



FACULTY OF JURIDICAL SCIENCES

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DR.INDERJEET KAUR

Lecture-

38



LECTURE 38:

Women in India The status of women in India has been subject to many changes over the span of recorded Indian history.[4] Their position in society deteriorated early in India's ancient period, especially in the IndoAryan speaking regions, and their subordination continued to be reified well into India's early modern period. Practises such as female infanticide, dowry, child marriage and the taboo on widow remarriage, have had a long duration in India, and have proved difficult to root out, especially in caste Hindu society in northern India. During the British East India Company rule (1757–1857), and the British Raj (1858–1947), measures aiming at amelioration were enacted, including Bengal Sati Regulation, 1829, Hindu Widows' Remarriage Act, 1856, Female Infanticide Prevention Act, 1870, and Age of Consent Act, 1891. Women's rights under the Constitution of India mainly include equality, dignity, and freedom from discrimination; additionally, India has various statutes governing the rights of women. As of 2018, some women have served in various senior official positions in the Indian government, including that of the President of India, the Prime Minister of India, the Speaker of the Lok Sabha. However, many women in India continue to face significant difficulties. The rates of malnutrition are exceptionally high among adolescent girls and pregnant and lactating women in India, with repercussions for children's health.[e][11] Violence against women, especially sexual violence, has been on the rise in India. Women in India during British rule During the British Raj, many reformers such as Ram Mohan Roy, Ishwar Chandra Vidyasagar and Jyotirao Phule fought for the betterment of women. Peary Charan Sarkar, a former student of Hindu College, Calcutta and a member of "Young Bengal", set up the first free school for girls in India in 1847 in Barasat, a suburb of Calcutta (later the school was named Kalikrishna Girls' High School). While this might suggest that there was no positive British contribution during the Raj era, that is not entirely the case. Missionaries' wives such as Martha Mault née Mead and her daughter Eliza Caldwell née Mault are rightly remembered for pioneering the education and training of girls in south India. This practice was initially met with local resistance, as it flew in the face of tradition. Raja Rammohan Roy's efforts led to the abolition of Sati under Governor-General William Cavendish-Bentinck in 1829. Ishwar Chandra Vidyasagar's crusade for improvement in the situation of widows led to the Widow Remarriage Act of 1856. Many women reformers such as Pandita Ramabai also helped the cause of women. Kittur Chennamma, queen of the princely state Kittur in Karnataka,[13] led an armed rebellion against the British in response to the Doctrine of lapse. Rani Lakshmi Bai, the Queen of Jhansi, led the Indian Rebellion of 1857 against the British. She is now widely considered as a national hero. Begum Hazrat Mahal, the co-ruler of Awadh, was another ruler who led the revolt of 1857. She refused deals with the British and later retreated to Nepal. The Begums of Bhopal were also considered notable female rulers during this period. They were trained in martial arts. Chandramukhi Basu, Kadambini Ganguly and Anandi Gopal Joshi were some of the earliest Indian women to obtain a degree. In 1917, the first women's delegation met the Secretary of State to demand women's political rights, supported by the Indian National Congress. The All India Women's Education Conference was held in Pune in 1927, it became a major organisation in the movement for social change. In 1929, the Child Marriage Restraint Act was passed, stipulating fourteen as the minimum age of marriage for a girl. Mahatma Gandhi, himself a victim of child marriage at the age of thirteen, he later urged people to boycott child marriages and called upon young men to marry child widows. Independent India Women in India now participate fully in areas such as education, sports, politics, media, art and culture, service sectors, science and technology, etc. Indira Gandhi, who served as Prime Minister of India for an aggregate period of fifteen years, is the world's longest serving woman Prime Minister. The Constitution of India guarantees to all Indian women equality (Article 14), no discrimination by the State (Article 15(1)),[21] equality of opportunity (Article 16),[20] equal pay for equal work (Article 39(d)) and Article 42.[20] In addition, it allows special provisions to be made by the State in favour of women and children (Article 15(3)), renounces practices derogatory to the dignity of women (Article 51(A) (e)), and also allows for provisions to be made by the State for securing just and humane conditions of work and for maternity

relief. (Article 42).[22] Since alcoholism is often associated with violence against women in India, [23] many women groups launched anti-liquor campaigns in Andhra Pradesh, Himachal Pradesh, Haryana, Odisha, Madhya Pradesh and other states.[22] Many Indian Muslim women have questioned the fundamental leaders' interpretation of women's rights under the Shariat law and have criticised the triple talaq system (see below about 2017) In 1991, the Kerala High Court restricted entry of women above the age of 10 and below the age of 50 from Sabarimala Shrine as they were of the menstruating age. However, on 28 September 2018, the Supreme Court of India lifted the ban on the entry of women. It said that discrimination against women on any grounds, even religious, is unconstitutional.[27][28] The Government of India declared 2001 as the Year of Women's Empowerment (Swashakti).[14] The National Policy for the Empowerment of Women came was passed in 2001.[29] The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 is a legislative act in India that seeks to protect women from sexual harassment at their place of work. The Act came into force from 9 December 2013. The Criminal Law (Amendment) Act, 2013 introduced changes to the Indian Penal Code, making sexual harassment an expressed offence under Section 354 A, which is punishable up to three years of imprisonment and or with fine. The Amendment also introduced new sections making acts like disrobing a woman without consent, stalking and sexual acts by person in authority an offense. It also made acid attacks a specific offence with a punishment of imprisonment not less than 10 years and which could extend to life imprisonment and with fine.[36] Timeline of women's achievements in India The steady change in the position of women can be highlighted by looking at what has been achieved by women in the country: 1848: Savitribai Phule, along with her husband Jyotirao Phule, opened a school for girls in Pune, India. Savitribai Phule became the first woman teacher in India. 1917: Annie Besant became the first female president of the Indian National Congress. 1953: Vijaya Lakshmi Pandit became the first woman (and first Indian) president of the United Nations General Assembly 1963: Sucheta Kriplani became the Chief Minister of Uttar Pradesh, the first woman to hold that position in any Indian state. 1966: Indira Gandhi becomes the first woman Prime Minister of India 1972: Kiran Bedi becomes the first female recruit to join the Indian Police Service.[51] 1979: Mother Teresa wins the Nobel Peace Prize, becoming the first Indian female citizen to do so. 1984: On 23 May, Bachendri Pal became the first Indian woman to climb Mount Everest. 2007: On 25 July, Pratibha Patil became the first female President of India. 2009: On 4 June, Meira Kumar became the first female Speaker of Lok Sabha. 2018: In February, 24 year old Flying Officer Avani Chaturvedi of the Indian Air Force became the first Indian female fighter pilot to fly solo. She flew a MiG-21 Bison, a jet aircraft with the highest recorded landing and take-off speed in the world.[57] 2019: On 2 December 2019, sub-lieutenant Shivangi became the first woman pilot in the Indian Navy. Politics India has one of the highest number of female politicians in the world. Women have held high offices in India including that of the President, Prime Minister, Speaker of the Lok Sabha and Leader of the Opposition. The Indian states Madhya Pradesh, Bihar, Uttarakhand, Himachal Pradesh,[59] Andhra Pradesh, Chhattisgarh, Jharkhand, Kerala, Karnataka, Maharashtra, Orissa, Rajasthan and Tripura have implemented 50% reservation for women in PRIs. Majority of candidates in these Panchayats are women. Currently 100% of elected members Education The literacy rate is lower for women compared to men: the literacy rate is 60.6% for women, while for men it is 81.3%. The 2011 census, however, indicated a 2001–2011 decadal literacy growth of 9.2%, which is slower than the growth seen during the previous decade. There is a wide gender disparity in the literacy rate in India: effective literacy rates (age 7 and above) in 2011 were 82.14% for men and 65.46% for women. (population aged 15 or older, data from 2015).[81] Workforce participation Contrary to common perception, a large percentage of women in India are actively engaged in traditional and non-traditional work.[82] National data collection agencies accept that statistics seriously underestimate women's contribution as workers.[22] However, there are far fewer women than men in the paid workforce. In urban India, women participate in the workforce in impressive numbers. For example, in the software industry 30% of the workforce is female.[83] Land and property rights In most Indian families, women do not own any property in their own names, and do not get a share of parental property.[22] Due to weak enforcement of laws protecting them, women continue to have little access

to land and property.[92] In India, women's property rights vary depending on religion, and tribe, and are subject to a complex mix of law and custom,[93] but in principle the move has been towards granting women equal legal rights, especially since the passing of The Hindu Succession (Amendment) Act, 2005.[94] Crimes against women The map shows the comparative rate of violence against women in Indian states and union territories in 2012. Crime rate data per 100,000 women in this map is the broadest definition of crime against women under Indian law. It includes rape, sexual assault, insult to modesty, kidnapping, abduction, cruelty by intimate partner or relatives, trafficking, persecution for dowry, dowry deaths, indecency, and all other crimes listed in Indian Penal Code. Crime against women such as rape, acid throwing, dowry killings, honour killings, and the forced prostitution of young girls has been reported in India. Police records in India show a high incidence of crimes against women. The National Crime Records Bureau reported in 1998 that by 2010 growth in the rate of crimes against women would exceed the population growth rate.[22] Earlier, many crimes against women were not reported to police due to the social stigma attached to rape and molestation. Official statistics show a dramatic increase in the number of reported crimes against women