work force. Thus they comprise a significant section of our population. They bear children and child health is affected by maternal health. Malnutrition and anemia are the prime cause of this **lower health status** and lower health status manifests itself in lower life expectancy (61.1), higher rate of infant mortality (706), maternal mortality (410) and lower levels of productivity¹. An estimated 50-60% girls & women in Rural areas are anemic and in case of pregnant women the figure is 40-70%. The factors behind the low health and nutrition are poverty, low level of literacy, big family size, child marriage, rural believes & superstitions, gender bias etc. provision of health care for women was recognized as early as in the first five year plan itself. The Bhore Committee (1946) and National planning Committee (1948) both accorded high priority to maternal and child health. Special Nutrition Programme (SNP) was launched in the fourth five year plan for the purpose of supplementary nutrition to children below six years, expectant and nursing mothers. The fifth five-year plan was to provide basic public health care facilities integrated with family planning and nutrition for children and expectant and nursing mothers. Several schemes were started during this period, like Integrated Child Development Service (1974) and Expanded Programme of Immunization (1978). Reproductive and Child Health Programme (RCH) was launched on 15th October, 1997 to provide comprehensive package of services for family planning, maternal & child health and management of reproductive tracts infection including sexually transmitted diseases.

The government has taken a number of steps and enacted a number of legislations to protect and safeguard women and ensure that their rights are not **abused**. One such measure is the Maternity Benefits Act, 1961. Before the enactment of this law, the grant of maternity leave and cash benefits were included in the Factories Act, 1948, Mines Act 1952 and Bidi and Cigar Workers' (Conditions of Employment) Act, 1966 amongst others. Under the Central Service (Leave) Rules 1972, "female Government employees are at present entitled to maternity leave for a period of 135 days from the date of commencement. During such period, the employee is paid leave salary equal to the pay drawn immediately before proceeding on leave". Besides economical exploitation, sexual abuses of women in the workplaces and even in their houses are now a common feature.

Child labour in India persists as a mass phenomenon. India is estimated to have the largest number of children (11.28 million as per 1991 Census) in harmful, exploitative and oppressive labour. Girl children are often more vulnerable and suffer more deprivation in terms of labour related exploitation and oppression. Common sense perception of cause of child labour is poverty. As per the data of NSSO, 1999 – 2000 26.10% people were living in below poverty line in India. As revealed by many empirical studies, most of the working children are drawn from the poorer segments of the population. Families need money to survive, and children are a source of additional income. Poverty itself has underlying determinants, one such determinant being caste, a comparatively higher proportion of scheduled caste children work at a younger age for their own and their families' economic support. However, the fact is that child labour perpetuates a vicious cycle of poverty because most of the working children are either never enrolled in school or primary school dropouts. They don't acquire any new skills that can help their upward mobility. Thus, they land up in low paid unskilled work when they grow up. Their economic levels remain poor and they push their children against into work. Thus, the vicious cycle of child labour – illiteracy – poverty – child labour is reinforced. These child and female workers are not only economically exploited but also mentally and sexually exploited. Article 24 of the Indian constitution clearly states "No child below the age of fourteen years shall be employed to work in any factory or mine or employed in any hazardous employment". The Indian government implemented the Child Labour Act in 1986 to prohibit the employment of children who have not completed their 14th year in specified hazardous occupations and processes.

Trafficking is also a serious problem in the border district like Murshidabad, Malda, North & South 24 Pgs. and Jharkhand. It is a well known fact that due to poverty and illiteracy, usually local agents easily convince the guardian of a young girl for marriage in Bihar, Delhi, Uttarpradesh, Madhyapradesh, Maharashtra etc. in lieu of minimum cash and later on they are forced to send in 'Red Light' areas. Some girl children were also sent to Middle East for camel jockeying and beggary. But it is very difficult to put any evidential statistics as most of the cases no police complaint are filed.

Women continue to face the harsh realities of **eve teasing & rape**. Eve teasing is very common in the AI cities and it takes many young lives, recently, Bapi Sen, Kolkata Police sergeant at Kolkata and granddaughter of Prime Minister in Uttarpradesh. Now marriage-

promising rape is daily news in West Bengal. It is very serious as most of the cases, female are sexually harassed by their relatives or close people. Under reporting is one of the main problems in these cases because of social bearers. According to Human Rights Watch, women in India face daunting obstacles in prosecuting rape cases, beginning with lodging reports with the local police to confronting judges' insensitivity to their plight. It is hopeful that the Court is now very strict in their judgment and enforced police to take legal action correctly and timely.

The **73rd and 74th Constitutional Amendment** Acts of 1993 mark historic events in the advancement of Indian women as they ensure one-third of total seats for women in all elected offices of local bodies, in rural areas and urban areas. In the rural areas, above one million women are going to emerge as leaders/decision makers at the grassroots level and enter public life through the existing 0.25 million bodies. Of these, about 75,000 will be the chairpersons of local institutions at the village, block and district levels, as per the Act. Another revolutionary bill, reserving 33.3 percent of parliamentary and state assembly seats for women, is pending before Parliament.

Though various welfare programmes have been introduced for the shake of women but the benefit is not satisfactory. For getting the advantages of these programmes, women empowerment is needed and this can only derives from the **financial authority** of the women. Only financial power makes the women empowered and place them in the leading position. Micro-credit or micro-finance for women has received extensive reorganization as a strategy for poverty reduction and for economic empowerment. Rashtriya Mahila Kosh (RMK), since its registration in 1993, focuses on women and their economic empowerment through the provision of credit to poor and asset less women in the informal sector. RMK since its inception has sanctioned a credit of Rs.1097.3 million benefiting 4,20,000 women up to February,2002. In this direction the ministry of Rural Development has also special components for women especially rural women in its programme. Funds are earmarked for "women's component" to ensure flow of adequate resource for the same. As for example, Micro finance programme for rural poor through self-help groups entitled 'Swarnjayanti Gram Swarozgar Yojana' in 1999, of which 40% women are targeted. Another step was taken in 'Indira Awaas Yojana (1996)', priority is extended to widows and unmarried women and allotment of the house is given in the name of the female member of the household or in

the joint names of husband and wife. Besides these, Jawahar Gram Samridhi Yojana (JGSY) is designed for Below Poverty Line families; 30% of the employment opportunities are reserved for women under this yojana, National Social Assistance Programme (NSAP), Jawahar Rozgar Yojana (JRY) etc.

The Department of Women and Child Development was set up in the year 1985 as a part of the Ministry of Human Resource Development to give the much needed impetus to the holistic development of women and children. For advancement of women and children, the Department formulates plans, policies and programmes, enacts/amends legislations, guides and coordinates the efforts of both governmental and non-governmental organizations working in the field of Women and Child Development. Besides playing its nodal role, the Department implements certain innovative programmes for women & children. These programmes cover welfare and support services, training for employment and income generation, awareness generation and gender sensitization. All these efforts are directed to ensure that women are empowered both economically and socially and thus become equal partners in national development along with men. The major policy initiatives undertaken by the Department in the recent past include the establishment of the National Commission for Women (NCW), adoption of National Nutrition Policy (NNP), strengthening of ICDS, setting up of National Creche Fund (NCF), launching of Indira Mahila Yojana (IMY), Balika Samridhhi Yojana (BSY), and Rural Women's Development and Empowerment Project (RWDEP). Besides Government organizations & Non-Government Organizations, Panchayati Raj Institutions can also play vital role in this regard. Panchayati Raj Institutions are the local self Government and the functionaries of these institutions are elected by the local people. So, as a local representative they have a good command regarding the various local as well as national issues especially women related issues. Another important thing is the changes in value system in our society are needed and this is definitely a continuous process that may be facilitated by the Non-Government developmental organization through participatory process.

In a country which boasts of its glorious heritage, where women are recognized as the goddess shakti. She has to be respected, worshipped and at times feared. From ancient to modern time, the status of women has been changed throughout the years. After independence the Govt. of India may offer so many steps including various legislation and

laws for the women. Now there has also been a significant shift in policies and strategies – from bureaucratic ‘top centric’ to ‘ground up’ interactive schemes. Role of women and their increased involvement for solving basic problems of poverty, illiteracy, violence and environmental degradation is being felt increasingly and at different levels. It is high time to challenge this concern and this increased awareness to break the stereotype systems and old doctrines of the past. Hope in the door stapes of 22nd century, women will bring back their glorious time and recognized them as a creator of new India.

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¹ Census 2001

²1951 Census.

³Census 1981

⁴NSSO 1998