

स्वाध्याय

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UTTAR PRADESH RAJARSHI TANDON OPEN UNIVERSITY
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Indira Gandhi National Open University



UP Rajarshi Tandon Open University

CWED-02
Women in Indian Society :
Socio-historical Context

- First Block : Women in Indian Society**
Second Block : Women's Status : Some Indicators
**Third Block : Social Institutions, Processes
and Women**
**Fourth Block : Religion, Personal Law and
Women's Right**

Shantipuram (Sector-F), Phaphamau, Allahabad - 211013



**Women in Indian Society:
Socio-historical Context**

Block

1

WOMEN IN INDIAN SOCIETY

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LET US BEGIN HERE

This is the first elective course of the certificate programme in Women's Empowerment and Development Programme. It is divided into four Blocks. Each of these Blocks represents a specific theme, which is discussed in three to five Units. The Units are logically arranged into a sequence to cover the main aspects of each theme. Besides Units, each Block contains a Block Introduction in the beginning and a list of references at the end. Block 1 contains, in addition, a Course Introduction. You are advised to carefully read the Course Introduction in order to know about the rationale, focus and content of the course you have been offered to read. Similarly, you should also read the Block Introduction, in order to follow the logic and content of a Block.

You have now in your hands the first Block of this Course. It comprises three Units in all. Before proceeding to read the Units, you are advised to go through these instructions about how to read the course-material. Here we first give the design of a Unit and then explain the system of numbering of sections in a Unit. Then we tell you what is contained in various sections of unit, and how you should go about completing different tasks involved while reading the course-material.

DESIGN OF A UNIT

A systematic representation of the design of Units is given below:

Unit X*

- X.0 Aims and Purpose
- X.1 Introduction
- X.2 Section (Theme of Section)
 - X.2.1 Sub-section 1 of X.2
 - X.2.2 Sub-section 2 of X.2
 - Think it Over 1
 - Learn From Your Experience 1
- X.3 Section (Theme of Section)
 - X.3.1 Sub-section 1 of X.3
 - X.3.2 Sub-section 2 of X.3
 - Think it Over 2
 - Learn From Your Experience 2

*X stands for unit number

The numbering and length of the above section and their sub-sections may vary according to the volume and depth of course material in each unit. The last three sections in each unit with the following titles are also numbered.

- Concluding Remarks
- Clarification of the Terms Used
- Some Useful Readings

- Clearly write your enrolment number
- Answer them in your handwriting and in your own words
- Write clearly and neatly so that it is easy to read your answers
- Have enough margins on one side of your answer-sheets so that the evaluator may write his/her comments on your performance.

Before Answering the Assignments

- Read all the Units in the block and additional reading material (if available).
- The answers to the assignments must reach the Study Centre by the last date indicated.

Term-end Examination

Your understanding of the print-material provided in the four Blocks of FWE-01 and in the audio-video programmes, relating to particular Units and Blocks in this Course will culminate in your taking the Term-end Examination. The question paper for this examination will have three sections. Section A will contain questions, requiring descriptive answers while Section B will have questions, requiring explanatory and analytical approach in your answers. Last section, i.e. Section C, contains short and objective type of questions, requiring exact and specific answer in terms of yes/no or true/false. Try to prepare for the term-end examination in terms of these three main categories of questions.

Preparation of Course Material

The syllabus of this course is designed by an Expert Committee (see p.2. of this block) and prepared by the Course Preparation Team, which comprises a Course Editor, Course or Block Coordinator and authors of the various units. The Expert Committee has selected the themes and sub-themes of the Blocks and Units of this course while authors of the units have provided their expertise in elaborating them in the form of the main text of each unit. The course editor and the block editors have carefully examined the course contents and given their suggestions and comments for improving the clarity, readability and comprehensibility of the material in the units. The Course or Block Coordinator, who is always one of the IGNOU faculty members, has the sole responsibility of editing and transforming the Units in IGNOU style after receiving the course material from authors. The Coordinator sends the revised drafts of the Block to the Course Editor and the language editor then incorporates their suggestions and comments. The Block Coordinator is also responsible for getting the artwork done and for preparing the final manuscript for printing. Later, going through page proofs and getting the Hindi translation of the Block is also carried out by the Block Coordinator. Finally, along with the coordination of the production of audio-video programmes, related with the Block, preparing the manuscript of the Block in its Hindi version is to be carried out by the coordinator who has to set the Hindi translation and later check the proofs as well. The course coordinator, who has an overall idea of the course structure, checks the units for a possible repetition of or contradiction in the material. Thus, through this long process of checks and re-checks, the IGNOU faculty prepares the self-instructional material (SIMs), which reaches you. All the same, the IGNOU faculty wishes to request you through this column for sending your comments and suggestions on specific points in this material so that further prints of this course may carry improvements, suggested by you.

COURSE INTRODUCTION: WOMEN IN INDIAN SOCIETY: SOCIO- HISTORICAL CONTEXT

This is the first elective course of the certificate programme in Women's Empowerment and Development. The aim of the programme is to generate a critical discussion on women's issues, so as to be able to question and find answers to these questions.

The first course is preliminary and yet a detailed general meaning of women in the overall context of the society. Needless to say that women's situation and gender roles are largely determined through various institutions and processes of society. In that sense gender roles are constructed and processual and they are not fixed and unchallenged.

In our first block **Women in India Society**, we will take cursory look at women's place in Indian society. Given the heterogeneity of Indian society there are variations among women. Despite these variations, women share a common fate of being the victims and at the margins. It is important to understand this variation in the contextual setting to have a realistic assessment of women's status. It is equally important to separate the ideal representation of women from the reality. To understand the present status of women, we also need to assess where they were, what have been the changes, the continuities and the sites of resistance.

In our next block we continue with our assessment of women's situation and their position in society by taking into consideration various indicators. In our second block **Women's Status: Some Basic Indicators**, we start by looking at various demographic indicators, sex ratio, mortality, age of marriage, etc. Statistics by themselves may not give us any analytic understanding, but they certainly indicate the situation. Besides these demographic indicators, we would like to assess women's status in terms of their access to work, their political participation and access to education. All of these are valuable indicators as to how far women have progressed in a society.

Having assessed the status of women, the question we would like to ask ourselves is why is the status of women in Indian society so dismal and a cause for worry? If children drop out of school or end up getting paid less than the males and that there are fewer women than men, what are the reasons? The reasons are many, structural and attitudinal. In our third block: **Social Institutions, Processes and Women**, we will look at the various institutions which shape gender roles. Right from the time a girl is born she is embedded in a network of societal expectations. We examine how the socialisation of girl takes place in her family, in large community, in her class background. The course encourages to critically analyse the patriarchal ideologies which operate in various social institutions, be it family, the institution of marriage or the caste and class background. The gender roles are further reinforced by the way they circulate freely in our daily lives, in the movies we watch, in the books we read, in the stories that are told, the bill-boards we come across, the objects we purchase. The gender stereotypes are so permeating that they enter the sub-conscious. Hence we would like that the course should encourage the learner to question certain taken for granted things and uncover the ideologies that operate beneath.

Religion as one of the social institutions has bearing not just in purely religious sense but shapes the very position that women have in society. In our last block in **Religion, Personal Law and Women's Right** we examine the way religion influences women's life and her situation in society, religious doctrines, ideologies and principles seem to have swayed humanity for centuries. Wars have been fought, people killed and women secluded in the name of religion. In this section of the course we take a critical, unbiased view of various religions and the place of women in personal laws, based as they are on religious texts, traditions and precepts. Religion has been a strong identity forging phenomenon, giving a people a sense of community. Often in a secular set up, the communities, who seek a way of life, based on tradition find themselves at variance with the secular state. Sati or widow immolation is one instance where community traditions have come into conflict with secular laws. In all this it is the women who suffer. As upholders of tradition they have a community loyalty to uphold - a tradition/religion, however oppressive. These community and religious identities have been a serious set back for the continuing struggle for gender justice. Despite the homogeneity of women's situation, across religion and communities, there have been division on religious, ethnic, language basis.

We hope that this course would provide a critical understanding of women's position in society and place in the socio-historical context to give us a better understanding and help us work towards a change.

Commonalities, we would be looking at how despite these variations, differences and distinctions, women share a common experience of marginalisation.

You may come across an urban woman, highly educated, smartly dressed, driving to work. She looks obviously very different from the woman who is working in the field, who is illiterate and poor. Do you think there is anything that might be common between them?

You will be surprised to know that under the obvious difference there might be a running thread of commonality. One may be working in the field, the other in posh office in the city, but both have to run the house, take care of the household-work involved, take care of the children, also probably they don't have any voice in what they want to do with their earnings, the list is endless. This state of women whether in urban situation or rural is really the underlying commonality-patriarchy and its oppressive situations. You will find that in their own respective context both do not enjoy as much freedom as their men folk. They are both situated in a larger male oriented system or what is often called as a patriarchal system.

To understand these underlying commonalities it is very important to know the different social context in which women are situated. Thus when we say a Muslim woman or a Hindu woman we should analytically make a distinction (if there is any) rather than find a descriptive category, which has a tendency to degenerate into a stereo-type. With this little prescription in mind, let us go through this unit.

Let us first briefly look at the basic diversity of Indian society. Following this section we will have a discussion on diversities among women, in terms of various indicators of their status in society such as: literacy, work participation, health etc. In the next section we will look at the commonalities in terms of various underlying social structures, their role in families, in marriage, in religion etc.

So, let us begin with our first section which talks about the diverse nature of Indian society.

1.2 THE MULTI-CULTURAL INDIA

Geographically India covers a wide stretch, from Jammu and Kashmir in the north to Kerala and Tamil Nadu in the south, from Nagaland and Arunachal Pradesh in the east to Gujarat and Maharashtra in the west. There are different cultures in the states and union territories of India. There are diversities in terms of language, race, caste, religion and tribe. There are Hindus, Muslims, Christians, Buddhists, Jains and Zorastrians as there are a pantheon of local deities with each cultural zone. There are important differences that exist between castes and tribes.

Hindus constitute 82.6 per cent, Muslims 11.4 percent, Christians 2.4 per cent, Sikhs 2.0 per cent and Buddhists and Jains 1.2 per cent, and others 0.4 per cent.

Persons belonging to other than the Hindu religion are called religious minorities. Besides these categories, we also have a huge tribal population who have their own particular culture and socio-economic system. The overall figure for tribes in India is roughly about 8%.

The tribals constitute a majority in several parts of the country. They are a majority in Nagaland (89 per cent), Meghalaya (80 per cent), and Arunachal Pradesh (79 per cent), one fifth or more of the population of Manipur (31 per cent), Tripura (29 per cent), and Madhya Pradesh (20 per cent) and a significant proportion of the population in Orissa, Bihar, Gujarat, Assam, Rajasthan and Andhra Pradesh.

Linguistic minorities are yet another category. About 18 per cent of the population in eighteen of India's twenty-three states, besides the union territories, do not speak the regional language as their mother tongue. About 48 speak a regional language other than the official language of their state. Linguistic minorities constitute nearly 50 per cent in Assam, 48 per cent in Jammu & Kashmir, 35 per cent in Karnataka, 34 per cent in Delhi, 31 per cent in Tripura, 24 per cent in Maharashtra, 21 per cent each in Punjab and Bihar, 17 per cent in Madhya Pradesh and about 15 per cent in Orissa, Tamil Nadu, West Bengal, Andhra Pradesh and Himachal Pradesh. Kerala is linguistically the most homogenous state, with only 4 per cent non-Malayalam speakers.

Do You Know? 1

- It is generally believed that all Hindus cremate their dead. But do you know that not all Hindus cremate their dead. Many communities and caste groups, specially in South India bury their dead. And they do consider themselves Hindus, and the others consider them so.
- Do you also know that among certain communities marriage between cross-cousins (father's sister's daughter/ son and mother's brother's daughter/ son) is preferred. Whereas for others it might amount to an incest relationship.
- It is very often taken for granted that the son is a natural heir to property, to the lineage etc. but there are communities in which the daughter is the natural heir and she inherits the property.

1.3 STATUS OF WOMEN: BASES OF VARIATION

The status of women in India has many facets, and generalisations are, therefore, difficult. This is mainly due to the existence of considerable variation between regions, between rural and urban areas, between classes and finally, between different religious, linguistic, tribal and caste groups. While in certain contexts the Indian sub-continent is a single cultural region, in many others it is a conglomeration of differences. There are significant variations between regions some of which are backward if indices such as female literacy and education,

male-female ratio, age of marriage of girls, female participation in economic activity, etc., are taken into consideration.

1.3.1 Female Literacy

Whenever we are talking of literacy figures, essentially we are looking at the position that women occupy in society. A woman, who is educated, has greater chances of participating in decision making process. At least, she has a choice to take up a career, expand her horizons as well as learn, which is denied to her if she is illiterate.

It is generally found that those women who are educated, their work participation and health also shows an improvement.

Literacy figures indicate the general social situation in which these women are located. You could perhaps ask yourself the question why is that in Bihar and Rajasthan girls do not go to schools? What could be the reasons? Could it be that the patriarchal system in the states of Bihar and Rajasthan far more oppressive than others states?

The literacy rate (1991) was 52.21 per cent; it was about 64 per cent for males and about 39 per cent for females. According to the 1991 Census there were 247.6 million illiterate women in India. In the urban areas female literacy was 48 per cent as against 66 per cent for males. In the rural areas female literacy was only 18 per cent. Among the major states, Kerala, with 90.6 per cent literacy (87 per cent for females), tops the list, followed by Mizoram, with 82.3 per cent (78.7 per cent for females), Andaman & Nicobar Islands, with 73 per cent (65.5 per cent for females), Tamil Nadu, with 62.7 per cent (51.4 per cent for females), Maharashtra, with 64.9 per cent (52.3 per cent for females) Himachal Pradesh, with 63.9 per cent (52.3 per cent for females), Tamil Nadu, with 61.7 per cent (48 per cent for females). From the lower-end of the spectrum are states like Rajasthan, with 38.5 per cent (20.4 per cent for females), Bihar, with 38.5 per cent (23.1 per cent for females), and Uttar Pradesh, with 41.6 per cent (25.3 per cent for females).

1.3.2 Women and Employment in Unorganised Sector

Women play an important role in the Indian economy. Both urban and rural women are engaged in a variety of occupations. Women's employment differs from class to class and from the rural to the urban. Mostly urban educated women are employed in the organised sector where as poor urban and rural women are working in the unorganised sector which accounts for 14 per cent of the total work force. About 87 per cent of the working women are employed in the unorganised sector in rural and urban areas. Women workers in this sector are mostly illiterate and lack skills and training. Because of these factors they get low wages even though they put in long hours of work. They are also subjected to unhealthy working conditions and job insecurity. The unequal social structure based on class and caste, lower level of physical mobility of women also have a significant influence on women's labour participation.

It is well known that caste status varies inversely with participation in manual labour. There is also an overlap that varies from place to place. The idea is

widespread that working for wages is a mark of low status, and landowners of the upper peasant castes do not work for wages, let alone take up manual labour. Nor do their women folk work. The latter, in particular, find high status inconsistent with work outside the house. With upward mobility, they remain more secluded from farming work.



Working for survival.

Courtesy : CWDS, New Delhi.

The objection to working for wages remains even at the middle level of the hierarchy, but is often circumvented by resorting to labour exchanges. It is only at the lowest levels of the rural hierarchy that men and women work for wages, and among landless labourers, that is indeed the sole source of sustenance.

About two-fifths of the women workers from Scheduled Castes are agricultural labourers. In the case of the Scheduled Tribes this figure is around 22 per cent. Their representation in non-agricultural occupations is negligible. In other words, while at the bottom level of the rural hierarchy, women do work within the house and outside the house, the latter being paid for while the former is not, payment or wages of women characterises the top level.

1.3.3 Women and Employment in Organised Sector

The visibility of women in various professions and government employment is a recent phenomenon although their proportion is still limited in most areas of

the organised sector. Among the women who are working in the organised sector, about 50 per cent are primary school teachers, about 15 per cent each are secondary school teachers, clerks and typists, while the balance comprises of doctors, lawyers, college teachers, administrators, artists, etc. Although the proportion of urban-educated women as compared to high status rural women is small, the former have broken out of the 'status trap' of the latter, and have jobs that give them both regular incomes and social esteem. They have made a successful transition from one structural and cognitive frame of reference to another. The essential preconditions for such transition are migration to urban areas and access to education.

Men and women are found working side by side in the same office, bank, firm or school. Women are the bosses in many government offices, banks, schools, colleges and universities. The career woman in India is very visible and it is significant that society at large has quietly accepted women's assumption for new roles. However, it must be mentioned that for many women, the dual responsibilities of running the home and the job is strenuous. Often too, studies have shown that women have themselves put restrictions on themselves from moving upward in their jobs so as to compromise with domestic demands.

Learn From Your Experience 1

Identify various persons belonging to different religions in your neighbourhood. Write about the role of women in religious activities in these households.

1.4 THE ENDURING PATRIARCHAL SYSTEM: A COMMONALITY

In spite of these differences, all Indian women have some commonalities, which enable us to understand the position of Indian women. Everywhere women's labour within the home is unpaid and undervalued. Secondly, traditional role expectations, differential socialisation of boys and girls and gender-role stereotyping have an adverse impact on women's roles.

Complex cultural and social processes are operative at the village level. The structures underlying them and the social processes have been undergoing changes in response to the forces of modernisation and the impact of urbanisation and economic and social mobility. Yet, a few elements seem to persist. Patriarchy is one such enduring feature.

Patriarchy is a common feature of Indian society, affecting the status of women in society and family. It moulds women's position irrespective of their caste, class, religion or region. At the family level, the husband has control over his wife, her reproductive labour, the product of her labour and the children. But patriarchy is not just a family system. It is a social system, which structures and defines the roles and relationships of women. It is in the social system that we find in the public aspects of patriarchy, the control of society, of the economy,

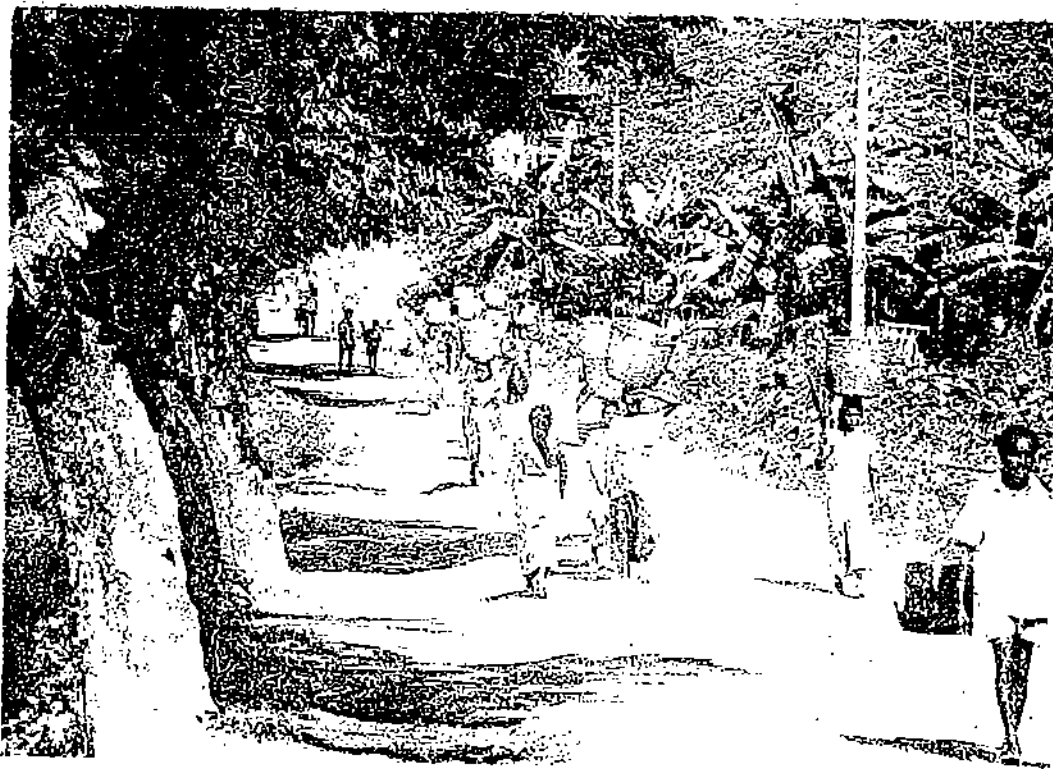
polity, religion, etc. by men collectively. They use that control to uphold the rights and privileges of the collective male sex as well as of individual men. The husband's family, which exercises control over his wife's daily labour, finds its concomitants in the public domain — in education, in the job market, the economy and polity.

1.4.1 Women and Household Work

Nearly 70 per cent of India's population is rural. Within the rural classes contribution of female's labour, both at home and outside, is significant. The responsibility for cooking and serving food in each household, at least twice a day, to all members of the household, is that of the wife's.

She has to attend to related work and all chores outside the house, connected with purchase and processing of food items. The feeding, disciplining and socialisation of young children are also her tasks unless she has a grown-up daughter who plays the role of a mother to the young brothers and sisters.

Female agricultural labourers perform hard and back-breaking tasks during the transplantation season. They have to get up as early as 4 a.m., and cook food before leaving the house. The evening meal is cooked after returning home. The point which needs emphasis is that in both house work and the work outside the house, whether agricultural or non-agricultural, there are clear and definite rules governing the division of labour between the sexes.



Off to work in plantation, but not before finishing the tasks at home.

Courtesy: Prof. Kapil Kumar, IGNOU, New Delhi.

Learn From Your Experience 2

Identify households belonging to different classes in your community and write about the work done by girls in families belonging to different classes.

1.4.2 Religious Diversity, Women and Rituals

Whenever an issue concerning women is discussed you must have often come across the view which thinks that while men work outside, it is the women who take care of the family, the household and the continuation of the tradition and culture. In India, particularly within Hinduism, where the difference between tradition and religion is blurred, there are numerous rituals, traditions which have belonged to the domain of women. Each religion has its own structure, strictures, customs and rituals. Women play various roles, which differ from one religion to another. Rituals provide women with occasions for socialising with their peers and superiors, and for showing off the family's wealth, clothing and jewellery. During the last few decades in particular, the economic, political and status dimensions of ritual have become increasingly conspicuous.



Women and tradition go together!

Courtesy: Dr. Debal K. Singha Roy, IGNOU, New Delhi

Feminine preoccupation with ritual provides them with power over men. Much of a woman's ritual is concerned with the welfare of the household and its

members. Since the husband does not have the time for performing the rituals he is appreciative of the fact that his wife is looking after an important area of family life. The stresses and strains of modern living which include providing for education and careers for offspring, arranging suitable matches for them and anxieties about finance and health, draw both men and women to tradition. It generally makes both men and women more pious, but it is those rare cases where men display indifference or seem to display indifference. The women generally can be trusted to make them toe the traditional line. Thus very often the young girl is socialised in to adopting practices, unquestioningly in the name of tradition, however demeaning they might be for the women.

1.4.3 Conjugal Relationship

In the dominant section of Indian society, namely upper caste Hindus, (though this is projected as the social norm, social practices widely vary across regions and particularly across castes) 'virginity' and chastity in the brides are considered necessary. Thus among the upper castes a husband could divorce the wife for infidelity, incompatibility or barrenness. A widower is expected to remarry. The status of widows and widowers is strikingly asymmetrical. The husband is superior to his wife. She is not allowed to divorce her husband whatever the provocation, and if she is widowed, she would not remarry. It is not easy to get remarried either because of social sanctions or for encumbrances such as children from the earlier marriage. A woman gets praise for her total devotion to her husband even when the latter is an unworthy person. At the same time, it is interesting to know that, as a married couple gets older, as a young wife matures into a mother and mother-in-law, the relationship between the husband and wife tends to be egalitarian.

But among other castes, rules for divorce, separation and remarriage are often different. A trend however exists for the upper caste to become a reference model both socially and legally. In upper castes and classes in which joint or extended families predominate, especially in the countryside, the female heads of such families have considerable work and responsibility. They have to look after the cooking arrangements, and the special needs of infants and sick and old members. They have to allocate domestic work among the different daughters-in-law and servants, look after the guests who usually drop in without notice, and attend to the family's many ritual and kinship obligations.

The upper castes in the rural areas generally have a biblio-centric view of Indian culture and society, including the place and role of women in it, as the custodians of the norms and customs specific to sub-cultural groups like lineage that guide and control the actual behaviour of individual members. This has been compounded by the heterogeneous character of scriptures, their differential authority, and finally, inconsistencies, which are to be found in the scriptures in the conceptualisation of certain basic roles and relationships, particularly the conjugal ones.

Think It Over 1

- 1) Why do you think women are considered the custodians of culture and tradition?
- 2) Name some traditional practices, which are oppressive to women.
- 3) Have you ever wondered why most women continue to wear traditional Indian dress while many men have adopted western outfit?

1.5 CONCLUDING REMARKS

In this unit we have attempted to bring out not only the wide disparities among women but also their commonalities. Whatever the situation and the social context, women, across religions, caste groups, etc. continue to suffer the oppressive patriarchal system. The indicators that we have detailed such as literacy, work participation etc. show, to an extent, the oppressive state of women and also the potential and possibility of enabling women to take decisions for themselves. But by themselves these figures do not mean that a woman, who is working and educated is liberated. She is probably better off than her counterparts who do not even have the choice of gainful employment and an independent source of income.

As a country India lives in many centuries. Given the strength and long continuity of its history and traditions, continuities persist in the social realm, giving scope for a certain degree of heterogeneity in structures, values and norms. Alongside, social pluralism, based on religion, region, language, caste, tribe, gender and extent of urbanisation, is the most dominant and enduring characteristic. Changes are taking place as a consequence of modernisation and the impact of policies in favour of a less stratified and more egalitarian socio-economic system. But we have a long way to go for a gender equitable society.

1.6 CLARIFICATION OF THE TERMS USED

Patriarchal family : A form of family organisation in which the father is the formal head and the ruling power in the family. The authority of the father is absolute and final. The patriarchal family is usually an extended consanguine family (organised in terms of blood relationship) in which the patriarch is the senior male member.

Position The location or place of an individual or social category (class or category of people, such as professional men) within a social system or system of social relationships. The term is usually used synonymously with status; hence, every position involves role expectations.

Ritual	: A culturally standardised set of actions with symbolic significance performed on occasions prescribed by tradition. The acts and words that comprise a ritual are precisely defined and vary very little if at all from one occasion to another. Tradition determines who may perform the ritual. Rituals often involve the use of sacred objects, and are expected to result in the emotional involvement of the participants. The ritual may be believed to have power in itself to produce certain results.
Role	: A pattern of behaviour, structured around specific rights and duties and associated with a particular status position within a group or social situation. A person's role in any situation is defined by a set of expectations for his/her behaviour held by other and by the person himself/herself.
Status	: A defined position in the social structure of a group of society that is distinguished from and at the same time related to other positions through its designated rights and obligations. Because each status position in a social structure (for instance, group bureaucracy) can be viewed in terms of its superiority or inferiority (advantages, disadvantages), people tend to equate status with rank and prestige or hierarchical position. However, status in the usual sociological sense does not necessarily imply a rank in a hierarchy. Thus widow, musician, student, Boy Scout, and husband would all be examples of statuses. Each status position is expressed in terms of a role, that is, a pattern of behaviour expected of the occupant of the status.

1.7 SOME USEFUL READINGS

1974 *Towards Equality: Report of the Committee on the Status of Women in India*. Govt. of India.

Ray, Bharathi and Aparna Basu (ed.) 1999 *From Independence Towards Freedom: Indian Women Since 1947*. New Delhi: Oxford.

UNIT 2 MYTHS AND REALITIES

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- 2.0 Aims and Purpose
- 2.1 Introduction
- 2.2 Myth and Reality
- 2.3 The Myth : Women and Hindu Rituals: Merger of the Sacred and the Secular
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 - 2.3.2 Basic Characteristic Features of the Indian Family
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2.0 AIMS AND PURPOSE

This unit deals with women in Indian Society: Myths and Realities. After reading this unit you should be able to:

- describe the myths and realities of women's life in Indian society;
- examine the family's role in shaping women's role;
- analyse the political, economic and educational factors in women's lives; and
- discuss the reasons for the continued discrimination of women.

2.1 INTRODUCTION

In this unit we would be discussing the ideal image of women and how it contradicts the real situation. The ideal conceptions find their expressions, among others in scriptures, myths etc. Thus it is not very uncommon to find reference to woman *Laxmi* (goddess of wealth) and often we hear people say a daughter is like a *Laxmi* to the house but at the same time treat her quite callously.

We start the unit with a brief explanation of what is meant by myth and reality. Following this we will discuss the contradictory images of women in the Indian society.

2.2 MYTH AND REALITY

Myth refers to widely held beliefs about the formal systems of society, norms, rituals and symbols outlined in the scriptures, the sacred texts. Departures from such formal prescriptions are often sought to be ignored by citing them as deviant cases or accommodated in practice, by offering expedient interpretations. Reality refers to what we can observe as practice or usage. This unit attempts to describe and analyse the ideal typical position of Indian women, as outlined in the scriptures, pointing out variations from reality. Critical to our understanding of the position of Indian women is an assessment of both cultural milieu and the normative structure of traditional Indian society that defines the roles and socialises individuals. The attempt is also to locate India's social development in the context of overall and multi-pronged changes taking place at a wider level.

2.3 THE MYTHS: WOMEN AND HINDU RITUALS: MERGER OF THE SACRED AND THE SECULAR

A predominant trend within Hinduism has always been to emphasise the sacred element that earmarked most rituals, to be performed by the Brahmins. However, over a period of time, the persons of the non-Brahmin castes have adopted the rituals as part of their attempts to upgrade their social status. Prof. M.N. Srinivas describes this process by the term Sanskritization. As a result of a long drawn process of social change the norms prescribed by the scripture and usage have come to vary. Alongside, the scriptures themselves have come to be interpreted in an ambiguous manner, leaving ample scope for accommodating usage. In a sense, such interpretations tend to provide sanction to usages contrary to the norms contained in the letter of the scriptures, thereby rationalising practice. The performance of Hindu rituals provides a good illustration in this regard. It is also important to remember that the customs in usage itself shaped and reshaped the canons of Hinduism.

Sanskritization has led most non-Brahmin caste people to a heightened sensitivity to ideas of purity and pollution, and to the performance of elaborate rituals, life cycle, calendrical, and others. Further, among high caste Hindus, despite the force of the patriarchal tradition, women are the custodians of the purity of the house and its members, and of ritual. Their greater concern gives them considerable power for the material and spiritual welfare of the household is believed to be dependent on the meticulous observance of the purity-pollution rules, and the periodical performance of ritual. Women are important in all domestic rituals, and even enable men to perform it by attending to several basic tasks.

A considerable part of ritual has direct reference to the pursuit of secular ends, and to that extent, the performance of ritual only indicates practicality. Thus the annual propitiation of dead ancestors is not only intended to keep them well-fed

and satisfied, but is believed to ensure the welfare of the survivors. Similarly, *vatas* (optional ritual performed, mostly by women, to gain specific secular and religious ends) are performed. Offerings are promised to deities and pilgrimages are undertaken to great shrines, to obtain children, good health, long life and prosperity for members of the household, in particular, for the husband, father, or an ailing child. One of the secrets of the vitality of Hindu ritual is the manner in which it meshes with the pursuit of material ends, and offers solace to secular failures. The popular myth of Hindu spirituality has concealed the fact that Hindu ritual and religion are closely linked to worldly interests.

2.3.1 Contradictions and Ambiguities in the Images of Indian Women

In contemporary India, the position of women is complex because of the various contradictory images of women. In urban centres there are images of highly educated women, especially working women. There is evidence of capable, efficient and powerful women in political organisations. All these images conjure an impression that Indian women are highly advanced. But the fact of the matter is that majority of women in India live in rural areas and they suffer from many handicaps.



Towards resolving the urban-rural contradiction.
Courtesy: CWDS, New Delhi.

It is acknowledged that patriarchal values regulate sexuality, reproduction and social production. Socialisation into overt roles and rules hinder women from their active participation in many spheres of life in society. It is reflected in the

subtle expression of patriarchal symbols like '*pativrata*'! Inferiority of women through legends emphasise the dominant role of a woman as a faithful wife and devoted mother. Reference is given in '*Manu Smriti*' regarding the basic rules for women's behaviour. Another important point in the Hindu value structure is the dual concept of women as goddess both benevolent and also malevolent and destructive.

Motherhood and the ideal of a faithful, loyal and self-sacrificing wife are projected through the media and the educational system. The reality of subordinate position of women is indicated through adverse sex ratio of girls, growing domestic violence, increasing number of dowry deaths and rapes. To understand these issues one has to first analyse the Indian family system and look at wider issues of violence and discrimination.

2.3.2 Basic Characteristic Features of the Indian Family

The traditional Indian family is patriarchal, pyramidal, hierarchical (particularly with respect to sex and age) and extended. However, these characteristic features have been undergoing significant alterations as a result of structural changes largely due to the impact of modernisation.

The family continues to be the core unit of socio-economic activities in India. Its members are expected to cooperate to secure livelihood and improve the status of its members. The family continues to be the dominant social institution through which persons and groups inherit their religious, social, class and cultural identities. It also provides security and support in times of individual stress and social distress.

Within the Indian family, the behaviour of females is evaluated differently from that of males. For instance, the sexual misbehaviour of a male is either ignored or condoned, whereas the sexual misbehaviour of a girl invites the wrath of the family and kin. A girl's conduct reflects not just upon herself but upon her mother, her father, her brothers, her family and her kin group as a whole. Obviously, patriarchal values impinge upon the family to exert greater social control over females than males.

The typical Indian family reflects many aspects of considerable self-denial; parents, and particularly the mother, deny themselves for the sake of their children. The mother is both a symbol and substance of supreme sacrifice. The source of the mother's happiness is the happiness and prosperity of her children.

Although the Constitution prohibits child labour in hazardous occupations and discourages their employment in others, children in peasant communities and among the urban poor start work and earn at a very early age. An extra child is seen not as another mouth to feed or another person to be educated, but as an extension of family power and prestige and an additional source of labour and family income.

Yet, a series of structural changes have already begun to shake off traditional relationships, role and value orientations within the Indian family. Different sets of relationships are, therefore, developing between family and society.

2.3.3 The Patriarchal Tradition of the Indian Family

As noted earlier, the traditional Indian family is stratified on the basis of sex and age; the young are subordinate to old and females to males. Within the family, father wields considerable authority and responsibility. It is mostly patri-local and patrilineal. The father expects respect and unquestioning compliance with his instructions. This image of the father is clearly reflected in Indian mythology as well as in contemporary fiction and vernacular movies.

Learn From Your Experience 1

Identify the pattern of difference in bringing up the male child and female child in five Indian families with reference to education, household work, expectations about interaction and physical mobility.

For example, in the great epic '*Ramayana*', king Dasaradha ordered his son, Rama, to go to the forest and live for fourteen years, leaving the kingdom and the comforts. Rama obeyed his father's orders and left the city. Rama's wife, Sita, though she was not directed to leave, also left the comforts and followed her husband by saying that woman's place is always tied to that of her husband. In Indian society Rama has always been quoted as an ideal son and Sita as 'pativrata' or ideal wife. In the same epic Sita was sent out to the forests by Rama when she was pregnant because somebody from the public raised doubts about her chastity. So Sita's husband, Rama, ordered his brother to leave her in the forest even though she was not at fault. In the same epic (*Ramayana*), in another incident Ahalya, wife of a *rishi* (sage), was administered a curse by her husband for no fault of her. In another story Parasurama was asked by his father to chop off his mother's head. Obeying his father's command, Parasurama killed his mother. For this act of obedience to his father, Parasurama was praised as a great son. All these stories reveal the inferior position of women and the pre-eminence of patriarchal authority. They also signify in abundance the cultural image of powerlessness of women in traditional Indian society. These cultural norms and values continue to influence role perceptions to some extent in the present society.

Do You Know? 1

The landscape in Eastern Uttar Pradesh is dotted with little mounds, sharply pointed at the upper end and placed on a platform. The mound and the platform are called *chaura*.

A large number of these structures are local *dei mai* or *sati mai* – local female goddesses. One unusual structure is *Sugani Mai*. It is believed that once a trader's family was returning home after the marriage of their son. They were bringing home the bride along with groom. The journey was long and arduous. The groom fell ill and died. People say that when the bride heard this she lost all will to live. Broken down with grief, she prayed

for her death with such intensity that soon a flame emitted from her navel and burnt her down at the very spot where the memorial of Sugani Mai stands.

In another similar case in a village called Pakri, a girl brought death upon herself when she was under threat of being raped by a high caste man (she was from a Nonia caste, who are mostly masons) she willed a flame to arise from her toes, which burnt her down. She clearly chose death to the loss of chastity.

The reason behind the birth of these goddesses clearly points to a community that exercises strict sexual norm on its women. It also reveals the crystallisation of its own system of land distribution that conjoins with the existing caste and patriarchal modes.

These goddesses embody the cluster of expectations and roles that the community imparts to its women. However, gender implications are not uniform for a community divided on caste and class lines. It is caste that becomes the determinant in the creation of these local deities.

It is interesting to note that none of the women whose unnatural death transformed them into goddesses belongs to low castes. One can probably risk inferring that the low caste women did not die of the same causes as the high caste women reflecting the existence of a different moral ethical universe for them. However, it is not true that there occurred no unnatural and sudden deaths of low caste women. These however are not related to what can be called sexual or domestic sins. I can talk of at least one case, where one of the Rajput families is plagued with an incurable skin disease believed to be because of the curse of low-caste chamar women, who was brutally killed by them for not paying *lagan* or land tax. However this woman was not turned into a Goddess. She has become a ghost. Her death has not given rise to any memorial.

Source : Vibha S. Chauhan, "Community, State and Women" in *Women's Link* Vol.5 No.2, April-June, 1999.

Think It Over 1

1. Do you think that mothers are sacrificing by nature or is it the socialisation which makes them so?
2. Why is Sita in *Ramayana* considered an ideal woman?
3. Recall from your experience ways in which domestic work is justified as women's work and write a few lines about it.

2.4 THE REALITY: ABUSED AND MARGINALISED

A careful reading of the mythical, exalted position of women reveals that they are far from equal. It is these notions of divinity, nobility and sacrifice that have served as tools of justification in extremes like the burning of Roop Kanwar in the Sati case of Deorala in Rajasthan.

2.4.1 Violence Against Women

A commonly held myth in India is that women in India are like deities and respected. Facts speak differently. Although the Indian Constitution provides for equality of men and women, the vulnerability of the latter to attacks, both inside and outside the family, is widespread. Large number of women are deprived of minimal protection and security. An analysis of country-wide data shows that for every six minutes a violent act is committed against women: it could be an atrocity, attempt to murder, rape, harassment, obscenity, public outrage, teasing or some such act. As per the Union Government's statistics, nearly one lakh cases are registered each year by women victims. The numbers of instances, which go unreported are perhaps several hundred times more. An analysis of data for New Delhi, the capital city, shows that in every fifty four minutes an atrocity is committed. For every hundred and two minutes, there is one dowry death. For every seven minutes there is an attack on women. For every twenty six minutes, one woman is subjected to sexual harassment. In 1993, the number of dowry deaths in Delhi was 127; the number increased to 146 in 1994. The number of crimes registered against married women was 809 in 1993; in the number of crimes against women, Maharashtra leads with 13,913, followed by Madhya Pradesh (11,378), Andhra Pradesh (8,335) and Rajasthan (7,160). Cases of rape registered 400 per cent. by 1996. The number of unreported and unregistered cases in anybody's guess data for Uttar Pradesh shows that in 1994, 1852 dowry deaths were registered, against 1,606 in 1993 and 1,444 in 1992. As many as 1976 cases of rape were registered in 1994, against 1,590 in 1993 and 1,569 in 1991. There is a growing feeling among women's organisation that the police and the authorities are indifferent in combating atrocities against women. However, the latter are of the view that because of the loopholes in their relevant statutes, justice could not be rendered promptly. In this context, it is necessary to emphasize the fact that when people in authority and police are involved in crimes against women most of them seem to escape punishment. Women activists feel that there has been considerable delay in processing cases by courts. For instance, records for rape cases registered in the country during 1992-96 show that four-fifths of the culprits have not received any punishment so far.

2.4.2 Continued Vulnerability of Women in Indian Society: An Assessment

Despite the Constitutional guarantee of gender equality, reality is at variance with the expectations. Women are secluded and segregated though an increasing proportion of them have been receiving education and are occupying important roles and positions in the public domain, the majority continue to be confined to the household.

The roles most available to women are those of daughter, sister, wife, mother, mother-in-law, grand mother, etc. Professional careers available to women are nothing but extensions of these familial roles such as school teacher, nurse, office clerk, etc.

Notwithstanding the right to an equal share in the family's property guaranteed by enactments in many states, ownership of property is almost exclusively

confined to men though in some castes some immovable property is given as dowry or 'stridhan' at the time of marriage.

High rate of the female mortality and female foeticide reveal the inferior status of women.

Women are still exposed to forced marriage, rapes and sexual harassment. There is also the persisting argument about the biologically inferior position of women. This is not true either. The subordinate role of women is legitimised by Indian society. It has become increasingly clear that socio-economic conditions rather than some biological in nature are responsible for woman's dependence of men (father, husband, and son) and for the evaluation of her role (i.e., wife, mother, sister, daughter) in terms of gender rather than her personality. The identity of a woman is always relative to that of man: she is the wife of the man, mother, sister, daughter, etc. She has no independent existence. She is being defined in term of the other and not a being on her own. Male-female relationships have undergone change to a certain extent because of women's education or her employment, the impact of modernisation, industrialisation and urbanisation. Yet, despite the achievements of women in many fields, they continue to suffer from several problems at the most elementary level.

2.4.3 Women in Elective Positions and Council of Ministers

Despite women constituting half of the total voters, their representation in the Lok Sabha and State legislatures indicates a sad and deplorable trend. Statistics on their representation in the Lok Sabha shows that, except for one election (1984: 8.1 per cent), it ranged between 3.5 and 6.8 per cent, the average being 5.5 per cent of the total elected members of the House. But then one gets an insight into the problem, if we look at the proportion of women candidates contesting polls to the Lok Sabha; it ranged between 2.8 and 3.2 per cent, the average being 3.0 per cent. Similarly, women's representation in the councils of Ministers of the union and state governments also presents a depressing picture, with an average of 6.8 per cent. The proportion of women who exercise their franchise is also lower than that of men by about 7.5 per cent.

2.4.4 Women and Education

Education is becoming more popular among girls everywhere including villages but the drop-out rate for girls is higher than that for boys. However, the ablest among the girls do very well in the examinations, it is not unusual to find at least a few girls in the first ten places in any university result sheet.

In the country as a whole, only 39 per cent of women are literate as against 66 per cent; in the rural areas of the country in general, female literacy is much lower. According to the UN report on World Women: Trends and Statistics (1995), among women in India in the age groups of 15 to 24, illiterates constitute about 60 per cent, where as among men it is only 34 per cent.

Among those above 24 years, more than four-fifths of the women are illiterate, the corresponding figure for men is 50 per cent only. In a purely numerical sense, however, education of women is not insignificant. While 40 per cent of urban women are literate, only 1 per cent of them are either graduates or post-graduates.

2.4.5 Women in Government Jobs

Women entering into government employment are a recent phenomenon. Although their proportion is still limited in most areas of the organised sector, they have been successful in entering the male bastions. Their proportion had grown in prestigious services like the All-India and Central services and state civil services. One of the significant results of, for instance, success in the I.A.S. is the fact that young women get posted as Collectors at District headquarters. Traditionally, the District Collector is regarded as the lord of his district, and it is something of a cognitive revolution for villagers to find that they are being governed by a woman, and a young one at that. Of late, women have entered the Indian Police Service and subordinate police services in sizeable numbers, making an impact in the way crime is controlled and law and order and traffic are handled. They are also being recruited to the army and air force, hitherto male bastions. With the facility of gender-based reservation in many states women have been entering the government service in large numbers.



Kiran Bedi - India's first Woman Police Officer and a Magsaysay Award winner.
 Courtesy: CSR, New Delhi.

The number of women who have entered the professions is only a tiny urban minority, largely hailing from the upper castes, which have been the principal beneficiary of the new gains.

Think It Over 3

- 1) Give at least two instances, from where the ideal image of women is different from the real.
- 2) Why do you think women are victims of violence. Does it reflect the attitude the society has towards women?
- 3) With more and more women entering the public arena, do you think the situation of women has improved?

2.5 CONCLUDING REMARKS

The increasing presence of women in public life has led to a myth that Indian women enjoy a high status in society, that they are able to balance their professional roles very efficiently and that they wield considerable power. However, the overall participation ratio of women in the organised sector is very low. Besides, the recent shrinkage of employment levels in the organised sector has affected women adversely. As Neera Desai and Maitreyi Krishna Raj observe "women's employment in the organised sector has been reduced, but expansion of the informal sector has put women in the category of a reserve army. The increasing *feminisation of poverty* is a matter of grave concern" (Desai, 1987:46).

The problems of educated urban women deserve serious attention, since discrimination and disabilities are less obvious and tend to operate in more subtle and covert ways. Thus the dual existence of women holding high positions and undergoing various types of discrimination and suffering continue.

2.6 CLARIFICATION OF THE TERMS USED

- Patrilocal residence** : the custom in some cultures for a married couple to reside in the husband's or parents (father's) home or locality.
- Patrilineal descent** : descent (and some times inheritance) traced unilaterally through the father and the male line.
- Sanskritization** : Sanskritization is the process by which a "low" Hindu caste, or tribal or other group, changes its customs, ritual, ideology and way of life in the direction of a high, and frequently, "twice-born" caste.

2.7 SOME USEFUL READINGS

Desai, Neera and Maithreyi Krishnaraj 1987 *Women and Society in India*. Delhi: Ajanta Publications.

UNIT 3 CONTINUITY, CHANGE AND RESISTANCE

Contents

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3.0 AIMS AND PURPOSE

We have gone through the last two units which are on diversity and commonalities, the myth and realities of Indian women. In this unit we will discuss whether there has been any change in the status of women, the various aspects of this change and the areas of resistance. After reading this unit you should be able to:

- analyse the various forces which have shaped the direction of change;
- discuss this change over the time;
- discern some continuities through this change; and
- critically look at the status of women.

3.1 INTRODUCTION

Whenever we talk of change in the status of women, specially in India, we are addressing a very complex process. There are processes such as modernisation, urbanisation and industrialisation etc., which have all, willy-nilly, affected the status of women in India. These have brought about changes without any conscious efforts. Then there are conscious attempts to bring about gender equality. The period after independence saw the enactment of number of laws, relating to labour, in the area of personal laws, and various other provisions which sought to remove the disabilities which contributed to the low status of women in our society. Apart from these measures initiated by the government, there are individual and organised efforts by the community or the women's movement. All these processes and efforts both by the government and the

community or organised efforts are very interrelated, and together have sought to bring about changes.

It is very difficult to gauge the impact of these processes and efforts. It is not possible to discern any uniform pattern of impact, since not all sections of women have been affected by these processes in the same manner. The response of social structures : religion, family, caste, kinship etc., to forces of change in other spheres of life is not easy to predict. Social structures can some times stimulate change but it has been found that many times they are the main impediments to change. Changes in attitude and normative and changes in organisational structure do not take place in unison. Thus, to give an example, we find that a social custom such as sati or widow burning, in spite of being banned has found the support of the community. And Roop Kanwar was burned along with her husband and the state could not and did not do any thing to stop it. India probably has more progressive legislation than most other countries but all of them seem to be only on paper. It is after all the people who have to interpret these laws, and these are people who haven't completely shaken off their attitudes about women.

It is difficult to clearly say what have been the changes. If we look back into may be sixty or seventy years and the present state of women then we do find that there has been a change. One finds more women in the public arena. You find women in professional fields, as doctors as engineers and even as pilots. One finds few instances of single women staying alone and so on. Most of these noticeable changes are among the upper crust of the society. Yet despite the changes there are various indications, which give a rather confusing picture, the sex ratio for example, has considerably decreased, as far as women are concerned. There are areas too where resistance to change has been at its greatest, the personal laws being one instance. Community and religious identities have burned women in many ways. Being the supposed bearers of tradition, women had to take a step back in the name of tradition and community identities—the Shah Bano Case or burning of Roop Kanwar are case of regression if anything.

As we mentioned earlier, the status of women in terms of change, is difficult to assess because of the wide variations within and the complexity of nature of change. And changes have come about from various quarters some are deliberate attempts at changing the low status of women in India. When we look at some of these attempts by state organisation and others, we find a certain thinking or perspective which has informed several of these engineered changes. Let us take a quick look at this thinking, which gave direction to the change that was sought.

3.2 FROM TARGET GROUPS TO EMPOWERMENT

There has been considerable change in the way women are being viewed. The initial attempts to understand women's position in society have been centered mainly around their role in the family, as contributor to the family system and as a mother, who had an important role to perform in the society. Changes were sought in the social structures such as family, marriage and other related areas.

3.2.1 New Independent Nation

We can see this in the early reform attempts during the British period of India. Most of the initiatives came not from women themselves but from the men or through legislative and administrative efforts. And largely women were the receivers of these initiatives to change their lot. This viewing continued after independence and is reflected in the development initiatives undertaken by the state. The thrust of the plans was on welfare measures and women were one of the target groups. The Social Welfare Board was created. Education was considered as one of the primary instrument for change.

3.2.2 The Sixties

The decade of 60s saw growing interest in the rights of women, including women's rights as workers. "A shift occurred where the women's roles outside the family, namely, in the public sphere were highlighted. Issues of concern were legal/status/legislative/suffrage rights /voting behaviour and political participation, etc. This and equality from a legal perspective were the crucial issues"(SAARC Guide Book on Women in Development, 1988, MHRD, Government of India. P.30).

However rights granted by legislation were rarely ever realised in reality. The sixties stress was on 'economic growth and a belief that it would trickle down to the poor and disadvantaged. It was soon realised that the inherent gender biases did nothing of that sort.

3.2.3 The Seventies

The seventies saw women raising their voices in various forums. There were many women's organisations, individuals, groups, grassroots activists, researchers who started addressing the women's question in far greater detail and in its various aspects. These people realised that the development model of modernisation did nothing to make the lives of women any better. It also ignored the real differences that revolved round caste, class and ethnic background. The statistics did not give any encouraging picture either, in terms of health, education, participation in economic activity and so on.

The seventies also saw the declaration of International Women's Year (1975) and the Decade of Women, 1975-85. In some sense this was the beginning of world women's movement. In 1979 the UN General Assembly adopted the Convention on the Elimination of all Forms of Discrimination Against Women. It called for equal rights in all fields—Political, economic, social and cultural. Back home, The Committee on the Status of Women in India (CSWI) gave its first comprehensive study on the status of Indian women. The report pointed to some harsh realities and widely criticised state policies and norms. It pointed out to the contexts, which women come from and which are rarely addressed in policy measures of state. The sixties saw many organisations participating in struggle for gender justice, on all fronts including less addressed issues of domestic violence, sexual harassment. The focus also shifted, to some extent, to

the rural poor women, who were doubly oppressed. The decade saw a growing research on women's issue and women's studies saw a beginning. There certainly was a new approach and perspective to women's issue. They were no more seen as passive receivers of benefits, but as active agents, contributing significantly to all aspects of the society. A higher sense of awareness grew on all kinds of oppression and humiliation that women face. Women participated in several struggles. Not only were they raising voices against such everyday things as price-rise but also active members of militant organisations. Women started to raise voice against fundamental issues like land alienation. The *Shramik Sangathana* of Shahade was one such organisation, a movement which started in 1972. Among the labourers who played active role, women apparently played a militant role. With it also came whole lot of gender based issues, women's oppression as sexual beings. The Shahada women raised the question of wife beating.

This was also the period when a woman as a worker was picked up as an issue and concerted efforts were visible. In Gujarat, an attempt was made, perhaps for the first time, to organise women workers. SEWA (Self-Employed Women's Association) tried to organise women who worked in different trades but which were considered unorganised. Most of them worked at home or as vendors, and not recognised as contributing anything in the production. SEWA's aim was to improve their working conditions by collective forum in which they can articulate their grievances, have platform for bargaining, provide training, funds etc.

In many urban centres women protested against rising prices and corruption. They called for people's verdict. Thousands of women participated in public action.

A direct outcome of these agitations and developments was the shift in perception of women as targets to women as active participants and resources for development. A demand was made that women should be viewed in their own right and not through the families and households, which reinforced that women's economic role was marginal. There was some reluctance but eventually backed by lot of support from women parliamentarians and women's organisation, for the first time a chapter on 'Women and Development' was included in the Sixth Five-Year Plan. Acknowledging the government's failure to achieve gender equality, the plan stated explicitly that without economic independence, equal access to education, skill training, and family planning services, the constitutional guarantee of equality would remain a myth.

3.2.4 The Eighties

A heightened awareness of innumerable inequalities, between men and women and between women themselves found its continued articulation in the eighties. The inequalities, which stemmed from different social structures and institutions—caste, family, religion, tribe etc. came to be focal points.

In the late 70's the issue of dowry was one such focal point among others. The *Mahila Dakshata Samiti* and *Stri Sangarsh* among others made dowry an issue

to be reckoned with. In 1979 *Sri Sangarsh* organised a demonstration against the death of young girl Tarvinder Kaur, who was killed by the in-laws as she failed to provide the ever increasing demands for dowry. Until this time women who died of burns were assumed to have died of suicide. No investigation was made of these suicide cases. Besides, these were treated as family matters and therefore private.

Women activist demanded that situations like these had to be investigated and that dying declaration to be treated as evidence, that police procedure be tightened. In the demonstrations to give justice Tarvinder Kaur several people joined the protest.

Do You Know? 1

"On the 30th of June residents of Malviya Nagar demonstrated against the murder of Kanchan Chopra. Kanchan had visited her parents on 29th morning and had said that she was afraid because her in-laws were demanding more dowry and threatening to kill her if it was not forthcoming. Her brother went that afternoon to the Malviya Nagar Police station to lodge a complaint against her in-laws for dowry harassment, but the police refused to intervene in what they said was a 'family quarrel', and did not register the complaint. That night she died. And the next day the residents of Malviya Nagar, along with Kanchan's distraught family, surrounded the police station, demanding that they file a charge of murder against her in-laws. When reports of the incident appeared the family members were encouraged to find that people were disturbed enough to take action" (Kumar, 1993).

In 1980 the government began to take notice of the issue and took to legislate against dowry. In December 1983 the Criminal Law (second Amendment) Act was passed. Section 498-A was added to the Indian Penal Code. Under this, cruelty to a wife was made cognizable, non-bailable offence, punishable up to three years' imprisonment, and a fine. Section 113-A of the Evidence Act was amended so that court could draw an inference of abetment to suicide Section 174 of the Criminal Procedure Code.

Another aspect of women's oppression is the sexual aspect, which came up as an issue very prominently in the eighties. Rape was one of the expressions of most brutal and violent form of assault on women and it was an issue which was little explored. In India it is one of the most under reported of crimes against women. And here the victim is made to feel ashamed for having been raped, for no fault of hers, because the whole discourse of femininity, modesty and virtue is pitted against her. The case of Rameeza Bi, who was gang raped by police in custody, and her husband was murdered because he protested against her rape, opened a can of worms. There was mass protest by women's organisations and the people. Still the accused were acquitted. Appeal against them was made in the higher court and the case is still pending. It is only in 1980, for the first time feminist groups came together to coordinate a campaign in The Mathura Rape Case. The police raped Mathura, a seventeen-year-old tribal girl and the accused were acquitted. The argument in defense of the policemen was that Mathura was a girl of loose morals and so she invited a 'crime of passion'.

Senior lawyers wrote an open letter against the judgment. The agitation sparked off by Mathura case brought significant changes in the antiquated law on rape which included a category on custodial rape. However the changes were thus far and no more. The changes did not extend to rape within marriage and consent is not required for intercourse in marriage before the age of eighteen.

One of the highlights of women's movement of eighties is that what was earlier considered as private issue was brought in to public arena. And changes were being sought in hitherto untouched areas, whether it is the family or women's sexuality.

While changes were made in laws women realised when it came to implementing them they were guided by patriarchal notions. There was also the realisation that women needed support groups and basis. The eighties saw growing number of women centres. These centres addressed women's issue in a holistic fashion, they attempted to provide help on whole range of issues, which they considered were interlinked.

By mid eighties, women's struggles covered a range of issues women's sexuality, her role in the economy were highlighted. And more than anything the various societal links and the structures which constrain them were critically analysed and solutions were being sought in various forms, legislation being only one of them.

While there were some progressive changes, which contributed towards gender justice, there were other forces that went against women. The late eighties witnessed a rising tide of communal identities—caste and religious identities. Though there were positive changes in some of the laws affecting women, there were some areas where the communities put up a steep resistance. The incidence of Roop Kanwar's Sati and the Muslim Women's Bill are prime examples of these.

3.2.5 The Nineties

The trends of eighties continued in to the nineties. Community identities fundamentalist articulations continued their sway along with globalisation. These structural and societal changes shaped the discourse of women's issues. The discourse of development itself was questioned very seriously as being anti-poor, top-down to environmentally damaging. The issue of environment and participation from below came in to focus. In all this women's role was highlighted. Though women did participate in protecting the environment earlier, the relationship between women and environment especially in terms of natural resources was brought in to sharper focus. With increasing participation of Non-Governmental Organisation and other voluntary organisation and development organisations the focus and efforts were shifted to make women active participants in shaping their own destinies. 'Empowerment' and participation became the buss words. Women were seen as integral part of every development initiative. Nineties saw a great deal of small initiatives and people's movements, in which women took active part.

The 73rd and 74th Amendment Act providing 33% reservation to women in *panchayat* and *nagarpalika* have been concrete moves towards women's empowerment at the lower levels. This has definitely generated a great deal of mobilisation of women at grassroots level, though the environment that women operate in is far from conducive to their active participation. And it is also true that the women are many times mere proxy candidates. Yet this new move to make women part of the political process has stirred the traditional power structures. As much as one hears criticism of the effectiveness of the new structures of power-sharing at the grassroots, one also hears heartening stories about the courage shown by women *sarpanchs* and *pradhans*, against all odds. The members of the all women Kultikri panchayat in West Bengal, for example, have set their agenda for overall development of the panchayats. This panchayat has been declared the best in state (Mukhopadhyay, 1995). Then there is Fatima Bi who got the UN award for poverty alleviation. Many women refuse to bow down once they are exposed to meetings. Many no longer stay behind veils. The women from lower classes/castes as has been shown have been particularly accessible to the villagers. And more than anything these women *panchayats* have shown a genuine concern for an overall development for the village. Thus, they have been responsible for bringing together disparate programmes together. They have been able to utilize the development schemes available. Their participation in the public arena has rippling effect as can be seen even from the experience of literacy programmes. Overall women's participation has multiplier impact on the family, children, the neighbourhood and the village.

The move to introduce reservation in Lok Sabha and state legislative bodies has come under rough weather despite campaigns by women to introduce the bill in the parliament for an enactment. Among the women themselves there is a debate on whether the reservation should further include categories, such as caste to capture the really diverse nature of women's status. The debate on unity vs diversity has plagued women's issues for a long time and had come in the way of a unified and comprehensive action. We will not discuss this issue here however. Pending a consensus on the issue of the bill as of now is put on a shelf.

Think It Over 1

- 1) Do you think the various social processes affect the status of women? Explain.
- 2) What do you see as major shifts in perception of women between the 1960s and the 70s?
- 3) What were the main women's issues which came up in the 1980s and what kind of changes being sought on these issues?
- 4) What according to you should be an effective grassroots mobilisation of women?

3.3 AREAS OF CONCERN

So far we have been talking about some of the changes which have come about, as a result of general societal processes as well as some deliberate changes which

have been brought by struggles mainly by women's groups. In our discussion of these changes we have seen the general trends and we have more or less kept to the progress made towards more just gender society. These struggles for gender justice have been fought with lot of difficulties and the women had to face and continue to face lot of resistance from family, society, the state-the society in general. Some headway has been made. There are some positive indications yet there are continuing difficulties. Certain critical areas have, with great difficulty, brought in to public agenda. One of the difficult dichotomies that women had to wrestle with is the issue of public and private, the issues of community and the marginalisation of women's labour.

In the following sub sections we will discuss briefly some of these areas of concern.

3.3.1 Public and Private Domain

As we have seen from our earlier discussion when it came to issues of family and women's sexuality there was a great deal of resistance from the society in general, particularly from the state and its institutions. Underlying, this is the belief that state and its machinery can only influence the public realm where as the private realm is protected from public scrutiny, especially from the state or administration. Sexuality and family being understood to be private. It is little wonder that there is no separate law on domestic violence or rape within marriage in India. Many feminist argue that 'the personal is political' and issues such as domestic violence, rape and child abuse should be brought into public agenda. The public-private domain operates at many levels. The private domain, which is the family, a woman's sexuality and extended to tradition, is protected from interference and corruption. And women are made to bear the responsibility of nurturing these areas. She is the upholder and corner stone of family, the bearer of tradition. Thus we find that even those women who enter public arena still carry on the responsibility of family. We may find many women professionally qualified, established in their field but when it comes to the raising of the family, cooking or some such domestic areas, it is the woman who has to attend to it. Many 'modern' women find themselves carrying a double burden of a profession, career job etc. and the responsibility of the family. Socialisation and patriarchal ideologies, which depict women as nurturers, sacrificing, faithful, forgiving, wives daughters contribute to the perpetuation of an attitude and the practices.

3.3.2 Community Identity, Religion and Women

This broad dichotomy of public and private extends to tradition as well, as we mentioned earlier. A criminal act such as sati, though illegal has the sanction of not only a particular section of the Rajput community but a section of the Rajput women, in the case of Roop Kanwar's burning, in the name of tradition. The state stands so far, in this incident, as mute spectator. In a multi-cultural and democratic country like ours where communities whether religious or ethnic are entitled to protect and practice their cultures, the communities seek to do so. But as we all know, not all traditions treat women in par with men, they are marginal

and hold a subservient role. When vested interest groups seek to protect their tradition the implications for women are serious, especially when they are asked to show their loyalties to the community, caste or religion even in the face of practices which oppress women. The Shah Bano Case was one such instance of this (you will read about this and Sati incident in our subsequent units).

Think It Over 2

- 1) In what way are women kept tied to their domestic role? Explain with suitable examples.
- 2) How do communities influence the role of women in society?
- 3) Briefly explain how new economic policies are effecting the lives of women?

Do You Know? 2

The continued existence of the community mode defies all attempts to assimilate it in to modern society. The interplay between the old and the new mode is inevitable in the given scenario. We find that this often leads to a reinforcement of the old traditional asymmetries and inequalities in within the modern notion of individual rights and the legal system. One example of this is the judgement given by the Jaipur District Session Judge in Bhanwari Devi rape case. Acquitting the five accused of gang raping Bhanwari Devi the judge announced "rape is usually committed by teenagers. The alleged rapist here are middle aged and, therefore, respectable citizens. Since offenders were upper caste men and included a Brahmin, the rape could not have taken place because Bhawari was from lower caste". This is a classic example of the intrusion of old modes of community identity in to the supposedly modern, rational and impersonal legal system exposing the age-old prejudices against the raped women and the low-castes.

(Source: Vibha Chauhan, "Community, State and Women" in *Women's Link*, Vol.5, No.2 April-June 1999.)

3.3.3 New Economic Policies

Another area, which is increasingly causing alarm as far as women's situation is considered, is women's economic marginalisation and growing feminisation of poverty. As we mentioned earlier women have never really been recognised as contributors to what is considered productive activity. It is not as though women do not work. Not only do they not get underpaid but they never earn for all the work that they do. It is increasingly realised as singularly pointed out by the CSWI that without access and control over economic resources women do not enjoy any power. Despite the warnings of this nature not much has been done to procure women the right to economic resources, a freedom and dignity that they must enjoy.

Along with this already neglected area is an increasing non-involvement of the state in providing some of the basic social measures whether it is food, health,

education or economic measures ever since the introduction of economic liberalisation and Structural Adjustment Policy. Since women are mostly in unorganised and traditional industries, they in particular face the onslaught of big and multinational set ups.

Do You Know?

In a related study spread over three years researchers have identified certain industries in Delhi and Bombay where the proportion of women employed and retrenched was extremely large. For instance, entire manufacturing units of gems and jewellery industry in Bombay are moving out of the city. In the continuing large-scale illegal retrenchment of workers, women are particularly targeted. As possibility of work becomes less, there has been rise in suicides by women. Under pressure from international financial institutions, labour rights are off the agenda. The process of industrial restructuring has meant that a number of traditional industries are dying out and being replaced by small-scale units which employ women as unskilled workers. This redesignation of workers combined with the loss of food security, means people, specially women face an insecure future. (Source: Livelihood and Economic Empowerment—Women Towards Beijing in *Lokayana Bulletin*, July-October 1995)

3.4 CONCLUDING REMARKS

In this unit we have tried to look at where women have been and where they are now. In this analysis of changes, continuities and resistances we have gone in chronology to some extent to understand how a perception or perspective on women have given a direction to women's issue. Though there is some progress in women's situation there are accompanying burdens along with it. Thus women's situation seems to take two steps forward and one step backward. Along with this is a great deal of disjunction in the formal and informal sections. Thus we may be considering ourselves a secular society or a state but when it comes, particularly to the issue of women then the state would like to leave the matter to communities concerned which have had a record of keeping the women where they were in a marginal position. In these clashes and contending ideologies of community and state women seem to be the worst sufferers. This is also true as far as their economic situation is considered, with the increasing withdrawing of the state from social sector and welfare activities women are at the mercy of market forces. In this unequal situation women are the worst sufferers.

3.5 CLARIFICATION OF THE TERMS USED

- Abetment** : To incite or encourage to commit an act.
- Ideology** : A body of ideas or perception, which find their way in to practices and ways of thinking, shaping in turn people's ideas.

Informal Sector : Also called the unorganised sector. It is that sector of economic activity or organisations which does not follow any rules and regulations and statutes and flout all such legal prescriptions. For example private construction companies pay less wage to labour despite there being prescribed minimum wage.

Marginal : On the edge of things, not part of the mainstream or main picture. Therefore not under consideration.

3.6 SOME USEFUL READINGS

Mair, Lucille Mathurin, 1985 *International Women's Decade: A Balance Sheet*.
New Delhi: CWDS.

Ray, Bharati and Aparna Basu, (ed.) 1999 *From Independence Towards Freedom*.
New-Delhi:Oxford.

REFERENCES

- Chauhan, Vibha, S. "Community, State and Women" in *Women's Link*. Vol.5 No.:2, April-June, 1999.
- Desai, Neera and Maithreyi Krishna Raj, 1987 *Women and Society in India*. New Delhi: Ajanta Publications.
- Mair, Lucille Mathurin, 1985 *International Women's Decade: A Balance Sheet*. New Delhi: CWDS.
- Mukhopadhyay, Ashim "Kultikri: West Bengal's Only All Women Gram Panchayat". *EPW*. 3 June 1995.
- Ray, Bharati and Aparna Basu (eds.) 1999 *From Independence Towards Freedom: Indian Women Since 1947*. New Delhi: Oxford.
- 1974 *Towards Equality: Report of the Committee on the Status of Women in India*. Govt. of India.



उत्तर प्रदेश
राजर्षि टण्डन मुक्त विश्वविद्यालय

CWED -02

Women in Indian Society: Socio-historical Context

Block

2

WOMEN'S STATUS: SOME INDICATORS

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BLOCK INTRODUCTION

BLOCK 2 : WOMEN'S STATUS: SOME INDICATORS

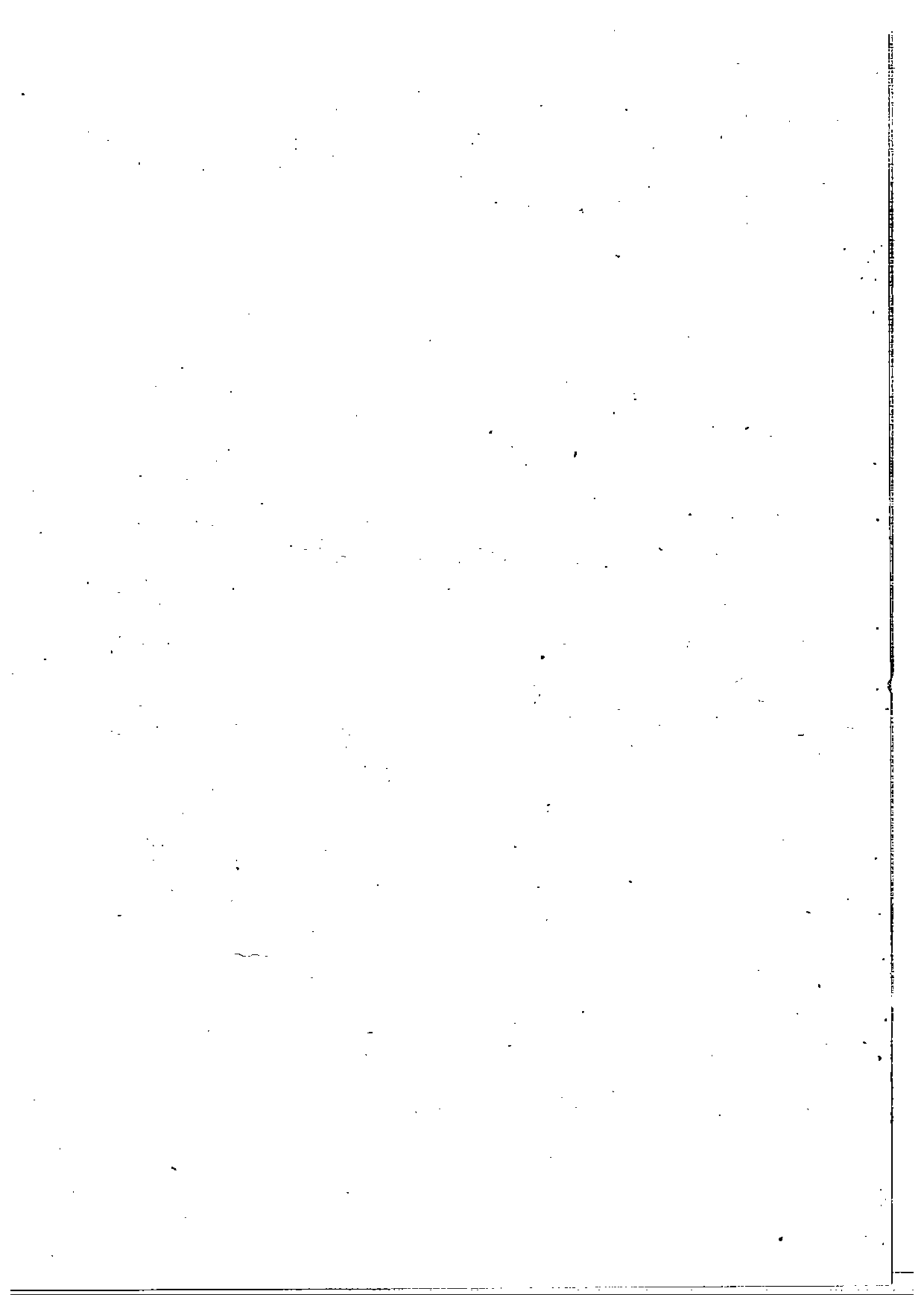
In our previous block we looked at the overall position of women in Indian society, with all its variations and different context. We also tried to look at the changes, some discontinuities and setbacks. In trying to understand the status of women in its various forms, we take a hard look at various indicators which help us to assess women's status.

In our Unit 4 we look at various demographic indicators and see the implications of statistics in analysing the position of women. A demographic profile is attempted in this unit.

Unit 5 assesses women's activity and work. Access to economic resources is one of the major indicators of the position that women enjoy in the society. Women's work, specially the work she is engaged in and around the household is not considered work in the economic sense. Therefore women's contribution to economic activity is undervalued. In this unit we try and look at the various ways in which women's work is evaluated and the problematic of understand and assessing women's work.

Unit 6 looks at women's participation in political activities and processes. Whenever politics discussed, it is usually restricted to such political activities which are related to governance and legislative process. We need to expand the ambit of politics to various spheres of activities, almost all social institutions, processes and human interaction have power relations and politics built into them. Thus it is not enough to talk about the public space of politics alone.

Unit 7 discusses women's status vis-a-vis their educational status. India is one of the leading nations where large number of women are illiterate. In this unit we assess this situation, and the various factors which contribute to this dismal picture.



UNIT 4 SOCIAL AND DEMOGRAPHIC PROFILE

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- 4.1 Introduction
- 4.2 Sources of Data
- 4.3 Size of the Female Population and Age Distribution
- 4.4 Sex Ratio
 - 4.4.1 What is Meant by Sex Ratio?
 - 4.4.2 Importance of Studying the Sex Ratio
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- 4.12 Some Useful Readings

4.0 AIMS AND PURPOSE

This unit deals with various aspects of the social demographic profile of Indian women. These aspects may be considered as indicators of their status in Indian society. After studying this unit, you should be able to:

- understand the significance of the current sex ratio in India;
- describe the implications of urban and rural living in India;
- explain the implications of age at marriage in India;
- describe the patterns and determinants of fertility in India;
- analyse the sex differences in mortality in India and their determinants; and
- describe levels and trends in sex ratio, age at marriage, fertility and mortality in India.

4.1 INTRODUCTION

In unit 4 of the block on women's status some of the indicators of the demographic profile of women in India are discussed. The demographic indicators included are: sex ratio, urban/rural residence, age at marriage, fertility and mortality. When we talk about the status of Indian women, we cannot generalise for the entire country. There are several variations depending on the type of residence, whether rural or urban, educational attainment and economic status. Therefore, in the sections that follow, the demographic profile of Indian women first describes the general picture for the entire country then highlights the differences, based on their characteristics. You will find that this unit discusses in length certain concepts and various aspects of demographic indicators which will be referred to in all of the course. Hence, we discuss in detail and at length some of the basic indicators of women's status in society.

Section 4.2 describes the sources of data used for this unit. In section 4.3 and 4.4, the size of the female population in India and their age distribution are described. Section 4.5 discusses how the number of women in the Indian population has been decreasing over the years as indicated by the sex ratio. Section 4.6 describes the Indian Population according to urban or rural residence, as well as implications of rural and urban living. Section 4.7 discusses the age at marriage of females in India and its implications for their status. Section 4.8 focuses on fertility with reference to the number of children born to them, at various stages of their lives and discusses the reasons for the level of their fertility. Section 4.9 deals with mortality and highlights the differences between males and females at various stages. A separate section (4.10) is devoted to infant and child mortality. Section 4.11 deals with maternal mortality.

4.2 SOURCES OF DATA

The demographic profile of Indian women described in the following sections is based on the data available mainly through the following three sources: (1) the Population Census conducted once in ten years covering the whole country and each person in the country; (2) the Sample Registration Scheme and (3) the National Family Health Survey conducted in 1992-93 with a nationally representative sample of 89,777 ever married women in the age group 13-49 years from 24 states and the National Capital Territory of Delhi.

4.3 SIZE OF THE FEMALE POPULATION AND AGE DISTRIBUTION

The total population of India according to the 1991 Census of India was 846.3 million. The male population was 438.8 million and the female population was 407.5 million. The female population was 48.15 per cent, that is, less than half the total population of the country.

India has a young population with 36.0 per cent below the age of 15, 57.6 per cent between the ages of 15 and 59 years and 6.2 per cent above the age of 60. These percentages are higher for the 0-14 age group and the 60+ age group in rural areas than in the urban areas. For the 15-59 age group consisting of those in the productive ages, the percentage is higher in the urban areas than in the rural areas (Sample Registration Scheme, 1992).

As for the female population, 35.8 per cent are in the age group 0-14 years, 46.4 per cent between the ages of 15-44 (reproductive ages), 11.3 per cent in the age group 45-59 years, and 6.5 per cent in the 60+ age group.

Table 4.1
Age Distribution of Females, SRS, 1992

Age Group	Urban	Rural	Total
0-14	33.1	36.5	35.8
15-44	49.9	45.4	46.4
45-59	10.8	11.4	11.3
60+	6.2	6.7	6.5
Total	100.0	100.0	100.0

Source: Office of the Registrar General, India, Ministry of Home Affairs, New Delhi, Sample Registration System, Fertility and Mortality Indicators 1992.

Compared to the urban areas, in the rural areas these percentages were higher for the 0-15 age group and the 45-59 and the 60+ age groups. In the age group 15-44 years, the percentage was higher in the urban than rural areas (Table 4.1).

UNICEF has pictorially, depicted how at each stage of the Indian female's life, she encounters different kinds of perils, which can be replaced by providing her with appropriate opportunities. The Indian female's plight starts even before birth, when she faces the peril of pre-birth elimination through prenatal sex determination and termination of female pregnancies. During infancy, she may have to encounter the peril of elimination at birth, if female infanticide is practiced by deliberate killing or through neglect in the vulnerable period of pregnancy. During early childhood, the peril of neglect threatens her through lesser health care and lesser food, resulting in higher rates of mortality and morbidity, including

malnutrition. During her late childhood years, she could have to encounter the perils of exploitation, through early assumption of domestic responsibility and sibling care, discontinuation of education, hazardous work, exposure to especially difficult circumstances, including sexual abuse. During adolescence, she has to face the peril of isolation. This peril is manifested in the curbs on mobility following puberty, failure to achieve height and weight to full potential, anemia, physical stunting, early marriage, pregnancies which are too soon, too close and too many, high maternal morbidity and high infant morbidity and mortality. The result of all these perils is "The Powerless Woman", who is illiterate, unskilled, physically depleted and with decreased productivity.

The demographic profile of Indian women as discussed in the following sections, reflects many of the perils they face as they go through the different stages of their lives.

4.4 SEX RATIO

This section begins with the definition of sex ratio and then goes on to discuss the importance of studying the sex ratio of any population. The sex ratio is compared with that in other countries. The level and trends of the sex ratio in India are then described. Finally, the possible reasons for the unusual level of the Indian sex ratio as well as what it indicates are discussed.

4.4.1 What Is Meant by Sex Ratio

In order to understand the sex structure of any population, the following two measures are generally used: (1) the percentage of males in the population or masculinity proportion, and (2) the sex ratio, that is either the number of males per 100 females or the number of females per 100 males. Of these two measures, the latter is more frequently used in the study of population.

In this unit, the sex ratio is expressed as the number of males to 100 females, as this is the definition followed all over the world and would facilitate comparisons with other countries (The Indian census has always preferred to express the sex ratio as the number of females per 100 males).

4.4.2 Importance of Studying the Sex Ratio

The sex ratio is considered as an important indicator of the status of women in a country. It is worthwhile knowing why.

To begin with, males are at an advantage with generally the sex ratio at birth being 105, that is, 105 male babies are born per 100 female babies. However, females are biologically stronger than males and therefore their chances of survival are higher at most stages of life. It is only during the reproductive period, that is when women are engaged in reproduction (having babies), that they are exposed to risks associated with childbearing and have a greater chance of dying than males. If such risks are reduced, as is the case in developed countries like the United States of America, women are likely to live longer than men resulting in a sex ratio that is favourable to them.

Apart from biological factors, social and cultural factors also play an important role in determining the sex ratio of the country. In all countries, where there is discrimination against women with respect to food, work, access to health and medical services, etc, it is found that their mortality at most ages is higher than males, and the resulting sex ratio is favourable to males. Any sex ratio that is favourable to males reflects the inferior status of women as in such cases social and cultural factors override biological factors.

4.4.3 Sex Ratio in India vis-a-vis other Countries

According to the 1991 Census of India, the sex ratio was 107.7, that is, there were 108 males to 100 females (The number of females per 100 males was 93).

The Indian sex ratio, which is favourable to males, is in line with other countries like Pakistan, Bangladesh and Nepal, with more than 105 males per 100 females. Compared to these values, the sex ratio in developed countries such as Japan, United States of America, The United Kingdom, France, Sweden, Germany ranges between 91 and 97. These figures clearly point out that while in the developing countries, the sex ratio is favourable to males, in the developed countries it is favourable to females.

4.4.4 Sex Ratio in India in the Twentieth Century

Table 4.2 presents the sex ratio of India's population from 1901 to 1991. It can be observed that throughout this period, the sex ratio has been favourable to males that is, there have been more males than females. In fact, the magnitude of the excess of males over females has increased with each successive census, except the 1951-Census. On the other hand, the 1981 census has shown a definite drop in the sex ratio, only to increase in 1991.

Table 4.2
Over all Sex Ratio in India in the Twentieth Century

Census Year	Sex Ratio (M/F) x 100
1901	102.9
1911	103.8
1921	104.7
1931	105.3
1941	105.8
1951	105.7
1961	106.3
1971	107.5
1981	107.1
1991	107.7

- Source:
- 1) 1901-1971 computed from Census Centenary 1972, Pocket Book of Population Statistics, pp. 18-19.
 - 2) Computed from Registrar General and Census Commissioner of India, Census of India, 1981, Provisional Population Totals, Series 1, India Paper 1 of 1981.
 - 3) Computed from Registrar General and Census Commissioner of India, Census of India, 1991, Provisional Population Totals, Series 1, India Paper 1 of 1991.

4.4.5 Determinants of Sex Ratio

The high sex ratio in India (favourable to males) and in some other culturally similar countries, is rather unusual as compared to even other developing countries like Argentina, Chile, Indonesia, Burma, Malaysia etc.

Higher enumeration of males in the Indian Censuses has been ruled out as a factor contributing to the high sex ratio favourable to males. When females migrate to other countries in very large numbers, this could lead to a population with a high sex ratio, with more males than females in the population. Such a possibility could safely be ruled out in Indian conditions. It has also been found that the sex ratio at birth in India, follows the usual pattern and is not unusually high. We are, thus, left with the only other possible reason and that is, the higher mortality of females in India (This point will be taken up for detailed discussion in section 4.9). At this point, it is suffice to point out that social scientists have suggested that the higher mortality rates of females in India, resulting in a high sex ratio favourable to males, be attributed to the inferior status they are accorded as second class citizens.

4.5 URBAN/RURAL RESIDENCE

According to the 1991 Census of India, the definition of urban areas adopted is as follows:

- a) All places with a municipality, corporation, cantonment board, or a notified town area committee, etc.
- b) All other places which satisfy the following conditions:
 - i) a minimum population of 5,000;
 - ii) at least 75 per cent of male working population engaged in non-agricultural pursuits; and
 - iii) a density of population of at least 400 persons per square kilometre.

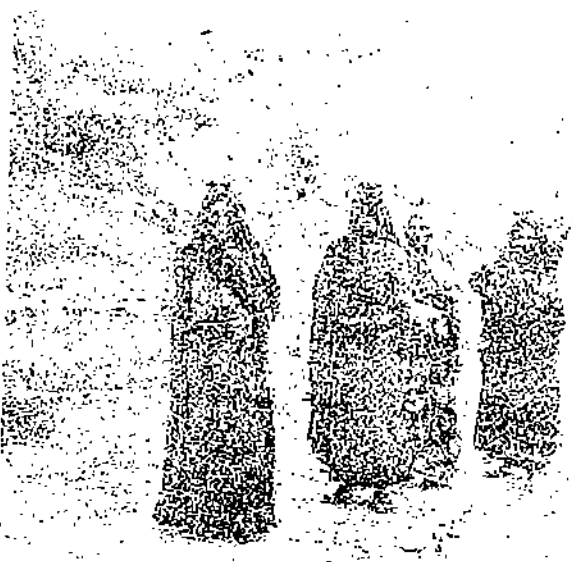
4.5.1 Implications of Rural Living

The 1991 Census of India put the total population at 846.3 million, with 26.1 per cent living in urban areas and the remaining 73.9 per cent living in rural areas.

Rural living influences lives of people in many ways. Rural communities are usually tradition-bound and resistant to change. There is less exposure to new ideas through the mass media and through non-familial contacts. Access to health and educational services is limited, leading to few opportunities to attain good health and educational status. The main source of livelihood in the rural areas is agriculture, which in turn, relies heavily on climatic conditions over which human beings have no control. These circumstances of life are likely to make rural people fatalistic, with little confidence to be masters of their own destiny.

Women in rural areas are affected by these conditions to a much greater extent than men. Compared to men, women are more confined to their homes, have

less contact with the outside world, have less access to health as educational services, are less exposed to mass media and are more fatalistic and tradition-bound.



Trudging long distance to fetch water and fuel. Rural Women of West Bengal and Rajasthan.

Courtesy: CWDS, New Delhi.

Rural living puts a heavy burden on women. They have the responsibility of collecting firewood and fetching water for meeting the needs of the family. This work is in addition to the domestic work, like cooking, washing clothes, cleaning utensils, childbearing and often doing unpaid work on the family farm or working as marginally paid agricultural labourers.

The realities of rural life get reflected in all the demographic indicators of the status of women. As will be illustrated in later sections of this unit, compared to urban women, rural women have a lower expectation of life at birth and higher fertility (The lower educational status of rural women and their participation in low paid occupations or even unpaid work will be illustrated in other sections of this sub-unit).

4.5.2 Implications of Urban Living

One would imagine that women have a better life in the urban areas. This is not exactly true. Both men and women living in urban areas of India are exposed to several risks to health because of over-crowding, congestion, insanitary conditions

and pollution. Tension due to the pressure of urban living are also not very conducive to mental health. A working woman in urban areas has to play a double role as wage earner and homemaker. Non-working women are burdened with additional responsibilities of supervising the education of their children and preparing them to face the highly competitive world when they grow up. They also have to attend to financial matters, do the shopping for the household etc., which lie beyond the traditional functions of women.



Migrating from village for a better life. A slum area in Delhi.

Courtesy: Nagesh Ayyagari, New Delhi

Life in the slums and slum-like areas in cities is even more difficult for both men and women. In mega cities like Mumbai, a very high proportion of the population lives in slums and slum-like areas (In Mumbai this percentage is about 50). Women are the worst sufferers of living in sub-human conditions of slums. They are often sexually exploited at very young ages. Women are the victims of violence even within the family, because their husbands are alcoholic. Lack of adequate living space, leading to lack of privacy as well as meager facilities for drinking water and toilets could affect their physical as well as emotional health. An important factor affecting the lives of slum dwellers, specially women, is that they are migrants from the rural areas. They, therefore, continue to cling on to their rural roots and way of life, attitudes, beliefs and behaviour problems of adjustment plague these rural migrants, with women facing more such problems than men.

It, however, needs to be noted that differences between rural and urban women with regard to demographic indicators are mainly due to better opportunities in urban areas.

Think It Over 1

- 1) What is meant by sex ratio?
- 2) Why do you think the sex ratio in India is favourable to males?
- 3) Why is it important to study urban-rural differentials for understanding the demographic profile of Indian Women?

4.6 AGE AT MARRIAGE

In this section we will talk about another important indicator of women's status-age at marriage. The age at which a woman gives an indicator to her health, educational and the general status she enjoys in her social settings.

4.6.1 Age at Marriage as an Indicator of Status

Marriage is universal in India, by and large, irrespective of the religious affiliations of the group/sub-group to which one belongs. This means that generally all men and women are expected to get married and have children.

The age at marriage of females is an important indicator of their social status. It reflects the extent to which the girl's wishes are taken into account when the marriage is arranged. In tradition-bound societies, age at marriage of females is low, generally before the onset of puberty, or soon after that. As in such societies, virginity of the bride is highly valued, parents desire to marry off their daughters before they "get into trouble". It is also considered advisable to get girls married at an early age, before they develop their own will, and become less amenable to moulding themselves in the ways of their marital families. On the other hand, a high age at marriage implies that the girls could insist on making her preferences known, and even herself make the choice of her husband. The age at marriage also determines the period spent by women in the reproductive span, that is, when they are biologically capable of having children, which in turn affects their fertility (number of children). This holds particularly true when control of fertility through contraception is not common.

4.6.2 Measures of Age at Marriage

Demographers consider, what they term as the Singulate Mean Age at Marriage (SMAM), as a measure of age at marriage. This is calculated from the age specific proportion of persons who never got married for various age groups, starting with the 15-19 age group and stopping at the 45-49 age group. It is not necessary to go into the details of the exact procedures for calculating SMAM. It is suffice to understand that SMAM is the average age at marriage of the entire population studied at a point of time.

It is also possible to study trends in the female age at marriage for different age groups of women. We can thus find out the median age at marriage for women who are in the age group 40-44 years, and compare it with the median age at

marriage of those who are now, in the younger age groups. A comparison of the averages for different age groups would tell us whether there has been any change in the age at marriage over the years.

In the discussion that follows SMAM is used for carrying out urban-rural differentials and inter-state variations. The median age at marriage for different age groups is also used.

4.6.3 Age at Marriage of Females and Males

According to the NFHS, the values of female SMAM are 20.0 years for the country, 21.5 years for urban areas and 19.3 years for rural areas. Thus, on an average, urban women marry two years later than their rural counterparts. One striking observation is that between 1961 and 1992-93 the SMAM for females rose by 4.1 years, that is from 15.9 years to 20 years.

Males are on an average, five years older when they get married. Urban men marry two years later than rural men. Between 1961 and 1992-93 the SMAM for males rose by 3.1 years, that is from 21.9 years to 25.0 years.

When the median age at marriage is calculated for different age groups of women from the NFHS data, it is found that it is higher for those in the younger age group than for those in the older age groups. For instance, for women who were between the ages of 40 and 49 years, the median age at marriage was 15.5 years, whereas for those in the age group 20-24 years, the median age at marriage was 17.4 years. These findings clearly indicate that the age at marriage for females has been increasing over the years.

4.6.4 Inter State Variations

In all the states, men marry later than women, and rural men and women marry earlier than their urban counterparts.

As for the SMAM, there are large inter-state variations. The female age at marriage is lowest in Madhya Pradesh (17.4 years) and highest in Goa (25.1 years). Among the states with a population of more than five million in 1991, the female age at marriage is higher than 20 years in Kerala (22.1 years), Assam (21.4 years), Punjab (21.1 years), Delhi (20.9 years), Orissa (20.7 years), Tamil Nadu (20.5 years), Himachal Pradesh (20.4 years), and Gujarat (20.2 years). On the other hand, the mean age at marriage for females is less than 19 years in Madhya Pradesh (17.4 years), Bihar (18.0 years), Andhra Pradesh (18.1 years), Rajasthan (18.4 years), Haryana (18.4 years), and Uttar Pradesh (18.6 years). It can be seen that the female age at marriage is relatively high in the Northeastern states, ranging between 20.0 years in Arunachal Pradesh to 25.0 years in Manipur. Similar inter-state variations are also observed for males.

4.6.5 Implications of Early Age at Marriage

An important implication of early marriage is that the girl is removed from her family of origin at a time when she is in great need of support and guidance

while going through the turmoil of adolescence and early youth. In the northern part of the country, the rules of exogamy require her to marry outside her own village. This puts an even greater emotional strain on her, because she suddenly finds herself in strange surroundings and strangers who have a judgemental attitude. This could make life difficult for the young bride. When a girl gets married at an early age, she is denied the opportunity to continue with her education. She often remains unexposed to outside influences.

The NFHS, 1992-93 found that a little less than 40 per cent of the women in the age group 15-19 years were already married. This percentage was about 46 for rural areas and 22 for urban women. This means that these women must have already started having their babies also at an early age (It is expected that after marriage, the first child should be produced by the end of the first year – latest by the second). It is known that teenage pregnancies could lead to various physiological problems. In addition, babies born to teenagers suffer from malnutrition, under weight, and are even likely to die at an early age.

Not only do women marrying at early ages start having children at an early age, but may continue to do so throughout their reproductive period, unless contraception is adopted. Thus they may be burdened with childbearing and throughout the most productive years of their lives. They are also burdened with the responsibilities of carrying out household chores from an early age, in addition to being a wife and a mother. Early marriage and the consequent early childbearing as well as limited opportunities for self-expression and self-development are all not conducive to improving women's status in the family and in society.

4.7 FERTILITY

In demographic parlance, fertility refers to the actual reproductive performance whether applied to an individual or a group. The study of fertility includes only live births, when the child is born alive showing some sign of being alive, like crying. Still births, when a dead child is delivered and abortions/miscarriages are not included in the measurement of fertility.

Fertility fulfils an important function for society. It is responsible for the biological replacement of the population. Deaths cause the population to decrease and births make up for that loss. Ofcourse, when the number of births far exceeds the number of deaths, a country like India faces the problem of rapid increase in the population (In addition to fertility and mortality, migration, in and out of the country, is another factor leading to population change. In the Indian context, migration does not play a significant role in population change).

4.7.1 Fertility as an Indicator of Status

From the point of view of the individual and the family, having children is important and as it is the woman who bears children, fertility is closely linked with her status in the family and society.

In the Indian cultural context, children are considered as a natural and desirable outcome of marriage. According to the Hindus, the aims of marriage are threefold: Dharma (performance of one's duty), Praja (progeny) and Rati (gratification of sexual desires). Thus producing progeny comes even before gratification of sexual desires, as an aim of marriage.

Sons are considered important for carrying on the family line. Among Hindus, a son is required for lighting the funeral pyre of his parents, so that they may achieve, Moksha (salvation after death). Sons are also desired as they are expected to look after the parents in their old age. If a woman does not produce at least one son, she is blamed for it, though biological facts clearly point at the men for being responsible for determining the sex of the child. Traditionally, among Hindus, daughters are not completely undesired, as Kanyadaan (giving away the daughter in marriage) brings some Punya (merit) to the parents.

The desire for sons far outweighs the desire for daughters. Sometimes this could mean that the couple keeps on trying for a son even after getting several daughters, leading to excessive fertility.

A childless woman is generally looked down upon in Indian society. She may not be allowed to participate in social celebrations, like the naming ceremony of a newborn child. She is often considered to have the "evil eye", where children are concerned. With this kind of stigma attached to childlessness, the wife may herself take the lead in obtaining a new wife for her husband, unless of course, the husband and/or his relatives have not taken the initiative. Though both partners are responsible for reproduction, it is always the wife who gets the blame even without a medical examination to confirm the underlying cause of childlessness. In such a cultural context, voluntary childlessness is almost non-existent, except perhaps in a few cases in the upper class of urban society.

4.7.2 Measures of Fertility

Measures of fertility are of two types: (1) period measures, that is, fertility performance of a group in a specified period, generally one calendar year, and (2) number of children ever born to women in different age groups.

The simplest of the period rates is the crude birth rate, which is calculated by dividing the number of births by the total mid-year population, multiplied by 1000. The crude birth rate is thus the number of live births per 1000 population in one year. Further refinements can be introduced by including in the denominator only women in the age group 15-44 or 15-49 (General Fertility Rate) or women in specific age groups (Age-Specific Fertility Rates). The total fertility rate is a hypothetical rate telling us how many live births a woman has as she goes through the entire reproductive span and is calculated on the basis of age specific fertility rates. From these different rates, replacement rates are also calculated, indicating the number of children a woman would leave behind (Gross Reproduction Rate) and the number of daughters she would leave behind (Net Reproduction Rate).

In the discussion that follows, the number of children ever born to women in different age groups is taken as a measure of fertility. Here again, it is worth studying the number of children ever born to women in the age group of 45-49 years, as these women could be considered to have completed their childbearing.

4.7.3 Children Ever Born

The NFHS found that, on an average, the women in the age group 45-49 years have had five or more live births and 17 per cent in this age group have had at least eight live births.

4.7.4 Fertility Differentials

Differentials between urban and rural women have been observed in the 45-49 age group, with rural women having one more birth than their urban counterparts. When all the currently married women are considered, it is found that, on an average, each such woman has had about three live births, with rural women registering a higher average than urban women. This difference was, however, not very large.

The educational level of women was found to make a difference to their fertility, so that as the educational level of these women increased, the average number of children born to them decreased. While illiterate women had more than three live-births, those with high school and above education had two live births. While Muslim women had more than three live births, women belonging to all other religious groups had less than three live births. Women belonging to the scheduled castes and scheduled tribes were found to have only slightly higher fertility than other women.

Differences in fertility were also observed between states. All the Northern states, except Punjab, Central States, Eastern States, North-Eastern states and Karnataka in the South recorded a higher fertility than the states in the western and southern regions. Goa recorded the lowest fertility.

Learn From Your Experience 1

Talk to few people in your family, relatives, neighbourhood friends and ask them why they felt the need to have children and why a certain number of children. Write these down on a paper and discuss it with your fellow learners at the study center and others.

4.7.5 Childbearing at Young Ages

It is known that Indian women start childbearing early, and many when they are in their teens (less than 20 years of age). The NFHS found that 58 per cent of ever married women below 20 years of age had started childbearing, 48 per cent had already become mothers and 12 per cent were pregnant with their first child at the time of the survey. In the age group 13-16, 25 per cent had already become mothers and 11 per cent were pregnant with their first child at the time of survey. This means that 36 per cent of the ever married women in the age group 13 to 16

years had already started childbearing. In the 17 to 19 age group, 52 per cent had already become mothers and 12 per cent were pregnant with their first child. Thus 64 per cent of the ever married women in the age group 17-19 years had already started childbearing.

The percentage of ever married women who had started childbearing before they had reached the age of 20 years was higher in the rural areas than urban areas, this percentage was higher for illiterate women than those who had studied upto the high school level or above; it was higher for women belonging to the scheduled castes and scheduled tribes than for others. This percentage was the lowest for Hindu women as compared to those belonging to other religious groups (This percentage for even Hindu women was in any case not low, as 57 per cent of Hindu ever married women below the age of 20 were found to have started childbearing).

4.7.6 Infertility

Infertility or primary sterility means that the woman has never given birth to a child who had shown some sign of life, like crying. As has been mentioned earlier, voluntary childlessness is almost unheard of in India.

Infertility in India is not as high as is generally believed. The NFHS found that among currently married women above the age of 40, only two per cent had never had a live birth. Ofcourse, in terms of absolute numbers, the figure would be staggering, considering the large size of India's population.

Think It Over 2

- 1) What are the implications of low age at marriage of females in India?
- 2) Describe fertility differentials in India?
- 3) What is the extent of childbearing at early age in India?

4.8 MORTALITY

Mortality conditions of females could be considered to constitute an indicator of their status in any country. The general experience is that females have an overall advantage over males with respect to mortality. As has been pointed out in Section 4.52, females are biologically stronger than males, and except during the childbearing period, can withstand the risks of living to a greater extent than males. When females have higher mortality than males at almost all stages of the life cycle, it indicates that socio-cultural rather than biological factors operate strongly, indicating the lower status of females in that country.

4.8.1 Measures of Mortality

As in the case of fertility, mortality is also measured by using period rates, based on the number of deaths in one calendar year. The crude death rate is calculated by dividing the number of deaths occurring in one year, divided by the midyear

population of that year, multiplied by 1000. The crude death rate is thus the number of deaths per 1000 population in a particular year.

The crude death rate is further defined by calculating it separately for males and females belonging to different age groups. Infant deaths, that is, deaths occurring to children before they celebrate their first birthday, are considered separately, as the first year of life is the most vulnerable period of the life for human beings.

Based on the death rates for different age groups, the expectation of life at birth or life expectancy can be calculated by using life table procedure. This measure tells us the number of years a person can be expected to live at the time of his/her birth.

Both death rates and life expectancy will be used in the following sub-sections to depict the status of females vis a vis males in India as denoted by these measures of mortality. Infant and child mortality and maternal mortality are considered separately in Section 4.10 and 4.11.

4.8.2 Expectation of Life at Birth/Life Expectancy

For most countries of the world, the expectation of life at birth for females is higher than for males (This gap is wider in developed countries than in developing countries). In India, till recently, the situation was exactly the reverse, with females having lower life expectancy than males. It is only after 1980, that life expectancy for females shows a slightly higher level than for males. For the period 1986-90, the life expectancy for males was 57.7 years, while it was 58.1 years for females; a difference of less than five months. Here again, the mortality condition of rural women has improved only marginally with a difference of 0.1 years, that is, less than two months, whereas for the urban areas, this difference is almost three years.

4.8.3 Crude Death Rates and Age Specific Death Rates

The crude death rates as obtained through the NFHS, 1992-93 and the Sample Registration Scheme for 1991-92 agree to a very large extent. In the NFHS, females record higher death rates than males for different age groups upto age 35, after which males generally have higher death rates. These findings indicate that upto the age of 35 years, females are exposed to several risks, like negligence, discrimination etc. because of their low status in the family, and additional risks during the reproductive period. Once, however, they attain the age of 35, their status could have improved, they would have completed their childbearing for all practical purposes; and because of early age at marriage, could have even become mothers-in-law and grand mothers. All these factors could mean greater access to family resources and greater decision making power for older women. It is possible that these changes in their status within the family get reflected in their lower death rates, after 35 years of age. It needs to be reiterated that biologically the female sex is stronger than the male sex. It may also be noted that in most countries of the world, male death rates are higher than female death rates at nearly all ages. South Asian countries are generally exceptions in this

regard. With higher death rates for females over the age span, India fits into this pattern very well.

4.9 INFANT AND CHILD MORTALITY

Infant mortality is important in the analysis of mortality of any country or its sub-sections, because the first year of life is very crucial and is full of risks. These risks are highest in the first few hours after birth, followed by the first few days and the first few months of life. In the study of infant mortality, infant deaths are grouped into categories according to age at death. The first category consists of deaths which occur during the first four weeks of life, known as neo-natal mortality (The first four weeks of life constitute the neo-natal period). All deaths which occur to infants after they have completed four weeks, but before they have completed one year of age are covered in the post-neonatal mortality.

4.9.1 Measures of Infant Mortality

The infant mortality rate is generally calculated by dividing the number of infant deaths (deaths of children below one year of age) registered in a calendar year divided by the total number of live births registered in the same year multiplied by 1000. The neo-natal infant mortality rate is calculated by including in the numerator only those infant deaths which occurred during the first four weeks of life and following the same procedure. For the post-neonatal infant mortality rate, the deaths occurring between 28 days and 365 days are included in the numerator.

4.9.2 Factors Affecting Infant Mortality

Factors affecting infant mortality could be categorized as endogenous factors and exogenous factors.

- a) **Endogenous Factors:** These factors are related to the formation of the foetus in the women's womb and are therefore mainly biological. The endogenous factors affecting foetal and neo-natal infant mortality are: the age of the mother, the birth order, the period of spacing between births, pre-maturity, weight at birth and the fact of multiple births.
- b) **Exogenous Factors:** Communicable diseases, faulty feeding practices, poor hygienic and other environmental conditions, such as crowding and congestion; insanitary surroundings, lack of sunshine and fresh air are all exogenous factors affecting infant mortality. In addition, deliberate neglect, specially of the girl infant, due to social and cultural reasons can also be considered as exogenous factors.

4.9.3 Infant Mortality in India

Despite some under reporting and some misreporting of age, the infant mortality rates (IMR) reported by NFHS, 1992-93 and the Sample Registration Scheme (SRS) are almost identical. According to the SRS, in 1992, the IMR was 79 per

1000 live births, with the rural areas recording a much higher IMR (85) than the rural areas (53).

IMRs differ widely among different states, ranging from 15 in Mizoram to 112 in Orissa. Other large states with IMR above the national average are Uttar Pradesh (100), Bihar and Assam (89 each) and Madhya Pradesh (85).

In the context of studying IMR as an indicator of the status of females, it is worth noting that though the IMR is lower for females than males in the urban as well as rural areas, differences are observed when the post-neonatal mortality is considered. Females have a lower neonatal mortality, but a higher post-neonatal mortality than males. This is true for both the urban and rural areas. The difference between male and female post neonatal mortality is, however, wider in the rural than in the urban areas.

Some significance needs to be attached to these findings. It is possible that during the neonatal period (first four weeks of life), endogenous or biological factors play an important role in determining survival. The female baby is at an advantage during the neonatal period, as she is biologically stronger than the male baby. During the post neonatal period (between four weeks and the first birthday), exogenous factors, related to socio-cultural, economic and environmental conditions take over. During this period, girl babies suffer higher mortality than boy babies. It has been suggested that girl babies are subjected to neglect, with inadequate breast feeding, inadequate supplementary feeding in quantity and quality when it is required, lower levels of immunization against communicable diseases, delay in providing medical treatment or even no medical treatment. These are only some of the perils which a girl baby faces during infancy. The biological advantage a girl baby has at birth over a boy baby does not continue in the post-neonatal period, leading to higher mortality during this period.

4.9.4 Child Mortality in India

Child mortality refers to deaths of children between the first and the fifth birthday. When differences between girls and boys are studied, it is found that the child mortality rate for girls is much higher (42) than for males (29). Such a difference exists both in the urban and the rural areas, but the difference is wider in the rural areas than in the urban areas.

4.9.5 Maternal Mortality

It is difficult to collect data related to deaths occurring to women because of reasons associated with pregnancy and childbirth (maternal mortality). Therefore, till recently national estimates of maternal mortality were not available. In the NFHS 1992-93, one such attempt was made. Despite several deficiencies, these estimates are presented here, because these are the only ones available at the national level.

The NFHS, 1992-93 estimated the maternal mortality to be 437 maternal deaths per 1,00,000 live births. According to this estimate, 1,00,000 women in India

die every year from causes related to child birth. In the rural areas, the maternal mortality rate is higher (448) than in the urban areas (397).

These figures do not speak well of the status of women in India. These findings also highlight the importance of ensuring that all women are provided antenatal care during pregnancy and that all deliveries take place under hygienic conditions, with the assistance of a trained person, preferably a medical practitioner.

4.10 CONCLUDING REMARKS

The demographic profile of Indian women reflects the low status of Indian women as compared to men with respect to several indicators. The sex ratio in India is favourable to males, while in most other countries, it is the other way round. The age at marriage for females is low and their fertility is high. Females have only a slightly higher life expectancy than males, even when biologically females are stronger and therefore should live much longer than males. The post-neonatal infant mortality rate and the child mortality rate are both higher for females than for males, highlighting the role of socio-cultural, economic and environmental factors rather than biological factors. The maternal mortality rate indicates that every year 1,00,000 women in India die because of conditions associated with pregnancy and childbirth. With regard to all these indicators, rural women fare worse than their urban counter parts, those belonging to scheduled castes and scheduled tribes and illiterate women are worse off than other women.

4.11 CLARIFICATION OF THE TERMS USED

Sex Ratio	: Either the number of females per 100 males or the number of males per 100 females.
Fertility	: The actual reproductive performance of a group, referring only to live births, when the child is born alive showing some sign of being alive, like crying.
Infertility	: Also termed primary sterility means that a woman has never given birth to a child who had shown some sign of life, like crying.
Children Ever Born	: A measure of fertility which refers to the number of children born to women in different age groups.
Expectation of Life at Birth/Life Expectancy	: The number of years a person can be expected to live at the time of his/her birth.
Infant Mortality	: Deaths of children below one year of age (before the first birthday is celebrated).
Neonatal Mortality	: Deaths of children during the first four weeks of life.

Post-Neonatal Mortality : Deaths of children who have completed four weeks of life but have not completed one year.

Social and Demographic
Profile

4.12 SOME USEFUL READINGS

1974 *Towards Equality : Report of the Committee on the Status of Women in India*. Govt. of India

Gadially, Rehana (ed.) 1988 *Women in Indian Society: A Reader*. New Delhi: Sage.

UNIT 5 WOMEN AND WORK

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5.0 AIMS AND PURPOSE

In this unit, we are essentially going to discuss women and the work. After reading this unit, you should be able to:

- critically analyse what constitutes women's work;
- delineate some of the theories explaining women and work;
- evaluate the problems in conceptualising and operationalising women's work; and
- discuss work participation and some of the state initiatives towards women and work.

This unit focuses mainly on the problems associated with translating women's work into concrete operational terms. And we hope the unit will make you look at the taken for granted, issue of women's work, in critical terms.

5.1 INTRODUCTION

This unit will discuss women and the work that they are engaged in. Women do a variety of work starting with everyday household chores, which includes long treks to fetch water, fuel wood. They do additional work in the fields or petty work here and there. However, women's work does not amount to much in real monetary terms. The work that she does in the household is taken for granted, a

sort of duty rather than actual work, which can be evaluated in monetary terms. Till recently this aspect of work was not even brought into focus.

In this unit we will discuss the various aspects of women's work, and let us look at some of the theories which analyse and discuss women's work. We also look at participation of women in work and analyse the trends and what it means in terms of the position of women in society. Before we conclude the unit, we will briefly look at some of the state initiatives with respect to women and work.

5.2 THE ISSUE OF WOMEN'S WORK

The past thirty years have witnessed dramatic changes in the way women's work has been conceptualised. Prior to the 1970s the household was seen as a single homogeneous unit wherein the man was the principal breadwinner and woman the home keeper. Ester Boserup's (1983) pioneering work resulted in women's productive work being recognised and hence emphasised. One of the significant changes that this caused was a revolution in the way data was collected, and manifested itself as the phenomenal increase in the work participation rates of women. Today, it is a well recognised fact that women form a significant part of the total workforce in the world. Further, there has been a growing realisation in both the national and international policy making circles that female participation in economic activities reduces population growth and poverty, and enhances child survival and development.

The issue of women's work has drawn renewed interest in many developing countries including India in the wake of the World Bank-IMF sponsored Structural Adjustment Policies (SAP) being implemented in many of these nations. SAP hopes to consciously shift the fundamental nature of economic relationships within a society towards a market oriented relationship. SAP was to have resulted in a drastic reduction of poverty by putting the developing economies on a high growth path. However, it is now well known that SAP has increased the misery of the poor through increased unemployment in organised industry causing a deterioration in the working conditions of female workers (more than that of the male workers); increased wage disparities between male and female worker, escalation of unpaid work due to cutbacks in social sector expenditure (Hirway, 1999).

It is also important to acknowledge that similar economic phenomena have different impacts on women's and men's work participation in the organised and unorganised sectors. Further, the complex interconnectedness between poverty and women's participation causes women to enter the lower end of the labour market. In other words, labour market processes have been known to result in gender-differentiated outcomes with respect to sectoral employment wages, etc. Concerns about women's work have been organised in this paper with a view towards understanding the complexities of women's work and the conceptualisation of women's employment.

This unit provides an overview of the various issues pertaining to women and work. The unit is organised as follows. Section II examines the main theoretical

main theoretical formulations that inform the women and work debates. The gaps and biases in data related to employment of women is described in section III while section IV looks at the actual numbers of women present in the Indian labour force and analyses the wage differentials between sexes in India. Section VII discusses the nature of State intervention that is being practised in India to enhance women's productive employment. The last section provides the summary and concluding observations.

5.3 WOMEN'S WORK: SOME THEORETICAL FORMULATIONS

An overview of the main theoretical perspectives that inform the central questions surrounding women's work is essential to understand the complexities that inform the trend, nature and type of female labour participation that can be seen both in the world and in India. Though there are several theoretical models which have been formulated to understand 'women's work', they can roughly be classified into three categories: (1) Neoclassical theories (2) Segmentation theories and (3) Feminist theories.

5.3.1 Neo-classical Theories

The neo-classical theorists believe that workers in a capitalist economy are paid according to the value of their marginal product. In other words, they claim that both the differences in the type of work performed by males and females and the existing wage differential between the sexes can be explained by the existing levels of productivity of the workers. Further, they believe that women's reproductive and caring roles within the family, physical strength, level of education and training, number of hours of productive work, absenteeism etc. impact labour productivity and this in turn manifests itself as male-female differentials in wages.

5.3.2 Home Economics Approach

Another variant of this approach – home economics approach is also widely used to explain and understand the situation of women workers. This approach concentrates on the household and says that all households alike rationally decide and allocate time between home production and wage work. Further, they hold that households attempt to maximise their utility subject to time constraint. Such behaviour naturally affects women's participation in the labour market as the family allocates its resources (time and money) among its various members. The obvious result is a lower capital investment on the female child as the family rationalises and allocates tasks to its members keeping in mind efficiency at performing the tasks and the wages one is going to receive for it outside. Therefore, in a situation where both perform household chores equally efficiently, but where for outside productive employment men get higher wages, men are trained and expected to take up productive employment. This theory also believes that as the family income rises, women will be freed from their 'caring' responsibilities to take up productive employment (Sharma and Singh, 1982).

The neo-classical theory has been mainly critiqued for its assumption that a woman's primary role is that of a mother and a wife and therefore, her involvement in productive employment is of necessity intermittent. This approach describes male-female role differentiation, but does not offer an explanation for it. In addition, it is unable to explain women's lives in developing countries as poor women have had to combine productive employment with domestic chores and the task of child rearing in these countries is often a shared responsibility, while neo-classical theories believe that women work only intermittently in the labour force due to their household responsibilities. The neo-classical approach has also been critiqued for analysing the segmented nature of the labour market from a uni-dimensional perspective. This is largely attributable to its assumption that men and women have equal access to opportunities in the labour market (Armstrong and Armstrong, 1990).

5.3.3 Labour Market Segmentation Theories

Labour market segmentation theories view labour markets as segmented by institutional barriers. The dual labour market theory understands the market as basically divided into two sectors. Jobs in the primary sector are characterised by relatively good wages and working conditions, opportunities for advancement, and job security. Those in the secondary sector, by contrast often lead to a dead-end and are low paid. They offer little security and poor working conditions. Movement from the secondary sector to the primary sector proves to be almost impossible as each sector draws from a different labour supply.

In this approach, unlike the human capital approach of the neo-classical theory, it is not poor choice but the lack of choice which explains male-female division of labour. The main difference between the two lies in the fact that in the dual labour market approach it is not assumed that rational choice and free market forces exit. However, like the neo-classical approach, this too suffers from being descriptive rather than analytical. Although, it describes different labour markets, it too does not explain why women are slotted into particular kinds of jobs. It tends to take sex segregation as a given. Further, it fails to explain why male-female segmentation in wages and occupations has persisted in spite of women's continued participation in it. The more radical versions of segmentation theory deal with some of these problems but are largely unable to explain why women end up in secondary sector and even within the same occupation in certain designated slots.

Both these approaches essentially suffer because their explanations are based on the assumption that occupational segregation of men and women occurs because of the functional reality of the work place – long hours and heavy work – and role differentiation between men and women which assigns outside productive paid employment to men, keeping home and bearing and rearing children to women (Armstrong and Armstrong, 1990).

5.3.4 Marxist Framework

Many of these theories were developed around the 1960s and have their origins in the Marxist framework. They begin with the assumption that society is

essentially unequal but that there is still scope for change. They emphasise the social construction of inequality and contradiction in the everyday lives of people. Marxist feminists begin with the analytical tool of class and believe that the main reason for women's inferior status is the deep rooted belief in the separation of the public and private, in the marginalisation of the domestic unit as a category that is given and therefore can be analysed as a social, historical, economic unit. They believe that women's subordinate position in the labour market and in their households and family are inter-related. And, that this state of affair is the consequence of a social system skewed in favour of men in which women are subordinate to men.

They believe that capitalism and patriarchy together result in the segmentation of the labour market into male and female domains which in turn perpetuate skill and wage differentials among its various members. Feminist theorists using the Marxist framework emphasise the social nature of inequalities and contradictions in the daily lives of individuals.

Think It Over 1

- 1) What is the assumption with which neo-classical theory explains women and work?
- 2) What are the major limitations of Labour Market Segmentation Theory?
- 3) Which theory do you think comes close to explaining the reality of women and work?

5.4 GAPS AND BIASES IN DATA RELATED TO EMPLOYMENT OF WOMEN

Since the early 1970s, there has been a systematic effort to develop a proper tool¹ for measuring the extent of women's participation in economic activity. The main problem in developing such tools arises because of the complex nature of women's work. Women tend to perform multiple roles within the household; as a result, the reported extent of participation in economic activity tends to vary according to the investigators or respondents. Further, respondents do not understand which of their activities constitutes work (Visaria, 1999). Meanwhile, the different sources which generate data on employment have been constantly attempting to streamline their data with a view to expand the existing data base on women's employment.

5.4.1 The Main Sources of Data

Employment related data, specifically those which identify the various components of the workforce are available from two main sources: the census and the sample surveys. The National Sample Survey Organisation's (NSSO) quinquennial sample surveys initiated in the early 1970's and the Census

Organisation's census generate large scale data on employment as a whole and women's employment in particular. Other sources such as the Economic Census of the Central Statistical Organisation (CSO) generate data on the non-agricultural sector; the Annual survey of Industries of the CSO provide data on wages, value added and output of the registered factory sector; the CSO and the NSSO also generate data on the unregistered sector at regular intervals; and finally, the Occupational wage surveys of the Labour department provide information on the existing wage rates and earnings per day in the registered manufacturing sector (Suruyanarayana, 1999).

5.4.2 Limitations of Data

Gaps in data result from both the decisions taken at the stage of planning and designing the data collection and from decisions taken at the stage of processing, tabulating and disseminating the collected data. In the case of women's employment, the main problem arises mainly, in what is considered work and the means used to identify a worker. For instance, the census definition of work includes those cultivating one's own land for domestic consumption but excludes those activities which result in the production of goods for self consumption like collection of wood, fuel, water, etc. Similarly, problems arise because many women work as unpaid labour both within the house and sometimes outside their own farm or family enterprise. The other major problem arises due to the very nature of women's work: women rarely work in a single activity for the prescribed period of time – more than six months to be categorised as main worker in the census and a person will be categorised as usual principal status in the NSSO only if they have worked for a period longer than they are available, which amounts to about six months a year. Although, a very large percentage of women work in the unorganised manufacturing sector there is very little data relating to them. Even in the organised sector, there is very little data available on the extent and quality of female employment such as in terms of wages, bonus and earnings even for the organised manufacturing sector.

The invisibility of women's work in official statistics arises mainly due to the use of concepts incapable of capturing women's work and inadequate efforts employed by data enumerators in collecting the data.

5.5 WOMEN IN THE INDIAN LABOUR FORCE

A number of commission reports and studies have effectively demonstrated the importance and contribution of women workers to the Indian economy (GOI, 1975; Agarwal, 1981; Sharma and Singh, 1992; Papola and Sharma, 1999). It is also clear that in spite of their contributions, women's work tends to be 'invisible' in both the data sets as well as in societies estimation of what is considered as productive employment. In this section the sectoral difference and trends in employment, work participation rates (WPRs), and wage rate differentials are taken with a view to determine women's employment status.

5.5.1 Distribution of Workers in Different Sectors

The distribution of workers into primary sector consisting of cultivators, mining, fishing, hunting activity etc., secondary sector consisting of industry and construction workers and tertiary sector consisting of trade, commerce, transport, communication and other workers, shows a very high proportion of workers in the primary sector, primarily in agricultural activities. However, the quinquennial employment rounds (32nd, 38th, 43rd and 50th) of the NSSO shows that there has been a slow decline in the male work force in the primary sector, mainly agriculture in the rural areas between mid-seventies to the mid-eighties. Further, there has been an increase in the percentage of male workers in the secondary and tertiary sectors. Though the structure of the workforce seemed to be changing for the female workforce too from the primary sector since the mid-seventies till the mid-eighties, the tide seems to have changed in the last decade i.e. mid-eighties to mid-nineties. An increase in the proportion of rural female work force in the primary sector, and a decrease in their proportion in the secondary and tertiary sector has been recorded. The shift in the over all working population away from the primary sector to the secondary and tertiary sector was seen as a major structural change in the Indian economy, but this latest shift in trend of the rural female work force towards the primary sector has been mainly attributed to the casualisation of work force and the increased male out-migration to urban centres.

Table 1. summarizes the WPRs based on the 1911-91 Censuses and estimates based on the NSS surveys between 1972-73 and 1993-94. For the sake of easy comparability in the NSS surveys, both the principal and subsidiary workers and in the Census estimates main and marginal workers have been included. From the table below, it seems that there has been fluctuation in the WPRs of women workers in the 70's and 80's i.e. a lower WPR. However, the broad comparability of the present WPRs with those prior to 1961 proves that the invisibility of women in these two censuses is attributable to definitional problems. But from the NSS data it is evident that the WPRs have remained fairly constant. These ratios show that female employment has fallen about 40% to about 29% and male employment from 62% to about 50%. A part of this decline in the overall WPRs for both men and women between 1911-1991 may be attributed to rising school attendance of children in the school going age (Visaria 1999, Acharya 1992). This may be attributed, as many believe, to the drastic reductions in the WPRs that has occurred due to the mechanisation of agriculture in the 60's and the lack of the complementary growth of secondary and tertiary sector which could have absorbed the excesses in the primary sector.

Because of the nature of the women's work, the estimates of subsidiary or marginal workers is very important for women. In fact this group comprises of almost one-fourth of the entire female workforce. It has also been noted by many scholars that the proportions of female subsidiary workers is more likely to fluctuate than that of a main worker as this group is more dependent on the opportunities available in the economy. Further, the presence of a relatively higher percentage of females in this groups also indicates that many women productively work in addition to their usual principal status.



Migrant construction workers, no job security and low wages too.

Courtesy: Shobhita Jain, New Delhi.

It is now a well established fact that there is substantial difference between the wages earned by male and female members in the same industry/sector. The issue of wage differentials between men and women is quite serious in India considering the fact that the ratio of male to female wage earnings has fluctuated between 1.7 and 1.5 in the past three decades at the all India level. This implies that female wage earnings have been unable to rise faster than the male wage earnings.

Do You Know? 1

Table 1: Worker population ratio by sex (Census and NSS Survey) 1911-94

Year of Census and NSS Survey	Persons	Males	Females
1911	48.2	62.0	33.9
1921	47.0	60.6	32.8
1931	43.6	57.9	28.4
1941	39.1	53.9	23.4
1951	43.0	57.1	28.0
1961	34.0	52.7	13.9
1971	40.7	52.7	27.8
1972-73 NSS	41.6	53.4	28.9
1981	36.8	52.6	19.8
1983 NSS	42.8	53.5	29.3
1987-88 NSS	40.9	53.0	28.0
1991	37.5	51.6	22.3
1993-94 NSS	42.0	54.5	28.6

Source: Visaria (1991) Table 1

G.R.

Many theorists have attributed this variance to the difference in the skill possessed by the individual worker. For instance, in the agricultural sector, women tend to work in the less skilled and more tedious operations such as the harvesting, sowing, weeding and transplanting where as men tend to work in the more skilled operations like ploughing, cutting and selling. Similarly, in the tertiary sector women are found in the lower paid lower levels. In contrast men are found in either semi-skilled or managerial positions. However, it is important to understand the reason for this and not dismiss the issue of women getting paid lower wages due to their functioning at lower levels as unimportant. A large majority of women are doing women's work for women's wages as a result of the structural constraints that they face in society. Women bear the responsibility of childcare and domestic work. This unpaid work prevents women to take up full-time paid work and at the same time the need for cash pushes them to take up some kind of paid work. And to make matters worse, in many cases, due to their contribution as home makers they are excluded from any kind of specialised training.

Think It Over 2

- 1) What do you understand by primary and secondary sector?
- 2) Why is there concentration of female workers in primary sector?
- 3) What according to you are the reasons for women getting lower wages than men?

5.6 STATE INTERVENTION AND WOMEN'S EMPLOYMENT

The large scale involvement of women in economic activities as either low paid workers and producers in the unorganised sectors and as unpaid home based is a fully established fact today. Though, it is true that irrespective of sex, there is high rate of underemployment in India, there is enough evidence to substantiate the view that women suffer more as a consequence of their gender (Ramaswamy, 1992).

5.6.1 Reports on the State of Women and Work

The three major reports on women in recent times – Towards Equality (1974), *Shramshakti* (1988) and National Perspective Plan for Women (1988) – have effectively demonstrated that state intervention in the labour market is absolutely necessary. The state has today recognised that in the present socio-economic environment poor women are more likely to suffer than the poor male, due to their over-representation in certain activities that are made harder and more costlier in time and energy by the lack of basic facilities and infrastructure, and because access to seasonal migration as a means of getting around local lack of opportunities is more constraining for women. Moreover, the state has also become aware of the prevailing gender discrimination arising due to factors operating within the household, in the labour market and in the allocation and use of both private and public resources. The state has attempted to reduce these inequalities and imbalances through direct policy intervention.

5.6.2 Direct Interventions

The type of policy initiatives in the field of employment undertaken by India can be divided into two main categories: wage employment creation via rural public works and self-employment creation via provision of subsidised credit for purchasing assets. The government has many programmes for the rural poor relating to wage and self-employment and infrastructure like the Jawahar Rojgar Yojana (JRY), Employment Assurance Scheme (EAS), Million Wells Scheme (MWS), Indira Gandhi Awas Yojana (IAY), Integrated Rural Development Programme (IRDP), Development of Women and Children in Rural Areas (DWCRA) and Training of Rural Youth for Self-employment (TRYSEM) etc. The JRY and EAS endeavour to directly affect the wage employment via rural public works while IRDP and DWCRA attempt to provide self employment via the provision of subsidised credit for purchasing assets like cow, goat etc. TRYSEM aims at improving skill levels in the rural area so that the youth are in a better position to get wage employment. IARY and MWS are targeted at individual households and hope to improve their living standards. Similarly, the state has few programme for the urban poor like the Nehru Rojgar Yojana (NRY), Scheme of Urban Wage Employment (SUWE), Urban Basic Services for the Poor (UBSP), Scheme of Housing and Shelter Up gradation (SHASU) etc. Here too, some like the NRY and SUWE attempt to influence the employment market while the UBSP and SHASU endeavour to improve the living condition of the poor (Mahendra Dev, 1999).

Evaluation reports of IRDP & TRYSEM have shown that at the local level the BDO or other government functionary tend to operate with the assumption that the head of the household is a male. It has also been shown that the credit worthiness of a potential woman beneficiary is always questioned.

From the character of the state interventions it is clear that some attempt has been made to help women by providing supplementary employment mainly by assisting poor families, especially women by providing temporary relief during conditions like drought. Others assist poor household to improve their standard of living and the 'woman component' in each is aimed specifically at creating better structural and living conditions for women.

Think It Over 3

- 1) List out some of the major state interventions in the area of women and work.
- 2) What is the basic attitude of the government towards women's work?
- 3) Do you think that the governmental policies and interventions have helped improve the women's work situation?

5.7 CONCLUDING REMARKS

To conclude, from the above discussion it is clear that to understand women's work it is necessary to first recognise the complex and variegated nature of their

work and employment. Further, statistics and numbers are essential for policy makers to take corrective measure. But the very nature of concepts and categories used to collect data influences the type and nature of data which in turn only draws a partial incomplete picture about women's lives. This paper endeavours to create an understanding and appreciation of issues and factors underlying the plight of women.

5.8 CLARIFICATION OF THE TERMS USED

Main or Principal Worker	: According to 1981 census, main workers are those who have worked in some economic activity for the major part of the year (183 days or more).
Marginal Workers	: According to the 1981 census, a marginal worker is one who has worked in some economic activity but not for the major part.
Organised Sector	: Those sector of the economy, where the process of production and employment is guided by the statutes and law in the formal arrangement of the society.
Primary Activity/Sector	: Those activities which are agriculture based and agriculture related.
Secondary Activity/Sector	: Those activities which are industry related.
Unorganised Sector	: A loosely structured sectors of the economy, where production and employment is not in accordance with rules and regulations of the state.
Tertiary Activity/Sector	: Activities which are service based are known as tertiary activities.
Work Participation Rate	: Proportion of workers in a given population. It can be calculated in terms of per 1000 persons.

5.9 SOME USEFUL READINGS

Papola, T.S. and Sharma, A.N. (eds). 1999 *Gender and Employment in India*. New Delhi: Indian Society of Labour Economics and Institute of Economic Growth.

Sharma, A.N. and Seema Singh (eds). 1992 *Women and Work: Changing Scenario in India*. Patna : Indian Society of Labour Economics.

Ramaswamy, Uma. "Women and Development" in A.N. Sharma and Seema Singh (eds) 1992 *Women and Work: Changing Scenario in India*. Patna: Indian Society of Labour Economic.

UNIT 6 POLITICAL PARTICIPATION

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6.0 AIMS AND PURPOSE

In this unit, you shall be reading about women and their participation in formal and informal structure of power, mainly with reference to India. After going through this unit, you should be able to:

- define and explain the concept of politics;
- explain the concept of political participation;
- discuss the factors responsible for participation of women;
- comment on participation of women in formal and informal structures of power; and
- comment on the issue of reservation for women in formal and informal power structures.

6.1 INTRODUCTION

In recent times, the issue of participation of women in structures of power, both formal and informal, has grown to become critically important in India as elsewhere in the world. It is increasingly felt that unless and until women

themselves become a part and parcel of the political process, they would continue to remain the weaker sex. Possibly, for all times to come. In this unit, therefore, you would be reading in detail about the vital issue of women and political participation. We start by defining what is politics. In trying to understand politics it is important to understand how every aspect of our daily life is underlined by politics of power in that sense, we would like to go beyond what is normally considered as political participation in governance and legislative bodies.

In the following sections, we will take a look at women's participation in political processes and the continuing struggles that women are waging so that their voices may be heard and their situation improved.

6.2 DEFINITION OF POLITICS

Politics refers to the mode of acquisition and exercise of power, that is, the power to influence the decision-making processes and policies in an effective manner. Politics is also very much related with bringing about the necessary social changes. Therefore, we can say, politics is about power relations not only restricted to the political arena, but also to all other social arrangement – be it in the public, professional sphere or in the private/domestic sphere. Don't you sometimes emotionally blackmail your parents/ friends/ sibling to get things done in your own way? and how have you influenced the decisions of your friends according to your own wishes. Well, this is what we call the exercise of power – the ability to influence the decision-making processes.

6.2.1 Private Vs. Public Domains

Power relations exist at all levels – family, religion, caste or public institution. All institutions observe power relations and hence, become political institutions to some extent. These mutual interaction thus becomes a political relationship and involves the play of power.

It becomes clear from the above observation that the private spheres of life are very much a part of the political ideology and in return, this public sphere has a corresponding impact on the lives of women in the domestic or private relations.

Let us explain it in simple words, with reference to day-to-day observation. During the last budget session, the Government increased the diesel prices resulting in truck drivers' strike. As a consequence the supply of vegetables from neighbouring states to Delhi was completely stopped leading to a steep hike in the prices of vegetables. House wives were forced to cut down the daily - intake of green vegetables and other things, having a direct impact on the health and budget of the families. Can we still afford to say that women have nothing to do with the policies framed by the Government? Can they remain aloof from political ideologies? On the contrary, women, especially illiterate women, have actively participated in bringing about changes in the government policies regarding social, environmental, economic and various other issues.

Learn From Your Experience 1

- 1) Do you observe your parents sharing a political relationship? Who is the decision making authority at home? Make your own observations and discuss the impact it has on other persons.
- 2) How often have Government policies influenced you and other? Discuss and write down your views.

6.3 CONCEPT AND DEFINITION OF POLITICAL PARTICIPATION

In order to understand, in detail, about the concept of political participation, it is essential to clarify what the term 'political' means.

6.3.1 The Concept of Political

Politics was for a longtime defined in terms of the state and its chief agency, the government. However, in course of time and especially after the Second World War, the definition of political became wider. Political came to be defined and expounded in terms of power and power relations. Once this perception of political was accepted its domain naturally extended from the formal to the informal structures of society too. Thus, for instance it came to encompass the family also. A father, for example, exercised his power/ authority vis-à-vis children and to that extent could be said to have a political role in a family. Thus, as you must have read in Block 2 of the Foundation Course of this Programme on "Empowerment of Women and Development", the definition of politics which is accepted now is much wider covering not merely the formal area of government but also informal processes bringing change in society. Thus, politics includes all areas directly and indirectly and is associated with the governance of the country in which every citizen has a share.

Therefore, the main objective of this unit is not only to study the participation of women in the formal political institutions but to analyse it in broader terms. Formal political participation is also very essential for influencing the decisions in the promotion of women's right and development. Before discussing it in detail, it would be better, first of all to give a simple and operational definition of political participation.

6.3.2 The Definition of Political Participation

Political participation can be defined as passively or actively taking part in associating with formal and informal structures of power with a view to attain certain implicit and/or explicit objectives. It is to be noted that political participation, as mentioned above, is not confined to formal power structures. In other words, for example, when we talk of women and political participation, we concern ourselves not just with examination of the role of woman MPs, MLCs and MLAs but also deliberate over women activists involved in various

grassroots local movements and NGOs. Based on this wider conception of the political, as mentioned earlier, even a family is treated as a political unit. It is another matter, of course, that when one talks of the family as a political unit, one normally talks of power/ authority exercised by the male head and other male members and totally ignores the women. In fact, excepting matrilineal societies, women are not supposed to have any say in families.

6.4 WOMEN AND POLITICAL PARTICIPATION

Having deliberated over the concept and definition of political participation, we can now turn our attention to the general overview of women and their participation in the political processes – formal as well as informal.

The question of women's participation in the political process has acquired considerable importance in recent times. Women have been struggling for decades to come out of the trend of inadequate representation of women in decision-making bodies in order to create space for themselves. What does political participation entail for the vast majority of women? Every now and then, policies are being made by the decision-makers affecting the lives of the people but how many women have access to the decision-making position? Since women's political participation spans decision-making at all levels, the question of women's empowerment is not only a political issue, but a socio-economic one as well. Unfortunately, the concept of "women's empowerment" seems to be focussed only on political participation. The power to participate in decision-making process in all the spheres of society – the social, political, economic and cultural – with no separation between the public and private, is completely ignored in such a concept. The sphere of women's lives cannot be restricted to the demands of formal politics which is dominated by the institutions of the state.

Throughout the world, the formal political system has always tried to reinforce the stereotypical image of women wherein women are not encouraged to enter into politics. Many studies reveal that women are not independent voters, that a majority of them are illiterate. They lack information and political awareness. However, these studies define the words political participation very narrowly. Marginalisation of women in politics is an universal phenomenon but in India the situation is far worse than in other parts of the world as shown by the following table.

	Parliament	Executive
World	10	6
Developing Countries	10	5
India	7	3

(Source: "Political Process – Beyond Rhetoric" by Amal Mandal, *Women's Link*, Vol 5, No. 2, 1999, p. 30.)

Political participation of women is thus low in political as well as in other public spheres. A gendered socialisation during childhood, socio-religious as well as economic factors prevent women from entering into politics in India. Both institutions and ideas prevent women's equal participation in public life.

Do You Know? 1

Women's watch

Several women's organisations have decided to come together and organise themselves into a campaign promoting Voter Awareness. These were: Women's Voice, Indian Association of Women's Studies, Indian Social Studies Trust, Institute for Youth and Development, Hengasara Hakkinna Sangha, Coordination Unit (Bangalore) and Janodays.

Karnataka was the first state to implement the 73rd and 74th Constitutional Amendments giving one-third reservations for women in the local government bodies. Several thousand elected women representatives have been elected in the recent past. Training of these mainly poor grassroots-women is a priority, and several of the groups are already involved in this process. Giving women voters an awareness of the value and power of their vote was also seen as a need, and Women's Watch Voter Awareness Campaign was the outcome. It was formally launched in Bangalore on April 12, 1995, at a public meeting at the Town Hall in Bangalore. It was attended by over a 2,500 persons from all over the South. In addition to the Chief Election Commission, several women from the grassroots addressed the meeting and shared their experiences. 'Make Women's Vote a Vote for Women' is the campaign slogan. A video film (with English subtitles) of the meeting was made and can be served as a training material for those interested in taking up a Voter Awareness Campaign. Copies can be obtained at the Coordination Unit (Bangalore).

6.5 INDIAN WOMEN AND POLITICAL PARTICIPATION

As it is well-known the emergence of Indian women into active political process is to some extent a by-product of their participation in the Independence struggle. In the following sections let us look at the role of women in the national struggle.

6.5.1 Role of Indian Women in the National Struggle

Indian women come forward to play a significant role in nationalist politics particularly with the arrival of Mahatma Gandhi on the stage. The 19th century reformers in India were greatly concerned with the status of women and their first efforts were directed against certain customs like female infanticide, child-marriage, sati and prohibition against widow remarriage, etc. An effort was also made, to bring the women into public life. Between 1910 and 1920 a number of social organisations for women emerged and their members not only supported

and joined the nationalist movement but also tried to improve the status of women. These social organisations paved the first step towards providing a forum for women's demands.

The members of these organisations were mostly from upper or "middle - class" background and the cause of the poor women was completely ignored. Though these social organisations represented very few of the rural and lower class women, they were, to a large extent, able to attract and bring a number of women into social and political organisation. Therefore, we can say that the reform movements and the national movement generated social consciousness among women. The All India Women's Conference was established in January 1927 and it concentrated on educational and social work among women.

Independence brought about considerable change in the legal status of women.

6.5.2 Post-Independence Scenario

After Independence, various legislations were passed like the Hindu Marriage Act (1955), the Succession Act (1956) and the Adoption Act (1956) which modified the role of women as defined by the law and custom. These changes were basically a result of the continuous demands and of various women's organisations which had struggled for legislative change since the 1930s. There was the demand for enfranchisement of women and their participation in public life. Women were ultimately granted the right to vote, though it was circumscribed by the restrictions of education and property. The vociferous demand for universal enfranchisement was ultimately incorporated in the 1931 resolution of the Indian National Congress. With the Independence of the country in 1947, the right to complete equality between the sexes was formally enshrined in the constitution. In the first general elections, a good number of women took part in elections at both the state and the local levels. Infact, twenty - two women - a significant enough figure - were elected to Lok-Sabha and an impressive number were appointed as ministers/ ambassadors/ governors. Female education, the franchise, legal reform, received more attention than the conditions of labouring women. Demand for equal pay for equal work and housing for women received less attention.

Think It Over

- 1) How do politics operate even in the most private of domains? for instance the family. Explain with suitable illustration.
- 2) Do you think women were active members of the various organisations and reform movement which sought to improve the status of women?

6.6 FACTORS RESPONSIBLE FOR POLITICAL PARTICIPATION

There are, basically, two sets of factors which are considered responsible for women's involvement in politics or lack of it.

6.6.1 Socio-Cultural Factors

One set of factors relates to the social structure, religion and culture of the country as possible explanation for the degree of women's involvement in politics. On the other hand, the second type of factors relate to the political institutions which influence the recruitment of women to political offices.

Though the Indian Constitution has provided equal social and political rights to both men and women in reality, these legal provisions have not helped the women to realise the dream of equal social order. It is not only in the realm of political sphere, but also in other public spheres that women are kept subdued. Despite economic and technological development, the dominant culture still tries to reinforce the dichotomous division of society wherein the private world with its restriction is still considered to be the right place for women. But these barriers were overcome by a high rate of education, income and social status which provided increased opportunities for participation. It is not surprising therefore that women who participated in the freedom movement in India and those who represented the Parliament and State Legislatures were mostly from families of high status with good educational background.

Learn From Your Experience 2

Identify the factors that facilitate or prevent women from playing a more effective role in political participation. Discuss it with relatives/ friends/ neighbours and write down a note.

6.6.2 Political Factors

The second set of factors responsible for participation is political. In the Indian context, it was during the Independence struggle and especially under the influence of Mahatma Gandhi that a large number of women came out of their domestic circle and actively struggled in support of a common cause of the Independence of the Country. Their involvement also led to the enactment of a series of legislations which helped in raising the status of women in society. Kinship plays an important role in our society, both to promote and deter participation. You must have come across daughter, sister, wife or widow or some other relative who usually help them enter politics. This is true for both men and women. This is mainly because of the way political parties function, and the role they play in selecting candidates.

Ironically, very few independents have been recruited to political office in our country. Therefore, in the absence of any support from the political party, the high cost of election campaigning acts as a great deterrent to women desirous of contesting elections. In addition to it, the growing corruption in elections, criminalization of politics are responsible for low representation of women in India. An assessment of women's political role in improving the quality of life for women cannot be made by looking at formal institutions alone. We need to look at both formal political representatives and the women activists who have always worked towards bringing about changes and developing alternate strategies for development through their movements.

6.7 REASSERTION OF RIGHTS: A CONTINUOUS STRUGGLE BY WOMEN

The Women's Movement in India acts as one of the many at reassertion of their rights as equal citizens and partners in the political and development process.

The post-independence women's movement emanated from the democratic movement of the 1970s. The women activists in movement like the J.P. movement in Bihar, the railway workers strike and the democratic upsurge following the imposition of emergency in 1975, were the products of post-independence opportunities for women in education and employment.

At the same time, the multifarious involvement in informal spheres like protests against dowry and rape, struggle against amniocentesis and sex selection; protest against the Muslim Women's Bill and various other grassroots peoples movements provided channels of participation in influencing State policies'. Here, we would like to specially mention the examples of anti-*arrack* movement and environmental movements like the '*Chipko*' agitation in 1970.

The remarkable point about both the movements was the active participation of illiterate, simple women of rural areas against the harmful legislative policies of the Government.

6.7.1 The Rolling-Pin Morcha

The other very important agitation, by "Rolling - Pin Morcha" requires special mention which was a struggle launched by women, especially in Maharashtra, against rising price and scarcity of essential commodities under the banner of the "Anti - Price Rise Women's Committee" and its symbol was the "Rolling - Pin". This Committee became the true representative of women in all walks of life fighting for their rights or causes. Though the Committee was formed by all the women's fronts of the opposition political parties it immediately attracted women from all walks of life and every housewife had feeling that the Committee was fighting for her day to day problems, as a result, the movement became non-political and yet immensely popular and successful.

The examples of such movements and agitations prove the point that women's active participation in the various public activists concerning social problems is very essential if she wants to get her due place in the society. It also proves that only the involvement and participation of the grass-roots women's movements can change the status of women.

6.8 RECENT ISSUES IN POLITICAL PROCESS

The principle of gender equality is enshrined in the Indian Constitution in its Preamble but in reality there still exists a wide gap between the goals enunciated in the Constitution and the status of women on the other. This gulf has been analysed in the *Report of the Committee on The Status of Women in India*,

Towards Equality, 1974, and in the *National Perspective Plan for Women*, 1988-2000 as well as in the *Shramshakti Report*, 1998. Without the share of about half of the population, democracy and egalitarianism would simply be meaningless and ineffective. Socio-economic decisions are being taken without taking into consideration the needs of women resulting in women's need (related to the family) like water, health, child-care been neglected in development policies. Therefore, women have to be in the politics of power to participate as women can change the very nature of the system. Thus, by the mid 1970s consciousness about marginalisation of women had gained momentum and demands were being raised for women's active participation in electoral politics.

6.8.1 Report of the Committee on the Status of Women in India

It should be interesting to note that way back in 1974 itself, the Committee on the Status of Women in India has examined the question of the need for reservation of seats for women in legislative bodies. It had, however, rejected the idea at that time. Later, the elevated social awareness brought about a measure like the reservations in the Panchayati Raj System.

6.8.2 73rd And 74th Amendment Act

It was through these amendments that the principle of reservation of seats for women was introduced in the Panchayati Raj Scheme. The 73rd amendment Act, 1972 enabled the women to participate in decentralised governance, planning and development. This provision would result in the representation of around 1.1 lakh elected women, including women belonging to the SCs/ STs/ as members and chairpersons at all the three tiers of *Panchayat* (i.e. the village panchayat, *Panchayat Samiti* and *Zilla Panchayat*). The member of the various tiers are elected periodically through elections. However, it was only with the passing of the Constitution 73rd and 74th amendments that reservation of seats (33%) was introduced. This was, indeed the most radical features of the Panchayati Raj Act 1994.

However, it was realised that this provision is not sufficient for the overall development of women. It was reported that a number of women *Sarpanches* being illiterate were completely dominated by their male kin. There has been a tendency to dismiss this entire project on this ground. It is important to realise that this is a transitional phase and eventually some women would come to exercise their say. When girls schools were first started, few families were willing to send their daughters. What happened later, we all know.

6.8.3 The 81st Amendment Bill

33% reservation of seats for women in Parliament and State Assemblies has generated a lot of heat. Unfortunately the proposed reservation bill has faced heavy opposition from all types of vested interest. Thus, there have been demands for introducing various sub-quotas within the proposed 33% quota for women;

for instance, quotas for the OBC women, for women belonging to religious minorities etc. Since the various political parties have been unable to reach to consensus on this, the proposed scheme of reservation has been put on the shelf, for time being atleast.



Struggle continues.....organising a rail yatra on Women's Reservation Bill.
 Courtesy: CSR, New Delhi.

Do You Know? 2

Women in Political Parties

In the context of India if one has to assess the extent of women's role in political participation and the significance attached to women-related issues, one of the indicators would be the policies and attitudes of various political parties who have achieved state power in one form or another. The table below shows the number of men and women members in some of the major parties: the Congress Working Committee, the Bharatiya Janata Party (BJP) National Executive, the Janata Dal (JD) Central Office bearers, the Central Committee of Communist Party of India - Marxist (CPI (M)) and the National Executive of the Communist Party of India (CPI).

Name	Women	Men	Percentage of women
Cong (I)	2	17	11.7
BJP	8	62	12.5
JD	3	25	12.0
CPI(M)	3	58	5.1
CPI	2	18	11.1

(Source: various party offices)

These figures reveal that women in the decision making bodies of the major political parties range from 5.1 per cent in the CPI (M) to 12.5 per cent in the BJP. The other parties lie in between these figures which are clearly indicative of the importance political parties attach to women. Male dominated political parties of all shades cannot go a long way in empowering women in general

Think It Over 2

- 1) "Do you think the Panchayati Raj Institution with reservation for women will have significant impact on women? Discuss.
- 2) What according to you are major problems for greater participation of women in public life?

Do You Know? 3

Muslim Women Say No to Religion-Based Quota

Muslim women social workers from North India have voiced their concern against political parties demanding reservation for Muslim and Other Backward Castes (OBC) women in the proposed Women's Quota Bill.

"Women all over India face almost similar problems and we do not want politicians to divide us on the basis of religion and caste. Some politicians who are stalling the introduction of the Bill by demanding reservation for Muslim and OBC women are using the issue to further their political ambitions". They said addressing a Press Conference in the Capital today.

The social workers said that politicians with vested interests are trying to shelve the Bill as they do not want women to have their reserved quota in governance.

"Where were these leaders all these years? They should have concentrated more on the social and economic problems that we face in our day-to-day lives. Now when a concrete step is being taken to increase representation of women these leaders are trying to shoot by placing the guns on our shoulders. How come they never felt the need to take the view of Muslim women on the issue?" said Zulekha from Bhopal, a member of Janvadi Mahila Samiti.

The social workers stated that they wanted the Bill on Reservation to be tabled and passed soon, but without bringing in reservation on the basis of religion and caste in the matter. "These politicians know that if the issue is taken up on religious ground it will need major changes in the Constitution as women from the religions might also demand reservations. As this is not possible, the Bill will fall through." Said Zarina Khursheed from Lucknow.

Source: *The Hindustan Times*, July 17, 1988.

6.9. CONCLUDING REMARKS

In this unit, you read about women and political participation in the context of India. At the outset, the concept and definition of politics and political participation were elucidated. You were told about the participation of Indian women in formal and informal structures of power. You read how patriarchy has denied access to positions of power / decision making to Indian women. The issue of reservation of seats for women in the national parliament and state legislatures was also discussed. The need for affirmative action such as reservation was explained. It was emphasised that the struggle for women's enhanced political participation had to go on till new and more equitable political order was established.

6.10 CLARIFICATION OF THE TERMS USED

- Power** : One's capacity to impose his/ her influence on others.
- Fundamental Rights** : Certain rights guaranteed by the state to its citizens. These include civil liberties like freedom of expression, freedom of equality before laws etc.
- Ideology** : The beliefs, attitudes, opinions which guide and direct a system, political party, group, family or individual.
- Franchise** : Right to caste vote.

6.11 SOME USEFUL READINGS

Agnihotri, Indu and Vina Mazumdar "Changing the Terms of Political Discourse" in *Lokayana Bulletin*. July-Oct. 1995.

Kasturi, Leela and Vina Mazumdar 1997 *Women and Indian Nationalism*. Delhi: Oxford University Press.

UNIT 7 ACCESS TO EDUCATION

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7.0 AIMS AND PURPOSE

After reading this unit on Access to Education you should be able to:

- examine the nature and extent of access women in India have to education;
- analyse reasons/problems leading to lack of adequate access to education; and
- discuss the required interventions to improve their access to education.

7.1 INTRODUCTION

In this unit we will discuss women's educational status. We all know that when it comes to access to education India shows a very dismal picture. The statistics only support these rather sorry state of women's education.

We have tried to look at some of the major causes which have kept women behind in the field of education. While societal attitude towards girls/women's education is a significant cause the governmental response and initiatives have also been very tardy. An attempt is made to grasp this complex problem of women's education. We also look at some of the experiments in non-formal education. And in final section we discuss some possible strategies for future intervention.

7.2 THE STATE OF WOMEN'S EDUCATION

Education was seen as having an emancipatory and empowering role for women and this has been endorsed by all. Education has important bearing on the general well being of people and particularly in the case of women. An educated woman

not only has greater chances of access to public areas where she can earn a living but it has also been seen that it has bearing on her well being too. In the complex mesh of various causes and effects, education definitely is one important indicator of women's status.

In this section we take a cursory look at the sheer neglect in women's literacy rates and also look at different regional variation. We look at the critical area of girl's education too.

7.2.1 Female Literacy

Education is always used as a vitally important social indicator of development. Even as we prepare to enter the new millenium only 52.21% of the Indian population is found to be literate. This is a clear indication of people's lack of access to facilities like basic education. And women are more deprived than men, as is evident from the table given below.

Table 1 : Literacy Rate in India: 1991 (%)
(Age 7+)

	Total	Rural	Urban
Total	52.21	44.69	73.08
Male	64.13	57.87	81.09
Female	39.29	30.62	64.05

Source: Census of India, 1991

The table clearly shows how gender biases and discriminations existing in Indian society manifest themselves in differential access to basic social services, particularly in rural areas.

The spatial distribution of women's educational status in India is also not uniform. This is evident if one examines the regional and rural-urban differences in female literacy rates (Table 2). Amongst the states, the highest literacy rates are found to occur in Kerala (which also has the most favourable sex ratio) followed by Mizoram and Goa. The three states with minimum literacy rates are Rajasthan, Bihar, U.P. and M.P. (or the BIMARU states). These trends are clear indicators of the linkages between the status of women in these states and their educational status. In fact, for this very reason, the educational status of women is used as a very sensitive indicator of the status of women.

Table 2 also clearly indicates the rural-urban differential in female literacy with 64.05% urban women being literate as compared to a mere 30.62% rural women. The highest rural literacy occurs in Kerala (85.12%) which is a sharp contrast to the abysmally poor rates in Rajasthan (11.59%).

Table 2: Female Literacy Rates in India, 1991

S.No.	States	Total	Rural	Urban
	India	39.29	30.62	64.05
1.	Andhra Pradesh	32.72	23.92	56.41
2.	Arunachal Pradesh	29.69	25.31	62.23
3.	Assam	43.03	39.19	73.32
4.	Bihar	22.89	17.95	55.94
5.	Goa	67.09	62.87	73.38
6.	Gujarat	48.64	38.65	67.70
7.	Haryana	40.47	32.51	64.06
8.	Himachal Pradesh	52.13	42.79	78.32
9.	Karnataka	44.34	34.76	65.74
10.	Kerala	86.17	85.12	89.06
11.	Madhya Pradesh	28.85	19.73	58.92
12.	Maharashtra	52.32	40.96	70.87
13.	Manipur	47.60	43.26	58.67
14.	Meghalaya	44.85	37.12	77.32
15.	Mizoram	78.60	67.03	91.61
16.	Nagaland	54.75	50.36	79.10
17.	Orissa	34.68	30.79	61.18
18.	Punjab	50.41	43.85	66.12
19.	Rajasthan	20.44	11.59	50.24
20.	Sikkim	46.69	43.98	74.94
21.	Tamil Nadu	51.33	41.84	69.61
22.	Tripura	49.65	44.33	76.93
23.	Uttar Pradesh	25.31	19.02	50.38
24.	West Bengal	46.56	38.12	68.25
UNION TERRITORIES				
1.	Andaman & Nicobar Islands	65.46	61.99	75.08
2.	Chandigarh	72.34	47.83	74.57
3.	Dadar & Nagar Haveli	26.98	23.30	68.42
4.	Daman & Diu	59.40	46.70	72.35
5.	Delhi	66.90	52.15	68.54
6.	Lakshadweep	78.89	68.72	76.11
7.	Pondicherry	65.63	53.96	71.98

Source: Census of India, 1991.

It therefore becomes important to examine in detail the causes behind such trends, existing interventions and future recommendations.

7.2.2 Education and the Girl Child

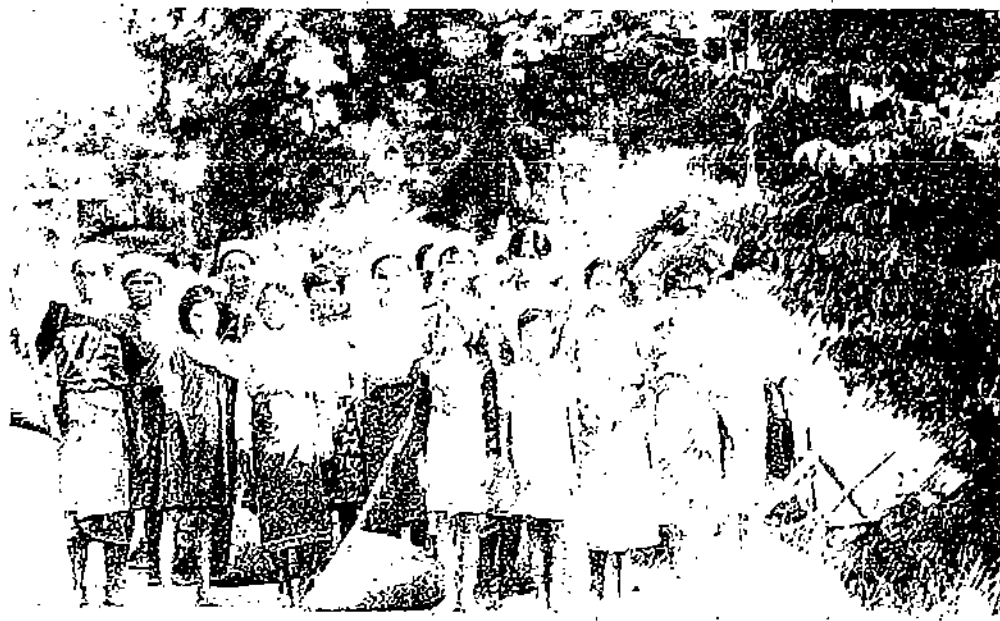
While "education for all" has been a motto ever since independence, the differential enrollment rates of girls and boys belie this noble but ineffectual sentiment. This is evident on examining the table given below.

Table 3: Literacy Rates in the 7-14 age group: 1991 (%)

Age (in years)	Literacy Rate		
	Total	Male	Female
7-14	64.18	71.56	56.13

Source: Census of India, 1991.

Education of the girl child and the economic status of a family are directly correlated. According to the NSS data from Maharashtra (1980-81), the lowest enrollment rates were reported for girls from economically and socially disadvantaged households. Of these, less than one third were in school. The enrollment of ST girls in middle school was as low as 19.2%



Off to work and not to school.

Courtesy: Prof. Kapil Kumar, IGNOU, New Delhi.

The majority of school dropouts also comprise of girls. This reflects the basic differences in parental and societal attitudes towards the education of their daughters. Most of the non-enrolled children or school dropouts are from families

who have very limited income and assets and rank low in the caste and occupational hierarchies. Girls of agricultural labours, small farmers and artisan families are most likely to be withdrawn from school early, as well as daughters of urban slum families working in low status occupation or in the unorganized sector.

The need for child labour both within and outside the home is a major reason for girls not attending or dropping out of school. Most working girls are found in the primary sector, engaged in agriculture and allied activities. There is evidence that between 1971 and 1981 (Banerjee, 1989) there has been a sharp increase in female child labour in rural areas; suggesting that families which depend on female labour are deploying both adult and child female members to meet the increased labour demand of high-yielding technologies -- but deciding to send their sons to school.

Although there are almost 40 million "non-working" girls who do not attend schools, these girls are expected to contribute to work within and outside the home on chores such as fetching water and fuel, cooking, sweeping, washing and sibling care. Thus even though fewer girls than boys are regular wage earners, they make an important contribution to the maintenance of their families so that the opportunity costs of their schooling are high.

This becomes particularly clear when examining the number of children (Age 7-14) attending school by their work status. (Table 4)

Table 4: Children Attending School by work status, 1991(%)

Category of Workers	Sex	Total	Rural	Urban
Main Workers	Total	100	100	100
	Male	69	69	70
	Female	31	31	30
Marginal Workers	Total	100	100	100
	Male	62	63	53
	Female	38	37	47
Non-Workers	Total	100	100	100
	Male	59	61	54
	Female	41	39	46

Source: Census of India, 1991

Learn From Your Experience 1

Visit a government school in your locality and find out the ratio of girls and boys enrolled in each class.

Another factor contributing to low education levels for girls is the small return anticipated from girls' schooling. While a boy's education is viewed as an investment for improving the socio-economic status of the family as well as an old-age security for parents, girls are destined to be married into other families

and hence yield no return to their parents. Pubescent girls are also withdrawn from schools because of the "social danger" associated with male school teachers and students.

Thus socialisation, gender roles and sexual mores all play important roles in depriving girls of formal education.

Do You Know? 1

Here are some findings

I Literacy Rate

1. Literacy levels are lowest in Rajasthan, Bihar, Uttar Pradesh, and Madhya Pradesh and high in Kerala, the North-eastern states, Tamil Nadu, Maharashtra, Gujarat and West Bengal, Rajasthan has the highest gender differential among states.
2. The literacy rates rise considerably with income but this is not true of gender disparity. Literacy rates are similar across land size groups; landless wage earners, SCs and STs have low levels of literacy. Literacy is high and the gender gap low among the salaried, but female literacy is relatively low among all social groups.
3. About 17 per cent of adult males and 9 per cent of females complete middle school in rural India, that is, on an average, 52 girls for every 100 boys. Gender disparity is high in Rajasthan, Uttar Pradesh, and Madhya Pradesh, and among lower income levels in most states.

II Enrolment Rate

4. The enrolment rate rises with size of landholding and income. Enrolment rates are high among the salaried and professionals, and low among wage earners in almost all states. Punjab shows high enrolment rates in comparison with Rajasthan, Madhya Pradesh, Uttar Pradesh, Bihar and Orissa. While STs have the lowest enrolment rate (60 per cent), Hindus have an enrolment rate of 78 per cent. Gender disparity is highest in Uttar Pradesh and Rajasthan. Increase in enrolments over the years has been highest in Punjab and Haryana.

III Discontinuation Rate

5. The average discontinuation rate is about 6 per cent for rural India. It is high in Tamil Nadu, Andhra Pradesh, Madhya Pradesh, Karnataka, and Orissa and low in Himachal Pradesh and Kerala.
6. Contrary to general belief, drop-outs are negligible (about 1 per cent) among children aged 6-9 years; they increase to 2.1 per cent among 6-11 year olds and to 13 per cent among 12 year olds.
7. Discontinuation rates are lower among high income groups, the landed, professionals, males, and Hindus. The discontinuation rate while decreasing for the country as a whole, appears to be rising in states like Tamil Nadu and Kerala and fluctuating in West Bengal, Gujarat, Andhra Pradesh, and Karnataka.

IV Private Schooling

8. About 68 per cent of all children go to government schools while another 22 per cent attend government-aided schools. While 11 per cent of boys go to private schools, only 8 per cent of girls do so. The proportion of children seeking education in private schools has increased from 2 per cent in 1986 to about 10 per cent in 1994. This increase is substantial in Uttar Pradesh, Punjab, and Haryana. More than three-fourths of students attend aided schools in West Bengal.

V Expenditure on Schooling

9. Total household expenditure on elementary schooling is Rs 378 per student per year. In 1992 the corresponding figure was Rs 464. The cost of schooling is Rs 300 per child in government schools, Rs 380 per child in aided schools, and Rs 735 per child in private schools.
10. To impart elementary education to all children in India at the prevailing level of quality involves an expenditure of Rs 236, 348 million which is equal to about 3.3 per cent of GDP. The current expenditure is only 1.7 per cent of GDP.

Source: Ashariff, Abusaleh, 1999. *India: Human Development Report*, Oxford, New Delhi.

7.3 THE FIVE-YEAR PLANS

The national objectives of growth with social justice and planned development were concretized with the First Five Year Plan. Education was viewed as part of the total national effort and an instrument for achieving plan objectives. The problems of promoting women's education were extensively stated, but special efforts required for the purpose were not spelt out. The Second Plan, too, while recognising the urgent problems of girls' education, primarily concentrated on overall expansion of educational facilities.

The suggestions of the National Committees of 1959 were incorporated into the Third Plan which gave a definite thrust to schemes and programmes for women, such as condensed courses for women, child care programmes, balsevika training; and provided for incentives such as free text books, scholarships and uniforms. This trend continued in each successive Plan. The Sixth Plan was an important landmark for women's education, reflecting the findings of the Committee on the Status of Women in India. Specific areas for greater inputs were defined, such as literacy for women, programmes of non-formal primary education for rural girls, social welfare programmes such as the Integrated Child Development Services (ICDS) to provide support services which would help improve enrolment of girls in school and simultaneously provide child service, special provisions for tribal and Scheduled Caste groups; and strengthening of girls educational institutions.

The following Plans continued to reiterate the importance of special schemes for women and the girl child to complement their formal education with vocational training, non formal education schemes, adult literacy and other more relevant methods of reaching out to them. In fact even in 1999, the government has proclaimed to provide incentives to girl students in government schools.

Such a move, even after 50 years of independence, merely stresses the fact that government interventions have been unable to circumvent the socio-cultural dominance of depriving women from education.

Think It Over 1

Ask your domestic servant whether they:

- Send their sons as well as their daughter to school?
- Are willing to spend as much on their daughters' education as on their son's?
- Feel daughters have equal right to education? If not, why not?

7.4 NON FORMAL EDUCATION: A SUCCESS STORY

An important government initiative to increase literacy is the Non Formal Education (NFE) programme for young children. It offers the alternative of part-

time education to children who are compelled to drop out of "formal school" and thus stands to benefit girls who account for the majority of dropouts. Since 1980, special assistance has been given to the educationally backward states to provide NFE for girls. NFE classes are generally held for 2-3 hours in the evening for 9-14 year olds who have never attended or have dropped out of school. The curriculum is intended to be flexible and relevant to student's needs.

One successful experiment of non-formal education has been carried out by an NGO in Rajasthan (Social Work and Research Centre, Tilonia). Their "night-school" programme was initiated in 1975 long before the government recognised the need for such an alternative. Night-schools are essentially meant for those children who work through the day on the fields, take the cattle out to pasture, take on domestic chores, work as labourers on construction sites or on the land; and are thereby unable to attend the government or "formal" schools. Night schools cater to this category of children and dropouts from government schools. Needless to say, girls comprise of 70 to 90 per cent of the students in these schools. The course structure is simplified and made relevant to the rural way of life. The method of teaching is unorthodox and participatory. The best part about these schools is that if given the opportunity, the students can qualify for the government schools (Class VI) on completion. The phenomenal attendance rates at these schools are in themselves living proof of their success.

The Government's National Literacy Mission launched in 1988 aimed to target the adult illiterates through adult literacy classes. The programme however failed to achieve its targets and aims, in its revised form, to increase the number of female instructors in order to enroll larger numbers of women in the programme.

An interesting by-product of a Non Formal Education programme for children (*Shiksha Karmi* in Rajasthan) was the interest of some of the adults escorting the children to school. These adults (mostly parents) started getting more and more involved in the curriculum and consequently gained literacy unofficially.

7.5 TECHNICAL AND VOCATIONAL EDUCATION

In India, a three-tier network of institutions spread throughout the country, provide technical and vocational training. The Institutional Training Institutes (ITIs) train craftsmen and provide trade-oriented courses to those with middle or high school qualifications; polytechnics train technicians; and engineering institutions produce engineers and technologists. Separate women's ITIs have been established to encourage women's participation. A common criticism of the ITIs is that course offerings for women are oriented to "conventional female occupations" (e.g. tailoring, knitting, hair dressing, catering etc.). To counter this, a Norwegian Development Agency (NORAD) aided programme, implemented through the Government of India, sought to provide training to women in "Non-Traditional" skills – including electronics assembly, repair of electrical goods, computer operation etc. This programme too faced the normal lacunae faced by other government programmes including poor design and implementation, corruption

etc. It is therefore important to close the gap between intent and praxis to make interventions successful. Several other intervention programmes have also largely failed due to poor implementation and lack of information among women.

7.6 STRATEGIES FOR FUTURE INTERVENTION

It is therefore evident that despite the best intentions of the government, it has been found lacking in providing basic education to its people, particularly the women. It is perhaps unnecessary to reiterate the importance of education in women's life. Education has the ability to provide women with the key to greater access to other resources. It enhances their ability to access information which includes their legal rights and constitutional provisions. It opens up economic opportunities for them. It leads to better hygiene, improved nutrition practices and greater effectiveness in seeking timely medical intervention for her family members and herself. It enhances their political participation; which is particularly relevant in the context of reservation for women in the Panchayati Raj Institutions. In brief, it can set off a ripple effect of much needed development in this country. It is therefore imperative to design appropriate strategies for improving women's access to education.

Restructuring of society and gender values therein, is perhaps one of the most basic and pivotal changes necessary to improve women's access to education. While this is a process which needs to be initiated; it is a long term intervention with the wheels of change moving slowly. In the meanwhile several women may continue to be deprived. It is therefore important to think of short term interventions which will improve women's access to education. For this purpose, both Non-Formal education systems and adult literacy campaigns; reaching out to the girl child and women; need to be strengthened. As evident from the discussion in the previous sections, the interventions themselves have been well intentioned but there have been several gaps in implementation. In order to make programme implementation more effective:

- The government should collaborate with local NGOs for effective intervention, particularly in rural areas.
- The number of female instructors, particularly for adult literacy campaign should be increased to counter the socio-cultural inhibition women face in attending classes.
- Vocational training in rural areas needs to be increased and post-training linkages strengthened.
- The Panchayats should be used as a useful medium for dissemination of information.
- Better support system such as day care centers and creches need to be initiated and strengthened.
- There is a need to initiate feedback systems which can identify the gaps; and ensure need-based, effective implementation of programmes.

It is therefore clear that a multi-pronged, multi-faceted, integrated approach is the only way to improve women's access to education.

Think It Over 2

- 1) What according to you is the main reason for a huge population of illiterate women in India?
- 2) Give five suggestions to improve women's access to education?

Do You Know? 2

Cost to Universalise Elementary Education in India.

	Total	Rural	Urban
• Estimated 6-14 years old as on March 1995 (millions)	205	152	53

Deflators:

Rural: 30 per cent non-enrolment in rural areas evidence from NCEAR, 1994.

Urban: 15 per cent of 70 per cent urban children are not enrolled and 50 per cent of the remaining 30 per cent of urban children are not enrolled.

• Estimated number of children attending schools (millions)	146	106	40
• Estimated number of children not attending schools (millions)	59	46	13

Expenditures:

• Household expenditure per pupil/year @Rs 378	Rs 55,188 million
• Public, Community, and Private sector expenditure per pupil/year @ Rs840	Rs 122,640 million
• @ Rs 1,218/- per pupil total expenditure per year	Rs 177,828 million

a Total expenditure on those children who are attending school as on March 1995 is Rs 177,828 million

b @ Rs 1,218/- per pupil/year it requires Rs 71,862 million to enrol 59 million children who are outside school.

c To impart universal elementary education it costs a total of (a+b) Rs 249,690 million

Additionally

d Should mid-day meals continue to be an integral part of the elementary education programme, it would cost an additional Rs 61,500 million

e To provide bare minimum infrastructure to the 59 million non-enrolled children it requires about 19,70,000 classrooms and @ Rs 25,000 per classroom it is a total one time capital cost of Rs 49,250 million.

f Escalate annual expenditure @ at least 2 per cent over and above the rate of inflation to account for additional increase in pupils.

Source: Shariff, Abusaheb, 1999. *India: Human Development Report*. Oxford: New Delhi.

Learn From Your Experience 2

Observe / Ask about the domestic chores undertaken by the boys and girls of a poor household in a slum area or S.C. / S.T. household in a rural area. Ask about the number of hours they spend on education. (Contact can be built through domestic servants, local vendors rikshaw / auto drivers etc.)

7.7 CONCLUDING REMARKS

The statistics more than reveal how far women are lagging behind in education. We have seen that there are regional variations within India. Southern States and the North Eastern states and part of the Western regions show a better picture than states like Rajasthan, Uttar Pradesh and Madhya Pradesh where women are far more marginalised. This also gives an idea of the various societal attitudes which influence the state of women's education.

Though girl child was identified as focal point of intervention, not much seems to have changed. Lack of girl's education is not only a result of societal attitude but also because of other structural constraints which come into play-poverty and actual physical access to schools.

We have taken a cursory look at some government initiatives in the Five-Year Plans. Despite stress on women's education, the change for better is negligible.

Some new initiatives in education of women seem to be promising, both in non-formal areas of education and in adult education. This calls for a great exploration in this area, we have also given few points as possible strategies for intervention.

7.8 CLARIFICATION OF THE TERMS USED

Enrolment	: To register one's name in a school as a pupil.
Intervention	: Coming in between a process and to make changes in the processes.
Non-formal education	: Away from the established mode of education.
Spatial Distribution	: Distribution in terms of regions, areas or places.
Vocational	: Pertaining to skills or trade.

7.9 SOME USEFUL READINGS

Mazumdar, Vina. 1985 *Education and Women's Equality*. Theme paper prepared form the National Seminar on Education from Women's Equality. New Delhi.

1985 *Challenges of Education: A Policy Perspective*. Ministry of Education. New Delhi.

REFERENCES

- Agarwal, Bina (1981) *Agricultural Modernisation and Third World Women*. Working Paper No. WEP 10/WF21. Geneva: ILO.
- Armstrong, Pat and Armstrong, Hugh (1990) *Theorising Women's Work*. Network Basics Series. Toronto: Garamond Press.
- Banerjee, N.K. (1989) "Trends in Women's Employment, 1971-81: Some Macro Level Observations". *Economic and Political Weekly*. Vol. 16(25).
- Boserup, Ester (1983) "Employment of Women in Developing Countries" in Tabah Leon (ed.), *Population Growth and Economic Development in Third World*. IUSSP. Belgium: Oridina Editions.
- Discussion Paper No. 129. Indira Gandhi Institute of Development Research. Mumbai GOI (1975), "*Committee on Status of Women*". New Delhi.
- Dreze, Jean and Amartya Sen (1995) *India: Economic Development and Social Opportunity*. Delhi: Oxford University Press.
- GOI (1974) *Towards Equality. Report of the Committee on the Status of Women in India*. New Delhi.
- GOI (1988) "*Shramshakti*". Report of the National Commission on Self-Employed Men and Women in the Informal Sector. New Delhi.
- GOI (1988) "*National Perspective Plan for Women 1988-2000*". Report of the Core Group set up by the Department of Women and Child Development. New Delhi.
- ILO (1985) "*World Labour Report*". Geneva.
- Mazumdar, Vina (1985) *Education and Women's Equality*. Theme paper prepared for the National Seminar on Education for Women's Equality. New Delhi.
- ORGI (1991) *Primary Census Abstract. Vol. II*. Census of India. New Delhi.
- Papola, T.S. and A.N. Sharma (eds) (1999) *Gender and Employment in India*. Indian Society of Labour Economics and Institute of Economic Growth. New Delhi.
- Srinivasan, P.V. (1996) *Poverty in India: Regional Estimates. 1987-88*.



उत्तर प्रदेश
राजर्षि टण्डन मुक्त विश्वविद्यालय

CWED -02

Women in Indian Society: Socio-historical Context

Block

3

SOCIAL INSTITUTIONS, PROCESSES AND WOMEN

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BLOCK INTRODUCTION

BLOCK 3 : SOCIAL INSTITUTIONS, PROCESSES AND WOMEN

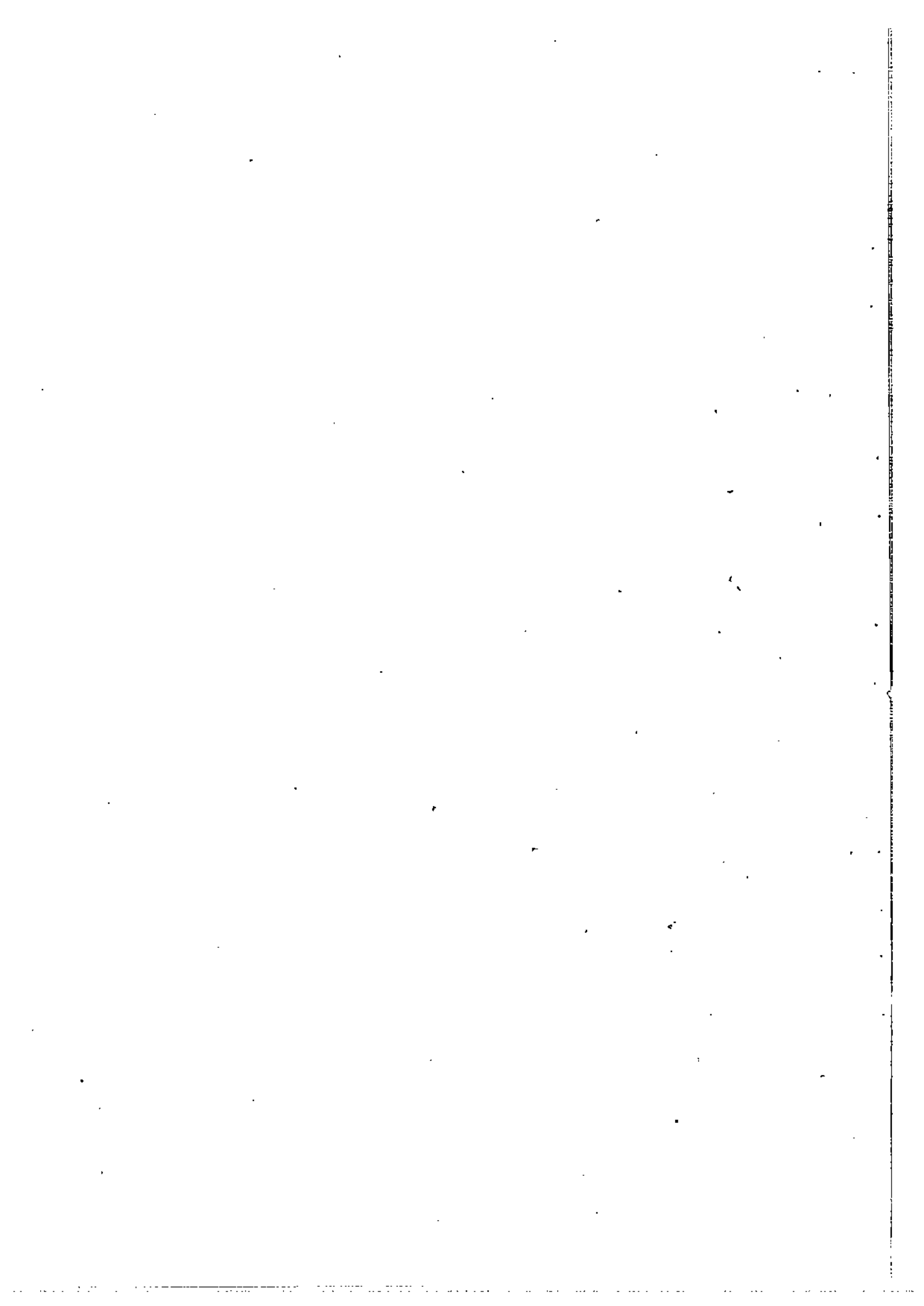
In the last two Blocks, as you are aware, we tried to assess the general position of women in Indian society taking into account various indicators which help us to assess women's status as well as their progress in a society.

In our present and the third block of the series, an attempt has been made to look at the various institutions which shape gender roles. What is the role of socialisation in shaping and reinforcing the ideologies prevalent in our society? We hope that after reading this block you would be encouraged to look at things in a different perspective enabling you to question some "otherwise so natural and simple" observations regarding gender-disparity.

Unit 8, "Growing Up of A Girl" is written in a simple, narrative style to make you locate the oppression of women in the very socialisation of a girl child. After reading this unit, you would be able to explain everyday practices to a larger ideological structures.

Unit 9 on Marriage describes the institution of marriage and the various rules and rituals that restrict women's choice and freedom. Not only the ideology and practice of the customs of dowry and bride-wealth are discussed but we have also tried to highlight the offences or violence related to marriage, particularly dowry deaths. We also take a critical look at the various personal laws which are related to marriage. In our next unit, we have tried to look at ideology which shapes the gender of women and how this patriarchal ideology operates at various levels and how within the contexts of class, caste/community, the gender roles are defined through these ideologies.

The last unit of this block deals with the way in which Indian women are portrayed in the oral tradition mass media and text-books. Various changes which are required in the representation of Indian women are also discussed.



UNIT 8 GROWING UP OF A GIRL

Contents

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- 8.2 The Girl is Born
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- 8.5 Coming of Age
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- 8.6 The Right Age for Marriage
 - 8.6.1 Kanya Daan
 - 8.6.2 The Dowry
 - 8.6.3 The Child Bearer
- 8.7 Concluding Remarks
- 8.8 Clarification of the Terms Used
- 8.9 Some Useful Readings

8.0 AIMS AND PURPOSE

We see girl children growing up around us but rarely do we look deep into this process. An attempt has been made, here in this unit, to locate the oppression of women in the very socialisation of a girl child. After reading this unit you should be able to:

- examine the process of growing up of a girl child;
- locate the various institutions and factors which socialise her;
- critically analyse the oppressive elements in the process of growing up; and
- explain everyday practices to a larger ideological structures.

8.1 INTRODUCTION

The moment we say, "Growing up of a Girl", we juxtapose the process to "Growing up of a Boy" and thereby imply that these two processes are different from each other.

It is different because the home background reflects the societal background? What goes into the socialisation process that makes a girl experience growing up differently than that of a boy?

Let us stop and ponder for a while, and whichever gender category we might belong to, let us think about the things which make it different.

Is she growing up by the side of the sea or is she a mountain girl? Does she work in the paddy fields, helping her parents in different agricultural activities? Does she go to school, dreams of going into the space one day? Is she aspiring to be a police officer? Does she work in different households and provide a supportive hand to her parents? Does she want to sing, dance, paint? Does she belong to the present time-frame or does she belong to the distant past?

We can go on adding to this, it could be a never ending list in the context of the immense differences and contexts in which a girl child is growing. Yet, in spite of the differences among and within them, the girl child is brought up differently from the male child. The growing up of the girl only reflects the attitude the society has towards women. This growing up of the girl in a sense prepares her to the expectations of her role as a girl and as a woman, later in the society. In this process of growing up (socialisation and a role of what constitutes womanhood) femininity and the place of a girl are all defined.

In this unit we have kept to a narrative style in tracing the life trajectory of a girl child. This narration, of course does not take into account the many differences though we have hinted at it. However the essence of the process of growing up, has been sought to be captured. After reading this unit you may however agree that this generalisation is not too far from the reality that is available.

It is obvious that we simply cannot talk about the experience of every girl as she grows up. But we are going to talk about certain experiences that cut across all categories and are experienced only by being born a girl.

8.2 THE GIRL IS BORN

Let us begin from the beginning. The girl is born.

There is usually an atmosphere of excitement and anticipation surrounding the birth of a child and one is always curious about the sex of the baby. If not all the family members, the mother does wonder about the gender of the one who is growing up inside.

In most of the families, the expectation centers around a "male child". Especially when it is the first child. The rural mid-wives if asked, the urban nurses if encouraged, would tell us about the expressions of the families members when they came to know about the gender. Their faces light up when they come to know it is a male child. The news of the birth of a girl-child is received differently. The mother in most cases is made to feel guilty for having given birth to a girl.

In many instances, we find the mother is made to give birth year after year in hope of a male child. In the process they may have produced seven girls and earned the wrath of the whole family. It does not matter if the mother gives birth to seven boys. The status of such a mother is definitely different than that of the

mother of innumerable girls. In fact such a mother is cherished since she goes closer to the blessing – “may you be the mother of hundred sons”.

To whichever religious community one may belong to, the aspiration for the male child seems to be old.

Some of you, the privileged ones and the not so privileged ones, may argue that in your case, it was not so. Or in your daughter's case, it has not been like that. You may say that you had always wanted a daughter. We do find parents who eagerly wait and want a daughter.

But for every daughter wanted, there are many who are not wanted, for every daughter cherished, there are so many of them who are not allowed to be born, and who are born to die.

8.3 BORN TO DIE

“Born To Die” this was the title of the story appeared in India Today in June 86. It said that six thousand female babies had been “put to sleep” during the decade in the district, surrounding the town of Madurai in Tamil Nadu and in October 1988, the magazine reported that 150 newborn daughters were put to death each year in the western corner of Rajasthan. It was sad that among the area's 10,000 people, there were only 50 young girls.

In 1901, the Indian census reported that there are 972 women for every 1,000 men. By 1981, it was 933 women for every 1,000 men. By 1991 it got reduced even further to 927.

Lalita Panigrahi tells us about one incident in her book *British Social Policy and Female Infanticide in India*. The year was 1835. A British official, while talking to a group of landowners in Eastern Uttar Pradesh referred to one of them as the son-in-law of another. Immediately, there was a sarcastic laughter all around. And then one of them explained that he could not be a son-in-law since there were no daughters in the village. Panigrahi says that there were chiefly two reasons: the huge cost of dowries among the upper castes, and the difficulty in finding good husbands from a limited supply of bridegrooms. An unmarried daughter was unthinkable. And so she was left to die from neglect.

In 1870, infanticide was outlawed. In the 20th century, we find it very much present in many areas and the reasons cited are similar. In Belukkuruchi, in Tamil Nadu, one of the mothers said – I think I have done the right thing. Why should my daughter suffer like me?” To prevent her daughter a life-long suffering, she gave the infant, the milk from Errukkampal plant and put her to sleep forever. The daughter was eight hours old.

8.3.1 Not Allowed to be Born

In metropolises, in affluent families, the method is not to allow them to be born. As a government hearing in 1986, it was said that the number of abortions of

female fetuses between the years 1978 and 1982 was 78,000. The abortions took place only when the "Sex Test" said that the fetus was a female fetus. The male fetuses were a cause of celebration.

The prenatal test called amniocentesis was developed for detecting genetic abnormalities in a fetus, but the test was used to find out the gender of the unborn child. In the years 1978 to 1982, a women's organisation in Bombay found that of 8,000 women who came from all over India for the test, 7,999 wanted a son.

The reasons cited were: to be free from the stigma attached to a son-less mother. And to have a son to lit the funeral pyre.

The test was banned in April 87. But it is much in use and the fetuses are still being aborted because they are female.

Let's now talk about her, who was allowed to grow inside the womb, that is who was allowed to be born.

8.4 GROWING UP AS A GIRL

She is born and she is growing up. She is growing up all around us. She is growing up close to the mountains, amidst greenery, under a thatched roof. She is growing up in different households, in different communities, religions, tribes etc. Each of these different contexts have their own prescriptions of what to do and not to do when it comes to a girl. You must have often come across prescriptions such as "girl should not laugh loudly". She should dress in certain ways etc... Even men are told to do certain things and not to do certain things. But the dos and don'ts for women put the women in vulnerable and marginal position. Let us see how it happens in every day life.

Children when they are at the stage of infancy rarely ever realise their gender identity. There comes a time when they are told that they are boys and they are girls. This separation of sex is not just in terms of the physical differences, it is also in terms of attributes for girls and boys. A girl is told to be obedient. A boy may be told to be valiant and bold. A girl is not supposed to talk back and so on so forth.

8.4.1 She is Six

Rohini was six when she threw a tantrum for having been born a girl. Her mother says, recalling the incident. - "Till then, she didn't know she was a girl: Or at least she didn't face any kind of rejection for being a girl". That day she got excluded from the cricket team. And when she insisted on playing, her two elder brothers, aged nine and ten, carried her home and depositing her with their mother, rushed out, shouting - "Don't let her follow us. Or else we won't be allowed to play either". Rohini was hurt because she was not given any chance to demonstrate her talent for fast balling. The boys rejected her the moment they saw her:

Rohini was depressed for days together. More so, because she had not found any playmate yet. The mother said, "I did feel sad because my daughter was hurt. But then, what can one do about it? She has to accept the rejection now. Or else she would be rejected by the society later. We have to prepare her for marriage, don't we?"

Rohini, is growing up in a city, she is going to school with her brother, but Shyam Kali has also realised, very sadly too that she is a girl.



Shyam Kali with grand mother.
Courtesy: B. Kiranmayi, New Delhi.

Shyam Kali is also six years old. Her father works as a *mali* (gardner) in some of the bungalows and they stay in the garage of one of the bungalows. Shyam Kali's mother died when she was three years old, luckily for her, her grandmother stays with them. Grand mother works in some of the houses, cleans, sweeps and does other household work. By the time grand mother is back in the evening after her work, Shyam Kali has to clean up her own little garage, clean the dishes, cut the vegetables. She hates doing all this work. She wants to go and join the kids in the neighbourhood. But if grandmother finds out that she is playing and hasn't finished her work, she will get angry and will complain to her father, who will beat her, for not doing her work. She does not like to get shouted at nor does she want to be beaten, so she carries on with her work. All the while she wonders why her brother is not shouted at. She thinks, he doesn't do any work. He comes back from school, eats, sleeps and he plays in the evening.

Grandmother is soon going to come. She has to clean the cooking vessels, fill up water, cut the onions and grind the *masala*. Her father said he is going to get the

fish today. Shyam Kali is very excited. She really likes fish specially the head of the fish.

The whole family has got ready for the meal. Shyam Kali is also sitting down next to her brother, all in anticipation of the exciting meal ahead. Grand mother says, "Now why are you sitting there like a guest, get up and get a glass of water for your brother. Wait till your brother and father have finished eating". Shyam Kali protests, "but he can get water for himself, he is bigger than me after all". Grandmother shouts, "Now don't be obstinate, girls don't argue". Shyam Kali obeys reluctantly and goes about helping her grandmother with the serving. Her grandmother is serving all the fish-head to her brother and father. They also like it, but what about her, she cries out in her high tone of a child "you'r giving away all the fish and there will be nothing for me". Grandmother says, "You can't eat fish head". Shyam Kali cries "but why"? Because you are a girl, says grandmother. Shyam Kali persists, "So what if I am a girl and why can't girls eat fish head". Grandmother says "you have become argumentative, didn't I tell you not to argue, you surely are going to get into trouble if you don't mend your ways. What will you do when you go to your in-laws house? You better listen and obey". Shyam Kali is terribly upset. She doesn't feel like eating any thing.

These two every day encounters or experiences are something that every one has been witness to and have also experienced it. Girls not only feel what it means to be a girl, but are also told very early that if they don't toe the line, they are asking for trouble. She is made to realise she is a girl, accompanied by a feeling of worthlessness. Her brother gets all the things-affection, toys, good food and she doesn't. She realises perhaps that it is not just difference but deprivation. It is in the fate of a girl she is told. She does not understand much of it except that she cannot seem to have her way.

Rohini is growing up and Shyam Kali too, both help in the kitchen and in the household work. Now Shyam Kali has learnt to make rotis as well and even Rohini, not only her brother, thinks only servants and girls do the kitchen work. Rohini's mother looks relieved "She is extremely good in household work. Her father gets angry at me for allowing her to be in the kitchen, so early in her life. But she loves to cook. You just have to see to believe how fast she makes *chapatis*".

8.4.2 To Make a *Chapati* and Take Care of the House

To make a *chapati* (a flat bread), women, in the many villages of the 560,000 villages in India, have to do a series of things. Women get up at the crack of dawn to fetch water. There are many villages in India where women walk several miles to fetch water. The wheat, she grinds by hand. She helps her husband during harvest time. She goes to collect firewood or she uses cow-dung cakes. To prepare cowdung cakes, she has to do a lot of things. She collects cowdung, makes flat pancakes of them and dries them up and then she uses them.

By the time a girl is barely seven to eight she ends up helping her mother do the household work. She is practically a mother to some of her smaller siblings. One

often comes across this sight of small children taking care of the babies that they can barely hold. This may be the plight of the girls who come from poorer families. In middle class societies she may not be in the same situation but when the mothers need a little extra help in the kitchen, it is the young girl who will have to come to the mother's rescue. She, like her brother too may, be going to school and also has an exam to prepare to, but he will be allowed to play and not do any house-hold work while for the girl studies are given secondary experience.

It is this early socialisation which is clearly reflected in the various demographic indicators—health, education, mortality sex ratio, to name a few of the indicators.

A girl child not only works in the house, for which there is no monetary value, but she often ends up as one among many of the child workers.

8.4.3 She Can Earn a Little Money Too

Shyam Kali now can do almost all the house hold work. Every now and then her grandmother takes her to the houses where she works. She helps her with sweeping or swabbing. There were times when her grand mother has been ill and she did all the three houses herself. Grand mother thought now she can be put to work too. What with increasing prices of every thing, Shyam Kali's brother's books have to be bought. Though he is older, he is not working.

Do You Know ? 1

Child labour flourishes in India even though there is a high level of adult unemployment.

According to the 1981 census report, there are 1.4 crore child workers in India, comprising 4.3 per cent of girls and 2.1 per cent of boys under 14 years of age.

In-match industry at Sivakasi, 90% child workers are girls under fourteen. In carpet industry, in Kashmir, in lock making factory in Aligarh, in gem polishing factory in Jaipur, in bidi rolling factory, majority are girls.

Unlike boys, girl have fewer choices as workers. Most of them are employed in jobs which do not give them any skills and are also highly underpaid.

You will often find young boys working in mechanic shops, in small factories as apprentices in various semi-industrial units. Very often many of them eventually acquire a skill of sorts which helps them pursue some sort of economic activity. Apart from few select household related, or cottage industries, you will rarely find girls engaging in work which gives them any skill. By the time a girl is about nine or ten there is already the fear of her becoming an object of men's gaze and so not safe from the roving eyes of men. Thus, we rarely find a young girl leaving home to do a job or some such thing. Those who are abandoned, for whatever reason, find them selves in the sex market. You might be alarmed to know that a substantial portion of sex worker population is made up of children who are barely 11 or 12 years old.



Girls are not supposed to climb trees but Shyam Kali enjoys climbing trees!

Courtesy: B. Kiranmayi, New Delhi.

The choices for girls are none. If she does not want to be on the streets, a 'fallen woman', she has no other option but to get married. For parents a grown up girl is a burden to get rid of as quickly as possible.

A girl may not even have reached puberty when many parents start worrying about the girl's marriage. A girl child's socialisation and the expectation of her role becomes even more crystallised with her reaching the age of puberty.

8.5 COMING OF AGE

The most trying period for any growing child perhaps is adolescence. For then there are not only biological changes, but psychological and emotional change also. For a girl it is very traumatic, poised as she is between being an adult and a child. Unlike the boy who is still indulged, the girl by the time she reaches her puberty is already having to undertake various adult responsibilities. With the onset of puberty she is perforce thrust in to the role of an adult, role of a woman, with all its accompanying expectations.

ridicule and eulogisation of virtuous women a young girl is socialised in to the living role of an ideal woman. A girl who has come of age is particularly in danger from the lustful gaze of men and so a girl must, by her behaviour not invite any such attention from the men. This being the social prescription, girls often feel insecure about their bodies and their sexuality. She may not do anything to attract male attention, but if she does she is made to feel responsible and ashamed. This perhaps is the single most damaging psychological obstruction, which makes girls withdraw from public spaces, of which they occupy very little space any way.

Under these circumstances, a girl's honour, the family's honour is preserved by getting the girl married off.

Do You Know? 2

Girl children have been victims of different forms of discrimination, sexual offences being one of them. Sex crime against girls and children are increasing day by day. Exact all-India figures of sex offences are not available but on an average about 4,000 rape cases are reported every year in the country in addition to many more sex offences of lesser types like kidnapping and abduction, eve-teasing, molestation, etc.

Data shows that about one fourth of the victims of rape are below 16 years. Most rape cases go unreported because the victims are too traumatized and ashamed to report it. The social stigma attached to rape is deterrent enough to reporting such cases. Nearly about 50 to 90% rapes go unreported.

The reasons for poor reporting are obvious. The victim is afraid of public accusation of provocation or participation in the rape. She is fearful of the reaction of those closer to her, whether parents, friends or husband. If the assailant is a father or brother, brother-in-law, close relative, there are additional pressures not to report. Besides, the act of reporting a rape initiates further legal and procedural complexes. Rape is one crime where harassment, guilt, shame and social disapproval are attached to victim and not to the offender (Devasia & Devasia, 1991:127).

Added to this need to preserve the family honour and investing the idea of preserving her chastity, the patriarchal system essentially controls the sexuality of women by controlling her social life and socialising her in to believing that as a woman she must behave in a certain way.

A girl is not allowed to have normal human interaction with any male member of the society. She is kept under constant watch by her parents and not allowed to stray from her prescribed role of mother and wife grows up as and a dependent on a man.

8.6 THE RIGHT AGE FOR MARRIAGE

Marriage is a significant moment in girl's life, when she is literally handed over to the groom's family. Very few societies take kindly to a situation where women

are by themselves. She certainly would invite the wrath, not to mention the suspicion of people. Under severe pressure a girl has to get married whether she likes it or not. In India the institution of marriage reinforces all the patriarchal practices, beliefs and ideas. Let us look at the various societal processes which go into the marriage of a young girl.

8.6.1 *Kanya Daan*

In Hindu marriage alliance, specially the bride's family is always the giver. This is particularly so in North India. Just as a woman is inferior to man the bride is inferior to the groom. The son-in law and his kith and kin are respected. The bride's side will bend backward to ensure that all their wishes, which includes the demand for dowry are met. This distinction between bride givers and takers is far more pronounced in North India as well as Western and Central parts of India. In the south, the marriage is among closer kin groups. The preferred ones being the mother's brother's son/ daughter or father's sister's son or daughter. So, there is less of the systemic difference between the bride givers and takers. Besides she is not suddenly thrown among strangers. She is going to her aunt's house to be the wife of her cousin, whom she probably has seen since she was a child. The socialisation towards her role in her new home is different in these different contexts. Nevertheless a girl is socialised from very early in her life how she should behave and what her role is.

As bride givers the family wishes not to offend the groom's side for rejection. The girl must therefore play her role of complete submission. A song that is sung when the bride departs from her natal to conjugal home depicts this aptitude:

*"Babul hum tere khoonte ki gahyan,
jhidar bando band jaye"*

(we are your cows, Oh father, whichever stake you tie us to, there we shall remain bound).

A daughter perhaps enjoys a certain limited amount of indulgence in her parents house, but once she leaves her parents, house she is completely at the mercy of the husband and her family. "It is well known that in Western UP, where marriages are arranged out side the village, daughters-in-law were not sent to the literacy classes while the daughters were allowed to join. In Begusarai, the Committee members found that the daughters of the village could go in groups for election campaigning but the daughters -in-laws were not permitted to do so." (Towards Equality: Report of the Committee on the Status of Women in India, 1974: 65)

Every girl is reminded again and again and corrected on her behavior, so that she follows the expectations of her in-laws house. She is told that once she leaves her parents' house then they are to there for her and so she must behave, if she does not want to bring the displeasure of the husband and the in-laws.

Ramakali like many of her village girls in Eastern UP. was also married when she was only five. She did not have to go to her in-laws house till she attained

puberty. The ceremony when the girl finally leaves for her sasural or in-laws house and the marriage is reaffirmed and solemnized again is called the *gauna*.

Shyam Kali's father has to collect sizeable dowry. He even borrowed money to buy her all kinds of paraphernalia: Mattresses, utensils, expensive clothes, jewellery – which she may hardly wear, and host of other things, things which should sufficiently impress the groom's side and satisfy their demands. As for Shyam Kali, initially she was sulking. She did not want to be married and go off to her in-laws place, where she was repeatedly told that only a tough life awaited her. She sensed no other implication, after all she was only 12 years old. By and by she got interested in the things that her father was buying for her dowry. She wanted different shoes than the ones her father bought. She did not like all the sarees. She even got excited enough to parade around in saris, and felt very grown up. Little did she realise what awaited her.

8.6.2 The Dowry

Dowry as we all know accompanies marriage in India, in almost all the communities, except few where a bride price is given. We also know too well how oppressive this practice is to the women all over, whether among educated class or among the poor villagers. There seems to be only a growing incidences of dowry deaths. The huge amounts that is often demanded makes any parent cringe in anxiety adding to the overall ideology that girls are a burden and a responsibility. It is after all the son who will carry forward the family name and take care of the older parents, a bread earner. But a girl child is only a passing visitor. Given this kind of equation the parents feel that the girls deserve no special treatment, not even an equal treatment.

In this vicious cycle of a devaluation of a girl, where she is looked at as a burden she is exchanged in lieu for dowry. A girl must bring something of worth. It does not matter that she does all the household work, which in case is not considered of any worthy nature. It seems to matter little even if a girl has an earning of her own. Many young women who are working and earning and contributing to the family income are still harassed for dowry. Dowry is not the only harassment a girl faces in her in-laws house.

8.6.3 The Child Bearer

Women are discriminated as we have noted right from their birth till their death. The girl or woman is deprived of basic health care, nutrition, education. They suffer among a host of things a deprived child hood, hard work, early marriage, too many pregnancies, rape and dowry death. For most a woman is seen as a child bearer and less little else.

Once the girl is married the expected thing is that she must produce a boy. She may even be abandoned if she does not produce a child, specially a boy child. So many young women if they already haven't got a male child will continue to get pregnant in the hope of a boy. She herself has no choice whether she wants to get pregnant or not, to have a child or not. She knows too that her situation in her in-

laws house will only get worse if she does not produce a boy. She also has to think about her future caretaker, assumed to be the son.

Do You Know? 3

When a girl
Makes a single mistake people
talk about it again and again.

The girl is always
At fault.

When a girl child
Points out a mistake
She is called rude and
Ill mannered,
She fears this and so is
Struck dumb.

Respect the
Girls the
Girl child's rights.

My sister, what should
I tell you?
So many oppressor
Have I.

My mother
Has scolded me
My brother
Has kicked me.
After the beating my
Mother said
'Get up and sweep the
courtyard.

What is the use of
Studying?
We don't want you
To become an officer'

By a girl child
Source: Real Lives; Jan 99 issue.

8.7 CONCLUDING REMARKS

It is time to stop and ponder for a little while. We may now reflect on each age-group. It may happen that none of the girl described so far is you. But most certainly, you have felt familiar with some of the expressions and thoughts.

We may now look around us, look inside us. It is now time to reflect on the girl who is within the range of our life experiences. Each of us, irrespective of our

gender, should now reflect on the life-pattern of a girl, whom we know. The girl could be you, yourself. The girl could be your sister. Your mother. Your grandmother. Your daughter. Your friend.

What are the beliefs she had imbibed or is imbibing while growing up? One of the acquaintances recently spoke about her grandmother who was shocked when her granddaughter said she couldn't learn cycling because she was a girl.

It is true that girls can be as good as boys or women are as good as men is a realisation for many but the vast majorities do feel that intrinsically girls have little value.

There will be many variations to the narrations that we have given in this unit. Efforts are also being made by groups and organisations to improve the situation of girl children. But the changes are few and far between. We have therefore focused on the larger pattern of socialisation which underlies the growing years of a girl child.

8.8 CLARIFICATION OF THE TERMS USED

Expectation	: The state of waiting, or a supposing that a person or something will fall in line with a notion or supposition.
Reinforce	: To strengthen with new force, to increase by addition. A particular behaviour is encouraged and reinforced by reward for the behaviour or discouraged by punishment.
Socialisation	: A process by which, particularly children become aware of society and their relationship with other. And they learn to abide and recognise the various dos and don'ts of society.
Stigma	: A mark of reproach or disapproval, which is attached to a person when she or he has behaved in a disgraceful manner.

8.9 SOME USEFUL READINGS

Chanana, Karuna (ed.) 1985 *Socialisation, Education and Women*. New Delhi: Orient Longman.

Devasia, L and V. Devasia 1991 *Girl Child in India*. New Delhi: Ashish Publishing House.

UNIT 9 MARRIAGE

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9.0 AIMS AND PURPOSE

In this unit we will discuss the institution of marriage and how it affects the status of women in Indian society. After going through this unit you should be able to:

- describe the institution of marriage and the various rules and rituals that restrict women's choice and freedom;
- discuss the ideology and practice of the customs of dowry and bride wealth;
- describe the various legal aspects of marriage in India; and
- explain the offences or violence related to marriage, particularly dowry deaths.

9.1 INTRODUCTION

This unit introduces you to the institution of marriage as it determines and affects the status of women in Indian society. We have examined various issues related to marriage that are relevant for assessing women's status. These are – procedures of contracting and executing marriage, laws and rituals that impose restrictions and constraints, marriage customs like dowry and bride-wealth, pattern of

marriage presentations and transactions, particularly between the wife's and the husband's kin groups, laws concerning marriage and related matters like divorce, maintenance and inheritance, age at marriage and marital violence.

In section 9.2 of this unit, we have discussed the concept of marriage as an institution and the different marriage rules and rituals that restrict women's choice, freedom and decision. Section 9.3 examines the important marriage customs like dowry and bride-wealth and the ways in which these customs and the marriage gifts and presentations that go along with them affect not only women's status as a bride but also that of the bride-givers. The legal aspects of marriage in relation to different religious communities and their implications for women are described in Section 9.4. In section 9.5 we have examined some of the offences relating to marriage that have been termed as marital violence, particularly dowry deaths.

9.2 MARRIAGE AS AN INSTITUTION: RULES AND RITUALS

In this section, we will understand the concept of marriage as an institution and the ways in which marriage rules and customs affect the status of women in Indian society.

9.2.1 Marriage as an Institution

Marriage, as a social institution is a union regulated by custom or laws. It has been defined as "a union between a man and a woman such that children born to the woman are recognised legitimate offsprings of both parents". Marriage lays the legal foundation for family and creates new social relationships and establishes the rights and status of people in the family and kinship circle. Every human society has rules and procedures regarding marriage, and customs and rituals based on them that indicate the status of woman in that society.

Indian society is mainly a patriarchal society in which marriage means the transfer of the woman from her natal group to her husband's group. This signifies the transfer of all rights on woman, on her domestic, productive and reproductive services. In the few matrilineal communities in India, rights on women are shared between women's husband and her mother's lineage. Her position is better here where marriage though it establishes new ties, does not transfer her and her rights entirely to the husband's groups and to the consequent restrictions and compulsions that a woman has to face.

9.2.2 Rules and Regulations

Marriages everywhere in India are guided by certain rules and regulations and performed through definite rituals. There are various rules regarding preferential and prescribed marriages that limit choice of mate selection. In upper caste Hindu society there are rules against inter caste marriages, inter gotra, clan and lineage and against certain types of close blood relatives. Marriage of girls is arranged when they are young and which again restricts their choice. Many Muslim groups in north and western India, consider marriage between the children of two brothers

as the most desirable one. There is an overall preference for marriage of children of siblings and exchange marriage. In South, marriages follow a rule of clan exogamy and cross-cousins and uncle-niece marriages are preferred. In cross-cousin type, marriage of a girl with her father's sister's son is the most preferred one. In matrilineal communities, marriage with mother's brother who belongs to the same lineage as the sister's daughter is unthinkable. Almost all tribal groups ideally ought to follow the rule of tribal endogamy and clan exogamy and practice polygamous and exchange marriages.

9.2.3 Rituals and Ceremonies

It is in actual practice of rituals and ceremonies which flow from the rules regarding marriage, that the unequal status of man and woman becomes apparent. Rituals and ceremonies not only reflect the unequal treatment accorded to the sexes in a social system, but by repetition emphasised and perpetuate the same unequal status. The ideology and rites of upper caste traditional Hindu marriage stress male privacy and superiority. Marriage among Hindus is a religious sacrament and is regarded as indissoluble. The marriages were arranged and there was no provision of divorce as well as of widow remarriage.



Especially for the girl's parents, marriage is an expensive affair.

Courtesy: B. Kiranmayi, New Delhi.

For a Hindu man his entry into this *grihastha ashram* was not possible without marriage and therefore the performance of his duties, *dharma* towards society was absolutely essential. Without marriage there could be no off-spring, and without a son no *mokhsa*. Since a wife's presence was regarded necessary, he

had to remarry at the death of his wife. And since the birth of a son is also necessary, he ought to remarry if his wife is either barren or has given birth only to daughters. Widows could remarry and maintain a life of chastity and celibacy. On the whole, various restrictions were put on women who had to follow many rules regarding avoidance like *pardah*, maintain low profile, and have a proper and decent code of conduct (Kapadia, 1955: Chap 8).

Marriage ceremonies among the Hindus consist of a series of ritual performances, the most important of which are the gift of the daughter, *kanyadan* by the father to the bridegroom, the lighting of fire as divine witness and sanctifier of the ceremony, *vivha - home*, the holding of the bride's hands by the bridegroom, *pani-grahan*; and the walking of the bride and the bridegroom over 7 steps, *saptpadi*. Then the bride is carried away. In a Christian marriage the bride has to be ceremonially given over to the bridegroom and the bride is exhorted to promises that she will love and obey her husband. In many parts of India, a Muslim bride is actually lifted by the bridegroom and put on the vehicle which is to carry her to his home.

These ceremonies show the dominance of males whereby woman is gifted and carried away to another house. Among many Hindus belonging to the lower castes and also tribal groups, most of these rituals are followed in a simpler manner in less time and with less money. They also practice divorce and remarriage and women have comparatively more freedom in marriage decision. However, since the last few years they have been adopting the beliefs and rituals of the higher castes in order to acquire customs more befitting of higher social status. The imposition of restrictions on women is an important part of this process.

Marriage among Muslims which is governed by their personal laws, is not a religious sacrament, but a contract and has very simple procedures. Marriage is solemnised by signing a legal document and can be dissolved. Women and men stand on equal footing in Islam to the extent that there is no ban on widow remarriage and divorce is allowed. They have inheritance rights, 'the rights of *mehr* (dower). However, in actual practice there are many discrepancies between women and men's status. As polygamy is permitted, a wife has a distinctly inferior status. A woman cannot be a priest, nor can she lead to prayer. She has no place in the formal religious organisation and legal affairs of the community. She cannot be appointed a *kazi*. Modesty, decorum and chastity were emphasised in Quran and women were advised not to display their looks and ornaments. Religion provides for free consent of both parties in the *nikha* but in practice, it is merely a formality, so far as the girl is concerned. The right of repudiation of marriage contract is with the husband. *Mehr* is meant to be security for the wife against the possibility of divorce at the husband's free will. But not many women are able to assert their claim to 'mehr' in the event of divorce or widowhood, specially when marriage contract is not in writing. Though Islam introduced a share for wife, daughter, mother, sister and grandmother, the general rule is that the female was to inherit half of what the corresponding male would inherit. Islam does envisage a woman having the liberty to choose her own man to marry, but is

given the privilege to approve of the man she is married to. But most of the time her consent is not taken or it is just a formality, everything being pre-decided. (Kapadia, 1955: Chap. 9)

This description shows that there is a lot of difference in the religious ideology and practice of marriage. Even if women are accorded near equal status, in Islamic Law, they are treated unequally. In section 9.4 we shall deal with some of the legal aspects of marriage.

Learn From Your Experience 1

You must have attended a wedding in your family. Write in about 15 lines the various ceremonies and compare them with what you have read about them in this section. Bring out some gender based differences or discriminations that you can see.

9.3 MARRIAGE TRANSACTIONS: DOWRY AND BRIDE WEALTH

Gifts and presentations form a part of almost every marriage transaction that takes place in India. Since the marriage here establishes relationship between two families, the marriage transaction is institutionalised in the form of 'dowry' and/or 'bride wealth'.

In this section we will concentrate on marriage transactions particularly dowry and bride wealth involving gifts and presentations as virtue of their status, relationships and how these exhibit gender inequalities.

9.3.1 Dowry

Dowry involves a transfer of material wealth like money, jewellery, clothes, household goods etc. along with the bride to the bridegroom's place. Dowry is not an isolated payment but consists of an array of gifts given overtime during different occasions like marriage, birth of a child, festivals etc. However, the one given at the time of marriage is most important and conspicuous. (CSWI, 1974:71).

Some scholars have argued that dowry is a pre-mortem inheritance whereby women own immovable property as men do the movable one. However, feminist writers in recent years have pointed out that treating dowry simply as a form of pre-mortem inheritance fails to specify many of the critical questions regarding actual ownership, control and utilisation of dowry as property. In fact, they maintain that dowry that women get is not comparable to the movable property that the men possess and control. In most parts of north and north-west India, dowry is transferred to the bridegroom's kin which is distributed by them to their kin and relatives. Though dowry may enhance women's position in the household because it makes her family respected, it does not give her any power

or autonomy within her husband's household, and very little control on her *stridhan* as it used to be in earlier times.

Dowry and inheritance therefore cannot be seen as equivalent except among a few communities like the matrilineal ones in the south where dowry was the form of pre-mortem inheritance. Here dowry endowed women with significant amounts of property, including land, strengthening their fall-back position and bargaining powers, and having the additional advantage of property being received before rather than after the parents death. The landowner castes in Andhra Pradesh and Tamil Nadu also give land and jewellery to the daughters. However, even where dowry did take this form of immovable property, but where women had control over what they received, dowry would have strengthened women's fall back position in the absence of inheritance shares like among many communities in South India and among Meitei in Manipur. (CSWL, 1974:72).

An important aspect of marital alliance that explains the magnitude of the institution of dowry, especially among the Hindus of north India, is the unequal status of bride-givers and bride-takers. Just as woman is inferior to man, bride to bridegroom, so are bride-givers to bride-takers. The distinction between the two is made much harsher by the pattern on unilateral gift giving. The son-in-law and his parents and relatives are entitled to receive gifts from the girl's parents on different occasion, but the latter are not even supposed to accept any food at the son-in-law's house. This is more common in the rural areas of north and in communities whose women do not work outside. It is prevalent among the Jats and Rajputs of the north, Anavali Brahmins and Patidars of Gujarat and Kanyakubj and Saryupari Brahmins. As the bride and bride giver have inferior status, the bride's treatment in her-in-laws house depends on the amount of dowry she gets at the marriage and the continuous flow of gifts that is maintained. (Ibid. : 65).

Dowry is now spreading to South India, among Muslims and among poor, low caste and tribal communities across India. Among Muslims, though there is a practice of fixing the dower called *mehr* at the marriage, which is to be paid any time later but definitely at the time of divorce. It is rarely that a wife demands her dower. Women are often left destitute after the divorce which is so easily given, without any *mehr* or maintenance amount. Dowry is already widespread in the community and many customs during marriage provide opportunity to give cash and other goods to the bridegroom and his family. The orthodox Christians of Kerela and Catholics of Mangalore and Goa have the custom of dowry and expenses of marriage of both parties are to be borne by the bride's people.

Dowry thus, does not give woman either status, property or security. In fact, it creates problem for the girl and their parents due to the diverse economic backgrounds of the people. It perpetuates inequality in society and regards the value of women's work in the home as non-productive. Education has hardly had any-liberating influence on the minds of the people which is reflected in the increasing number of dowry deaths in urban areas and metropolitan cities like Delhi. Section 9.5 deals with this aspect of dowry.

9.3.2 Bride Wealth

Bride wealth is a form of marriage payment where valuables are transferred from the bridegroom to the bride's side. It is a custom prevalent among most of the tribals in India, accounting nearly 70 million people and among some caste groups as well. The form and the amount of bride price vary from region to region and from one tribe or caste to another. Some pay only cash, some pay in kind. The Oraon of Chotanagpur takes a set of clothes for the bride's relatives, while the Ho and Munda concentrate on heads of cattle. In Arunchal Pradesh, Mithun is given as bride-price. The Ao Nagas give baskets of paddy and an indigenous dagger. Bhumias of Orissa offer some cash, 5-6 sarees and 3 goats. (CSWI, 1974: 69)

The status of women in these communities is considered better as they value women's economic contribution. A man cannot ill treat or drive his wife out because the compensation that he will get from her will not be the same as the bride - price that he will have to pay to get another wife. Sometimes men work in the house of their prospective wife in order to reduce or waive off the amount of bride wealth. Many tribes practice exchange marriage' in order to compensate for the bridewealth. The Gonds of the Madhya Pradesh call this type of marriage as *dudh-lautawa*. The custom of bridewealth at times therefore comes hard on men. However, there is a notion of buying a wife in the transaction of bridewealth where groups of men exchange goods for women, or rights in women between themselves. Women have very limited say in these transactions and also appear to profit little by them as individuals. The men have rights on women's domestic, sexual and reproductive services.

The rights transferred with the bridewealth valuables often involve the transfer of rights over children. Issues concerning the social recognition on children become particularly crucial when divorce occurs and in bridewealth societies, father frequently retains rights of control over children. Only if the bridewealth is returned can woman give children to another man. She may live with or marry another man but as long as her husband's cattle are with her lineage, her children are his. Marriage made legal by bridewealth can only be broken by the return of the bridewealth. In many tribal societies, a compensation amount decided by the village panchayat is given by the second husband to the first which makes the second marriage legal. The notion of 'buying' behind the custom of bridewealth has become apparent in recent times. Many tribal men who have become prosperous easily, by the amount of bride wealth paid to them, marry second or third time. Some non-tribals have also started marrying tribal girls by 'buying' them with the bridewealth payments. Due to poverty parents do not mind giving their daughters to the outsiders. The prestige of such families and on the whole custom of bride wealth is going down. Dowry as a more prestigious form of marriage transaction is emerging, as only some tribals can afford it. Both the customs, bridewealth which has the notion of women as someone's possession and dowry for the burden it creates on girl's parents and generates evil of dowry deaths, need to be eradicated, to improve women's status in Indian society.

Think It Over †

- 1) What is the meaning of dowry?
- 2) Is dowry a pre-mortem inheritance?
- 3) How is bridewealth different from dowry? How are the two responsible for women's status? Give your answer in about twelve lines.

9.4 LEGAL ASPECTS OF MARRIAGE

In this section we shall be examining the legal aspects of marriage and marriage related matters like divorce, right to property and maintenance. It is seen that there are lacunae in law on the one hand, and on the other in areas where law is in favour of women, if it is not implemented properly.

9.4.1 Marriage

India has many religions and each of them has separate rules and traditions to govern marital relations, called the personal laws of that community. These laws, practised by majority of Indians exhibit unequal gender relations in regard to marriage, divorce and property rights, some of these have become irrelevant and obsolete in the present circumstances, but they are followed to the disadvantage of women. A few of them provide their own interpretations and arguments against which a large number of poor and illiterate women are unable to say or do anything. Some of the laws as practiced by different religions are given below.

In section 9.2 we have discussed the main features of traditional Hindu marriage. We now focus on some of the important changes that have come about in the age-old customs and rules governing the institution of marriage. In the nineteenth century, the British rulers passed several laws like those that abolished 'sati' and introduced widow remarriage to improve the condition of women. In the post independence the most important Act to be passed was the Hindu Marriage Act of 1955. A 'Hindu' in this context includes Buddhists, Jains, Sikhs and their denominations. This Act prescribed the minimum age of marriage for the boy, 21 and for the girl, 18, polygamy is not allowed, there is a provision of divorce and separation and inter 'gotra' and inter caste marriage is permitted.

Muslims, Christians, Parsis and Jews have separate laws of their own. The Muslim community has made no changes in the institution of marriage so far as Muslims in India are concerned, except passing the Dissolution of Muslim Marriage Act. The Muslims are guided by their personal law which may differ from one place to another. The marriage procedures are simple as has been discussed before. The Christians are governed by the Indian Christian Marriage Act 1982, which allows inter-religious marriage, prescribed marriage age for a boy and a girl. The marriage is solemnized by a priest in a church. However, a priest is not strictly necessary, as a marriage registrar or any person licensed under the Act is competent to solemnize the marriage. The Parsi Marriage Act is governed by the Parsi Marriage and Divorce Act, 1936. It is to be solemnized according to the Parsi

ceremony and must be registered. The laws prohibit bigamy, prescribed similar age of marriage for boys and girls and lists out degrees of prohibited relationships. (NPPW, 1988: 139-40).

Besides there are separate laws applicable to members of different communities. Any boy or girl irrespective of his/her caste or religion can conduct a 'civil marriage' under the Special Marriage Act 1954. The civil marriage requires no rites or customary ceremonies, but a registration. It prescribes the age for boys and girls, does not allow bigamy and prohibits marriage with certain close relatives (except if it is permitted by the community to which they belong).

The Special Marriage Act of 1954 provided an opportunity for the young couple to take its own decision. However, most of the marriages continue to be arranged and guided by their respective personal laws. The impact of these laws has already been shown in section 9.2. The changes in the Hindu traditional customs due to the Hindu Marriage Act (1955) have at least prohibited polygamy and allowed inter caste marriage to certain advantage for women. But among Hindus also most of the marriage are arranged with the traditional marriage rules and at much younger age than what is prescribed in the Act. The bigamous and polygamous marriages still take place, but such cases are often not reported. The changes in the Marriage Laws are not significant, and those that have been made are not enforced in reality.

9.4.2 Divorce

It has been noted that divorce was not allowed among the Hindus earlier, but the Hindu Marriage Act of 1955 made this provision. Under it husband and wife have the same grounds for divorce, in addition to the option of divorce by mutual consent. In actual practice however, the divorce is rarely taken by a woman because of the social stigma still attached to a divorced woman from which the man do not suffer. Among those Hindu tribal groups in which divorce and marriage occur, the customary laws still prevail in these matters.

Among Muslims, the husband's right to divorce the wife has been maintained even after the passing of Muslim Marriage and Dissolution Act, 1939 which allows the husband to divorce his wife easily. A woman, however, cannot give divorce to her husband, she must seek it. She can seek relief from her husband by forgoing her dower and the husband must agree. If he does not, then she must go through a difficult process of taking the support of laws. She may thus secure divorce, but does not have any claim to maintenance. Divorce among Muslims is generally not appreciated and is the last resort under the Quran, but Muslim husbands desert or divorce their wives to suit their whims. Many poor educated Muslim women are abandoned without any fault of theirs with no maintenance allowance.

Just as Muslim man can unilaterally proclaim divorce on the woman, the Christian man can get divorce on the ground of adultery, though the Christian woman has to prove adultery with incest, or with bigamy or with rape or sodomy. There is no provision of divorce by mutual consent in the Christian law. By the recent

amendment, the Parsi Marriage and Divorce law has been brought on the lines of Hindu Law. (NPPW, 1988:140)

The Special Marriage Act of 1954 has more equitable provision for divorce for members of all religious communities.

9.4.3 Right to Property

Neither the personal laws based on religion, nor the secular laws relating to property rights give women equal right to property. The Hindu Succession Act 1956 provides equal share to women in the properties of their father. She has the right to acquire absolute ownership of property and also the right to dispose it of as she thinks fit. However, though the amended Hindu law has given to woman many new insight, she cannot be a member of the coparcenary and cannot ask for a partition. Furthermore, in practice very few women ask for their share from their father's properties.

Islam has introduced shares for wife, daughters, mothers, sisters and grandmothers. But the female inherits half of what the corresponding male would inherit. Similarly, Parsi women have some property rights but not equal right with their brothers, but half of what they get. The Syrian Christian women till recently had almost no share in the property, but now they are governed by the Indian Succession Act 1956 which exercises for them equal rights to property.

Neither the personal laws nor the civil laws recognise the value of women's work in the house and therefore the property is not shared by them on divorce. She is left without any security and is often deprived of her *stridhan*. The Supreme Court in the eighties held that the *stridhan* property of a married woman is only placed in the custody of her husband or in-laws as trustees, to be returned when demanded by her. (NPPW, 1988: 141-42)

9.4.4 Maintenance and Right to Children

Husband is under a legal liability to maintain his wife whether before judicial separation or after. Special provisions are contained under different sections of the Hindu Marriage Act, 1955 and also of the Hindu Adoption and Maintenance Act, 1956. Provisions for maintenance are also available under the Parsi Marriage and Divorce Act, 1936 and the Indian Divorce Act, 1869. Provisions have been made in the Muslim Women (Protection of Rights of Divorce) Act, 1986 in relation to maintenance of the Muslim women. (NPPW, 1988:142)

The Hindu Minority and Guardianship Act, 1956 provides that the natural guardian for both boys and unmarried girls is first the father and after him the mother. Though, under this Act, the mother has a better claim on children compared to the classical Hindu laws, the father's right is recognised as the foremost. Among Muslims, in the case of a divorce, the children belong to a man. A boy can be kept until seven years of age and a girl till she is eleven years with the mother, after which they must revert to the father. It implies that mothers,

are supposed to feed, clothe and teach them and once they are able to look after themselves and to earn money they become the father's possession. As far as the adoption of children is concerned, the Hindu laws of Adoption give equal rights to men and women to adopt and the husband cannot adopt a child without the consent of his wife. However, men and women of other communities do not have this right. (NPPW, 1988:141)

Law is the best indicator of Indian women's status and all personal laws have certain common features that perpetuate inequality between women and men. Under all the personal laws it is the man who is the head of the family in all circumstances, the line of 'succession' is through the male line, residence is usually patrilocal, father is the natural guardian for the children, have prerogative in the right to divorce and women do not get equal right to property under any of the law.

It is important that a conducive atmosphere be created to move toward securing the uniform civil code as directed in the Indian Constitution. It will lead not only to gender justice, but would also ensure parity for people of different denominations. However, some communities are sensitive to this issue who could also bring about changes in their personal laws that would ensure gender equality. The customary laws of many tribal and ethnic groups need to be codified according to the present situation as they have begun to be misused against women.

9.4.5 Age at Marriage of Girls

In India, the age at marriage of a girl is generally low as compared to many other countries. The low age at marriage of a girl was related to the notion of virginity of girls at marriage and purity of women throughout. The custom of *Kanyadan* among Hindus, a clear differentiation between primary and secondary marriages in castes which allow divorce and remarriage, mock marriages, for instance to species of plants or *tali* type marriage among the Nayars of Kerela, and also avoidance and seclusion, the practice of *pardah*, are reflections of the low age at marriage of girls. Apart from the domestic responsibility and motherhood at a tender age, the low age at marriage has also led to some hypergamous marriage where the age difference between the bride and the bridegroom was immense. This led to a situation for widowhood where the woman suffered continuously, and in those communities that allowed 'levirate' women have been forced into such relationships.

The various laws that we have discussed prescribe age at marriage for both boys and girls. Since the laws are not effective, marriages below the prescribed age and also the child marriages continue to be performed in India. However, with the spread of education, awareness, and employment opportunities in recent years, the age at marriage of a girl has begun to increase. It was around 13 years at the beginning of the century, approximately 15 years at the time of independence, and rose to 18.3 years by 1981 and 19.5 years in 1992. This indeed has been positive.

Think It Over 2

- 1) What are the main features of Hindu Marriage Act of 1955?
- 2) How is divorce practiced among the Hindu and the Muslim communities?
Give your answer with gender perspective in ten lines.
- 3) What is the average age at marriage of an Indian girl according to the recent data?

9.5 OFFENCES RELATED TO MARRIAGE

Offence against women – now referred to as violence against women is one of the most crucial social mechanisms by which women are forced into a subordinate position. It is only from the late 80's that writing, research and action on violence against women have become a component in debates and discourse world - wide. In India, as marriage establishes a network of interacting individuals and is rarely a personal relationship between man and woman, wife abuse acquires a different hue. There is enough evidence to suggest that 'abuse' often received wider familial sanction. It is institutionalised in various forms ranging from long hours of labour, denial of food, neglect of ailments and verbal abuse or physical violence by the husband and sometimes other family members. Some of the important offences related to marriage are bigamy, adultery, cruelty of husband or his relatives to wife and dowry deaths. There is sometimes a tendency in India to club all marital violence under the overall heads of 'dowry' and 'dowry-violence', but there are many other forms of domestic and marital violence as well.

In this section we will deal with some of the important offences related to marriage.

9.5.1 Bigamy

If a person contracts a second marriage while the first marriage is still subsisting, it will be bigamy. Many times a man conducts second marriage and tries to present the first one as invalid. In many cases, the first wife does not challenge the second marriages, while in others a man changes his religion so that he can keep both the wives legally. In such situation the wife and sometimes, both women suffer a lot of hardships.

9.5.2 Adultery

In law, adultery is sexual intercourse with a married woman without her husband's consent or connivance. Therefore, sex with an unmarried woman, widow or even a married woman with her husband's consent is not adultery. In some situations men force their wife for sexual relationship with other men to earn a living, but this does not become offence. Similarly sexual intercourse against wife's wishes is not regarded as rape or a crime as in many western countries. In India, marriage gives a license to a man to treat his wife the way he wants against her wishes.

Adultery is regarded as an offence against the husband of the woman, and not against the woman herself. The prosecution therefore, can only be made by the man. This means that a woman cannot prosecute her adulterous husband and on

the other hand, a hostile husband can ruin her falsely associating her with someone else. In the case of adultery, the law protect the husband's right to custody and control of his wife, but not meant to protect the woman herself.

9.5.3 Cruelty to Wife

Cruelty to wife means, any willful conduct which is of such nature as is likely to drive the women to commit suicide or cause grave injury or danger to life, limb or health of the woman or harassing woman to meet any unlawful demand or any property or valuable security. Earlier any form of violence committed within the family, natal or spousal home was not considered an offence. The Parliament amended the Criminal Laws Act, 1983. The Indian Penal Code now includes a new offence relating to marriage: cruelty of husband or his relatives to the wife. This is meant to punish the husband or his relatives who torture the woman for more dowry and property after marriage. Such acts of harassing women often led to suicides and wife burning. The issues related to the dowry laws and dowry deaths would be dealt with in subsequent sections.

As far as cruelty to wife is concerned, the definition is too broad. Many times procuring physical evidence of cruelty is almost impossible. Then the provisions concerns cruelty in relation to the demand of dowry, when a woman suffers from unlimited violence within the family like wife beating and sexual assaults.

9.5.4 Law Against Dowry

The Dowry Prohibition Act of 1961 was passed to combat the evil of dowry deaths or wife burning. The Act defines dowry as any property or valuable security given or agreed to be given either directly or indirectly, be one part to the marriage to the other party to the marriage at or before or after the marriage in connection with the marriage of the said parties. The Act says that any person who gives or takes or abets the giving or taking of dowry shall be punished with the imprisonment which may extend to six months or with fine upto Rs. 5000 or with both. If any person demand, directly or indirectly from the parents or guardian of a bride any dowry, he shall be punished in the same manner. The act says that the dowry received by any person must be used for the benefit of the bride or her heirs. The property shall be transferred to the woman within one year, failing which the concerned person will be punished.

The Dowry Prohibition Act, 1961 was amended in 1984 and again in 1986 to make the provisions of this law more stringent and to remove the loopholes which had made it ineffective. The period of limitation for filing complaints was recorded. The Court now has powers to act on its own knowledge or on a complaint by a recognised welfare organisation. The offence has been made cognizable for the purpose of investigating action and a new section on 'dowry murder has been introduced in the Indian Penal Code. The Indian Evidence Act was amended to shift the burden of proof, to the husband and his family where dowry is demanded and the bride dies within 7 years of the marriage other than under normal circumstances, to the husband and his family. Provision for appointment of dowry prohibition officers and Advisory Committee has also been made. Advertisement offering consideration for marriage are now punishable. (NPPW, 1988: 138-139)

9.5.5 Impact of Dowry Laws: Dowry Deaths

Terms like dowry death and 'dowry murder' began to be used in the later half of the 70s when investigating action revealed that deaths of married women were actually murders or abetted suicides, preceded by continuous mental and physical torture by the husband and his family in connection with dowry demand. The Dowry Prohibition (Amendment) Act, 1986 introduced a section which defines dowry death as that act where the death of a woman is caused under abnormal circumstance within seven years of marriage and it is shown that she was subjected to cruelty soon before death by her husband or his relatives in connection with any demand of dowry. Further, the 1983 amendment to the Indian Evidence Act raises question about abetment of suicide by a married woman. The court may presume and make the presumption of dowry death mandatory once it is shown that the accused had subjected the deceased woman to cruelty in connection with dowry demand. This aspect is important as it concludes murder if and when the conditions of cruelty against the woman have been sufficiently proved.

Moreover, despite the various amendments to dowry and other related crimes, the menace of dowry deaths could not be checked. Not only people expect and demand dowry but display it pompously without any hesitation. Among urban, educated and well off people it has taken new dimensions. It has become all pervasive encompassing all castes, classes and communities. The figures at the all India level show the registered cases of dowry deaths as 1912 in 1987 which increased to 5157, a percentage increase of 169.7. Similarly, the number of dowry deaths have arisen in almost all the States except those of the north-east. In Delhi alone, there were 79 registered cases of dowry deaths in 1987 which increased to 133 in 1991, a percentage increase of 68.4. It was 135 in 1994 with police and administration taking special effort to curb the incidents of dowry deaths. The increase in percentage of dowry deaths is very high in the States of Bihar, Haryana, Jammu and Kashmir, Madhya Pradesh, Orissa and West Bengal.

There are many cases of dowry deaths which are not recorded and it could also be true that the number of cases are shown to have increased due to their being recorded. However, the data show that dowry deaths are occurring widely despite various actions taken against them. The age old custom that enhanced woman's status once and bestowed her with the provision of 'stridhan' at marriage, has reached this unfortunate state. The efforts on the part of various agencies like the government, lawyers, academicians, social workers and NGOs are required urgently.

Learn From Your Experience

The news of dowry deaths are published regularly in national newspapers. Select one case and go through it thoroughly. Now, in the light of the dowry prohibition law and various amendments to it, try to show how a case of dowry death be made or cannot be made against the husband and laws for other family members. Write down your answer in about 20 lines.

9.6 CONCLUDING REMARKS

In this unit we have discussed the institution of marriage in relation to the status of women in Indian society. It has been explained that the different marriage rules, customs, rituals and ceremonies impose several restrictions on women. The various arguments regarding dowry and bride wealth were also given with the view that both these customs need to be eradicated. The legal aspects relating to marriage were discussed showing the discrepancy between men's and women's status in law as in practice. Some of the offences regarding marriage have also been discussed with the focus on dowry violence.

9.7 CLARIFICATION OF THE TERMS USED

Cross-Cousin Marriage	: Marriage of a girl with her father's sister son or mother's brother's son.
Exchange Marriage	: A marriage in which a girl is given into a group from where another girl is taken.
Levirate	: Marriage of a woman to her deceased husband's brother. Prévalent in parts of Haryana and Punjab.
Mehr	: Amount fixed at the time of a Muslim marriage to be paid to the bride. It provides security for the wife.
Patrilineal	: A society or community in which the descent is traced through a male line.
Polygamy	: Having more than one spouse. Marriage of a man with more than one wife, called polygamy was widely prevalent.

9.8 SOME USEFUL READINGS

CSWI, 1974 Towards Equality: *Report of the Committee on the Status of Women in India*. Ministry of Education and Social Welfare. New Delhi.

Kapadia, K.M. 1981 (1955) *Marriage and Family in India*. Calcutta: Oxford University Press.

UNIT 10 CLASS, CASTE/COMMUNITY IDEOLOGY AND GENDER CONSTRUCTION

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10.0 AIMS AND PURPOSE

In this unit we are going to discuss how within the contexts of class, caste and community the gender roles are defined through specific ideologies of patriarchy. After reading this unit you should be able to:

- explain the concepts of caste, class, community and ideology;
- understand the role of ideology in shaping gender roles;
- critically look at gender construction and the implications for women; and
- examine the unit in the context of your own surroundings and socialisation.

10.1 INTRODUCTION

Women form an important social category. The basis of this category is not simply the biological entity but also the socio-cultural construct. Social status and roles of women are defined not only in terms of gender dimensions but also in terms of the norms, values, beliefs, traditions, and customs of the society. Therefore, one can say that women as a social category cut across the boundary of caste, class, race, and such social groupings. Women do not form a homogenous category. They belong to diversified socio-economic groups and are also divided in terms of the spatial considerations like rural and urban. However, women are an oppressed groups within each unit of socio-economic stratification.

The norms, values, customs and socialisation processes govern each member of the society, over generations to form his/her attitudes and behavioural patterns. Similarly, these also formulate expectations of each member of the society. Moreover, the structural arrangement of the society provides women low positions. They are economically exploited and are discriminated, socially subjugated and politically rendered a powerless group in the society.

In order to understand the gender role stereotyping within the structural arrangement, we will have a brief discussion on some of the key concepts of sociology viz., gender, caste, class, community and ideology. These concepts have been examined in order to understand women's status in traditional as well as in contemporary Indian society. The main focus will be to analyse how women perceive themselves and how traditional role expectations influence women's role.

10.2 RE-EXAMINING SOCIOLOGICAL CONCEPTS

In this section, we shall be examining the concepts of caste, class, community, gender, and ideology to have a better understanding of how these aspects of society contribute in the construction of a gender role stereotype and as sites of patriarchal ideologies.

10.2.1 Class and Caste/Community

Many scholars consider caste and class as polar opposites. According to them caste and class are different forms of social stratification. The units ranked in the class system are individuals, and those ranked in the caste system are groups. Therefore, change takes place from caste to class, hierarchy to stratification, closed to open and from organic to segmentary system. In reality both caste and class are real and empirical and both interactional and hierarchical; in fact, both incorporate each other.

The caste and class nexus is highlighted by Kathleen Gough in her analysis of the mode of production as a social formation in which she finds interconnections between caste, kinship, family and marriage on the one hand and forces of production and productive relations on the other. Class relationships are taken as the main assumptions in the treatment of caste and kinship in India. Some scholars have even explained the varna and jajmani system in terms of class relations and the mode of production. Therefore, we can say that caste incorporates class, class incorporates caste (Gough, 1980).

How this caste-class nexus is related with the status of working women is quite noteworthy and has been highlighted by Andre Beteille in his book, "Six essays in comparative Sociology". He explains the position of women in peasant families and asks, How are we to view families in which men work in the fields but women are by custom debarred from such work? This is quite prevalent among the families of the upper castes. Even some families of the intermediate and the lower castes who have become economically well off have adopted this norm with a view to elevate their social status in the village community. But it does not mean that this position leads to equal treatment being meted out to women.

Withdrawal from work only results in elevation of family status. But as pointed out by Andre Beteille this also arises from caste to caste, and also depends upon the economic and social standing of particular families.

Beteille also comments upon the process of change in the status of women in the context of manual labour. He points out, Women are first withdrawn from the family farm. Finally, the men either withdraw from work, or change their role from cultivator to supervisor. Therefore, withdrawing womenfolk from manual labour on farms is a symbol of high status in the countryside. It is obvious from the above statement that it is considered of low prestige if a woman works outside. At the village level, it is very natural for a girl child to be proficient at household work only and very seldom she thinks of working for living when she grows up. We have often heard older women advising girls to cook and take care of the household. This ideological makeup is, therefore, a very much part of the socialisation process. Due to variation in life styles the caste duties differ in different castes but difference in caste background does not matter much as far as the *Pativrata* ideology is concerned which directs women to maintain male authority in all castes.

10.2.2 Gender

While discussing the differences between the sexes we generally focus on biological and reproductive functions, but differences in gender relate to various other attributes, which may be socially and culturally determined. In other words sex is biological whereas gender is social attribute to it.

A woman is not only a biological entity, but is expected to fulfill certain functions according to the norms of her society. Thus, while all women are members of the female sex, their gender roles may vary according to the societies and families into which they are born.

According to the popular notion of the people, men are considered ritually pure, physically strong and emotionally mature; women, on the other hand, are ritually pollutable, physically weak, and lack strong willpower.

Educationist Krishna Kumar's (1986) experiences of "growing up male" are amply substantiated by anthropologist Leela Dube (1988) and psychoanalyst, Sudhir Kakar's (1983) studies of male and female socialisation in India. Thus, watching girls heading straight home in "silent cluster" from school led Kumar to believe that "girls are not individuals". As boys, he and his peers were free to spend time on the way, experiment with their cycles and watch the world go by. Such joys are rarely available to large section of middle class girls. On the contrary, girls born in the villages who have to earn a living, or help at home and do odd jobs of fetching and carrying water, restrictions on movements are not so severe.

For those urban girls born in lower middle class families, it is not easy to get permission from their parents to go out in the evenings. Sometimes it is argued that this is also one of the reasons for the good performance of girl students in Board Examinations. It is to be noted that girls always outshine boys in the areas of Board Examinations results. A part of the stereotyping process assumes that boys more than girls have a right to more independence and self-expression.

Expectations and obligations are more rigid in the case of girls, and their rights are accordingly fewer. This trend is changing, to some extent but unfortunately only in the cases of upper and middle-classes.

10.2.3 Ideology

Ideology is a concept that has been variously understood and much debated in sociological discourses. Ideology constitutes a set of ideas, as well as practices, beliefs, attitudes and opinions that are somewhat related and that form the base for a particular style of thought that is predominant in shaping socialisation in cultural context. We will try to analyse how ideologies provide rationalisation for a dominant and discriminatory patriarchal set-up and how ideologies have been and may be distorted to serve certain gender interests.

Moreover, it is not enough to say that any society consists of men and women. It is equally important to look at how two groups of people interact, as well as at the roles and expectations each have of each other. Such roles and expectations are a product of the stereotypes of each gender. By stereotypes we mean attributes and qualities commonly associated with a gender. These attributes arise out of the interaction of complex set of factors, many of which operate in the context of the family.

The first ideas on sex role or gender role differences which a child acquires is that of women of other families marrying and leaving their homes to live with different groups of people. Secondly, men appear to exercise far greater influence in decision making and are far more visible and audible than their wives do. Third, most of the tasks within the home are done by the mother, grandmother, sister and so on. Even urban working women have to do the household work without any help from the menfolk, which result in stressful double workload. According to the prevalent ideology, household work is considered the arena of womenfolk only.

In the contemporary family settings interpinings of mythological heroines like Sita and Savitri and the codes of conduct such as those of Manu may seem irrelevant and without any significance. However, the ancient Sanskrit texts along with later Sanskrit and vernacular writings as also oral traditions set up explicit role models for the Hindu women and are made part of our collective consciousness even today to shape our beliefs and attitudes about proper conduct of women.

10.3 DETERMINANTS OF WOMEN'S IMAGE AND POSITION

There are various factors which determine women's position in Indian society. We can classify them under two broad headings: structural factors and socio-economic factors.

Among structural factors we would like to include such social structures as the family, caste, marriage and community. Needless to say all these social structures and their ideologies manifest in different ways in different contexts.

10.3.1 Religion

While in principle some religions may treat women as par with men, most religious texts place women in the secondary role. . By eulogising her role as a self-sacrificing mother and wife, religion binds women to the home. A young virgin before onset of menstruation and the mother of a son are two images which evoke veneration, in all religions. There is strong emphasis on faithful and uncomplaining wife. The ideal woman is the sacrificing wife who will suffer all kinds of adversities for the sake of loyalty to her husband, specially in Hindu traditions.

"In Hinduism we have such images as Savitri, Sita, Ahilya, Ghandhari. It is testified in Puranas that a woman by serving her husband in thought word and in deed secures with much less trouble the same spiritual and heavenly worlds that her husband does with great effort and trouble. Expectation of immolation on the deceased husband's pyre(sati) by the widow was the extreme limit of the notion that a women's worth is nil without her husband"(Towards Equality: Report of the Committee on the Status of Women, Govt. of India, 1974: 41).

In Islam in relation to the divine, women and men are held on equal footing. The Quran has many percepts for the betterment of women. However, in terms of interpretation women have got a raw deal and the various practices developed over the years are quoted to justify women's position. For instance, modesty, decorum and chastity were emphasised in the Quran, and the women were advised not to display their ornaments. An extreme interpretation of this has been seclusion of women.

In Christianity Eve is said to be responsible for the ultimate fall of man. And the Myth of creation says she was created out of Adam's rib, placing her in secondary position. Christianity does however stress on egalitarian position . Because of which we do find that Christian women's status is much better than their sister's statuses are from other religions.

These are some of the main observations, in practice we do find lot of variations within religion depending on various factors the economic position, the community they belong to , or the region , a set of practices, family socialisation and so on. Thus we do not find a homogenous category of Muslims , Hindus or Christians. Though we can say even with the variations the percepts of religion as found in texts and as found in practice do influence the overall socialisation and define the role of women.

10.3.2 Marriage

Marriage is considered the single most important event in the lives of most Indian girls and much of their prior life is spent orienting themselves for this life stage. The special value accorded to fertility and marriage culturally and ideologically results in construction of marriage as the only desirable and ultimate settlement of girls. A daughter is usually considered *paraya dhan* (wealth for an outsider) while the son is considered as *budhape ka sahara* (a crutch in old age). This ideological understanding goes towards the contrasting idealisation of the male child. Moreover, ideology also shapes the event of marriage as a landmark for

women by the common understanding that they start new lives in their "own" homes, i.e., in their in-laws home (*sasural*).

Various issues like age at marriage, procedures of marriage, customs of dowry, divorce and separation of widow hood and remarriage are vital arenas where the prevalent patriarchal ideology decides the fate of women. As such they are relevant for assessing women's status.

In a patriarchal society, the girl is treated as not an independent being but someone who is under the guardianship of parents or the husband or son. Thus marriage signifies a transfer from her natal group to her husband's group. And in a patrilineal system, where paternity is of paramount importance, the girl's sexuality is controlled. Various ideologies are deployed to do this. Virtuousness, modesty, honour, dignity are some among the complex virtues which are demanded of women. Among the lower castes and classes, these expectations of virtue are far more relaxed, as women enter the public sphere and are not kept in strict seclusion. Though it has been observed, that with sanskritisation these classes, communities of people adopt the customs of upper castes. The relative freedom women enjoy is sacrificed.

Girls are married off early too, because many of the virtues may be at stake if she is found to have any interaction with men, outside the prescribed. In many parts of India, particularly in Rajasthan, Bihar and UP child marriages are still common.

After marriage, a woman becomes a part of her husband or *arthangni*, thereby losing her separate identity. There is a popular custom, prevalent worldwide, to write Mrs. and Mr. after which the husband's name is written. A woman is supposed to follow certain rituals like to eat only after her husband has eaten, walk behind him, never sit when he is standing. A husband is addressed respectfully, in plural (*Aaap* or some such equivalent): A wife rarely addresses her husband by name. One can observe a similar style of behaviour on the part of younger women in their relationship with their husbands and all the elders in the family.

Daughters of the village, i.e., girls and women born in the village are not supposed to veil their faces in the village more so among the Hindus. Their movements are quite free in contrast to those of married women or "daughter-in-law (*bahu*) of the village. A young bride has to face many restrictions but as she grows older, restriction on her activities diminish.

In the past, widow remarriage and divorce were unthinkable, especially for the high caste Hindus. On the other hand, widows of lower ranking castes and Muslims have always been allowed to remarry. It was uncommon to take a divorce but these trends are becoming popular even among the high caste urban Hindus.

10.3.3 Family

In cities during childhood, girls often "play" "Barbie girls" which are popular among little girls. They also play "Home" or "parents" and it is considered shameful or embarrassing for a boy even to show his desire to own a doll. It is considered rather unmanly. As the young child grows, he or she learns to utilise role learning so as to internalise what to expect from other people and how to

produce for them what is expected from children. A child learns to recognise and respond to shared meanings and expectations only through the process of socialisation. The family as an institution is one of the main sites of socialisation.



Girl playing with dolls, a common sight?

Courtesy: Deepali Kumar, New Delhi.

A girl is expected to help her mother with household tasks and caring for her little siblings. It is considered quite natural for her to learn household tasks or to face admonishment from her mother. Throughout much of North and Central India, girls are viewed as treasured creatures because of their short stay with their parents. Little girls are considered as goddesses but among the warrior-caste Rajput and Thakurs of Rajasthan and part of the Gangetic area, female infanticide was often practised and even today girls are not treated as well as boys in many places. In most parts of North and Central India, there are fewer females than males.

In Northern India, male offspring are desired and valued for three reasons:

- 1) economic security that they provide to their parents,
- 2) assurance of the continuation of the family line, and
- 3) girls are often required to be married to boy of family of higher status than her own which presents problems to the girls, parents.

In cities though the birth of the girl is not considered a disgrace or a calamity boys are still highly desired. A daughter is often advised to go for a son to have a complete family. A family without a son is regarded as "incomplete". It is viewed safe to have a boy first. Moreover, the process of amniocentesis is being highly misused for pre-birth sex determination. In 1985 a study of the Greater Bombay area showed that there has been 40,000 abortions of female fetuses

following amniocentesis. Similarly, in a study conducted among the Kallai caste of Madurai district of Tamil Nadu, female infanticide has become a way of resolving the burden of dowry on poor families.

At the village level, children learn the complex rules of purity and pollution pertaining to castes and foods through the process of socialisation. Children are taught to avoid playing or touching children of the unclean castes. They gradually learn that water and cooked food become polluted by the touch of a lower caste person. But in cities people frequently visit dhabas, restaurants, hotels etc., where food is consumed without even asking the religion or caste of the person who has cooked the food.

Unlike young Hindu unmarried girls, an adolescent Muslim girls begin to observe purdah and stay at home even before marriage. Adherence to the rules of purdah is considered a mark of high status and prestige. Most of urban women keep their hair uncovered.

Men and women are segregated under most conditions throughout much of north and Central India, and during early adolescent, villages and city girls get to learn to segregate themselves from boys. Even in cities parents usually find it difficult to accept the fact that a girl can have a normal relationship with a boy. The only possible interaction a girl can have is among the prescribed members of her family. In south India, where cross-cousin marriage is the preferred form of marriage. A girl is sometimes even encouraged to have an interaction with her cousin, who would be her future husband. Since purdah for women is not observed in South India, there is less of the strict segregation, which is, on the contrary, observed particularly in North India.

The inequality in our social structure based on caste, class and community also has a significant influence on women's work roles. Let us see how these ideologies influence women's work roles, in our next section.

Think It Over 1

- 1) Do you think there is difference between Muslims of UP and Muslims of Kerala. If there are, what reasons do you attribute to explain this difference?
- 2) Explain with few illustrations how girls are brought up differently than boys.
- 3) In what way does economic position effect the status of women in society? Explain briefly.

10.4 WOMEN'S WORK ROLES

There are different notions among different classes, castes and community about 'appropriateness' or 'suitability' of certain types of work for women. For example, teaching and nursing are considered to be suitable jobs for women. In agriculture, sowing, threshing, breeding, transplanting, etc., are women's job. Differential access of women to education, training and resources and skill among different classes also determines the types of work women do.

Women from upper caste in rural areas do not engage in out of home wage employment, as 'non-work' is linked to the notion of 'higher status' and prestige. There are some caste based occupations also such as smothery, pottery, weaving, leatherwork, etc., where there is well defined sexual division of labour.

Majority of the Schedule Castes and Scheduled Tribes have been socially and economically deprived. The Indian Constitution has made special provision for them and government has followed the policy of reservation for seats in educational institutions and jobs. However, majority of them are not able to take advantage of these provisions. Within these groups women are more deprived. The enrolment of girls is far below that of boys. The reason are both socio-economic and environmental constraints. Large number of Scheduled Castes and Scheduled Tribes women are labourers.

Another structural factor affecting women's work participation in India is the regional variation. In the South, Northeast and Central tribal belt, women's work participation is high as compared to North India. Women's work participation is higher in rice growing areas than in the wheat growing areas. The reason are both cultural and economic.

The family ideology which determines 'suitability' and 'unsuitability' of certain jobs for women is also reflected in job stereotyping market. For example, in agriculture women do not plough, they do weeding, transplanting and harvesting. In industries like electronics women are mostly employed in assembly jobs. Similarly, in services women are concentrated in teaching, nursing and office jobs.

A survey of parents conducted in a private co-educational school, New Delhi, found that 25% of parents said that they would not discriminate in role distribution between sons and daughters. On the other hand, work outside the home such as fetching eggs and bread from the market, taking the dog for a walk were regarded as the boys, legitimate area of activity.

Irrespective of social class there is at the level of belief, widespread commitment to the notion that women's job interfere or compete with her primary role of wife and mother. Even in television commercials, urban working class women are shown keeping a perfect balance in their professional job and household job. This portrayal of a woman as a perfectionist, unconsciously, put tremendous pressure on the lives of normal working women who very often suffer from the sense of guilt for neglecting either their jobs or home or children. Women much more than men, irrespective of their multiplicity of roles, tend to internalise the view of homemaker and nurturing provider. This self-perception is more acute in a patrilineal system where authority figures are men.

Traditionally, an Indian woman worked outside her home only under certain compulsions. The working women, in the past in both villages and towns, were women of the lower classes, they have always worked in the fields of others, as domestic servants and as a consequence, enjoyed more freedom and mobility.

Value, norm, attitudes and customs governing women's work are not static and keep changing over time and space. However, these exercise greater control

over women's work than in the case of men. For example, agricultural development has brought significant changes in the lifestyle of the villagers in many agricultural developed areas. It has changed the values and attitudes to work among certain caste groups. Similarly the process of sanskritisation leads to the withdrawal of women from manual activities in the families moving up in the social hierarchy. Besides change in the values, norms and attitudes, existing social customs also affect women's work. For example, purdah system restricts women's mobility and work pattern.

The basic elements of women's work within the family are related to division of labour between men and women. Learning role ideology is not only confined to family but to the world of school, media and work which also play an important role in perpetuating attitudes and beliefs regarding women's work roles.

10.5 INTERNALISATION OF SOCIAL ROLES

Values, institutions, norms, attitudes, customs, family ideology, process of socialisation, sexual division of labour and self-perception are important socio-cultural variables affecting women's image and position. How do women perceive themselves? It depends a lot on her primary socialisation. Socialisation is value based since it inculcates a particular kind of the norms and standards of the society among its new members. Gender based socialisation obviously is a value based process whereby selected social ideals are used to socialise women from her childhood to be subdued, dependent, invisible and passive. Social myths, ideals, norms, customs, beliefs, traditions etc. provide composite ideological foundation for such socialisation.



Fetching water, fuel and fodder - It is work too but she is not a bread winner.
Courtesy: CWDS and Dr. Debajit K. Singha Roy, New Delhi

In India, women's status relative to that of man is considered low. Men are considered bread winners even when women are actively involved in work. Notions of female dependency and inferiority are carried over to areas where, in fact, men have to rely on their wives, skills for survival. In Narasapur (Andhra Pradesh) where women make fine lace, the menfolk took the produce to distant areas to sell. Women spoke of their dependence on men, but did not point out that without their skills, husbands may be unemployed if not destitute. They were characteristically modest about their role in productive labour. Though women were aware that their work was quite distinct from housework and was by no means a leisure time activity, they did not attach much importance to their roles.

In the urban areas, the working class, and in particular men, have a wider range of job options available to them. When rural people migrate to Delhi womenfolk found jobs only as domestic servants, while men became mechanics, cooks or drivers. The shift in residence meant a severance with an established way of life and the support of the extended family. Men because of few options at home became whimsical and choosy about jobs in the capital. Women could take any time off from work to look around for alternatives; yet, men as well as women regard the unpaid and paid work of women as supportive and women's earnings as supplementary. In a study of sweeper women of Delhi it was found that women supported unemployed husbands unquestioningly and even put up with physical abuse for them. The husbands were the *maliks* or masters, entitled to *sewa* such as massages of the legs and feet. Women had to perform such services after a full day's work in the areas of "misdemeanours" such as answering back, serving food which was regarded as unpalatable or occasionally exchanging information on family matter were punished with beatings.

A woman very active in agricultural work and traditional caste work said, I have to listen whatever my husband tells me. Otherwise where would I go? He is the breadwinner". So male being the breadwinner or *amadata* in the inherent value which is inculcated in the minds of the women early in their lives.

Moreover, there are cultural limitations to women's activities and usually women themselves perceive their jobs as being less important than those of men. Husbands were able to move out of the traditional occupation and women actively supported male attempted at getting better jobs in the urban environment. Women appeared convinced that men had a right to better lives, while they rarely had such thoughts for themselves. Restricted physical mobility, full responsibility for housework as well as family's rigid views on where women from certain castes should work or where they should go led women automatically to a situation where it was assumed that occupational mobility was meant for men only. Not unexpectedly, most daughters after the age of eight years or so joined their mothers at work or cooked and cleaned at home. Boys rarely helped and it was not unusual to see sons playing in the alleys while their younger sisters were at work, either at home or with their mothers.

Purdah system in a way, contributes to male domination but in India it is also a mark of high status. High caste Hindu women and Muslim women remain

housebound as much as possible. At the village level, well to do families hire farm hands and water bearers which is a clear indication of good economic position of the family. Nevertheless, purdha restrictions of the mobility of traditional women do contribute to their subservience to males.

At the same time, family ideology expresses itself in so many ways, i.e. control over girls and women by defining sex roles, notions of family prestige/status, value accorded to women's work, girl entitlement to family resources, (health, nutrition, education) and structures of male dominance, supportiveness and conflict. Girls are socialised from their childhood to accept the family ideology. The traditional social isolation process introduces gender stereotyping. It not only affects the woman's work roles, but also determines self perception and role expectation.

Moreover, women internalised the ideology of gender roles. Their own perception of work and their attitude to work stems from the link seen between education, earnings and family's status and the importance of their economic contributions to the family. For middle class women in white-collar employment and for women in higher professions work or employment has a different meaning than for agricultural labourers or factory workers or domestic workers. Clearly, there is a difference in attitude depending on whether women are working for subsistence or for social mobility. The rationale for work is different in different sections, In poorer household women have no options but to work, yet their choices are severely restricted.

10.6 SOCIALISATION AND IDEOLOGIES: NEW TRENDS

Working women and educated girls in general are moving from the traditional role of submissive self-effacing wife to one who is more of a companion and who also shares authority with her husband over their small household. Marriage, however, still continues to be largely negotiated by parents and elders. Even "love-marriage" is quite acceptable which is a clear result of increase in age at marriage. Even in Hindu movies, there is a recent development to show the young lovelorn couples to go for "arranged love-marriage" through the family system (*Hum Apke Hain Kaun/ Dil Wale Dulhainai Le Jayenge*).

Educational criterion has acquired dominance in the choice of the spouse and it is not unusual to find families taking pride in the education and employment status of the womenfolk, especially among the middle class.

Matrimonial columns in newspapers and magazines are another new development but computerized horoscopes have taken the place of traditional matching of *janampatris* (Horoscopes). However, the shift appears to be of degree than of kind for traditional criterion continue to be stipulated in the great majority of these advertisements, In leading newspapers, one can always find matrimonial columns based on religion, caste, etc.

Different studies show that a small number of women are today helped by their husbands in the area of domestic work. This itself has meant a significant change in the division of labour at home though this help is limited to child care function. All other housework still remains a woman's job. Yet women, today are more independent, more confident and more vocal of their needs and aspirations than their predecessors.

During the last few decades, as a result of the forces of modernisation, the ideology of caste has become less pervasive on the individual's day to day life. Caste rituals have become increasingly a personal affair, rather than public due to changed circumstances of living, forces of industrialisation and urbanisation. Place of residence, food habits are influenced more by an individual's workplace and occupation than by his or her caste or religion. In a city a person generally does not ask the caste of a cook who serves in a restaurant. A person who might be a Brahmin by caste may work in a shoe factory and so on. Similarly, in different colonies of the cities during the *Karva-Chauth varta*, women gather together in the evenings to celebrate it without ever bothering about each other's castes.

The reservation of seats provides the opportunity for a small percentage of the Scheduled Castes to compete while the large majority remain outside the system and most often the main sufferers are the girls. A number of studies in urban slums have borne out that formal schooling has a marginal role to play in the lives of girls. A recent Delhi study of Balmikis, a sub-caste of the North Indian Bhangis or sweepers, found that as girls were expected to combine housework and traditional employment with marriage, schooling was found to be of little consequence. But some schemes introduced by the government like mid day meals, attaching a *balwadi* or a creche to the primary school, have been proved beneficial in encouraging the parents to send their girls children to schools.

In India, various progressive laws have been passed and significant amendments have been introduced to the existing laws for women's emancipation. But there are several loopholes and gender biases in the existing laws.

On the one hand, women have been subjected to discriminatory traditional norms and values and gender biases on the other, a vast number of them have remained unaware about the significant provisions of the laws. Hence, there is a great need to educate women about the legal provisions and to make specific provisions for free legal aid to women.

Think It Over 2

- 1) Explain with a suitable example how family influences women's work.
- 2) Do you think modernisation has altered the traditional roles of women, how?
- 3) Despite many noticeable changes in the status of upper class educated women, there are some similarities they share with other women. Explain.

10.7 CONCLUDING REMARKS

In this unit we have tried to look at the ideology which shapes the gender of women. This patriarchal ideology operates at different levels, these differences in fact are the variations within the larger gender construction. The various groups and communities, have their own pattern of influencing gender role stereo-typing. We have had a cursory look at how ideologies of patriarchy operate in each of the contexts, in terms of caste, class and ideology. We have also seen how the work roles of women are defined largely through these contexts. Finally we have looked at some of the changes and emerging trends in the construction of gender.

10.8 CLARIFICATION OF THE TERMS USED

Gender : Humans are divided into two sexes—male and female. While sexual differences are biologically determined, gender differences are culturally constructed.

Gender Role : The process by which roles are assigned to boys and to girls and later to men and women on the basis of social expectations.

Socialisation : The process through which young children are taught about roles, status, and expectations by family members and later by the school and society.

Ideology : The beliefs, attitudes, opinions, which guide and direct a system, political party, group, family or individual.

10.9 SOME USEFUL READINGS

1975 *Towards Equality: Report of the Committee on the Status of Women in India*. Ministry of Education and Social Welfare. Government of India.

Shah, A.M. and B.S. Baviskar and E. A. Ramaswamy (ed.) 1996 *Social Structure and Change: Women in India Society*. New Delhi: Oxford University Press.

UNIT 11 REPRESENTATION OF WOMEN IN TEXT BOOKS, MASS MEDIA AND ORAL TRADITION,

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11.0 AIMS AND PURPOSE

This unit deals with the way in which Indian women are represented in the oral tradition, mass media and text books. After studying this unit you should be able to:

- describe the image of Indian women depicted in the oral tradition through folklore/folk tales, folk songs and sayings in your own region;
- explain the different images of Indian women depicted in the mass media, namely as home makers, women in secondary roles and women as sex symbols;
- identify the representation of Indian women in textbooks; and
- discuss the changes required in the representation of Indian women.

11.1 INTRODUCTION

When we talk about the representation of Indian women in the oral tradition, mass media and text books, we are really talking about the type of image of Indian women that is projected. The question is: What is really the ideal image of the Indian woman?

To get at the ideal image of the Indian woman, should we go back to Hindu mythology? Conflicting and contradictory images of the Indian woman emerge, if this done. Is the Indian woman Draupadi who questions the rights of her five husbands to give her away in bondage when they themselves had become slaves of the Kouravas? Is she Seeta who unquestionably submits to the indignity of having to prove her chastity by repeated trials? Is she Savitri who marries the man of her choice despite opposition and then wins his life back through the exercise of her sharp intellect? Is she Leelavati, daughter of renowned mathematician Bhaskaracharya, who named his mathematical treatise after his daughter? Is she Prahlad's mother who cannot prevent her husband from wanting to kill their son? Countless illustrations can be drawn without arriving at the true image of the Indian woman.

A more contemporary picture also provides contradictory images of women. These contradictory images are not the result of urban-rural differentials or of educational differentials. Along with a large number of women who have achieved eminence in several professional fields in the urban areas, there are also women who have taken control over the affairs of their communities by having all-women *panchayat*s. At the same time, "dowry deaths" continue to take place, even in educated homes, with these unfortunate women often claiming in their dying statements that "it was an accident".

By and large, however, the image of the Indian women is defined in relation to others in the family: she is either somebody's daughter, wife and/or mother, etc. Traditionally, nowhere is she treated as an individual in her own right with her own identity as a person. Even the ideal of *Pativrata* which she is taught to nurture since childhood, expects her to treat service to the husband as the main duty and purpose in life. The most striking feature of the ideals of womanhood held up to all Hindu girls (Seeta, Ahalya, Draupadi, Tara and Mandodari) in their *Pativrata*, their devotion to their husband's welfare before their own and their unquestioned obedience to their husband's spoken and unspoken desires. The wife is thus from childhood indoctrinated in her subservient role. The image of the woman as uppermost in the Indian psyche is that of the silent sufferer, and a self-sacrificing person, who considers the wellbeing of her husband and children, as well as that of the other members of her family more important than her own.

In this unit, the Indian Woman's image as depicted in the oral tradition is first described (11.2), followed by the mass media (11.3) and text books (11.4).

11.2 ORAL TRADITION

Through the oral tradition, the legends and tales, customs and beliefs governing the daily life of the people are passed on from generation to generation. These unwritten products reflect the mind of the country or region of that country. The oral tradition comprises of folk songs, tales, legends, sayings, etc.

The oral tradition in India depicts women in many different ways. We examine some from the state of Maharashtra in the following sections.

11.2.1 Folk Tales/Folklore

The practice of story telling is an important part of the oral tradition in India. In Maharashtra, among Hindus one form of such stories is the *Kahani*, which when literally translated, means a story. However, the *Kahani* has a very specific connotation. *Kahani* is a story told by mothers and mothers-in-law to their daughters and daughters-in-law respectively, extolling the importance of observing *vratas* for obtaining specific favours from the deities. These *vratas* are generally in the form of fasting on a particular day and offering pooja to the specified deity in the prescribed manner.

The favours desired through the observance of such *vratas* are generally the gift of a son, husband's love, long life for the husband, survival of the children, avoidance of childlessness, improvement in the economic condition of the husband and the in-laws, acceptance by the in-laws, avoidance of widowhood, etc.

Occasionally, an unmarried girl is advised to observe a certain *vrata* for securing the husband of her choice. In these stories, several instances can be found when a woman is driven out of her marital home, either because she is childless or because the children born to her do not survive. Illustrations of more than one wife/daughter-in-law and their misfortunes because they have lost favour with their husbands and in-laws could be cited.

Independence for women is not a desirable virtue. In one such *Kahani*, the daughter, who replies to her father's question, "Who is the master of your destiny?" by affirming, "I am", angers her father. While her father finds rich husbands for her six sisters who had answered that their father was the master of their destiny, she is given in marriage to a poor man, afflicted by all kinds of diseases and who is almost on his deathbed. She is thus given an opportunity (!) to test how she could be the master of her own destiny. She, of course, is duly punished for her independent nature with her husband's death. At Goddess Parvati's advice, she borrows the *punya* (merit) of her maternal aunt, who had collected this *punya* by observing a certain *vrata*, and her husband comes alive. All these *Kahanis* illustrate how women who performed the various *vratas* conscientiously are benefited by obtaining the desired favours. An interesting observation is that all these *vratas* are to be observed by women. Not a single *Kahani* depicts the man observing any of the *vratas* for gaining favours from the deities. Men benefit from their wives and mothers who observe the rigorous requirements of such *vratas*.

11.2.2 Folk Songs

Folk song is a lyric poem which is sung. It originates anonymously among unlettered folk, in the distant past, and remains in the memory of people for a very long time. It may be written down much later.

In this sub-section, we will consider only folk songs composed by women, because these songs reflect the joys and the sorrows, the agonies and the ecstasies experienced by women in their own words, as they go through the various stages of their lives.

In Maharashtra, the *Ovee* is one such lyric in couplet form, composed by women and sung by them while grinding grain on the grinding stone (generally early in the morning), while putting the baby to sleep, while pulling the cradle string, while on the swing during festivals and leisure time, etc.

We also have songs composed by women for special occasions. These songs form an important expression of their feelings and their reactions to the realities of their own lives. These songs also depict women's self-image, as well as the image created for them by society.

In Maharashtra, as in other parts of the country, these songs are sung at festivals like *Nagapanchami*, when the cobra is worshipped, at the function held to celebrate the seventh month of the first pregnancy, at the time of marriage, etc.

The themes of the couplets and the songs are identical: advice to the daughter at the time of marriage, attachment to the maternal home, ill-treatment by the mother-in-law, wellbeing of the children, the woes of childlessness, bonding between women/s relationship with husband, the final wish, etc.

It would be worthwhile to examine some of the illustrations of folk songs from Maharashtra. It would then be possible for you to identify similar, different or additional themes covered in the folk songs of other regions.

A. Advice to the Daughter

An often repeated theme in these folk songs is the advice given by relatives, specially the mother, to daughters at the time of marriage, regarding fulfilling her responsibilities as "a good wife".

The mother advises her daughters, "You must always respect your husband. If he gets angry, approach him with a smile. You must always take the lower position, even touch his feet and see that he calms down". The girl is also advised to consider her husband as God. Even if the husband is worthless, the wife must serve him with all respect.

The mother warns her daughter not to have anything to do with strangers, (so that she avoids getting into any undesirable relationships). We see this advice scrupulously followed by the daughter in another couplet, where she urges the stranger not to stop his horse in her way. She knows that talking to strangers would infuriate her husband. She warns the stranger, "My husband is a brave man. He can even count the teeth in the jaw of a tigress in the jungle. So, better be on your way."

B. Attachment of Maternal Home

Many *ovees* and songs portray the attachment of the married girl to her maternal home. The girl waits eagerly for the brother to come and fetch her. She knows that she cannot go on her own when she feels like meeting her mother.

The attachment to the father is also depicted in these *ovees* and songs. The father is, however shown as being aware, even before his daughter gets married that she will one day leave her paternal home. She is only a temporary resident. He therefore pleads with her not to get too attached to her parents. He also warns himself that he must not get too attached to his daughter (as parting would then be too painful).

The relationship between brother and sister is considered very tender and is depicted in *ovees* and songs in many different ways. In one song, the brother is described by the sister as "gold locked up in a trunk, to which his wife has the key". (This song implies that this relationship cannot continue unless the brother's wife approves of it and allows it to continue). In another song, the sister reminds her brother that he had promised their mother on her deathbed that he would continue to love, support and protect her.

C. Ill-treatment by the Mother-in-Law

An oft-repeated theme in these couplets and songs is the ill-treatment by the mother-in-law that the girl has to put up with, without complaining.

When her brother inquires about his sister's wellbeing, she does confide in him and tell him about her sufferings. "My life is going on as ordained by Bramhadeve." The brother, of course, realises the seriousness of his sister's situation. He asks her to bear with fortitude what is her fate. He remarks, "You have no choice but to be happy in this home to which you have been given." He, however, consoles her by promising a brighter future. "Today, you may have problems, but tomorrow, when your children grow up, your fortune will take a new turn." Coming from a good family the daughter-in-law does not complain about the ill-treatment by the mother-in-law. She is however hopeful that someday she will be successful in winning her over. "I am prepared to serve you, even if it means hardship to my body. I am prepared to be like sandle wood. Finally, I know that I will succeed in calling myself your daughter, (and be dear to your heart like your own daughter)".

In one couplet, she even pleads with her mother-in-law, "In your courtyard is a *champak* tree. I have come like a *Jai* creeper to embrace it. Please do not reject me".

D. Wellbeing of the Children

Children, specially sons, are at the centre of the existence of these women. Many songs depict the prayers of mothers for a long life for their sons. This prayer finds expression in many customs, which the mother is advised to follow. "Never say the grinding of flour on the grinding stone is over. Some flour should always be left behind, because the next day, the grinding of the flour will continue." This custom must be followed to ensure a long life for the son. It will never be 'over'. The many lullabys in the oral tradition are all addressed to the boy child, wishing him well and a long life.

E. Woes of Childlessness

A childless woman is to be pitied. Advice on how to get a child, specially a boy, is abundantly available. In one song, God is depicted as distributing fruits (sons) to women. The childless woman is advised to make her way through the crowd and ensure that she also secures a son. This song also sings the praise of having sons (as compared to daughters!).

F. Bonding between Women

Bonding between women is also depicted in some songs. The woman living next door comes to the aid of the newly married girl, under going trials and tribulations in her marital home. The neighbour consoles her, and gives her the emotional support she needs. In gratitude, the girl says, "You are like a mother to me".

When this girl visits her mother's home, she shares her sorrows with her childhood friends, with whom contacts have become few and far between after their marriages.

G. Relationship with Husband

A woman describes her husband as her most cherished adornment. She swallows all her sorrows and smiles in her husband's presence, as that makes him happy. She pines for her husband's affection. "I do not desire any jewellery – only the gem of my husband's affection". She considers her husband's wellbeing, even above her own. "If anything happens to me, I do not feel sad. My only desire is that my husband should be happy."

Many songs are addressed to the husband, asking for favours – good clothes, jewellery, etc., (because only he can fulfil her wishes. She has no independent means.) For the woman, her husband is so important that she even thanks her mother-in-law for handing over to her a gem, (despite what the mother-in-law has otherwise done).

Complaints against the husband, though infrequent, are not completely absent from these couplets and songs. Reference to the co-wife and expression of feelings of jealousy find a place in the songs. The husband is blamed for neglecting her because of the "other woman". An occasional couplet refers to the constant sexual demands of the husband (very discreetly of course), and describes him as a serpent who clings on to the sandal wood tree throughout the day and night. The opposite type of complaint is also found in these couplets. In one couplet, the woman complains about her husband's lack of good looks and sexual desires. "He has destroyed my life," she wails. She also describes the different ways she had tried to win him over. But he is like a stone that remains dry even though submerged in water. She wonders, "There are many pearls and coral at the bottom of the sea. How come God thought it fit to give me this bitter creeper?" Another woman complains, "I break sandal wood into twelve pieces. (A difficult task!) Women are foolish. Men are not generous in giving of their affection" (implying that she has not been successful in winning him over).

The woman's married status is a source of good status in the family and society. The *kumkum*, green glass bangles and the *mangalsootra* are the symbols which proclaim her marital status. She even refers to her husband as "my *kumkum*", "green glass bangles", "my *mangalsootra*". She is deprived of these adornments when her husband dies. In several couplets and songs, we find her praying, to God, "Please keep my green bangles intact". She is confident that as long as she is wearing her green glass bangles (her husband is alive), she need not fear anybody. "Even if Ravan approaches, I would confront him fearlessly". The mother is also constantly worried about her daughter and prays for the long life of her son-in-law. "Take my life in exchange for my son-in-law's long life", she prays.

H. The Final Wish

How does the woman really sum up the essence of her life? We find her praying and wishing that she may never be born as a woman in her next birth. "It is a difficult life, meant only for the service of others".

11.2.3 Sayings/Proverbs

Common sayings/proverbs, known as *mhanees* in Marathi and *kahavaten* in Hindi are replete with representation of the Indian woman. One such saying in Marathi states: You cannot hold two swords in one scabbard, obviously referring to how two wives of the same man can never live harmoniously. Another saying consoles the daughter-in-law, "The present times belong to your mother-in-law, but your time will also come". This saying implies that at present the mother in law may be the important person in the household, but when she grows old the daughter-in-law will take over and then the old mother-in-law will be of no importance. Another saying depicts how the mother-in-law scolds her own daughter for some error, but the daughter-in-law knows fully well that the nasty comment is meant for her.

All these Sayings/Proverbs, of course, have wider applications and are generally used in appropriate situations. There is one saying in Marathi, which, however, applies specially to women. "Widowhood is much better than having a worthless married life."

11.2.4 Women's Image in the Oral Tradition

In the oral tradition as seen in its various forms like folklore, folk songs, sayings, etc., the Indian woman is represented in her traditional image. The centre of her existence lies in her husband and her children. She is the silent sufferer. She unquestioningly accepts her low status in the family. She dreads childlessness and widowhood, because she knows that these would lead to further deterioration in her status. She lives for others and does not have an independent identity. ~~She is aware of her~~ realisation that a woman's life is difficult and she ~~is born as a woman.~~ born as a woman.

11.3 MASS MEDIA

A convenient way to describe the process of communication is to answer the following questions.

Who said What? In which channel? To whom? With what effect? The process thus involves, the communicator, the message, the channel, the individual(s) or group(s) to which the communication is directed, and the effect desired of the communication.

Mass communication refers to a channel of communication in which a machine (to duplicate and distribute) and a communicating organisation have been used to reach many people. These people thus reached are aware that others are exposed to the same message that is being delivered to them. Mass communication thus refers to impersonal media of communication, as against interpersonal communication.

The distinguishing features of mass communication are that through mass media it is possible to reach large audiences simultaneously. It is generally a one-way process with little or no scope for feedback. Mass media can only reach those who reach out to them. For instance, a television/radio programme would only reach a woman if she switches on her television/radio set.

11.3.1 The Role of Mass Media

In the context of the values of any society, what is the role of mass media? There is one view that mass media should conserve/preserve the existing values of society. Another view is that the media should accurately reflect current reality. A third view point, more relevant for the present discussion is that the media should recognise that they do influence the values of society and they could use this influence more purposefully and forcibly. It must however, be realised that the effectiveness and persuasive power of the mass media are not easily proved and that mass communications are as much an effect as a cause of change in societal values. Mass media have been known to be used effectively for persuasion through appropriate content targeting some kinds of audiences in some kinds of conditions. The high-powered salesmanship adopted in propaganda and advertising is illustrative of the fact that even behaviour can be influenced through persuasive communication.

The different types of mass media considered in this section are: radio, television, films, the printed word and advertising.

11.3.2 Mass Media as Creator of Images

One of the functions of mass communication is the projection of certain images associated with certain types of persons. Several examples can be cited of how such images are created and maintained on the silver screen in yesteryears.

Dev Anand as "the evergreen romantic hero", Meena Kumari as the epitome of suffering womanhood, Raj Kapoor as "the good-hearted lovable tramp", of Dilip Kumar as "the eternal lover who loved and lost", of Bindu as "the vamp", and of Lalita Pawar as "the dominating mother-in-law" are just a few examples. The more recent example of Amitabh Bachan as "the angry young man" is not yet forgotten. Any attempt to move away from these familiar images is often rejected by the audiences.

11.3.3 The Image of Indian Women in the Mass Media

In keeping with the ideal image of the Indian woman embedded in the psyche of the country the images of women portrayed in the mass media, with of course, some exceptions, are of passive wives, mothers and daughters-in-law, confined to their homes, with no other interest but the welfare of their husbands and children.

Another image of the Indian woman in the mass media is that of a sex object. This image of women is exploited to a very large extent with the explicit objective of conveying a message in a supposedly attractive manner. It may be stated that such images constitute a main obstacle to eliminating discrimination against women and a main factor in preserving traditional sexist attitudes towards them.

In the mass media, women are also portrayed as being of secondary importance and mainly as home makers.

Think It Over 1

- 1) List a few popular images of women and what the society expects from these particular roles?
- 2) In what way are women discouraged from deviating from the roles that society has set for them?
- 3) Do you think it is possible to change a stereo-type of women role as depicted in Media, if so how?

11.3.4 Illustrations

A. Woman as Homemaker

For most of the advertisements, the target group consists of housewives. Therefore, the main image of women that is projected is that of homemaker. There are innumerable advertisements extolling the virtues of gas stoves, pressure cookers, mixers and grinders, washing detergents and several labour saving appliances and many other products which unmistakably depict her as a housewife and a homemaker. Even a professional woman is shown talking about her "double role", as a medical doctor and a homemaker, because she has the responsibility of looking after the health of her family by using the correct germicidal (the husband is absolved of all such responsibility).

Some time these apparently innocent advertisements become offensive when they depict woman as unintelligent, needing guidance from their menfolk to use the correct products.

In films most of the female characters are portrayed homemakers, with hardly any interest outside their homes. In her role as a homemaker and a mother the woman is depicted as one who sacrifices all for her husband and family. When she places her family's welfare above her own, she is extolled as the "Ideal Indian womanhood". Along with her role as a homemaker, go such traits as a sacrificing spirit, a highly emotional disposition, often verging on hysteria, a delicate physical state of health which makes even the daily chores a burden.

B. Women in Secondary Roles

Several instances can be cited where women are depicted as playing secondary roles vis-à-vis men. The wife is shown making the chapattis, the husband is having his dinner - never together! The man is the boss, the woman is the secretary. The man using a particular brand of perfume, the woman attracted because of it. The woman trying to make herself beautiful, not to feel good about herself, but to attract the man. The husband scolding his wife for getting late for a party, but pleased when she emerges all decked up.

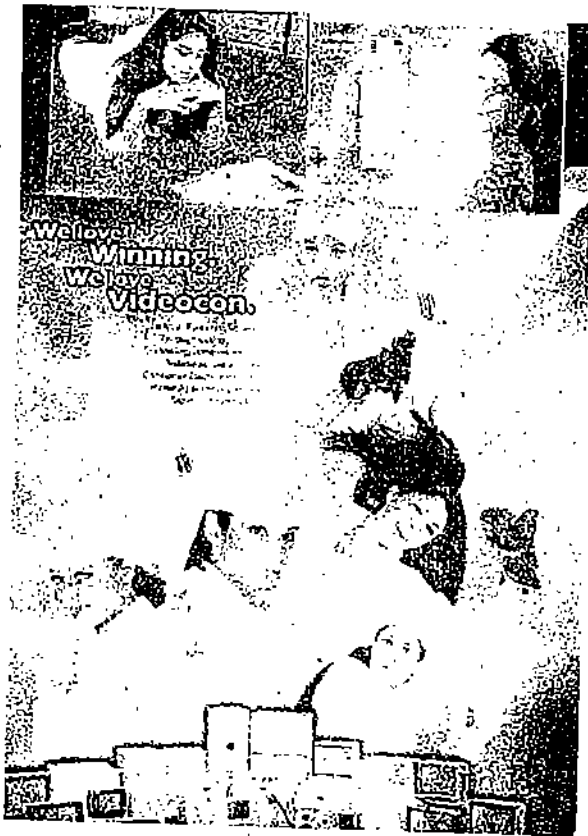
Many commercial films depict woman mainly in secondary roles. The male dominates the female fellows. The number of films where the theme revolves round the problems of women is small. Even where films revolve round the adventures and physical feats of the hero, the heroine is not even shown supporting him in his activities. She often plays only a decorative role, an appendage necessary for the song and dance sequences.

C. Woman as a Sex Symbol

Advertising and films are the worst offenders when this aspect of the woman's image is considered. Several illustrations of using the female model for attracting and holding the attention for the audience can be given. Advertisements for women's undergarments capitalise on the female body. Sometimes, such depiction of women only as sex symbol is completely irrelevant. A motorcycle is advertised, with a scantily clad woman poised seductively on it. Advertisements for toilet soaps depict young beautiful women bathing. Suiting material is advertised by showing the admiring young girl clinging to the man dressed in that suiting, suggesting that beautiful women can be conquered by following the advice of the advertisement.

In the commercial films, no effort is spared to use women as sex symbols. The variety of revealing costumes that women in films are made to wear is itself indicative that the appeal to the audience has sex in mind. Most films have at least one scene, where the heroine or some other important female character gets drenched in the rain and is made to dance around in her wet clothes, emphasising her curves to the delight of the majority in the audience. In earlier films, revealing costumes and exploitation of the physical assets of the female characters were

generally restricted to the traditional "vamp". In modern films, no such demarcation is found necessary and most female characters are required to reveal their physical charms, because such exposure is claimed to be essential for the proper delineation of the concerned characters and a necessary element of the story. The majority of the commercial films, therefore, use female characters as having a purely decorative purpose.



Welfare Winning Welfare Videocon

The depiction of Indian women may occasionally be different. The woman is shown as a professional, as someone who fights against the evils in society, who faces conflicts in her life which she resolves with great courage, who faces all odds to rise above her circumstances. Some films have effectively depicted the search of women for their own identity. Such cases are not common, but certainly provide the silver lining to the dark clouds. Occasionally, reversal of sex roles is depicted. This usually is done in the lighter vein and therefore not to be considered seriously.

11.3.6 Growing Concern

In recent years, deep concern has been expressed at national and international levels about the way in which the images of women are depicted in the mass media. Such images are viewed as constituting a main obstacle to eliminating discrimination against women, and one of the main factors in preserving the traditional attitudes of society towards women.

Learn From Your Experience 1

Watch a current popular film. Describe the representation of women in this film by analysing different female characters – major as well as minor.

11.4 TEXT BOOK

The period of childhood is the formative period of a person's life. It is during this period that a child develops higher knowledge base and also develops attitudes to various social issues as well as to self and others. The influence of the school and the teacher plays an important role in this process. While studying the representation of Indian women through various media, it is important to study the text books to which the child is exposed. Everything contained in the textbooks is taken very seriously by the child. The images of women projected in text books are a sure way of influence in which the child perceives women.

11.4.1 Biases in Text Books

The representation of boys and girls in school text books is often quite distinctly different. It is not unusual for boys to be depicted as out-going, adventurous, brave and helpful, while girls are shown as dependent, obedient, quiet and submissive. These qualities of girls are extolled as being desirable. Women in their role as homemakers are repeatedly shown and their self-sacrificing spirit is extolled, specially in the role of mothers. The division of work in the home is also very clearly illustrated, with males in the family taking responsibilities for work outside the house, while females are mainly restricted in household tasks. In recent years there are some indications of change and some evidence of reducing such biases in the representation of women in the text books.

11.4.2 Illustrations

Several illustrations of the biases in the text books mentioned above could be cited. One such area concerns the traditional division of work in the family. It is not uncommon to find girls being depicted as sweeping the floor, while in the same illustration, the boy, a little older or younger, is shown reading a book. Such "stereotyping of gender roles is also evident when the father is described as going "out to work" and the mother staying at home and looking after the needs of the family.

Whenever adventure stories are included in the text books, the central figures are either men or boys, even when groups are involved, women or girls are not included. Even when it comes to games children play and sports in which they participate, the girl is shown using the skipping rope while the boy is shown riding a bicycle and participating in forms of gymnastic requiring physical strength. In a third standard text book on "General Science" in the lesson on the different senses, an exercise is suggested. If you are blindfolded, which are the activities you would come to know, e.g. your mother calls out to you; sugar is poured into your mouth; your sister threads needle. The last statement could

suggest that only girls thread needles and sew. Similarly in the same text book, while illustrating the care of teeth, and even inculcation of good habits, the illustrations have only males. In all illustrations, the female figure does not share any activity equally with the male.

Learn From Your Experience 3

Take any text book used in your state. Identify the various types of representation of girls and women. Make special note of any exceptions to the traditional image of the Indian woman.

Before we conclude this unit. Let us also look at some of the questions below.

Think It Over 2

- 1) What according to you are the main reasons why women continue to be depicted in a particular manner?
- 2) Do you think women internalise the image that circulates in society? Explain through an illustration.
- 3) What is the present image that is created by the media of a middle class woman? Write a few lines.

11.5 CONCLUDING REMARKS

In this unit, the representation of Indian women in the oral tradition, mass media and text books is described. In the oral tradition, the woman is depicted in her traditional roles as daughter, sister, wife, daughter-in-law and mother. The illustration cited in this section are all from Maharashtra and are mainly composed by women themselves, reflecting the realities of their own lives. In the mass media, women are generally depicted either as home makers or sex objects. More often than not, women are depicted in secondary roles. Some exceptions to this usual pattern are available. Growing concern is being expressed both at national and international levels about the way in which images of women are depicted in the mass media. The influence of mass media is viewed as one of the main factors in preserving the traditional attributes of society towards women. Several biases in the text books could be identified for highlighting the manner in which the representation of boys and girls, men and women is distinctly different. Usually girls and women are depicted in their traditional images.

11.6 CLARIFICATION OF THE TERMS USED

Oral Tradition : The unwritten folk tales/folklore, folk songs, sayings/proverbs through which the customs and beliefs governing the daily life of the people of any country or region are passed on from generation to generation.

- Mass Media** : Channels of communication which use machines (to duplicate and distribute) and communicating organisations for reaching many people simultaneously, with hardly any scope for feedback. Examples: Film, Radio, Television, the Printed Word, etc.
- Traditional Role** : The roles assigned to boys and girls and later to men and women on the basis of social expectations. These roles are not all biologically determined but are often socially constructed.

11.7 SOME USEFUL READINGS

ISIS. 1984 *Women and Media: Analysis, Alternatives and Action*. New Delhi: Kali for Women.

Shah, A.M., B.S. Baviskar and E.A. Ramaswamy (ed.) 1996 *Social Structure and Change: Women in Indian Society*. New Delhi: Oxford University Press.

REFERENCES

- Bteille, Andre 1974 *Six Essays in Comparative Sociology*. Delhi: Oxford University Press.
- Devasia, L. and V. Devasia 1991 *Girl Child in India*. New Delhi: Ashish Publishing House.
- Kapadia, K.M. 1981 (1955) *Marriage and Family in India*. Calcutta: Oxford University Press.
- CSWI 1975 *Towards Equality: Report of the Committee on the Status of Women in India*. Ministry of Social Welfare. Govt. of India.
- Chanana, Karuna (ed.) 1985 *Socialisation, Education and Women*. New Delhi: Orient Longman.
- Shah, A.M. and B.S. Baviskar and E.A. Ramaswamy (ed.) 1996 *Social Structure and Change: Women in Indian Society*. New Delhi: Oxford University Press.
- ISIS. 1984 *Women and Media: Analysis, Alternatives and Action*. New Delhi: Kali for Women.
- Kumar, K. 1986 "Growing Up Male". Seminar.
- Gough, E. Kathleen 1980 "Modes of Production in Southern India" in *EPW*. Vol. XV, Nos. 5, 6 & 7.



Women in Indian Society: Socio-historical Context

Block
4

RELIGION, PERSONAL LAW AND WOMEN'S RIGHT

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BLOCK INTRODUCTION

BLOCK 4 : RELIGION, PERSONAL LAW AND WOMEN'S RIGHT

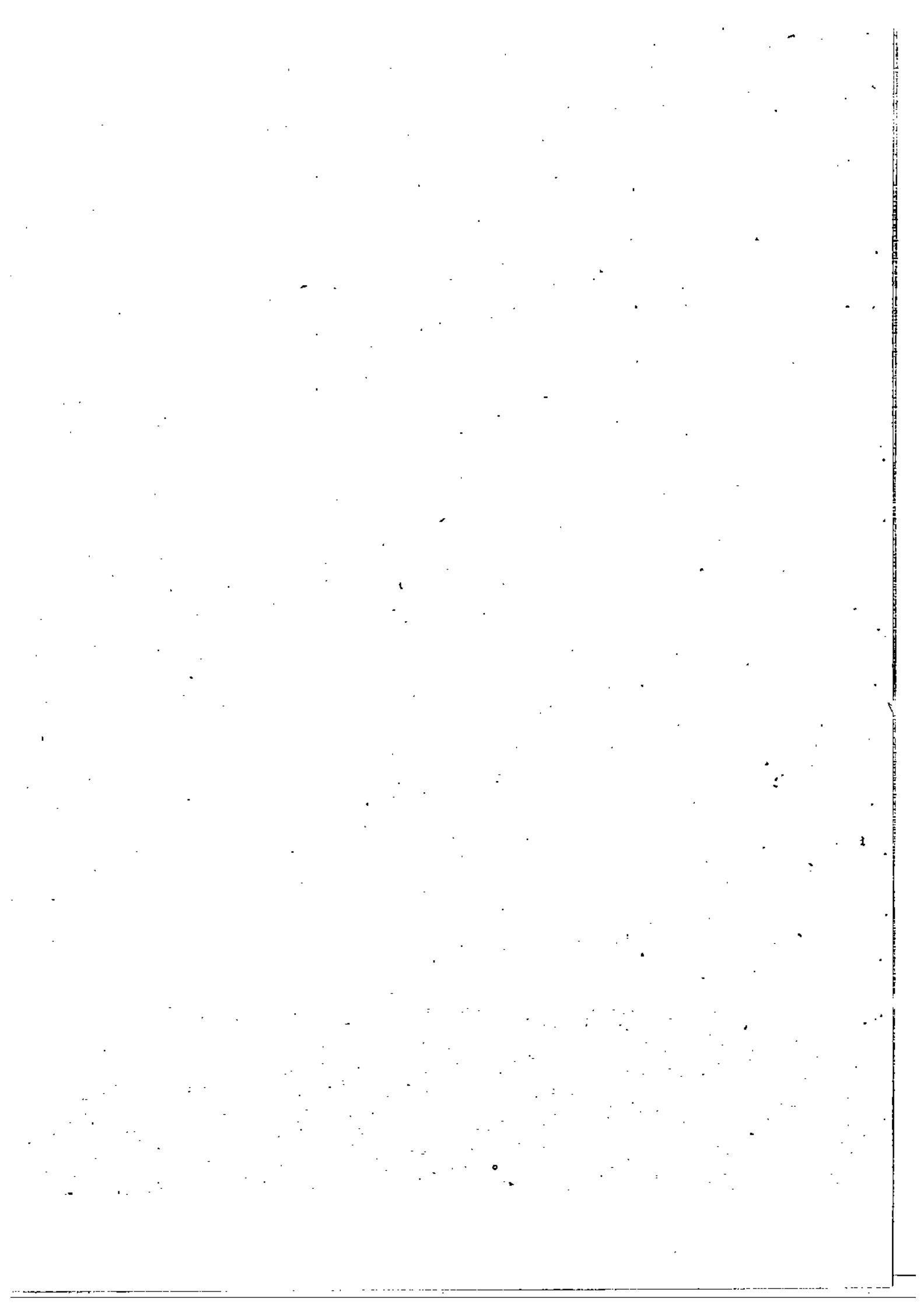
Religious doctrines, ideologies and principles have influenced humanity since time immemorial. In the last block we discuss about the various social institutions and processes and their impact on the status of women. The present block, we can say, is rather an extension of the last block because it mainly discusses the role of religion, which is one of the most influential institutions of Indian society.

Unit 12 discusses the way women are viewed in the social sub contexts of various religions. An attempt is also made to locate a common religious view of women and how women have attempted to struggle against the existing structures of religious control which use them as an excuse to uphold the religious values and tradition. In our unit on **Fundamentalism and Women's Rights** we have tried to make you familiar with the phenomenon of religious fundamentalism and how it affects women. Unfortunately, fundamentalism is on the rise in recent past all over the world and in the process women are the worst sufferers. Suitable examples have also been highlighted to elaborate on the contemporary situation.

Unit 14, as is evident from the title of the Unit, discusses how customary law contradicts the legal rights given to an individual, especially in the specific phenomenon of Sati. A critical look is also taken at the incidence of Roop Kanwar and the various grounds which justify this inhuman act.

The last unit of this block, critically analyses various personal laws and the significance of these laws to women's status. The case studies of Shah Bano and Mary Roy have been cited to understand the women's question at large.

We hope that after going through all the blocks of this course, you would, to some extent, develop a critical understanding of women's position in society and hereafter look at various aspects of society in a changed and better perspective.



UNIT 12 RELIGION: SUBORDINATION AND RESISTANCE

Contents

- 12.0 Aims and Purpose
- 12.1 Introduction
- 12.2 Women's Place in Society: Viewing in the Practices of Different Religions
 - 12.2.1 Hinduism
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 - 12.2.3 Christianity
- 12.3 The Politics of Religions and Personal Laws in India
 - 12.3.1 Implication of Personal Laws for Women
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 - 12.3.3 Uniform Civil Code
- 12.4 Structures of Control, Women's Subordination and Resistance
- 12.5 Concluding Remarks
- 12.6 Clarification of the Terms Used
- 12.7 Some Useful Readings

12.0 AIMS AND PURPOSE

In this unit, we shall try to look at the way women are viewed in the social subtexts of different religions. By doing so, we will attempt to locate a common religious view of women if any. We will also look at ways women have attempted to struggle against the structures of religious control, that places them in a subordinate position.

After reading this unit you should be able to:

- critically examine structures of religious authority;
- locate women's position within the structures of religion; and
- identify nuclei of resistance.

12.1 INTRODUCTION

You must have heard Taslima Nasrin, who came to fame and notoriety with her novel *Lajja*, where she criticises Islam. She was targeted for this criticism. The religions fundamentalist made sure that she never can come back to her country, by issuing a '*fatwa*' or religions sanction of death. Years back when Pandita Ramabai publicaly denounced Hindu patriarchy and converted to Christianity she caused a sensation. Many years later, even after Sati was banned as unlawful, Roop Kanwar had to enter the funeral pyre of her dead husband and commit Sati. Her act was justified and lauded by some, both women and men, as upholding the Hindu *Dharma* and the Rajput tradition. Women are not allowed to wear certain garments because the religious texts say so.

Religion it seems, is a powerful medium and a mode which decides what should be right and wrong for women.

In this unit we will be examining the place of women vis-a-vis various religious traditions. It is important to know how this religious viewing of women influences the legislation and the whole system of jurisprudence. In the following section we will have a critical look at the personal laws of various communities. By examining the context of religion and women's place in the society we would like to essentially examine the structures of control and subordination in religion. Our next section looks into this.

We would be also looking at the few nuclei of resistance which women have waged against the oppressive structures of religion.

12.2 WOMEN'S PLACE IN SOCIETY : VIEWING IN THE PRACTICES OF DIFFERENT RELIGIONS

Religion is one of the most important social institutions and has a major role in shaping the lives of those that follow any religious tradition. This influence of religion on people's lives is both at the ideological level, as well as at the practical day to day levels. However, since religion is only one of the several major social institutions, its practical effect on people is determined in a dialectical relationship with other social institutions or forces.

Since religion has a social regulatory function, it definitely has a bearing on defining women's position, and formulating accepted images of womanhood for the benefit of both insiders and outsiders. In a multi cultural, multi religious country like India, this means that there are multiple accepted images of women, as well as the rules governing daily existence. In this section we shall discuss the roles of religious regulation of women's lives. The next section will discuss the way women are governed by religious laws in their daily existence, and the problems arising from this.

An examination for religious traditions reveals that all major religions prescribe different sets of normative behaviour for men and women. While some of the reformist religions lay stress on the removal of social disabilities that formerly affected women, the concept of equal opportunity is by and large absent. Most major religions are also internally differentiated into sects which differ among themselves on the definition of the women's position.

12.2.1 Hinduism

Of the major religions of India, Hinduism has many faces and shades and great variation in practices. However, the dominant image of the woman is a subservient, and often a derogatory one. The ideal of the Hindu woman upheld is that of the chaste, faithful, and uncomplaining wife, the Sita, or Draupadi or Ahalya of mythology. Although many scholars have tried to point out that Hindu women of ancient India like Gargi, Maitreyee and Arundhati had access to high levels of formal learning, for general purposes, Manu's typology of women along with *Shudras* and beasts, seems to be the more commonly held one. In day to

day life, this image was borne out in the extremely degraded position of widows, totally excluded from public life, that women in caste Hindu society exemplified in the nineteenth century. While women of the upper castes have been more affected by these subservient role stereotypes, many lower caste women have had in practice more autonomy in defining their roles. While enjoying greater access to public life, public production, and social space, they too have suffered from ritual exclusion and social discrimination. Reform movements within Hinduism, like the *Brahmo Samaj* and the *Arya Samaj* have worked to eliminate major social disabilities suffered by women, like the Sati system, and have tried to give greater access to education and social opportunity. Yet at the same time, the reform movement could not purge themselves of the image of women, as spiritual or higher being. This image carried with it such implications as bearers of tradition someone who belonged to the higher realm. This spirituality was contrasted with the male oriented material world of the West, into which Indian male entered perforce. In the colonial discourse, therefore women had a role of defending the nation, the community and religion. So, there was a certain ambivalence, on the issues of women during national movements, despite the best of intentions.

12.2.2 Islam

The other religions of India also specify separate and subservient spaces for women. Islam, while proclaiming equality for men and women in their relationship with the divine, and guaranteeing major legal safeguards (like right to inheritance), also restricts the social role of women in many ways. Education for women has been restricted in practice to basic literacy and the ability to read the religious texts in many Muslim communities, specially among the poor. Women are forbidden from praying in mosques because of the unsettling effect they will have on the male congregation. According to the Muslim personal law a man is legally allowed to have four wives, a practice which clearly places the woman in a vulnerable state. Restriction on dress, the idea of modesty and chastity as well are very much defined by religion.

12.2.3 Christianity

Christianity in India, while proclaiming equality in matters of the spirit, has not traditionally given women equal place in church organisation. Inheritance laws among Indian Christians, also, do not support women's equality. Christian women in India have benefited greatly from access to education and employment. They have been working in undervalued sectors like teaching, secretarial work and nursing. However, the basic notions of inferiority of women with respect to men has not been done away with.

Learn From Your Experience 1

Do you know of any 'katha' or a local legend. Narrate this analysing the place of women in these local legends and 'kathas'.

Religion has always had difficulty dealing with women's procreative and reproductive roles, roles that men do not enjoy in quite the same way. Women's sexuality has been viewed with concern within most religious traditions, and

much of the prescriptions for religious control of women are to do with curbing women's possible seductiveness. Christianity images Eve as the temptress responsible for man's fall from grace, Surpanakha tempts the chaste Laxman, Sita's chastity is openly questioned by Rani. Puberty marks the beginning of social restrictions on women in many communities, and menstruation is widely believed to be a state of impurity. Menstruating or pregnant women are forbidden to participate in religious activity across a wide range of religious groups.

Before we go on to our next section let us take a look at the questions below.

Think It Over 1

1. Give few instances showing how the normative image of women in religion differs from reality
2. According to Hindu tradition, a girl is 'Ghar ki Laxmi' or goddess of wealth for the house. Is she treated like a goddess?

12.3 THE POLITICS OF RELIGIOUS AND PERSONAL LAWS IN INDIA

The monumental report of the Committee on the Status of Women in India, entitled "Towards Equality" (1974) was the first major document to point out that despite secular democratic guarantees of equality to women woven into the constitution, the 'personal' lives of women in India were governed by the religious laws of the communities to which they belonged.

The report rightly points out that "Modes of descent, types of family organisation and the nature of institution of marriage, provide the major contours of the socio-cultural setting in which women are born, brought up, and live their lives. The problem is that many of these religious laws were framed in times and settings far removed from our own, and many time are seen to be in conflict with secular, democratic aspirations of modern women. To quote again from the report, "These features of the social organization are related to the economy in such a way, that while their roots often appear to lie in the economic system, even large scale changes in the latter are not able to carry along with them parallel changes in these areas. The lag between the two is a matter of serious concern. These institutions in the Indian society have implications for the status of women."

12.3.1 Implications of Personal Laws for Women

Personal laws affect the position of women in decisive ways.

- In terms of her position both at home and place of work as well as her role and status in the larger society.
- In terms of marriage.
- In terms of family relations
- In terms of property rights, inheritance, succession, descent
- In terms of her status and functions within the home.

There is very great variation in the situation of women in India with regard to any of the above parameters, depending on the particular 'religious personal'

laws which is applied. As an example, we can examine the grounds for divorce in the various recognized legal interpretations that prevail.

12.3.2 Grounds of Divorce Under Personal Laws in India

(1) Marriage Act By Husband or	(2) Special Marriage Act 1954, Section 27 By Husband or Wife.	(3) Indian Divorce Act, 1869 By the Husband (S.10)	(4) Muslim Law By the husband. Talak By the wife Dissolution of Muslim Marriage Act, 1939. Sec.2	(5) PARSI Marriage and Divorce Act, 1936 sec. 32
Living in Adultery. Ceased to be				

What was not always clear, and has now begun to be apparent is that there is, in practice, a lot of variation in the way personal laws are applied even within the same religious community. For example, the Khasi tribe of Meghalaya, today almost entirely Christian, still follows matrilineal patterns of inheritance. Hindu society in the Chhattisgarh region of Madhya Pradesh has always accepted marriage dissolution and common laws of second marriage at the initiative of both men and women. A recent publication of the Women's Research and Action Group reveals that while Indian courts were erroneously applying the Shiite laws of the *Ithna Ashari* to the Dawoodi Bohras. They were in fact governed by their own laws as laid down in the *Daaim - al Islam*.

A systematic examination of the variety and impact of personal laws prevailing in the country, as they affect and are affected by the trend of national development and particularly as they affect the contributions of women as active participants in the development of the society, is an area of research which deserves a higher priority, in order to grasp the position, status and contributions of women.

While it is undoubtedly true is that the application of religious laws to the personal aspects of women's lives often withholds from them constitutional guarantees for equality, and violates the spirit of the directive principles. An important issue to be kept in mind is that the issue of a common civil code for all Indians is a complex one.

12.3.3 Uniform Civil Code

Throughout the seventies a major demand of the women's movement in India was that there should be a uniform legislation to govern civil aspects of the lives of all citizens. It was felt that this would do away, to a large extent, with the disabilities women suffered as members of any particular religious group. The demand for a common civil code was, however, also raised from other platforms and for different reasons. There was for example, the strident demand by the majority communalist organisations that there should be a common (and by implication majority inspired) civil code. And with the increasing awareness that the state was not necessarily the best guarantor of women's equality, some diffusion in the forcefulness of this demand has taken place. The women's

movement has also had to come to terms with the recognition that one did not really know enough about the variations and different systems of personal laws among different religious sub groups and that a lot of fundamental work was necessary before one could speak of personal laws for Indian women with any authority.

Do You Know ? I

Welcome back to the basic question: Is there any warrant or authority in law for keeping different communities divided against each other in matters relating to marriage, divorce, child custody, maintenance, alimony and succession to property? These are all matters essentially secular in nature and will remain with us so long as the institution of private property and marriage continue to exist. Succession to property is about material wealth and nothing could be more worldly than wealth. The other areas of family laws have so far revolved around the institution of marriage. Alimony and maintenance are issues which arise on the breakdown of a marriage, whether that be the marriage of a Hindu, Muslim or a Christian. In Secular Democratic State, one would expect a rational method to be found for dealing with these issues which are a matter of everyday occurrence. Marriage and divorce, births and deaths go regardless of religion.

Why then must Muslim women, Hindu women, Christian women or any other women be governed by different laws? The issues is essentially a women's issue — the demand for equality within the framework of a marriage, the demand for equal rights in succession to property.

WHY MUST HINDU, MUSLIM AND CHRISTIAN WOMEN BE GOVERNED BY DIFFERENT PERSONAL LAWS? By Indira Jaising, from *The Lawyers Collective* (March 1986)

12.4 STRUCTURES OF CONTROL, WOMEN'S SUBORDINATION AND RESISTANCE

The discussion above makes it clear that religious viewpoints by and large place women in a subordinate position both in dogma, as well as in practice. It is important at this state that we differentiate conceptually between the normative teaching of religion and the cultural practices of its adherents that may or may not be consistent with these teachings. While we do find female subordinating subtexts in many religions, many are normatively egalitarian but discriminatory in practice.

To take an example, it is difficult to find a religion that is normatively more gender egalitarian than Islam. However, we find that in practice, Muslim women suffer from many legal, cultural and social disabilities.

Do You Know 2

Muslim Women's Right to Pray in Mosques

The dramatic manner in which Muslim women entered a Lucknow mosque recently has created the impression that women are not permitted to say their prayers in mosques. But, the fact is that Islam does not prohibit the entry of women in mosques. The *Quran* says: "Who is more unjust than he who bars *Allah's* places of worship, that His name be mentioned there." While explaining this verse, Abdullah Yusuf Ali, one of the most authentic commentators of the *Quran*, has said that taken in a general sense this verse establishes the principle of freedom of worship in a mosque. So long as a person enters reverently and does nothing outwardly to cause offence to other worshippers, he has a right to go and worship in a public place. So, no discrimination can be made on the ground of sex as far as right to pray in a mosque is concerned.

A tradition of the Prophet makes the point further clear. The Prophet is reported to have said: "*Do not stop women from going to mosque*". Thus, the Prophet encouraged women for offering congregational prayers in mosques, attending lectures and participating in religious and political discourses. It was because of the permission given by the *Quran* and Prophet that Muslim women in large numbers used to say their prayers in Prophet's mosque in Madina, though in separate rows exclusively for them.

But on another occasion, the Prophet is reported to have said: "It is better for woman to pray at home than in a mosque and it is still better if she prays in the inner-most portion than in the open space of her house". So, while making it clear that it is not necessary for women to go to mosque for prayers, he did not ask them to pray at home permanently. *He left the choice to women* and allowed flexibility in the matter. But, this flexibility does not empower Muslim men or Clergy or anybody else to impose a ban on women praying in a mosque.

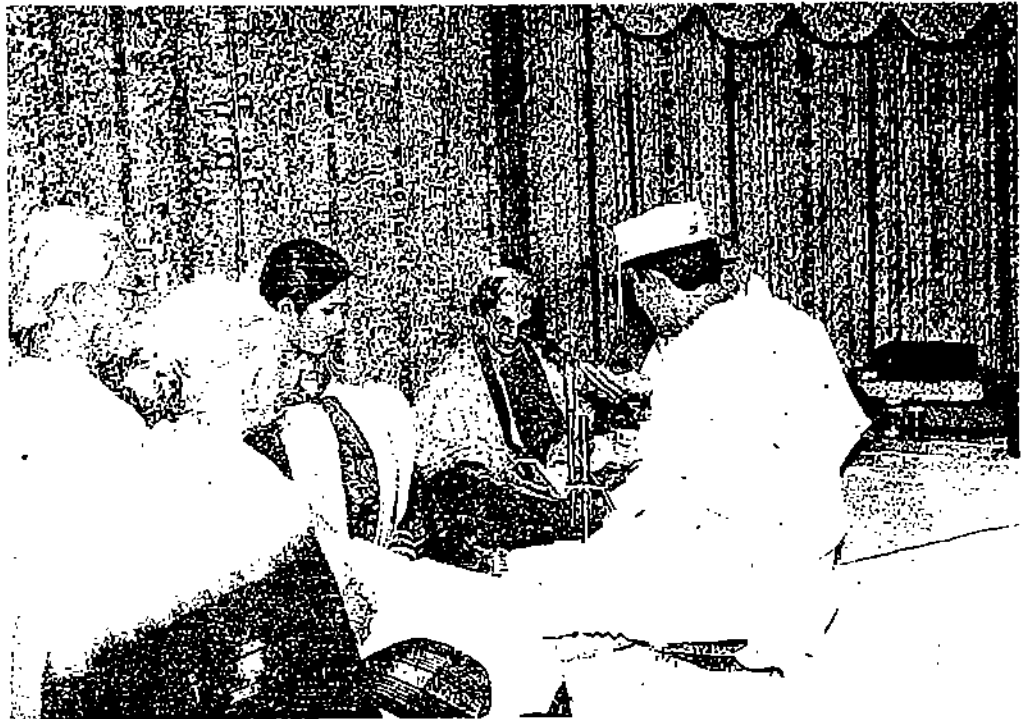
(From *Women's Link* Vol.5. No.2 April-June. 1999).

Fundamentalist religious establishments often uphold and reinforce these disabilities. It is important that we understand that the control of religious establishment is in patriarchal hands, has historically reinforced patriarchal and anti women positions.

The issue of male control of religious establishment is in fact a common feature of many otherwise diverse and sometimes contending religious establishments. The 'priesthood' in most established religions has been a zealously guarded male preserve, and edicts for the containment of female space has issued from this seat of authority. One can examine the history of different religious establishment to study this phenomenon. Within Hinduism, many scholars like D.D. Kosambi have pointed to a historical process in which the cults of different mother goddesses have been replaced by a dominant pantheon of male gods.

Women's resistance to this particular facet of their oppression has taken many forms. There has been on the one hand, the tendency of resistance from within,

of reexamining and reinterpreting original source material, and pointing out the essence of egalitarian basis underneath the cobwebs of patriarchal control. The activities of the Women Living under Muslim Laws Group, that seek to examine Muslim religious practice of many areas under the lens of rationality and the efforts of feminist theologians seeking to establish feminist underpinning in the Bible fall within this category. There is also the tendency of resistance by reform, as exemplified in the struggles of women to enter the Christian religious organisation and be ordained as priests on equal footing with men. And lastly, there is the tendency to resist by rejection, the tendency that seeks to dismiss the entire framework of religion, and bases itself on agnostic or secular value positions.



Women priests like this are a rare sight.

Courtesy: B. Kiranmayi, New Delhi.

Religion is a complex sociological institution, made more complex by spiritual underpinnings, and within this framework, the question of where women stand today, and where they ought to be going, is an even more complex one. It is possible to come to grips with the issues only by patient and value free analytical exercise.

Let us answer these questions before we conclude this unit.

Think It Over 2

- 1) What do you think is the essential reason behind adopting customary law a religious percepts as the basis for personal laws in India?
- 2) In what way do laws relating to inheritance affect women's status? Explain with an example

12.5 CONCLUDING REMARKS

It can be said, rather conclusively that the place of women in religion has given the society a justification and an ample scope to be exploited. As custodians of tradition, culture and such defenders of religion women are treated as traitors of their religion and community, if they as much as raise a voice against any tenets which are oppressive. Saddled between such difficult identities, women end up many times succumbing to the dictates of the community. The Shahbano case, and the Roop Kanwar's Sati incident are among the many which throttle any aspiration of women, in the name of religion and community. And as solace, women are given a false imagery of Goddess, halted, self sacrificing, who will defend her country, her community and her husband, even if this means violating her basic human rights.

In this unit we have attempted to bring these oppressive structures into focus. We took brief look at the normative structure and the place of women. These values and understanding of women in every aspect of everyday life; law being only one of them. A brief discussion was initiated to understand the community/ religion governed personal laws on women's status and their lives. It must be admitted too that resistance to such oppressive religious system has been freight with difficulties.

12.6 CLARIFICATION OF THE TERMS USED

- Discourse** : A way of thinking, which finds expression in several everyday practices.
- Egalitarian** : A principle which treats everyone as equals.
- Ideology** : A manner of thinking, which justifies and supports a practice. For example the idea of 'Karma and divine origin' (born from different parts of Brahma) are some of the ideological explanations given to justify caste system.
- Oppression** : A state of being under subservience by coercion or clever manipulation
- Normative** : Establishing a standard idea, which need not necessarily match the reality.
- Resistance** : To put up a fight, refusing to comply to set norm or pattern.
- Secular** : Not concerned with religion or religious beliefs. Also means neutrality and equidistance and non-interference.

12.7 SOME USEFUL READINGS

Kumar, Radha. 1993 *History of Doing*. New Delhi: Kali for Women.

Uberoi, Patricia (ed.) 1996 *Social Reform, Sexuality and the State*. New Delhi: Sage.

UNIT 13 FUNDAMENTALISM AND WOMEN'S RIGHTS

Contents

- 13.0 Aims and Purpose
- 13.1 Introduction
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- 13.7 Clarification of the Terms Used
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13.0 AIMS AND PURPOSE

This unit discusses Fundamentalism and Women's Rights. After reading this unit you should be able to :

- familiarise yourself with the phenomenon of religious fundamentalism especially in so far as it affects women;
- critically evaluate the relationship between fundamentalism and women's rights; and
- become a conscious thinker and information seeker on this important question.

13.1 INTRODUCTION

The phenomena of fundamentalism, where a community or society is seeking to build a world/society based on some fundamental principles, usually of religion, is a complex social phenomena. This process affects women in particular because women have often been seen at repositories of all that is traditional. The women then are expected to carry the burden of the return to such fundamental practices and notions, dress code being just one of them. To have a critical look at this problem we will first have a look at the roots of democratic and secular principles. In the following section we will discuss communal politics. Following this we will discuss fundamental politics and women in India. This situation is not peculiar to India. World over women have been subjects of oppression under fundamentalist ideologies and practices.

13.2 THE ROOTS OF DEMOCRATIC CONSCIOUSNESS, SECULARISM AND FUNDAMENTALISM IN INDIA

In this section we will delineate the various aspects of democratic set up in India and how secular concepts were introduced into the polity. Secular and democratic ideals are difficult for operationalisation in a multi cultural setup. We examine various aspects of democratic and secular consciousness and its alternatives.

13.2.1 Liberal Democracy

Fundamentalism literally refers to a recourse to the basic tenets of a religion. In the context of women its has come to refer to attempt to restrict women's democratic spaces. Fundamentalism has strong connections with communal relations and right wing politics.

Liberal democracy as an ideology was born in Western Europe, and was associated with major historical developments like the political separation of church and state, and the growth of capitalism and the industrial revolution. This is not in any way to suggest that capitalism in itself gave birth to democracy, but merely to point out the historical association and interrelationship in a chain of historical processes. In the third world, this relationship is manifested in a peculiarly contorted way.

The history of capitalist colonisation has destroyed from mainstream consciousness of traditional cultural, educational, and sociopolitical norms. This has led to the imposition, among the intelligentsia, of Western thought patterns, including the adoption of secular democratic ideology on the western pattern. Modern ideas of women's equality have developed in India in this context as well and therefore have not developed a relationship with traditional cultural patterns.

13.2.2 Nationalism and Multiculturalism

However, India has always been a multi religious, multi-cultural country, and one of the major problems of Indian nationalism has been coping with this plurality. Contrary to popular supposition, there have been several versions of Indian nationalism. The dominant version has been the Nehruvian one, which believed that the spirit of nationalism which won our country independence from British rule, would also lead to progress, greater rationality in the conduct of our politics, and an all Indian identity which would erode local ethnic and religious identifications. Although the diversity of communities was acknowledged, this modernising nationalism emphasized the unity ("We are Indians first") of all Indians. This was obviously based on the European model of the national state.

13.2.3 Politics / Religion

This secularist version of Indian nationalism grew in competition with at least two other versions. One was the Gandhian, which rejected the separation of politics and religion. Gandhi used religious idiom to mobilize people, and at the

same time did not accept religious prescriptions uncritically. The Idioms primarily used by Gandhi were the ones familiar to him, viz. the Hindu, yet he conceptually had space for other idioms too.

The other competing version of nationalism was the militant Hindu Nationalism, led by V.D. Savarkar, Swami Shradhanand, and M.S. Golwalker. Like the Gandhian, it also rejected the separation of politics and religion, and in fact, viewed the religious and political identities as covering 'naturally' in the identifications of all Indians as Hindu. The mirror image of this version of nationalism was the Muslim nationalism to which Jinnah gave voice in the pre-independence year, and which demanded separate geographical and political space for Muslims, for whom by definition, there was no place in India. The creation of Pakistan took the mirror image out of the terms of political discourse in India. The militant Hindu nationalism too, following the assassination of Gandhi, went underground and only emerged into limelight in the nineties.

13.3 COMMUNAL RELATIONS AND FUNDAMENTALIST POLITICS IN INDIA

In this section, we examine communal politics. While Hinduism is a religion which is not homogenous and has very varied practices it has everynow and then moved towards being a monothestic militant aggressor. In this scenario the Hindu-Muslim relations are significant. Politics to a great extent and British policies have contributed to heightened sense of identity leading to communal violence.

Let us look at this aspect in the following sub-sections.

13.3.1 India : A Multi Religious Society

India has been a multi-religious society for long. The modalities of relations among different religious communities are still a matter of debate and discussion among historians, but we have examples both of religious tolerance and peaceful coexistence, as well as strife and intolerance. The majority of religion in India is Hinduism, and unlike the Semitic religions it is not codified. The historical practice of Hinduism is thus a large determinant of its ground reality, and historically it has been a highly stratified religion. This has always encouraged conversion to more egalitarian faiths from among its disadvantaged sections, and we have several examples of the dominant religion attempting to cope with this "onslaught" on its well being with strident militancy. Buddhism and Jainism have faced such attacks on the subcontinent in the past, and today Hinduism has entered a new phase of militancy in response to the perceived threat of Islam.

In contrast to this, we have also centuries of evidence of harmonious coexistence of different faiths on Indian soil, and particularly small groups of followers of certain threatened religions, like the Jews and Parsis, have enjoyed in India a security not known in other places. However, it is the relationship of Hinduism with the next most numerous community, the Muslims, that is the most complex of all. Although in small regional pockets, like Punjab, Hindu-Sikh relations, or

in pre-partition days, Muslim-Sikh relations, have been a central concern of communal relations, normally when we speak of communal relations in India, we are talking of Hindu-Muslim relations.

13.3.2 Hindu-Muslim Relations

This history of Hindu-Muslim relations on the subcontinent is long and complex. There have been phases of heightened tension, and phases when integrational processes have been at work. The most notable examples of the latter have been during the sixteenth-century *Bhakti* movement, when the teachings of Kabir, Surdas, Ramdas and Meera stressed tolerance, love, and faith in each other. The "popular" cults deriving from the teachings of these saints still have many adherents in the rural areas of India, and there is on the ground a history of living in peace and harmony. More modern versions of these teaching are to be found for example in the adherents of the Baul faith in Bengal, who cutting across political frontiers, practice an amalgam of the two faiths that may appear at times irreconcilable.

The British rulers saw the interests of the Hindu and Muslims as disparate, and actively promoted discord through measures like the "Communal Award" and separate electoral seats even prior to the idea of partition was born. "The Communal Award" is the name popularly given to the provisions of the Government of India Act which came into force in 1935, and provided that there would be separate electorates for Hindus (with reservations for certain weaker sections), the Muslims, and other religious minorities. They were aided and abetted in this by adherents of the militant Hindu nationalism as well as followers of the Muslim League who claimed that the Muslims were a separate nation and as such would have no place in a Hindu dominated India once the colonial masters left. Through active propaganda and political work, support was built up for these ideas, and socio-economic realities also helped to make them acceptable. Over large parts of north India, a class of Muslim landlords and rich peasants looking for new opportunities saw greener pastures in newly created nation. Millions of oppressed Muslim peasants saw in the idea of the new homeland a way out of the crushing domination of the Hindu landlords. And thus, in 1947, along with independence, erstwhile India was divided into India and Pakistan to the accompaniment of one of the worst communal killings known until then. Almost a quarter of a century later, internal contradictions forced the division of Pakistan into Pakistan and Bangladesh.

13.3.3 Independent India

The first decades of independent India were relatively free of communal tension, but in the late 1970s, communal tensions began to flare up again between Hindus and Muslims, and in certain areas between Hindus and Sikhs. It seems highly likely that the economic crisis patterns, for example rising unemployment has, a role to play in hardening the attitudes within one community against the other. It is important to realise that communal organisations played on these sentiments for their political ends and took recourse to fundamentalist positions to establish and bolster their legitimacy.

The controversy over the Ram Janmabhoomi at Ayodhya, the destruction of the Babri Masjid, and the communal frenzy and violence into which the country lapsed subsequently, has to be seen and understood in this context. These events of late 1992 and early 1993 had violent after effects in the neighbouring countries of Pakistan and Bangladesh. In all cases, violence was orchestrated in the name of 'correct' religious response. These events serve to show that on this subcontinent, religion, communalism, fundamentalist positions are closely linked.

Think It Over - 1

- 1) Do you think that the ideas of secularism and democracy have taken root in India?
- 2) Do you think that religion should be kept separate from secular institutions like the state? If so, why?
- 3) In what way did the British contribute to the communal tension between Hindus and Muslims?

13.4 FUNDAMENTALIST POLITICS AND WOMEN IN INDIA

The women's movement has long pointed out that the control of all religious establishments in a patriarchal world order is in the hands of patriarchal forces. As such, establishment interpretations of any religion are bound to be anti-women. This is true for all religions.

13.4.1 Women in Hindu Tradition and Practice

Within the Hindu tradition, there is Manu's notorious dictum that low caste people, animals, and women, all deserve derogatory treatment. Hindu traditional laws allow women unequal control over property and even child custody is traditionally a male preserve. Since Hinduism is not an officially codified religion, there is no book to fall back on for ultimate authority, and it is sometimes difficult to distinguish what is religious dictum and what is common law practice. Even today, a controversy rages about whether women are entitled to read the Vedas or not, with three of the four Shankaracharyas insisting that they are not. In practice of course such fundamentalist controversies mean little, since, with the Vedas written in Sanskrit, which few can read, not many women or men read the Vedas anyway. Of far greater practical consequence are attempts to revive and glorify practices like sati.

The latter refers to the supposedly voluntary self immolation of Hindu widows along with bodies of their dead husbands and this practice has been one of the main targets of the social reformers seeking to improve the conditions of women in the eighteenth and nineteenth centuries. It is debatable whether the practice was ever voluntary. There are, on the contrary, many indications, that the widow was coerced into this decision by members of her late husband's family, for whom this action had implications of not having to give her a share in the family property.

These issues came to the forefront with the famous Deorala Sati case of the mid eighties. Society in Rajasthan and many other parts of the country were divided on the question of the ethics of this incident, with the fundamentalist forces sanctifying the holiness of the incident and the woman, and the rationalists challenging each line of the argument. In the secular legislature of India, the latter won the day, but, predictably, the right wing parties closely associated with the Ayodhya demolition led bands of women in protest against the anti-Sati legislation in 1987.

The close relationship with communal forces is again evident when there was a total silence among parties close to the Hindu right in 1992 on the issue of the gang rape of 13 Muslim women in Surat, Gujarat which was led by a BJP politician. Quite possibly the silence was accompanied by admiration for the vindication of Hindu machismo.

13.4.2 Other Fundamentalist Articulations

There are similar repressive and restrictive positions on women in several other fundamentalist articulations in India. The Shariat laws commonly accepted as 'Muslim Personal Law' in India discriminated against women in matters related to property, marriage, divorce, maintenance and inheritance. By common laws Muslims are denied access to mosques for prayer. Very recently Shia women have defied this prescription in parts of Uttar Pradesh, and this action has brought on them the wrath of fundamentalist religious patriarchs. References to the basic religious and custom laws texts have revealed however, that, there are really no 'fundamental' objections to women praying in mosques, and that the restrictions have been imposed more on the basis of historical and circumstantial reasons. In the early eighties, at the height of militancy of Sikh separatism, there were attempts to impose what was called the Sikh Personal Law which laid down for women several prescriptions like obligation to *Ghadar Andazi*, which were not consonant with democratic freedom of choice.

Do You Know? 1

Communalism opposes the very principle of which women are struggling — that is women's separate identity and their right to equal justice guaranteed to them under the Constitution. Women are used by religious fundamentalists as carriers of the purity of bloodline and as custodians of the cultural traditions. Thus, the control of women has been a common denominator of all ideologies propagated by fundamentalists regardless of the religion they claim to represent. The right of women as human persons and as individuals has seldom been recognised.

The well-being of women, safeguarding of the rights they have won after hard struggles and the possibility of continuing to make advance towards a status of equality is integrally linked to the preservation of secular polity, for the communal offensive is directed as much against women as against the minorities. Women's position in society deteriorates as the level of violence increases and religious fundamentalism spreads.

In the name of religion, women's rights are attacked, their freedom curtailed.

social customs detrimental to them are revived and medieval barbarities resurrected. *Shankracharyas* are quoting scriptures in support of sati, *Imams* oppose Muslim women's right to maintenance in the name of *Shariat*, a section of the Church opposes reforms relating to marriage, divorce and property rights for Christian women, Sikh fundamentalists demand a Sikh personal law to deprive Sikh women from inheriting property. Fundamentalists issue all kinds of edicts. Muslim women are forbidden in some cities from going to the cinema halls. *Panthic* committees ordered Sikh girls to do their hair in a particular style and not wear skirts or sarees. *Hizbe-Islami* ordered Kashmiri women to wear *burkha* (a head to toe veil) which they have never ever worn. There is a barrage of propaganda among Hindu women to observe long extinct rituals and customs to project and preserve their Hindu identity.

Source: AIDWA, MDS, JWP, CWDS, YWCA, NFIW "Politics, Religious fundamentalism and Women" by Jyotsna Chatterjee, in *Women Link, Vol.5 No.2 April-June 1999*.

In a multi cultural and professedly secular society like India, the challenges to women posed by fundamentalist forces takes extremely complex, shades. This can be understood by reference to the kind of responses generated in the Shah Bano or the Tasleema Nasreen episode. Shah Bano, an elderly Muslim woman of Indore, challenged the non provision of Maintenance by her husband who had divorced her. The specific circumstances of the case allowed this in accordance with Islamic personal laws, but Shah Bano challenged the Islamic laws in secular court on the grounds that this violated her rights as a citizen. The court had a verdict in her favour, and then the fireworks started. While women's organisations welcomed this judgement, intense pressure was brought to bear on Shah Bano by her community leaders to withdraw from her position. Ultimately she was forced to do so. The government, rendered anxious by the signs of minority unrest, introduced a bill in parliament that effectively ensured that Muslim women would be governed in future by the personal laws of their own community and be beyond the reach of secular court. By this time, (mid-1980s) women's groups with one or two exceptions, had grown extremely touchy on the question of uniform civil rights. The BJP had emerged as the main champion of one law in one country, and in view of the communal and fundamentalist undertones to this, women's groups had withdrawn from their previously held position. The upshot was that a retrogressive bill as far as women were concerned, went through parliament on the pretext of safeguarding minority rights.

The Bangladeshi writer Tasleema Nasreen wrote "Lajja" after communal disturbances had engulfed Bangladesh following the destruction of the mosque at Ayodhya. The book drew attention to the denomination of the minority Hindu community in Bangladesh, and Tasleema drew the wrath of the Islamic religious establishment upon herself. Surprisingly, in India the main champions of "Lajja" were not the women's organisations, or the progressive intelligentsia, but the Hindu communal organisations, whose purpose it suited to have attention drawn to the threats faced by Hindus in an Islamic country, to be able to play the fundamentalist communal card at home.

13.5 FUNDAMENTALISM AND WOMEN WORLD-WIDE

Internationally, fundamentalism has emerged as a major political tendency in recent years. In many cases, this has got mixed up with 'identity' politics and the assertion of non western ideologies in an aftermath to colonialism. In many countries of North Africa and west and central Asia, new and fundamentalist systems seek to defend gender inequality in the name of 'Islamization' and /or the upholding of tradition.

In many cases this has acted in taking away from women prized democratic rights and access to education and employment. The most recent example is the kind of restrictions put to women's freedom that have been imposed by the Taliban after gaining control of large parts of Afghanistan. Earlier, women in Iran were forced into the veil after Iran's Islamic revolution, although they continued to have access to segregated education. In many cases also, gender inequality, contained in certain interpretations of personal laws, has been imposed officially, like in neighbouring Pakistan.

The resistance to these tendencies has been from within the women's movement, and from democratic rights activists in these different countries and internationally. While some sections of the resistance have based themselves on secular democratic ideologies, some others have attempted to find feminist interpretations of fundamental texts. In this regard pioneering work has been done in Pakistan by the Women's Action Forum (WAF), which has located evidence in Islamic texts to challenge every anti woman edict promulgated by the patriarchal forces. In many ways, the work done by these women resembles the work of Christian feminist theologians, who have been attempting feminist interpretations of the Bible in attempts to win spaces for Christian women within the religious tradition.

Think It Over 2

- 1) Why do you think fundamentalism is growing all over the world?
- 2) Given the fundamentalist tendencies do you think there should be legal guarantees for women which override the traditional practices?
- 3) In what way are women mobilised to be a part of a fundamentalist project, explain with an illustration?

13.6 CONCLUDING REMARKS

Fundamentalism has been on the rise in recent past all over the world. In the face of rising modernisation and quick changes there is a tendency on the parts of communities to preserve their identities and tradition. Women are implicated in this need to preserve tradition.

Our preceding discussions have shown how a complex interaction of religion, politics and community identities have created a situation in which the basic rights of women are sacrificed.

There have been attempts to resist such tendencies but these are few and far between.

13.7 CLARIFICATION OF THE TERMS USED

Fundamentalism	: Going back to the supposedly original, some time archaic percepts as principle, and a strict adherence to these principles.
Idiom	: A characteristic way of expression through the use of particular language, symbols etc. by person or community.
Minority	: A small number, a minority community is that which is smaller in number in comparison to a community which is larger in number and may therefore have a tendency to dominate.
Secular	: Things that are not religious or spiritual. In the context of polity it means the state having an equidistance and a neutral position towards all religious.

13.8 SOME USEFUL READINGS

Gabriela, Dietrich. 1988 *Women's Movement in India, Conceptual and Religious Reflections*. Bangalore.

Jayawardana, Kumari 1986. *Feminism and Nationalism in the Third World*. London: Zed Books.

Jaising, Indira (ed.) 1996 *Justice for Women: Personal Laws, Women's Rights and Law Reform*. Mapusa, Goa; The Other India Press.

UNIT 14 CUSTOMARY LAW AND ITS OPPOSITION

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14.0 AIMS AND PURPOSE

In this unit we will essentially discuss how customary law contradicts the legal rights given to an individual, more so in the case of a woman. The sati phenomenon is here used as an illustration to explain this aspect of oppression of women.

After reading this unit you should be able to :

- relate the recent Sati episode and its various aspects;
- explain the notions underlying the phenomenon of Sati;
- analyse the ideological and institutional underpinnings to Sati; and
- critically analyse from the example of Sati the problem of community oppression of women.

14.1 INTRODUCTION

In this unit we are going to talk about the specific phenomenon of Sati, as an instance where the community law, tradition, practice are so oppressive that they deny the right to live, a basic human right. Let us begin by taking a look at as what is normally touted as voluntary act by those who profess Sati. We will have a critical look at the recent incidence of Roop Kanwar and look at various grounds which justify this inhuman act.

A recurrent theme, which seems to emerge, is the conflict between State tradition and community. In our next section we follow this argument.

In trying to understand this aspect, we go back to history to examine the roots of contradiction between community practice and the legal or state directives and the question of women's issue in all this. The popular patriarchal conception and image of women explain why tradition is equaled to women and how this ideology is used to justify even the most inhuman practices, whether in the context of colonial India or in the modern state.

Finally we will attempt to link the various institutions which play an active role in the perpetuation of the practice of widow immolation or Sati.

14.2 DENYING JUSTICE

On September 1987, in Deorala, Rajasthan, Roop Kanwar, a young widow was burned along with her husband. She was barely married for seven months.

Do you know that widow immolation or burning of widows is prohibited under law? And that propagation of sati or its glorification is also regarded as a corrupt practice. Why is it that in spite of various laws and legislation certain practices continue which concern women?

It is like the question that is very often asked by foreigners visiting India—"why do Indian women wear traditional dresses, where as the men wear western clothes?" A question which won't occur to many of us Indians, probably because we are so used to seeing many Indian women dress in traditional clothes while many men dress in pants and shirts. Did it occur to you that there is this difference? The reason we brought forward this seemingly irrelevant question is to ask our selves why certain practices continue? The burning of widow along with her dead husband or sati is one such practice, which was committed as recently as 1997. In spite of the fact that it was illegal. How is that it enjoyed a certain sanction by a section of people?

This unit will look at the practice of sati. A practice, which it seems, enjoys the sanction of the community. There are many practices the world over which are harmful, inhuman, undignified yet they continue to exist, because they are part of the traditions. Female circumcision for instance is practiced in parts of Africa, it is very painful and harmful for the woman who goes through this. She does not have a voice to object to such an act. Needless to say women have hardly a status wherein they can raise their voices against such practices. Besides, often these so-called traditional practices are couched in different myths; interpretations, ideologies and they hide the unequal power relationships between men and women. Many women are led to believe in these practices, the wider and so also the community. The incidence of sati, in 1987, for instance opened up a whole debate not only about the rights of women, but also about the identity of the community, the role of the state vis-a-vis the law and the community.

So, let us examine this politics of power behind the practice of widow immolation or sati as it is popularly known. Let us first see what happened in Deorala in September 1997.

14.3 THE DEORALA INCIDENCE OF WIDOW BURNING

Satis have been committed before the Deorala incident as well but they have not sparked off reactions both for it and against it as much. It is believed that there is an average of one sati an year. In fact four months before the Deorala incident, the police had prevented a woman called Banwari from committing sati. Then why could not the police prevent Roop Kanwar too? Let us have a look at what exactly happened.

14.3.1 The Burning of Roop Kanwar

Roop Kanwar was barely married for few months when her husband died. Her husband was suffering from some mental disorder. After the death of the husband it was 'decided' that Roop Kanwar would become sati, and arrangements were made. Sati is always a public spectacle and so people were informed, but her family however was not informed. Thousands of people came by from nearby villages to witness the event. Roop Kanwar was brought to the pyre, in her wedding finery. Logs and coconuts were heaped upon her. The funeral pyre was lit by Roop Kanwar's brother-in-law, who himself was a child. Hundreds of people poured ghee on it to make sure it burnt properly.

Hearing the news the press was on its way, expecting a confrontation, the organisers of the sati stalled the press and manhandled them; they in fact brought forward the time of the event. It is believed from what the neighbours have reported that Roop Kanwar tried to run away, but was drugged and brought forcibly to the pyre. The in-laws of course said that in spite of their objections, she wanted to become a sati and that the act was voluntary. Where was the police in all this and the administrators? After all an illegal act and event was being staged and none of the state machinery was there to prevent it.

14.3.2 The Administrators and the Police

The local administrators knew of the planned sati, from what one gathers from the reports (see Radha Kumar, 1993) and their reaction was to send a jeep of officials to the place of event. It is believed that the jeep overturned on its way, and so never reached Deorala. It is only after three days that a government representative visited the site of sati. The government showed a general apathy and indifference to the whole issue. There was no statement from the government on the issue, leave alone condemnation. As always when it comes to taking issues on the question of women which would involve a confrontation with respective community, the government tends to be quiet or takes the side of the community, as in the Shah Bano case. The Government did not arrest anyone, in spite of the mounting evidence that Roop Kanwar's act of sati was far from

being voluntary. The doctor who drugged her was also absconding from the scene, adding to the suspicious circumstances in which she died.

14.3.3 The Sati *Sthal*

After the event was over many government officials and politicians visited the sati *sthal*, which had become a popular pilgrimage centre. The pilgrim centre geared itself to meet, the pouring pilgrims, which turned it in to a roaring commercial enterprise. The local businessmen quickly set up stalls "selling auspicious offerings momentos (such as trick photographs of Roop Kanwar sitting on the pyre with her husband's head on her lap and a blissful smile on her face, while the flames spurted about her) and audio cassettes of devotional songs. Her father-in-law, prominent men from the village and the members of the newly formed organisation, the *Sati Dharm Raksha Samiti* (organisation for the defence of the religio-ethical ideal of sati) together formed a trust, to run the site and collect donations" (Ibid: 175). It was believed though no information was collected on the exact amount of collections from the site, that within weeks the Trust had collected around 50 lakhs of rupees. There is no doubt that big business was made out of the sati, "despite demands from feminist and social reformers the money was not impounded" (Ibid: 175). That was not all, ten days later a procession was organised, to glorify sati, as blatantly as the sati event. A great many politicians and administrators joined the procession.

14.3.4 The 'Mahostav' Glorifying Sati

Following the sati of Roop Kanwar, a *Sati Dharm Rakshak Samiti* was formed in Jaipur. The members of this organisation were drawn from the well to do-businessmen, professionals, landowning class etc. They were influential people, they along with the trust from Deorala decided to organise a chuniri mahostav; traditionally in these areas the veil of the dead woman is cremated ritually, but never is this ceremony performed in such massive scale. The organisers intended it to be that way, as a show of solidarity, and strength of the tradition—they are supposed to be upholding.

Women activists in Jaipur petitioned the High Court to stop the ceremony. The High Court instructed the state government to prevent it. "All that the state government did was to stop the vehicle, but allowed the people to walk and take part in the procession. Five hundred policemen were posted along the route, but in plain clothes, so as not to offend the crowd. The *mahotsav* was performed. From an act of mourning it was transformed in to a show of strength, a victory celebration, with the male members traditionally dressed, waving their fists aloft in triumph and shouting slogans. The site itself was transformed into a political battle ground: a highly charged state-of-seige atmosphere was created by sword wielding youth who surrounded the sati-sthal and instead of devotional songs they shouted slogans which were clearly modelled on mainstream political slogans". These slogans were in the following categories:

- 1) Slogans based on leader glorification, such as "*sati ho to kaisa ho Roop Karnwar jaisa ho*".
- 2) Victory chants, such as "*ek do teen char, sati mata ki jai kar*".
- 3) Slogans drawn from Hindu communalist movement, such as "*desh dharam ka nata hai, sati hamari mata hai*", which is based on '*desh dharam ka nata hai, gai hamari mata hai*'. (Radha Kumar, 1993: 175)

As was narrated by Radha Kumar, the whole scenario was one of show of strength, the strength of Rajputs as a community. And this strength was shown by upholding what is considered the tradition of the community, in this case it was sati. And they believed that the campaign against sati was directed at the Rajputs and not a question of human rights, the rights of women.

What are the reasons why a particular community like the Rajputs stopped from performing this illegal event, the reasons are many. Let us see if we can unravel some of the issues that came up in the wake of this incidence of sati. The debates, as we mentioned, briefly in the beginning revolved around the issue of modernity versus tradition, spirituality and materialism, community Vs secular, 'democratic' state.

14.4 THE DEBATE

The debate for the justification of sati and against it as we mentioned centered around some of the already mentioned key binary oppositions. Let us look at some of these issues in the following sub sections.

14.4.1 Communities Vs State

If you recollect your lessons on history, specially the period of British colonisation, you will recollect that there were great many reforms being under taken. There were several debates which surrounded these reforms. At one level, it was felt that any initiatives on the part of the state or a group would amount to interference in the traditions of a community and the other argument said that it was important for individuals or communities to fight the indignity of traditions and evil practices. The Indian State shares this ambivalence with regard to diverse groups that we have in our country. And when comes to the issue of women, the issue usually gets upstaged by the community identity or religious identity. The voices of women are drowned in the process and worse the women voices are divided, as we mentioned in the case of the agitation on Sati. It is also important to make the point that the 'Community' referred to is not referring to all members of the community. It is the 'spoke persons' who usurp the right to 'speak' on behalf of the community.

"At the policy level and intelligentsia levels the major argument of the pro Sati -camp was that if the state represented the people, then the Rajputs were a people among whom Sati was an ideal and a tradition and such it should be recognised and legitimised. and the refusal to legitimise was a deliberate attempt to marginalise the Rajputs per se" (Ibid: 197). The state was not far behind in it is

"claim to tradition and to the Rajput vote" (Ibid). The Rajputs are an influential people, and a substantial vote bank. The government did not want to displease them. Besides, there were arguments that the state was particularly biased against the Hindus, while it appeased the minorities. The Shah Bano case was cited as instance where a religious community has been protected to follow its traditions. So why not the Hindu majority?

So it seems as Radha Kumar points out, to be secular seem to mean to give equal representation to different communities, in the name of tradition, can be read as fundamentalism or in the name of religion, even if it means sacrificing the rights of women.

"Questions of representation, politics and the state arose in a new way for feminists in 1987-88. Religious fundamentalism as we find all over the world, not only rationalises the sexual oppression of women, but also mobilises them in support of their own oppression... on a castiest (Rajput) and religious (Hindu) platform. This allowed them to claim they represented the 'true' demand of Hindu women and to accuse the feminists of being unrepresentative. So, the feminists were placed in the position of appearing to speak in the interest of women whom they could not claim to represent and who defined their interest differently" (Ibid: 179). The feminists who were campaigning against sati were scoffed at as being modern and urban, representing a material world, which is not 'Indian'.

This brings us to the other issue-modernity Vs tradition, which we will talk about in our next sub-section but before that let us go through this box which talks about traditional practice involving women, in Africa.

Do You Know? 1

For centuries, parents in Nigeria called on the *olola* (circumcisor) to alter or remove parts of their daughter's genitalia, in the belief that this would prevent them from being promiscuous. Yet this ancient custom caused girls immense physical suffering, ranging from shock to blood loss, infection and increased susceptibility to AIDS –not to mention emotional and psychological trauma. Nevertheless female circumcision was rarely discussed or challenged, especially by 'outside' health organisations that could be accused of meddling with the cultural values and traditions.

However, a communication project is helping to change this deeply entrenched practice using traditional communication as a means and through the traditional health care workers, like the midwives and others. These people after they have got their training went to the village to talk to the women about this practice. They were surprised at how angry the women became when they realised that circumcision was unnecessary. This anger was harnessed, in the sense that these women in turn canvassed against the practice.

The project has demonstrated that it is possible to challenge cultural practices and traditions rather than accept them as given.

14.4.2 Tradition and Modernity

The above example is one of the many instances where tradition is used as an excuse for the continuation of practices, which go against the basic dignity, and human rights of women. In a democratic set up, and in a multi-cultural situation, where every community is recognised for its distinctiveness, the debate of tradition and modernity often goes against those who have been suffering under the weight of tradition, as it happened in the case of Roop Kanwar's sati.

When the Rajput community was confronted with the anti-sati agitation by various women's organisations and other activists, some of whom were based in cities, their defense to the criticism was that they are upholding an age old tradition of Rajputs, and the women were following their dharma. The *Sati Dharm Raksha Samiti* and the *Rani Sati Sarva Sangh Trust* "invoked a chivalric Rajput tradition in which men defended the Hindu tradition on battlefield by killing and being killed, while women defended home by killing themselves (jauhar and sati)" (Ibid: 176). What one does not understand is when there is no battle field, where men are not killing themselves defending the Hindu *dharma*, why must women be consigned to the flames. This actual act of Sati immolation is what appalled all those who were against this incidence. Here the defence of tradition was nowhere symbolic- the fact of Sati worship or its propagation is bad enough but to actually burn a widow amounts to a criminal offence, yet the defenders were pleadings on the ground of upholding a tradition.

One wonders here why is that it is the women who are the ones to uphold the tradition, as you must have noticed, in every day practices, it is usually the women who signify the tradition.

Learn From Your Experience 1

Talk to some of the women around your neighbourhood about the significance of some practices and rituals. You can, for instance, find out about the significance of *karwa chauth* festivals.

In the following section, let us see how this dichotomy of tradition and modernity permeates the entire discussion on Sati, which came up during the colonial period. We are by now familiar with the notion that reform movement has attended to issue which concerned women and the institution and practices which oppressed women. Let us look, very briefly, at the issue of Sati which came up during the colonial period: and examine the contradiction within it, the resistance to the abolition of sati and the construction of womanhood that lies beneath the women's issues of that time. (See our unit on 'New Look at History' in the foundation course).

Think About It 1

- 1) List a few practices which exemplify the notion of women as self-sacrificing beings.
- 2) Do you think women like to be self-sacrificing or that they are made to believe that they should live up to the ideal of sacrificing women?
- 3) Why do you think that widow immolation is common among the upper castes and not the lower castes?

14.5 THE PROHIBITION OF SATI OR WIDOW IMMOLATION

The British Government prohibited Sati in 1829. "The legislative prohibition of Sati was the culmination of a debate during which 8,134 instances of Sati had been recorded, mainly, though not exclusively among upper caste Hindus" (Mani, 1989:88). The debate concerning sati is said to concern the women's question. Did it? On a closer analysis of history, one finds that under the Sati issue, a whole lot of intricate ideologies were being fought. One of which was the question of "Indian Identity": the Orient as against the Occident, the Eastern spirituality and the Western materialism and in this the privileging of the Indian tradition and women as epitomising that tradition.

Women generally were viewed as emblematic of tradition and the reworking of tradition is largely conducted through debating the rights and status of women in society. Because of this, these debates very often concentrated on what constitutes authentic cultural tradition rather than what concerns women.

What constitutes culture or Indian tradition was defined to some extent, by the need to constitute an identity, an identity which is distinct from the West, the materialist West, yet rid of the spiritual "Indianess" of its so called 'social evils'. The several writings, which came about, did mention the fact of degeneration of Indian tradition, from its once glorious tradition. Practices such as Sati, child marriage, lack of education, specially of women, among others were cited as reasons for the generally degenerate state of India, and for the conquering by foreign powers.

The intellectuals, nationalists, reformers and others, who were part of the articulations on 'Indianess,' looked towards tradition, specially what was considered a lost tradition. The question was how to improve the situation of women without sacrificing Indian tradition. And it seemed that the whole edifice of Indian tradition rested on the shoulders of women. Let us examine this particular equation of tradition with women.

14.5.1 Tradition Equals Women

As we mentioned earlier the particular concern as far as Indian identity was considered was how to be modern-scientific, technologically advanced yet preserve the 'inner' core of spirituality. In this attempt there were series of oppositions which were posited. The material/ spiritual distinction was extended to analogous, but ideologically far more powerful, dichotomy: that between the outer world and the inner. The material domain lies outside, a mere external... and the spiritual lies within, which is our true self. This is applied to the matter of concrete day-to-day living and you get the separation of social space in to ghar / bha'ir, the home and the world (Chatterjee, 1989:238).

Typically, the outer world is essentially, the world of men while the home is the women's domain. The outer world, the material world, is the realm which is outside the home, and is perforce encountering the colonisers of the West. The

outerworld was where men had to work, a western material of world, where it helped if they wore western clothes and learned western modes of science and this world they were at par. But the inner world had to be preserved, women particularly were entrusted with preserving this traditional inner core, including the traditional dress. The outer world was a place of oppression and daily humiliation, a place where the norms of the coloniser had to be performed. It was also the place where the battle would be waged for national independence. The requirement for this was for the subjugated to learn from the West the modern science and the art of material world. And their strength would be matched with coloniser, who will eventually be thrown out. But... the crucial need was to protect, preserve and strengthen the inner core of national culture" (Ibid:239).

14.5.2 The Indian Woman

The Indian woman thus was counterpoised to the western material culture. In this attempt to create and 'recast' the so-called '*bharat nari*', the various contexts and differences were sought to be swept aside by the patriarchal and middle class notion of a woman who upheld the so-called tradition. There were exceptions and variations but the overall effort has been to preserve this aspect of tradition. One finds expression of this in various middle class literatures that came about, particularly in Bengal. Thus for example Budev Mukhopadhyay in *Paribarik Prabandha* writes:

"because of our hankering for the external glitter and ostentation of the English way of life... an upheaval is underway within our homes. The men learn English and become Sahibs. The women do not learn English but nevertheless try to become bibis. The women no longer cook, sweep or make bed... everything is done by servants and maids; (the women only read books, sew carpets and play cards. What is the result? The house gets untidy, the meals poor and the health of every member of the family is ruined".

What is required therefore is a training of women 'to tide over this crisis' (quoted in Chatterjee, 1989:241). How does one do that? After all one should not 'imitate them injudiciously'. At any cost one must preserve the human qualities of modesty and decorum. Even the dress code of the new *bharat nari* was decided. A petticoat and a blouse was introduced in the ensemble of *sari*, many lower caste women were comfortable at ease with their sexuality, and dress. These women were scoffed and ideal virtuous women was cast before them to be emulated. So, while men went about their business of material world, as consequence they sometimes were forced to adopt some of the practices of modern world but the women had the burden of preserving it. "In this aspect human beings seek to cultivate in themselves and in their civilisation god like qualities wholly opposed to forms of behaviour which prevail in animals. Further within the human species women cultivate and cherish these God-like qualities far more than men" (ibid:242). He adds that in the "Aryan system wife is a goddess and in the European system she is a partner and a companion" (Ibid:243).

14.5.3 Burning of the Widow: Justification

So, if a wife is a Goddess, then how is burning of the widow justified?

For, one the justification is sought in the religious text, which has no reference to real practices. And most of the religious texts are highly unrepresentative of varied Hindu population. In any case there is no authoritative text for Hinduism, unlike Christianity or Islam. Hinduism is essentially a loose set of traditions, which are not homogenous. Besides, the text usually often involves tradition dating to a past beyond 'history'.

Do You Know? 2

The Petition of the Hindus against the Abolition of Sati (19, December 1829)

We the undersigned beg to leave respectfully to submit the following petition to your lordship in council in consequence of having heard that certain persons taking upon themselves to represent the opinions and feelings of Hindu inhabitants of Calcutta have misrepresented these opinions and feelings and that your Lordship in council is about to pass a resolution founded on such erroneous statements to put a stop to the practice of suttees, an interference with the religion and custom of the Hindus which we most earnestly deprecate can not view without the most serious alarm.

From time immemorial Hindu religion is founded like all religions on usage as well as percept and one when immemorial is held equally sacred with the other. Under the sanction of immemorial usage as well as percepts Hindu widows perform of their own accord and pleasure and for the benefit of the husbands souls and for their own the sacrifice of self immolation called suttee which is not merely a sacred duty but a high privilege to her who sincerely believes in the doctrine of her religion -and we humbly submit that any interference with a persuasion of and self annihilating a nature is not only an unjust and intolerant dictation.

(Source: "History of Doing", by Radha Kumar, 1993)

To question tradition would amount to questioning the identity of the community itself. It is this dilemma which kept women to side with the so-called notion of *Dharma* and the community honour and identity. This is what happened in Roop Kanwar's case. When some women's organisations staged protest, there were counter protest march by those women who supported the Sati.

As is evident from our above discussion, the notion of Indian women and what constituted as tradition played a key role in the whole debate on sati in colonial times. Especially to preserve the sacred traditional values in the face of threatening and corrupting influence from the West. This argument finds echo in the more recent debate on Sati as well. The inherent contradiction between the secular and the community law continues, especially against women, in the name of tradition, community religion and so. In the entire debate the actual women's question is forgotten. There are various institution which connive with

each other, buttressed as they are by patriarchal notions of sacrificing women and so on, in perpetuating widow immolation. It is not as simple as that the sacrificing women willingly climb the funeral pyre with cheerful countenance. She is supposed to be possessed by 'Sati'. And so to stop her would be going against her will. The Sati makes it possible for the women to endure the burning and makes the public burning of the women possible by obliterating the horror of the act.

So that the horror of a burning away of widow is celebrated as a mark of spiritual honour and so on. Underlying this sacrifice is the politics of community identity and the gross commercialism of creating legend and myths to make money, by a community.

14.6 BELIEFS, PRACTICES AND INSTITUTIONS IN THE MAKING OF SATI

From the proceeding discussion we can see that various elements, practices, ideologies and institutions have gone in to making the sati, a justification-a continuation of a tradition and an exalted and defied position for women. There is an organised reproduction of the ideologies and beliefs associated with Sati by an organised set of institutions and people, the temples, the trust, the merchants, the community leaders who take support and manipulate the administrative setup of the state and so on. (see Sanghari and Vaid, 1996). Institutions centered on widow immolation function as organised sites for the production and reproduction of ideologies and beliefs and represent well-defined sectional interests. Institutionalisation works to canonize widow immolation, and situate them as part of a regional 'history' in the public memory, a widow immolation cannot cross over either in to public, patriarchal discourse or in to belief system without the assistance of institutions" (Sanghari and Vaid, 1996:241).

Think It Over 2

- 1) Give few instances or practices where tradition is seen as preserve of women.
- 2) In spite of Sati being prohibited by the law why do you think the police refused to act and stop the burning of Roop Kanwar?
- 3) Do you think there are practices or traditions of a community which should continue? Give few examples.

14.7 CONCLUDING REMARKS

In this unit we have tried to bring the relationship between oppressive tradition and practices of a community and the implications of these for the women. We have examined these aspects and the complex practices through the practice of Sati. Sati or widow immolation is nothing but a basic violation of a human right—right to live, which everybody is entitled to. But this practice and its accompanying ideology of sati makes possible the widows to be burnt publicly with the active participation of the community and various other support practices

and institutions. In the Roop Kanwar's case the police, the state, the merchant community, religion and the whole practice of worshipping the sati as a deity—a symbol of sacrifice contribute for it to be lodged in the consciousness of the people.

A closer examination of the practice reveals what it stands for a series of complex mesh of vested interests: the Rajput and the Bania community, the state, the religious institutions, be it a temple or some such institutions. In all this it is the woman's life which is sacrificed.

"Not only is the crime consciously structured in full knowledge of the prohibitory law, it is also assembled around the inability of existing law to deal with community crimes, to take cognisance of and contend with patriarchal ideologies or to recognise and act on the nexus between religion and patriarchal ideologies. The political will to enforce even the existing law has been conspicuously absent." (Sanghari and Vaid, 1996)

14.8 CLARIFICATION OF THE TERMS USED

Contradictory	:	Inconsistency between two principles, so that they oppose each other.
Homogeneous	:	Similar in nature, not varied or different.
Ideology	:	A thought or belief behind a set of practices which influences people in a conscious or unconscious way.
Legitimise	:	To make a belief or a practice lawful or acceptable to people.
Tradition	:	A long established belief of a community or cultural practice, which is been carried over the years and which is handed over to the next generation.

14.9 SOME USEFUL READINGS

Jawardena, K. and Malathi De Alwis (ed). 1996 *Embodied Violence : Communalising Sexuality in South Asia*. New Delhi: Kali for Women.

Kumar, Radha. 1993 *History of Doing*. New Delhi: Kali for Women.

UNIT 15 RELIGION AND PERSONAL LAW: HOMOGENIZING VS DIVERSITY: THE CASE OF SHAH BANO AND MARY ROY

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15.0 AIMS AND PURPOSE

In this unit we discuss the various personal laws, that is the different family laws of different religious communities. Through an analysis of these laws we would like to bring into focus the issue of how women's struggles are faced with a problem of diverse laws, while the situation of women in some sense is universal in nature.

After reading this unit you should be able to:

- have a knowledge of various personal laws relating particularly to women;
- critically analyse various personal laws;
- understand the significance of these laws to women's status; and
- relate the case studies to understand the women's question at large.

15.1 INTRODUCTION

This unit will discuss the case of Shah Bano and Mary Roy on the issue of personal laws. Different communities have been governed by different community laws. These laws often date back to age-old traditions, practices and percepts. Not all traditional practices and notions have been equal in their treatment of man and women. As we have seen from our proceeding discussions various religious traditions have given women a marginal position and those religions which are liberal have been interpreted in such way that in practice women do not have equal status with men. It can be in the area of inheritance, right to divorce, guardianship and so on.

There has been resistance to changes in the personal laws, whipping up community emotions and frenzy. This only raises the issue of getting around the diversities of various communities, so that women are not divided on the basis of religion.

We start the discussion by looking at some initial attempt at change in personal laws. In our next section, we will look at various aspects of personal laws. We will examine laws related to marriage among different communities. We then move on to a discussion on laws relating to succession and inheritance, followed by maintenance.

Having given you a backdrop of these laws, we will be discussing the case of Shah Bano and the controversy the case raised. In our next section we will discuss Mary Roy's case.

The discussion of these two cases makes it necessary for us to critically look at the issue of personal laws and Uniform Civil Code.

15.2 LEGISLATION: TOWARDS CHANGE

Legislation is one of the ways in which, changes are being sought, especially in the case of women, who have been oppressed for long. Despite changes, we find that the personal laws were sites of various gender-biased attitudes.

The life of a woman is very often viewed through the sphere of family which, defines and orders her entire life and personality. It is not surprising, therefore, that during the period of early eighties, attempt were made to analyse the relationship of women within the family, as codified in personal laws. The personal laws are nothing but different family laws of different religious communities.

15.2.1 The Personal Laws

The British adopted a policy of letting each community be governed by its own laws—Hindu Law, Muslim Law, Christian Law and Parsi Law. There might have

been many reasons behind such policy one of which was to keep the communities distinct and divided. But the reason offered was that the British did not want to interfere in the personal lives and religious traditions of different communities.

In the early 19th century, some marginal changes were brought about in personal laws, owing to efforts of reformers. Issues such as Child marriage, Sati, Hindu Widow Remarriage, Hindu Women's Right to Property. Demands for change was felt in Muslim personal law. The improvement was to give the Right to Divorce to Muslim Women.

A corollary to the non interference of personal lives and tradition was the different interpretations, which followed, partly because of varied traditions and customary practices of the religious communities, in different parts of the country. There were demands to codify and make uniform the personal laws. In Muslim personal laws it was partially remedied by The Shariat Act 1937. The Hindu Code Bill was met with quite a bit of resistance.

15.2.2 Resistance to Change in Personal Laws

Demands for a reformed, uniform and all encompassing law was first raised by feminist in the thirties. A committee was set up under the chairmanship of B.N. Rau, which submitted a draft code in 1944. Under the Bill, the age of marriage was raised, gave women the right to divorce, maintenance and inheritance and treated dowry as Stridhan. There was opposition to the bill from many sections though the reformers and feminist welcomed it. It was not picked up until 1955-56, when sections of it were passed, in piecemeal.

The reactions such as above are echoing still, as we can see in the two cases-Shah Bano and Mary Roy case, that we are going to discuss. Personal lives and tradition are considered sacred and beyond the scope of secular laws. And any change was seen as an affront to the sentiments and the very identity of the community. Any attempt to question the religious tradition was seen as betraying the community and its religious tradition.

15.2.3 Religion and the Public-Private Domain

The roots of oppression and discrimination lie within the socio-religious system of the society, an aspect that we have examined in our earlier units (see unit-3,-1, Unit 11 and 12 of WED -1). Needless to say that the traditional practices and religious percepts are far from egalitarian. Besides religion/tradition has been seen as last bastion of identity of community, which needs to be preserved from the onslaught of modernity and hegemony of other cultures. In this divide of modern and tradition, women have been seen as the repositories of tradition, therefore like tradition women must remain within the bounds of community identity and tradition.

Moreover, this division of society into the private sphere and the public sphere has Constitutional recognition and legitimacy. Therefore, all matters relating to the family are treated as "private" matters and governed by personal laws. In

India most family law is differentiated on the basis of religion as well as community. Each community is governed by its own laws but common feature in all the laws is that it promotes a family based on inequality between men and women. Under all these personal laws, (with the exception of Khasi customary law) the man is the head of the family, he is the natural guardian of the children. The line of succession is through the male line and men and women do not enjoy equal rights or access to property under the law.

The prevailing inequality within the family is often responsible for the tensions, which continues to be looked as problems of adjustments. It is only through the institutions of marriage and family that Indian women continue to suffer from certain disabilities, which are reflective of their status, in society.

Let us examine, the two cases of Shah Bano and Mary Roy to understand the various aspects of personal laws. In order to understand the position of women through the legal rights-either given or denied to women—we should understand the very three pillars, which provide the basis for the formation and codification of legal provisions for women. These three sphere are—marriage, inheritance and maintenance.

15.3 THE MARRIAGE SYSTEM

Prior to the passing of the Hindu Marriage Act, 1955 monogamy was the rule only for women. A male Hindu could take any number of wives. Polygamy now is not legally valid.

While bigamy has been made an offence and the second marriage should be void, bigamous marriages are still prevalent among Hindus. For example, in Manipur, even the Government servants who are forbidden under the Government Servants Conduct Rules, are practicing polygamy. In spite of their economic independence, women of Manipur have been unable to assert their social and legal rights. Similarly, in the districts of Goa, polygamy is permissible along Hindus under certain circumstances:

- i) when the previous wife is childless upto the age of twenty-five years;
- ii) when there is no male issue from the previous wife till her 30th year or when the previous wife who is below 30 years does not conceive for ten years after her past conception;
- iii) in cases of judicial separation by wife and when there is no male issue.

But in the first two cases previous wife's consent is required.

Under the Muslim law polygamous marriage is permitted. Most Muslim countries such as Turkey, Iraq, Iran, Syria, Indonesia have introduced various reforms to control the misuse of polygamy but so far no legislative effort has been made in India to make amendments in the personal law of the Muslims thereby causing hardships to the Muslim women.

15.3.1 Marriage among the Muslims

Marriage is regarded as a contract under the Muslim law for the purpose of procreation and legalising of children and a marriage is regarded as valid if all the conditions and formalities relating to marriage law have been properly fulfilled. A valid marriage confers on the wife the right to dower, maintenance etc., and creates reciprocal rights of inheritance between the husband and the wife. Among the Sunnis, a marriage that is not valid may be either void (*batil*) or irregular (*fasid*). A void marriage does not create any rights or obligations among the parties. The children of the union are illegitimate. An irregular marriage has no legal effect before consummation and it can be terminated by words showing intention to separate. The children of the union are legitimate but the irregular marriage does not create mutual rights of inheritance between the husband and the wife. But the distinction between valid, void and irregular marriages was eliminated and therefore, it is remarkably easy to misuse the law.

15.3.2 Marriage among the Christians

Like the Hindu and the Muslim society, marriage is also a well established institution among the Christians as well. The marriage system is the only accepted system for getting legitimate children.

Though divorce is prohibited in the Bible it is not an unusual phenomenon among the Christians. There is no provision of divorce by mutual consent in Christian law.

15.4 SUCCESSION

The rights of women to succeed to any property vary from one region to other depending on the personal laws followed by them. There is no uniformity in the succession law relating to women following different religions.

In India, the women enjoy a secondary status with regard to the succession. This unequal status was sought to be removed by certain legislation's governing different religions like the Hindu Women's Rights to Property Act, 1937, the Hindu Disposition Act of Property Act, 1916, the Hindu Inheritance (removal of disabilities) Act, 1928 the Indian Succession Act, 1925, and the Cochin Christian Succession Act, 1902.

15.4.1 Muslim Women and Succession

The Muslim law of succession is basically different from the other indigenous systems of India. No woman is excluded from inheritance only on the basis of sex. Woman have, like men, right to inherit property independently, not merely to receive maintenance or hold property in lieu of maintenance. Every woman who inherits some property is its absolute owner like a man. There is no concept of either *Stridhan* or women's estate. Muslim women of course have some property rights but not equal rights with their brothers. Under their respective laws. The son gets twice the share of his sister. Thus, the male heir takes two

shares and the female heir takes only one share. Thus, a daughter does not, however, by reason of her sex, suffer from any disability to deal with her share of the property. She is the absolute owner/master of her inheritance. The same rule applies to a widow or a mother.

A vast majority of Muslims in India follow the Hanafi doctrines of Sunni law which divides the heirs related to a deceased person by blood into three groups;

- 1) *Zav-il-Furuz* (the sharers or the Koranic heirs)—There are twelve sharers in number who are given specific shares. However, their shares are not permanently fixed as each heir may be affected by the presence of other sharers.
- 2) The *Asaba* (agnates or residuaries)—They are certain share who are excluded from taking their specified share, if a residuary of equal rank co-exists. In such a case.
- 3) They became residuaries. They are also called chronic residuaries and fall into the third category.

The sharers take the estate first; the remaining estate (or the whole of the estate in the absence of heirs of the first kind) is taken by the residuaries. If there are no sharers and residuaries the estate goes to the uterine relations.

The Shia law of inheritance divides heirs into two groups:

- 1) heirs by consanguinity, i.e., blood relations, and
- 2) heirs by marriage, i.e., husband and wife.

Among the Shias, there is no separate class of heirs corresponding to the Distant Kindred of Sunni Law.

15.4.2 Succession among Christian Women

The entire Christian law of succession is governed by the Indian Succession Act, 1925, which adopted two schemes. One scheme deals with the succession rights of Indian Christians, Jews and Parsis.

The first scheme entitles the widow and a lineal descendant a fixed share of one third of the property and the children have an equal right irrespective of the sex. This law was amended to make the widow the sole successor of property in case of absence of any lineal descendant. And when the net value of the estate did not exceed five thousand rupees. But this provision has been denied to certain categories of persons. Moreover, Christians in Kerala and those outside are governed by different laws. The Travancore and Cochin Christian Succession Legislations are based on the former notion of the Hindu Law of Inheritance, which is discriminatory by nature against women. Therefore, according to the former notion of the Hindu Law of Inheritance a widow or mother inheriting immovable property takes only a life interest terminable on death or remarriage. A daughter right is limited to "*Streedhanam*" even in cases where she is entitled to succeed, she takes a much lesser share.

But the Act confers no restriction on the power of a person to will away property. Therefore, the protection enjoyed by a Muslim widow to a share of the estate and by the Hindu widow to being maintained is denied to other widows under this law. A Hindu widow who has been disinherited is entitled to maintenance from persons taking the estate of her husband. There is, therefore, a need to incorporate some restrictions, on testation similar to that prevailing under Muslim law to prevent a widow from being left completely destitute

The Christians of Goa are still governed by the Portuguese Civil Code which although makes no differentiation on the basis of sex relegates the widow to a very low position. The first scheme deals with the succession rights of persons like Indian Christians, Jews and those married under the Special Marriage Act (1955).

The other scheme deals with the succession right of Parsis. Like the Hindu Law, there are separate rules for the devolution of the property of male and female Parsi intestate and the share of a male heir is double than that of a female heir. The Parsi daughter's share remains half of that of a son as in Muslim Law but she is not given any protection against disinheritance which is the beneficial feature of Muslim law.

15.5 MAINTENANCE

Related with the issues of marriage divorce and succession is the matter of maintenance which is also governed by personal laws. The rights of the women to maintenance vary according to the personal laws governing them.

Section 125 of Criminal Procedure Code provides for speedy remedy against persons who neglect or refuse to maintain their wives, children and parents. The following persons are entitled to claim maintenance under certain circumstances:

- 1) Wife—The wife, who is unable to maintain herself, is entitled to claim maintenance. The term "wife" refers to a woman who has been divorced or has obtained divorce from her husband and has not remarried.
- 2) Child—A minor child, male or female, if unable to maintain itself is entitled to claim maintenance irrespective of whether such a child is legitimate or illegitimate.
- 3) Mother—A mother, unable to maintain herself is entitled to claim maintenance from her son.

Section 125 (1) of Criminal Procedure Code required only a husband or a father or a son or a daughter (as the case may be) to pay maintenance to wife, child, father or mother. According to the Hindu Marriage Act, 1955, either a husband or a wife, if separated or divorced can ask the other for alimony.

15.5.1 Maintenance of Muslim Women

Under the Muslim law a man is under an obligation to maintain his wife, children, parents and other relatives including step-relations.

According to the Mohammedan law, the wife may sue the husband for maintenance if he neglects her. She may approach the court under Section 125-128, Criminal Procedure Code to order that the husband to make a monthly allowance for her maintenance, but these provisions are applicable only during the subsistence of marriage. A divorced wife is entitled to maintenance only during the period of '*Iddat*', which refers to the duration (equivalent to three months or till the delivery of a child in case of a pregnant women), or the waiting period after which a new marriage is rendered lawful.

Maintenance of divorced Muslim women is governed by three laws namely:

- 1) Muslim personal law;
- 2) Section 125, Criminal Procedure Code, and
- 3) The Muslim Women (protection of rights on divorce) Act, 1986.

A divorced woman is entitled to claim maintenance from her former husband during *Iddat* period only. The duration of *Iddat* on divorce is three mensuration periods or if pregnant, till the delivery of the child.

Under Section 125 of Criminal Procedure Code, the husband is obliged to maintain his wife who includes a divorced wife. The Supreme Court held that a divorced Muslim wife is entitled to maintenance even if she has already received the whole amount due to her under her personal law but in Mohammad Ahmad Khan vs. Shah Bano case, the Supreme Court reiterated its stand and "observed that the right available under Section 125 is a statutory right and remains unaffected and also overrides the provisions of personal law if there is any conflict between the two". However, the court observed that there is no such conflict between the provisions of Section 125 and the Muslim personal law on the question of the Muslim husband's obligation to provide maintenance for a divorced wife in case she is unable to maintain herself.

The Muslim Women (protection of rights on divorce) Act, 1986, is the result of the controversy which erupted due to the Shah Bano judgement. Under this Act a divorced Muslim woman can claim maintenance from her former husband only when both the husband and the wife agree to be governed by the provisions of Section 125 to 128 of Criminal Procedure Code even beyond the *Iddat* period. Otherwise the husband is not liable to maintain his divorced wife beyond the *Iddat* period.

15.5.2 Maintenance of Christian Women

As we mentioned earlier the Hindu Laws have gone through some measure of alteration. But the marriage laws of Muslims and Christians has not been reformed. Muslim and Parsi women have some property rights but not equal rights with their brothers. Under their respective laws, the son gets twice the share of his sister. The Syrian Christian women were recently governed by the Travancore and Cochin Succession Acts but now they are governed by the Indian Succession Act, 1956 which ensures them equal rights to property.

In Christian law the wife is entitled to 25 per cent to 30 per cent of her husband's income calculated on the basis of his earnings in the three years immediately preceding the decree of divorce.

Think It Over 1

- 1). What provisions of Criminal Procedure Code address the issue of deserted women or women neglected by their husbands?
- 2). In what way are women discriminated across religions under law of succession. Explain with illustrations.

15.6 THE ISSUE OF PERSONAL LAWS

We have discussed three main laws, in personal laws. And we can see that the various personal laws of different religious communities are far from being egalitarian, they reflect the discrimination towards women, which is there in society at large. As we mentioned whenever a change was thought of with regards to the personal law, it became more than a women's issue, if anything the women were sidelined to be replaced by the questions of community and religion. We can see this very clearly in the two cases that we will discuss here.

The issue of personal law has always been an issue of controversy, more so after Shah Bano case. Let us look at the case in detail.

15.7 THE SHAH BANO CASE

The Supreme Court judgement in Mohammed Ahmed Khan vs. Shah Bano triggered a controversy on the question of maintenance. The judgment became not only highly controversial but it also created history. The ruling, which was delivered on 23rd April, 1985 by a five bench judge headed by then chief justice, Y.V. Chandrachud, was seen as attack on the basic tenets of the faith of the Muslims.

Shah Bano was married to Mohamad Ahmed Khan in 1932 when she was only sixteen years old. Shah Bano was driven out of her matrimonial home after forty three years of married life. For two years she was paid maintenance of Rs. 200 per month. When even this meager amount was stopped she filed a petition in 1978 at Indore, under Section 125 of the Criminal Procedure Code for maintenance of Rs. 500 per month. Reportedly, Ahmad Khan who was a lawyer by profession, not only owned four houses in Indore but also had an income of Rs. 5000 per month. In 1978, while the application was still pending, Ahmad Khan divorced her and argued that since he had divorced Shah Bano, she was no longer entitled to maintenance from him as she was no longer his wife by virtue of that divorce. He maintained that he had already paid her maintenance at the rate of Rs. 200 per month for two years, besides depositing a sum of Rs. 3000 as mehr or dower during the period of *Iddat* as prescribed by the Islamic Law.

In August 1979, the judicial magistrate, however, sanctioned and ordered a sum of Rs. 125 per month to be paid to Shah Bano as she was unable to maintain herself. This order was passed in terms of Section 125(1) of Criminal Procedure Code which provides that the term "wife" includes divorced wife. Later, the allowance was raised to Rs. 179.20 per month following a revision petition by Shah Bano in the Madhya Pradesh High Court. It was against this decision that the husband filed an appeal in the Supreme Court so that he could be exempted from payment of even this paltry sum, because as he was governed by Shariat, the Muslim personal law which states that a man has to pay maintenance to his divorced wife only upto the period of Iddat.

Justice Chandrachud held that in case there is any conflict between personal law and Section 125 of Criminal Procedure Code, the latter would prevail and be applicable to persons irrespective of their religion. It provides maintenance of wives, children and aged parents. The Supreme Court recognised the right of the Muslim women to claim and get maintenance from their husbands, even beyond the *Iddat* period. They are unable to maintain themselves like women of the other communities under Section 125 of the Criminal Procedure Code. Justice Chandrachud, arguing in favour of maintenance to divorced wife, proceeded to find out whether there was any conflict between Section 125 of the Criminal Procedure Code and personal law and concluded that there was none.

15.7.1 The Judgement in Shah Bano Case

"The judgement can be summarized as follows : Firstly, it upheld Shah Bano's right to maintenance from her husband both under section 125 and under Muslim personal law. Secondly it asserted that section 125 of the IPC cut across barriers of religion, that it transcends personal law of the religious communities which any married pair may belong to. Thirdly it was critical of the way 'women have been traditionally subjected to unjust treatment' citing examples from both the religions. And finally, it urged the government to frame a common civil code or uniform civil code"(Kumar, 1993:162).

What could have caused misreading for many Muslims was that section 125 cut across religion and superceding personal law, it was necessary therefore to interpret the Shariat. And the judgment had made the following statement:

"A belief seems to have gained ground that it is for the Muslim community to take lead in the matter of reform of their personal law. A Common Civil Code will help the cause of national integration by removing disparate loyalties"(quoted in Kumar, Ibid).

As Radha Kumar observes "put like this, it was clearly possible to infer that the judges were saying that the Muslim personal law was bad, but the Muslims preferred unjust laws, somebody(in this case the State) would have to impose justice upon them . It was similarly easy to infer that imposition was to be made not for the sake of justice alone but the cause of national integration. Which required, also, Muslims to abandon loyalty to Islam and Islamic personal law" (Ibid: 163).

15.7.2 Reactions of the Community

The judgment brought a wide reaction. Feminist and many liberals criticised it for bringing religion in to what was a question of secular criminal law. For Muslim religious leaders it was an attack on their community. The *Ulemas* issued *Fatwa* that it was against the teaching of Islam. Wide publicity was given to the *Fatwa*, and within few months the situation had become quite communal. It was also the period when communal issues were on the rise. In 1984 the riots shook the Sikhs community. In the same year the *Vishwa Hindu Parishad* organised a march to Babri Masjid to 'liberate' the shrine and build a Ram Janmabhoomi temple. Alarmed at the rising tide of Hindu fundamentalist organisations, the Muslims too started organising themselves. The Babari Masjid Action Committee was one such organisation. Mr Shahabuddin one of the members of the Janata Party and leader of the action committee shot into prominence. He even defeated his Congress-I Muslim rival in the elections. Seeing that they are losing credibility in the eyes of the Muslims, the Congress-I thought of way of appeasing the Muslim community. It did so by announcing that they were thinking of review of the judgement and would introduce a bill.

On the 25th of February, 1986. The Muslim Women (protection of Rights on Divorce) Bill was introduced.

It deals with the maintenance of the divorced Muslim women after the Iddat period. It provides that the liability to maintain a divorced Muslim woman rests on her parents and relatives and not on her husband. And in case the parental relatives are not able to provide for the maintenance of a divorced Muslim woman, she can approach the Muslim Waqf Board. The Waqfs are established for religious or charitable purposes.

The enactment of this Act not only reflects the lack of political commitment to women's issues but is also derogatory to human rights which violates the rights of women and children. Instead of protecting the rights of Muslim women, this Act deprives them of their rights and thus, is contrary to the teachings of Quran. The Bill violates the Preamble of the Indian Constitution which speaks of India as a secular state. Similarly, Article 51(1) says that there shall be no discrimination on the basis of race, religion, caste and sex, which this Bill violates and seeks to discriminate against one section of women. It goes against the spirit of Article 44, which enjoines the State to strive for a common civil code.

15.8 THE MARY ROY CASE

In this section let us see how an archaic law was sought to be changed by Mary Roy. The Syrian Christian were till recently governed by the Travancore and Cochin Succession Acts under which they got almost no property. Before integration the princely states of Travancore and Cochin had enacted the Travancore Christian Succession Act, 1902 and Cochin Christian Succession Act, respectively.

15.8.1 The Christians of Kerala and Personal Law

The Indian Christians of the former princely state of Travancore now forming part of the State of Kerala were governed in matters of succession and inheritance by the Travancore Christian Succession Act, 1916. The Indian Christians of Travancore consist of the following groups:

- a) The Syrian Christians,
- b) The Latin Christians of North Travancore (Kottayam),
- c) The South Travancore Christians, that is to say converts and descendants of converts of various castes that follow the Mitaskhara law,
- d) The Latin Christians of Central Travancore,
- e) The Arasars,
- f) The Bharathars,
- g) The Caste Christians,
- h) The Protestant Christians of Central Travancore, and
- i) The Marumakkathayam Christians [source: of the Christian Committee 5(1912)]

These various groups had varied customs and usages governing their rights to succession and inheritance. Under the customary law the female heirs were not on par with the male ones. According to customary law of the Syrian Christians, a daughter to whom streedhnam or dowry was paid by her father was considered to have received her share in his estate and in case of widows they were provided only with maintenance rights and were not given a definite share in husband's property which left them at the mercy of their relatives.

The emergence of these situations led to the setting up of the Christian Committee to examine the customs, usages and practices on succession and inheritance of the Christians in Travancore. This Committee did not accept the plea for adoption of the Indian Succession Act, 1865 (predecessor to the 1925 Act) under which the sons and daughters of the deceased person were entitled to equal share of his property.

The following reasons were provided for the refusal of the acceptance of the Indian Succession Act:

- 1) The Syrian Christians and the South Travancore Christians were agricultural communities, majority of the farmers owning only small holdings.
- 2) Equal share to daughters along with sons would only result in accelerating the division of even those small land-holdings.
- 3) Even if daughters are provided with equal share, after marriage they would not be in a position to cultivate small bits of land away from their matrimonial homes.
- 4) The Indian Succession Act, 1865 was considered unsuitable for family settings which were then prevalent among the Christians of Travancore.
- 5) There was a hostile public opinion among the Christians against the introduction of that Act.

Consequently, the Committee recommended that a widow on interstate would be entitled to a share to that of a son or one-fourth of the deceased husband's property, whichever was less. A daughter would be entitled to one-third of the son's share, provided that a daughter to whom streedhanam was paid or promised by the intestate would not be entitled to have any further claim in his property. Any streedhanam promised but not paid would be a charge on his property.

These provisions were not applicable to the following category of people where the male and female heirs of an intestate were given equal share in his property according to the customary usage:

- 1) the Latin Christians of Central Travancore (Roman Catholic Christians of the Latin rite).
- 2) Protestant Christians living in Karunagappally, Quilon, Chirayinkil, Trivandurm, Neyyattinkara and other taluks.

Certain recommendations put forward by the Committee in favour of the rights of widows were completely sidelined. Therefore, the Committee's recommendations on giving the widow a share in the property of the intestate and the quantum of share for the daughter were not incorporated in the Travancore Christians Succession Act. As a result, the widow was entitled to have only a life interest which was terminable at death or on remarriage and a daughter was entitled to one-fourth of the value of the share of sons or an amount of Rs. 5000 whichever was less. Even this amount was denied to her if streedhanam was provided or promised to her by the intestate.

This was the law which governed intestate succession in former state of Travancore in so far as Christians community was concerned. After independence when these princely states ceased to exist and became integral part of the Union of India known as State of Kerala the laws enacted by Maharajas also ceased to exist by virtue of Part-B states (Laws) Act, 1951. Therefore, the Indian Succession Act, 1925 became applicable to Kerala from April 1951 in regard to intestate succession to property of a person belonging to Indian Christians Community. The Indian Succession Act in this regard provides: "a wife shall inherit one-third share of her husband's property, while remaining two-third will be divided equally among sons and daughters".

Despite such provisions, the Travancore Christians Succession Act continued to govern the Christians Women's property rights from 1951 to 1986. Even the High Court of Kerala and Madras gave decisions in support of continuation of the Travancore Christians Succession Act and the pretext of it being a part of Christians personal law.

The discriminatory provisions of the Travancore Act were challenged as violative of the equality provisions in article 14 of the Constitution in Mary Roy vs. State of Kerala by a writ petition under article 32.

15.8.2 The Case

It was Mary Roy from Kottayam who for the first time challenged the legality of intestate succession as per Travancore Christians Succession Act which was discriminatory towards Christian women.

Mary Roy, a divorcee, was the Principal of the Corpus Christi School in Kottayam and she filed a petition for the partition of her father's intestate property. But she denied justice under the guise of Travancore Christians Succession Act which though stood repealed but was yet supported by the State on the pretext of non-interference in the personal law of the minorities. Under Article 32 of the Constitution Mrs. Mary Roy and others challenged the constitutional validity of the Constitution because the former Act stood repealed. The Supreme Court in Mary Roy case gave judgement that succession to Christian intestates would be governed by provisions in the Indian Succession Act. The effect of the judgement was that it is the Indian Succession Act which is applicable in the State of Kerala. Mary Roy is a landmark decision in that it restored the successional rights of Christians women in the erstwhile Travancore and Cochin States.

Think It Over 2:

- 1) In what way is the community identity expressed through a defence of traditional practices? Explain.
- 2) Do you think women are divided over religion with regards to personal laws though their situation is similar?
- 3) Do you think there should be a certain degree of uniformity in personal laws if so, why?

15.9 RELIGION AND PERSONAL LAW: HOMOGENEITY AND DIVERSITY

It is quite obvious from the preceding discussion that personal laws are far from being gender equal. Not only are women unequal to men but they are also divided among themselves. If polygamy is the best obvious instance of this in Muslim Law, property and inheritance law are the case in Hindu code, divorce in Parsi and Christian codes. In reality it is found that polygamy is far more prevalent among Hindus than Muslims.

15.9.1 Uniform Civil Code

To achieve gender justice, reforms in personal laws are being sought. Some initiatives have started. They have been only piece-meal and the disparities between different communities of women continue. A comprehensive reform is the imperative. The debates in Constituent Assembly have firmly expressed the need for a Uniform Civil Code. That continuation of various personal laws which accept discrimination between men and women violate the fundamental rights. The argument for Uniform Civil Code is fighting for justice whether it is *talaq*, *sati* or polygamy.

Do You Know? 1

V.R. Krishna Iyer on Uniform Civil Code

"What we need is not Hindu Law nor Muslim nor other theological system, but an eclectic, progressive corpus juris with an Indian flavour..... Indian communalists-Hindu and Muslim-in ballooning the advocacy and hostility centering round a Uniform Civil Code (UCC) swear by excess as a means of success. There is already a UCC in a large part of corpus juris..... Nor are Hindus all that secular or gender-just. There is more bigamy among Hindus now than among Muslims, more cruelty and discrimination against women in the Hindu fold what with dowry and sati and denial of copacenary. But objectively viewed, the argument for UCC is based, not on the need for rigid uniformity or procrustean equality for all Indians alike but on the need to nullify the pathological communal nexus between Family Law and religion with its explosive potential in the Indian polity.

(Source: *Hindu* 22 & 23 August 1995)

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Cases of Shah Bano and Mary Roy

15.10 CONCLUDING REMARKS

It seems that non interference in the religious and personal domain, which in a way started with the British seem to continue. Women activist have argued that there is nothing serious about the private domain. It is also a site of oppression for women and therefore must come under the scrutiny of jurisprudence. As much as private domain needs to be critically examined, women need to come over beyond community and religious identities to fight for gender justice.

Unfortunately, reforms in Personal Laws have been slow and piecemeal, fought on individual levels. A comprehensive Uniform Civil code is being debated, the need for it is inscribed in our constitution in Art. 44. Who would take a lead, the state? Given the democratic setup, and the vote bank situation, no government want to tamper with personal laws for fear of inviting wrath displeasure and consequently losing votes.

A change in any personal law is not to be seen as an attack on minority communities as projected by self styled leaders of the community. A belief seems to have gained ground (as Chief Justice Y. V. Chandrachud in Mohammad Ahmed Khan, vs Shah Bano case observed) that it is for the Muslim community to take a lead in the matter of reform of their personal law. And it is this kind of belief, perpetuated partly by Hindu nationalist which gives currency to the notion that minority communities must toe the similar line.

The Hindu marriage Act, 1955; succession Act, 1956, Minority Guardianship Act, 1956 among others are proof of reforms sorely needed in traditional Hindu Law as well laws of its community, which fail to pass the test of equity and justice and good consciousness.

Meanwhile, women seem to suffer from inequitable laws, though efforts are on way by women's organisation asking for a uniform civil code.

