CHAPTER - I

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Social exclusion of women is a sedimentary product of social and cultural practices adopted by the society. Initially, it owed its genesis to the physiological features of sex and factors related to sex like child bearing and child rearing. Religion sanctified such differentials and institutionalized them through its social institutions of family, marriage and community. Status and position of Hindu women have been moulded by millennium old customs and values of the Hindu society. Their rights, powers, interests, immunities, liabilities, disabilities, obligations and other practices were the product of Hindu tradition. In the course of her long history, different dynasties ruled the country and they hardly intervened in the affairs of the religious lives of the people and hence the position of women was not positively affected. On the other hand, history of India reveals that their status and position underwent inversely dynasty after dynasty till the advent of the British rule. Issues related to religious practices of the people are normally sensitive issues. So, rulers do not prefer to rake up new problems. Political systems accepted this differentiation on account of gender and preserved them since the primary objective of the rulers was to maintain the status quo.

In India under the British, there was a significant transformation in all walks of life including the status of women. From being categorized as a property to be possessed and cherished, women were gradually elevated to the level of human beings fit for getting respect and honor. The Preamble of the Indian Constitution aims at securing its women citizens’ equality in status and opportunity, besides liberty and dignity. These ideals are contemplated to be realized through social justice which includes gender justice also. The Indian Constitution is a living document that facilitates all the constitutional organs of the State like the legislature, executive and judiciary to realize these objectives and translate them into reality.

Since independence, India in the past seven decades has witnessed a silent revolution in transforming the status of women and the opportunities accorded to them, by realizing to a large extent the idealistic dreams and visions of the reformers and rulers in the preceding three and a half millennium years. Of all the revolutions witnessed, realization of gender equality through the process of empowerment of women is the greatest social revolution, which has been silently happening.
Indian society is predominantly a partriarchal, patrilocal and patrilineal society. Hindu social system, the predominant section of the Indian society is a religion based society and is segmented on the basis of religion. Secularism is an added ideology to the Indian Constitution and through it to the political setup. Social exclusion has been in prevalence vertically as well as horizontally. Vertical social exclusion refers to the practice of hierarchy on the basis of varna and caste practices, which are birth based. Horizontal social exclusion is in addition to the vertical social exclusion of varna and caste inequality and are based on gender as well as age. Age in the past was dealt under the ambit of ashrama dharma. But gender exclusion is based on family, village and community respectively at the micro, meso and at the macro levels. Maintaining the practice of social exclusion was deemed to be the dharma of the king known as *raja dharma*.

The practice of social exclusion is a two way process. One is internalization at the psychological level and the other is socialization at the external level, which are enforced by the existing systems. Individuals of the Hindu social system have been internalized and socialized on these tenets psychologically, socially and culturally. The social and political systems have institutionalized and maintained the status quo intact. The Republican Constitution of India which is predominantly individualistic in nature contemplates to transform these practices of social exclusion by adopting a policy of inclusion.

Social inclusion is the golden thread that runs throughout the length and breadth of the Indian Constitution like Rule of Law. The legislatures legitimately enact provisions of law so as to ensure that the inclusive policies are protected as legal provisions. The executive at the centre as well as at the state level besides at the lower level of the panchayat are directed to implement these policies.

The Directive Principles of State Policy, even though optional in nature, enables the state to give effect to such policies of inclusion. The judiciary in the process of rendering gender justice has unfolded a catena of judgments which are working at obliterating hitherto adopted social exclusion practices thereby implementing social inclusive policies. The judiciary takes the existing constitutional provisions, legislative enactments and even international laws, treaties and conventions as its sources to provide gender justice.
The Tamil Hindu social system is part of the larger Indian Hindu social system. Yet there are differences and variations in the social exclusion practices. The political system of India includes the political system of Tamil Nadu, but due to a different political culture and different party affiliation there is a perceptible difference in the style and functioning of the State administration. The inclusive policies adopted by the State of Tamil Nadu vary from the national policies as far as the state list and concurrent list are concerned. Dravidian ideology differs from Aryan ideology and hence the policies adopted by the State of Tamil Nadu differ from the Central Government policies.

Despite all these, social exclusion of women based on gender is persisting to this day and directly hurting the development process of not only the individuals but the nation at large. The present study examines the causes for the continuance of exclusion practices, to identify the inclusive policies and analyze the reasons for those policies failing to include women into the mainstream. In this research work, the following research questions arise, that are to be probed and answered.

1. RESEARCH QUESTIONS

This research work attempts to seek answers to the below listed research questions.

1. What are the social exclusion practices adopted by the Hindu social system which prevents Hindu women from realising their equality of status and opportunity?

2. What are the constitutional provisions which are made as mandatory and enforceable rights in enabling Hindu women to realise their equality of status and opportunity by discarding the social exclusion practices adopted hitherto by the society?

3. What are the constitutional provisions which are still prevailing that affect equality of Hindu women and thereby their opportunities in the name of religion?

4. What are the constitutional provisions that are provided to realize equality of status and opportunities for Hindu women by way of protective discrimination?

5. What are the Parliamentary enactments that attempt to empower women?
6. What are the Legislative enactments of the State of Tamil Nadu that attempt to empower women?

7. What are the policies, programmes, schemes and guidelines introduced and implemented by the Union government in order to enable Hindu women to realize their equality in status and opportunity by overcoming social exclusion?

8. What are the policies, programmes, schemes and guidelines introduced and implemented by the State of Tamil Nadu in order to realize equality in status and opportunity of Hindu women of Tamil Nadu by overcoming social exclusion?

9. What are the landmark judgements delivered by the Supreme Court of India that incorporates policies of social inclusion in order to enable Hindu women to realize their equality in status and opportunity?

2. OBJECTIVES OF THE STUDY

This study aims at exploring and formulating the following objectives of the research.

1. To define the concepts ‘social exclusion’ and ‘policy inclusion’ and their related concepts.

2. To identify, enumerate and explain the various practices of social exclusion that have been followed in discriminating Hindu women in India.

3. To identify, enumerate and explain the various practices of social exclusion of Hindu women that have been followed in Tamil Nadu and are different from the social exclusion policies that have been existing in India.

4. To explore and formulate the constitutional provisions that enable Hindu women in India including women of Tamil Nadu to realise their equality of status and opportunity through social inclusive policies in order to obliterate the practice of social exclusion adopted hitherto by the society.

5. To diagnose and critically evaluate the existing constitutional provisions that affect the equality of Hindu women in India including in Tamil Nadu and are preventing the realisation of equality of status and opportunity in the name of religion.
6. To identify and analyse the embedded inclusive constitutional provisions that are enabling Hindu women in India including in Tamil Nadu to realise their equality of status and opportunity through the doctrine of protective discrimination.

7. To identify, enumerate and explain various legislations enacted by the Parliament of India that have enabled Hindu women to empower themselves.

8. To identify, enumerate and explain various legislative enactments by the State of Tamil Nadu that have enabled Hindu women to empower themselves.

9. To identify, summarise and explain the inclusive policies, programmes, schemes and guidelines implemented by the Union Government in order to enable Hindu women to realise their equality in status and opportunity by obliterating the social practices hitherto followed for social exclusion.

10. To identify, summarise and explain the inclusive policies, programmes, schemes and guidelines implemented by the Government of Tamil in order to enable Hindu women to realize their equality in status and opportunity by obliterating the social practices hitherto followed for social exclusion.

11. To diagnose, list out and critically evaluate the landmark judgments delivered by the Supreme Court of India that have made gender inclusive policies as the law of the land in order to enable Hindu women equality in status and opportunity.

3. CONCEPTUAL DEFINITION

Concepts like 'social exclusion', 'inequality', 'gender discrimination', 'gender equality', 'social inclusion', and 'empowerment' are involved in the present study which require detailed discussion.

I. EXCLUSIONS AND INCLUSIONS

The practice of social exclusion is as old as human civilization. When human beings began to live in an organized manner in settlements, the process of stratification evolved. Human beings are divided into groups for various purposes. This stratification in course of evolution of human civilizations crystallized into exclusions on the basis of race, nationality, sex, religion and so on. Conflicts erupted demanding better and equal treatment. As far as exclusion on grounds of political reasons are concerned, they are manifested in the form of political independence.
Academic deliberations on inequality, discriminations, deprivations, exploitation etc are plenty. But the concept of social exclusion is of recent origin. In the latter part of the 20th century, to remove social exclusions, concepts like policy inclusion and positive policy inclusion have emerged. Social exclusion is a multi-dimensional concept and includes several sub concepts or components.

Social exclusion includes concepts like ‘inequality’, ‘poverty’, ‘injustice’, ‘discrimination’ and so on. In the west, for a long time social exclusion was focused to refer to only material deprivation. In the east, it has wider connotation including different social elements besides economic and political aspects. Theoreticians and scholars have elaborately highlighted either social inclusion or its componential concepts. Social exclusion is different from individual exclusion.

In the late 1990s some new terms and concepts related to inequality, poverty, fairness and justice cropped up. One of these concepts was that of ‘social exclusion’, which is now virtually ubiquitous, but is of relatively recent origin. Prior to the emergence of this concept, social policies were discussed in terms of poverty, inequality, distribution to mention a few. A thorough examination of social exclusion must necessarily make reference not only to material deprivation, but also to institutions and processes which reproduce that disadvantage or deprivation. The twin concepts of social exclusion and inclusive growth, now a standard part of the policy makers, multilateral institutions and donor agencies have multiple interpretations.

The term ‘social exclusion’ was first used by a Frenchman Ren Lenoir in the year 1974.¹ It caught the imagination of many thinkers and scholars who started deliberating on it elaborately. Theories of social exclusion have also been developed to explain many exclusionary practices that have been in existence in the west as well as in the east. Initially, it was looked at only from an economic angle. In the west, ‘social exclusion’ theories mostly highlight economic deprivation, preventing the excluded people from constructive participation in economic affairs.

Levitas and others define social exclusion as follows: “social exclusion is a complex and multi dimensional process. It involves the lack or denial of resources,

rights, goods and services, and the inability to participate in the normal relationships and activities, available to the majority of people in a society, whether in economic, social, cultural or political arenas. It affects both the quality of life of individuals and the equity and cohesion of society as a whole”.

In this definition, there are two prominent aspects. One is denial of certain things like resources, rights etc. and the second dimension is inability to participate in the normal relationship. The combination of these two aspects affects the quality of life of the individuals who are excluded.

Burchardt and others look at social exclusion from the perspective of participation or non-participation in important social activities. The term participation is relative. Accordingly, “an individual is socially excluded if he or she does not participate in key activities of the society in which he or she lives.”

Todd Landman explains the concept social exclusion, “as a form of rights violation if systematic disproportionality of treatment of people across social, economic and political sphere can be demonstrated”. He further argues that human rights deficits can increase people’s vulnerability to exclusion. Todd Landman’s definition centres on rights violation alone.

According to Estivill, social exclusion must be understood “as an accumulation of confluent processes with successive ruptures arising from the heart of the economy, politics and society, which gradually distances and places persons, groups, communities and territories in a position of inferiority in relation to centres of power, resources and prevailing values.”

Amartya Sen, the Indian born economist analyses the concept of social exclusion from an Asian perspective. His analysis rests on ‘capability deprivation’ and ‘capability failures’. He holds the view that “Social exclusion can be constitutively a part of capability deprivation as well as instrumentally a cause of

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2 Jane Mathieson et al., “Social Exclusion meaning, measurement and experience and links to health inequalities. A review of literature”, WHO Social Exclusion Knowledge Network Background Paper.1, Social Exclusion Literature Review, September, 08, p.15
3 Ibid., p.15
4 Ibid., p.16
5 Ibid., p.11
diverse capability failures. It is based on the context of relational features in capability deprivation. He explains the concept of social exclusion in the context of social inclusion, whereby a group of persons are classified into a particular category and are discriminated by being excluded on account of belonging to that category. According to him the relational nature of these capabilities links the two concepts capability failure and social exclusion.

There are many dimensions to the concept of social exclusion. Sen discusses exclusions like unfavorable exclusion and unfavorable inclusion. He states that unfavorable inclusion with unequal treatment may have the same adverse effect as unfavorable exclusion. Exclusion can be active or passive. Sen defines active exclusion to mean the deliberate exclusion of a section of people who are denied equality and opportunities like holding or enjoying certain rights or privileges through Government policies, like denying voting rights to a section of the people who are foreigners or refugees. Passive exclusion results when people are not excluded deliberately, but remain excluded due to certain circumstances like social or physiological or psychological. Sen also explains social exclusion in the contexts of Constitutive and instrumental importance. Constitutive otherwise known as intrinsic means depriving persons of their rights due to inherent factors. Instrumental importance is the result or the consequences of the deprivation of these rights.

Social exclusion can, also be constitutively a part of capability deprivation as well as instrumentally a cause of diverse capability failures. The case for seeing social exclusion as an approach to poverty is easy enough to establish within the general perspective of poverty as capability failure. Adam Smith puts forth the pioneering exposition of deprivation in the form of inability to appear in public without shame, and more generally, of the difficulty experienced by deprived people in taking part in the life of the community. If social exclusion is seen from the

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7 Ibid., p.7.

8 Ibid., p.15.
perspective of capability failure, it can be seen as articulating and investigating important issues that have been discussed for hundreds and thousands of years. 

Sen (2000) draws attention to various meanings and dimensions of the concept of ‘social exclusion’. He distinguishes between a situation where some people are being kept out (or at least left out), and the one where some people are being included (may even be forcibly included) – at greatly unfavorable terms. He described these two situations as ‘unfavorable exclusion’ and ‘unfavorable inclusion’. ‘Unfavorable inclusion’, with unequal treatment may carry the same adverse effects as ‘unfavorable exclusion’. 

Sen (2002) also differentiated between ‘active and passive exclusion’. He defined ‘active exclusion’ as the deliberate exclusion of people from opportunity through government policy or other means. ‘Passive exclusion’, as defined by him, works through the social process in which there are no deliberate attempts to exclude, but nevertheless, may result in exclusion from a set of circumstances.

He further distinguishes the ‘constitutive relevance of exclusion’ from that of ‘instrumental importance’. In the former, exclusion and deprivation have an intrinsic importance of their own. For instance, not being able to relate to others and to take part in the life of the community can directly impoverish a person’s life, in addition to the further deprivation it may generate. This is different from social exclusion of ‘instrumental importance’, in which the exclusion in itself is not impoverishing, but can lead to impoverishment of human life.

The concept of social exclusion is characterized by denial of equal opportunity by certain social groups to others, which leads to the inability of an individual to participate in the basic political, economic and social spheres of society.

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9 Ibid., pp.5 & 6.
10 Ibid., p. 4
12 Jean Dreze and Amartya Sen, India: Development and Participation, Ibid., p.36
It involves two crucial dimensions, namely, ‘societal relations’ (causing exclusion) and their ‘outcomes’ (causing deprivation). Therefore, for understanding the nature of exclusion, insights into societal relations and institutions of exclusion are as important as delineating their outcomes in terms of deprivation for excluded groups. But more importantly this concept of social exclusion clearly draws distinction between group exclusion and exclusion of an individual.

In case of ‘group exclusion’, all persons belonging to a particular social/cultural group are excluded because of their group identity and not due to their individual attributes. Exclusion of an ‘individual’ is fundamentally different from that of a ‘group’. Individuals (both from excluded and non-excluded groups) may often get excluded from access to economic and social opportunities for various reasons specific to them and not because of their group's social/cultural identity. On the other hand in case of exclusion of a social group, variables associated with social and cultural identities such as caste, ethnicity, religion, gender, color and race become important, and all persons belonging to those categories are excluded from access to capital assets, business, employment, education, civil and political rights, and other social needs. Thus, the group characteristics of exclusion are based on social and cultural identity, and are irrespective of individual attributes.

This also means that the individuals within the excluded groups may vary with respect to their economic and educational status, although all of them may face discrimination associated with the group identity. However, the inter-individual variation in the economic and educational standing of people within the excluded groups may bring variation in the nature and degree of discrimination faced by them as a group. This discernment has important policy implications. While in the case of ‘individual exclusion’, pro-poor policies will have to be focused on enhancement of individual capabilities and entitlement, in the case of ‘group exclusion’, the focus of policy measures will have to be on the group as a whole for equal opportunity, since the basis of exclusion is the social/cultural factors associated with the group.14

Social exclusion is the denial of equal opportunities by certain groups, in most cases dominant groups, to individuals from other social groups rebutting their inability to participate in the basic political, economic and social functioning of the society. The consequences of exclusion thus depend fundamentally on the functioning of social institutions, and the degree to which they are exclusionary and discriminatory in their outcomes. There is a considerable impact on an individual’s access to equal opportunity if social interactions occur between groups in a superordinate-subordinate relationship. A focus on these groups brings out the importance of social relations in the analysis of poverty and inequality.15

Three defining characteristics of social exclusion are particularly relevant. They are (a) it involves denial of equal opportunity in multiple spheres; (b) this denial results in human poverty and general deprivation of excluded social groups; and (c) the social exclusion is embedded in the societal relations and its institutions – the processes through which individuals or groups are wholly or partially excluded from full participation in the society in which they live.16 Social exclusion is multidimensional, and can encompass a lack of access to employment, legal redress and markets; a lack of political voice; and poor social relationships.17

Social exclusion is the concern of every government since it involves the denial of access to social, economic, and political participation. To combat it effectively there should be the inclusion of disadvantaged and marginalised groups in all the development aspects. Decentralization too enables the citizens to be more involved in the decision making process either directly or indirectly. Decentralization reform therefore tries to address the different causes of social exclusion like social inequalities, poverty, corruption, ineffectiveness and poor governance.18

According to Commission on Social Determinants of Health (WHO 2008), inequities in the conditions of daily living is shaped by deeper social structures and processes. The inequity is systematic, produced by social norms, policies and practices that tolerate or actually promote unfair distribution of and access to power, wealth and other necessary social resources. Marmot also used the same logic to explain the inequities in health, as he said that the disease and suffering of disadvantaged people in all countries are a result of the way by which societies are organized.\(^{19}\)

Social exclusion is a socially constructed concept, and can depend on an idea of what is considered ‘normal’. As social exclusion can be structured around hierarchy, the exclusion of people on the basis of their race, caste or gender, may be viewed by the society excluding them as ‘normal’. As such, the concept of social exclusion is contested, in that it is often difficult to ‘objectively’ identify who is socially excluded, as it is a matter of the criteria adopted and the judgments used.\(^{20}\)

Social exclusion is not merely a condition that is the outcome of a process, but a process in itself. Social exclusion is not static, but dynamic and different individuals or groups find themselves in different stages of the social exclusion process, be it only temporarily, recurrently or continuously.\(^{21}\)

Jackson (1999) also argues that dualistic opposition between inclusion and exclusion tends to emphasize exclusion as the opposite of integration, which limits exploration of the contradictions in the multiplicity of exclusion or the paradoxes of simultaneous inclusion and exclusion. She further argues that a binary and polarized formulation of inclusion and exclusion is problematic for at least two reasons. First, it suggests a unitary notion of power in which the included are powerful and excluded are powerless, rather than one in which power is dispersed, contingent and unstable. Second, dualist discourses can themselves be structures of control, which deserve to

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\(^{19}\) Commission on Social Determinants of Health, \textbf{WHO}, 2008  
be questioned and decentered. Jackson (1999) argues that there can be simultaneous exclusion and inclusion, that is individuals and groups can be excluded in one domain and included in another, for instance, “social relations of kinship and marriage include whilst they exclude and affirm, as they deny membership rights’ (Jackson, 1999:129).

Jackson (1999:135) also reminds us that inclusion can also produce exclusion, and this occurs, when excluded groups successfully achieve inclusion on the basis of excluding groups even weaker than themselves. For example, women may deny their gender interest in bid for inclusion through adopting male postures or the socially mobile poor may position themselves nearer the center through dissociation from the seriously poor.

Social inclusion is most commonly defined only negatively – as whatever is not socially excluded. For this reason, much of the discussion of social inclusion is conceptually dominated by exclusion – social exclusion is the datum point against which social inclusion is both empirically measured and conceptually defined.

Social exclusion has been defined as “the process through which individuals or groups are wholly or partially excluded from full participation in the society within which they live”. One of the most popular arguments in favor of the social exclusion concept is that it takes into account more dimensions of people's lives that the poverty concept. They consider social exclusion as multi-dimensional phenomena and have considered several important living condition variables as proxies for social exclusion. They are: 1) Exclusion from formal citizenship rights: 2) Exclusion from labor market; 3) Exclusion from participation in civil society and 4) Exclusion from social arenas. Participation in all these arenas would suggest that people are not socially excluded, but indicators of participation, degree of participation, and how degree of participation in different arena should be considered in relation to each other still need to be specified.

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Francis (2000) locates the strength of social exclusion as a concept in its attempt to capture the multifaceted character of social deprivation, especially its institutional and cultural aspects. This conception of social exclusion has been labeled as multidimensional concept of exclusion. Inclusion and exclusion are like two sides of the same coin. The strength of intra-group ties and of the identity that forges them is inseparable from a community’s definition of itself as distinctive. And if inclusion implies, as it may, incorporation into exploitative or violent relationships, exclusion may not always be a bad thing.

Policy inclusion implies those provisions of law which give special protection to women and are not provided to men. This is referred to as ‘protective discrimination’ in law and sociologically as ‘empowerment of women’. Empowerment of women is the consequential concept of social justice whereby certain protective and promotive measures are accorded to women which may be conflicting with the general equality of men and women. Policy inclusion includes striving towards the goal of gender equality by gender mainstreaming and empowering women.

II. GENDER DISCRIMINATION

Social exclusion and gender discrimination are closely related concepts. In its simplest terms, gender discrimination is defined as the practice of treating a group of people differently based upon their gender. In most cases of discrimination, it includes the presence of unfair behavior toward one gender believed to be inferior by another. Discrimination based on gender (or sex) is a common civil rights violation that takes many forms including sexual harassment, pregnancy discrimination, and unequal pay for women who do the same jobs as men.

29 Ashwini Deshpande, Exclusion and Inclusive Growth, United Nations Development Programme, Published in India, 2013.
III. GENDER EQUALITY

Gender equality means an equal visibility, empowerment and participation of both sexes in all spheres of public and private life. Gender equality is the opposite of gender inequality, not of gender difference, and aims to promote the full participation of women and men in society. Gender is a socially constructed definition of women and men. It is the social design of a biological sex, determined by the conception of tasks, functions and roles attributed to women and men in society and in public and private life. It is a culture-specific definition of femininity and masculinity and therefore varies in time and space.

The construction and reproduction of gender takes place at the individual as well as at the societal level. Both are equally important. Individual human beings shape gender roles and norms through their activities and reproduce them by conforming to expectations. There is a growing awareness that gender has to be considered also at a political and institutional level. A history of discrimination and restraining roles is unconsciously written into everyday routines and policies.

Gender is not only a socially constructed definition of women and men, it is a socially constructed definition of the relationship between the sexes. This construction contains an unequal power relationship with male domination and female subordination in most spheres of life. Men and their assigned tasks, roles, functions and values are valued - in many aspects - higher than women and what is associated with them. It is increasingly recognised that society is characterised by this male bias. The male norm is taken as the norm for society as a whole, which is reflected in policies and structures. Policies and structures often unintentionally reproduce gender inequality.

Gender equality means accepting and valuing equally the differences between women and men and the diverse roles they play in society. Gender equality means to change the structures in society which contribute to maintaining the unequal power relationships between women and men, and to reach a better balance in the various female and male values and priorities.
Gender equality must be constantly fought for, protected and promoted - like human rights, of which it is an integral part. Achieving gender equality is a continuous process. Promotion of the equal participation of women and men in political and public life and all other walks of life is part of the development of society. It is important for society as a whole that both women and men participate in all decisions taken in a society, given their various experiences in life. When women or men constitute about one third (the critical mass) of the members of a decision-making body, they influence the agenda and there is a real possibility for change. It is important also that women become visible in societal events to the same degree as men, and in the history of every state.

Another very important target for gender equality is the individual’s economic independence, which leads to the securing of equal pay, equal access to credit, equal conditions on the labour market and the distribution of assets that take into account gender differences in private life. The position that women and men have in the economy is in many ways crucial to the balance of power between them. Fighting the ‘feminisation of poverty’ is also important in this regard. Education is a key target for gender equality as it involves the ways in which societies transfer norms, knowledge and skills.

IV. GENDER MAINSTREAMING

Gender mainstreaming, as a new concept, appeared for the first time in international texts after the United Nations Third World Conference on Women (Nairobi, 1985), debated on it while discussing the role of “women in development”. It was seen as a means of promoting the role of women in the field of development and of integrating women’s values into development work.

Gender mainstreaming is a political process as well as a technical one. It involves new ways of devising and approaching policies, shifts in organisational or in institutional culture that will lead to changes in societal structures. Gender mainstreaming involves the reorganisation of policy processes. It includes the full participation of women in all aspects of life as well as the analysis of all proposals concerning general or sectoral policies and programmes from a gender equality perspective.
Gender mainstreaming is the (re)organisation, improvement, development and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies at all levels and at all stages, by the actors normally involved in policy-making. It can also mean that gender expertise is organised into the policy process by including gender expertise as a normal requirement for policy-makers.

V. EMPOWERMENT

Empowerment is a process that fosters power (that is, the capacity to implement) in people, for use in their own lives, their communities, and in their society, by acting on issues that they define as important. Empowerment, in its most general sense, refers to the ability of people to gain understanding and control over personal, social, economic and political forces in order to take action to improve their life situations. It is the process by which individuals and communities are enabled to take power and act effectively in gaining greater control, efficacy, and social justice in changing their lives and their environment.

The Human Development Report relates empowerment to participation. It says that since development is for the people, they must participate fully in the decisions and processes that affect their lives.\(^{30}\) To Oxfam, empowerment means being able to challenge the existing oppression and inequality in society.\(^{31}\) Rowlands sees empowerment as a bottom-up process that cannot be formulated from top-down. To Rowlands, empowerment does not only mean to have access to decision making but also being able and entitled to occupy the decision making space.\(^{32}\) Batliwala defining it from a feminist perspective states that women empowerment should result in (a) an understanding that both men and women are equal beings regardless of their gender.\(^{33}\)

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According to the Country Report of Government of India (as cited in Malhotra\textsuperscript{34}, 2003), “empowerment means moving from a position of enforced powerlessness to one of power”. Empowerment is defined as the expansion in people’s ability to make strategic life choices in a context where this ability was previously denied to them (Kabeer, 2000)\textsuperscript{35}. Rapport has noted that it is easy to define empowerment by its absence but difficult to define in action as it takes on subject to debate.\textsuperscript{36} Zimmerman has stated that asserting a single definition of empowerment may make attempts to achieve it formulaic or prescription like contradicting the very concept of empowerment. Empowerment is a multi-faceted, multi-dimensional and multi-layered concept. Empowerment expresses the bold idea that all people have claims to social arrangements that protect them from the worst abuses and deprivations and secure the freedom for a life of dignity. Women’s empowerment is considered as an entry point for gender mainstreaming and integration of women in the process of development.\textsuperscript{37}

\textbf{VI. OPERATIONAL DEFINITION}

For the purpose of this study, social exclusion is defined in the context of Hindu women residing in Tamil Nadu. Social exclusion is defined as the social practices of denying equality of status and opportunities to Hindu Women of Tamil Nadu on account of having been born as women, or for belonging to a particular category of society, whether legally accepted by the existing political system of India or internalized and or socialized by the Hindu social system of Tamil Nadu.

Social exclusion thus refers to the complex process of isolating Hindu women of Tamil Nadu from participating in certain social activities including religious, economic and political activities. These social practices also impose certain liabilities


and disabilities on women, which were not imposed on men by the society. It also includes the deprivation of Hindu women from certain rights, powers and privileges which are available to their counterparts, Hindu men of Tamil Nadu. It can also be defined as the deprivation of Hindu women of Tamil Nadu from enjoying equality of status and opportunities that are available to Hindu men of Tamil Nadu. Prior to the introduction of the Constitution, Hindu women of Tamil Nadu did not enjoy equality of status and opportunity on par with Hindu men of Tamil Nadu. From this definition, two broad components emerge namely denial of equality and opportunity legally and denial of equality and opportunity by the social practice of internalization and socialization. The former is sanctioned by law and the latter is legitimized by the society.

The concept ‘policy inclusion’ for the present study refers to the provisions of law that are given in the Indian Constitution, those enacted by the Union Parliament and the State Legislature of Tamil Nadu, the executive policies of the Central and the State Government of Tamil Nadu besides the law making judgments of the Supreme Court that give effect to the policies that attempt to bring equality of status and opportunity to Hindu women of Tamil Nadu. The doctrine of gender justice is an embedded component of social justice as visualized by the Preamble of the Indian Constitution. Social justice and more precisely gender justice is the means through which these social exclusionary practices adopted by the traditional Hindu society are obliterated or neutralized.

4. REVIEW OF LITERATURE

In this part, books, research articles, unpublished dissertations, notes and reviews of jurists and scholars have been analysed to find out the gap, if any, in the existing literature on the topic “Social Exclusion and Policy inclusion of Women in India with special reference to Tamil Nadu”.

Anjani Kant’s, “Women and the Law”,38 presents the status of women from the historical times, to the present. It includes the position accorded by the Indian Constitution, position of women as per the personal laws of women, marital rights in

pre-legislation period and post-legislation era, property rights, maintenance of women, and the socio-economic condition of women seeking constitutional and legal protection.

*Anil Kumar Thakur and R.Rahman’s book, “Women Entrepreneurship”*,39 is a collection of 29 articles on women entrepreneurship. These articles reflect the changing trend in women headed business. Earlier women entrepreneurs were into kitchen based products, but women through self-help groups have branched out into electronics and other business. Articles in this book analyze the role of women entrepreneurs in the northern States like Bihar and Jharkhand. Apart from economic empowerment, the political empowerment of women through local self government is also highlighted. The role of self-help groups in the development of women, comes in for special mention.

Anita Dash’s, “Women Industrial Workers, Perception and Dynamics”,40 explores the labour market segregation where women’s biology is utilized and exploited due to sex differentiation from home to labour market. The idea of sex dichotomy reflected in labour through the two key concepts of “labour” and “sexual division of labour” have been analyzed. The book proposes a holistic approach in understanding the status, problems and issues of women workers.

“Violence against Women: Issues and Perspectives”,41 edited by Aruna Goel, Manvinder Kaur, and Ameer Sultana, has five parts. Part I deals with family violence, Part II deals with culture and the legitimization of violence, Part III is on health implications of violence against women, Part IV discusses the legal approach to violence against women and Part V discusses the impact of globalization and liberalization on women. Though this book basically analyses these issues in Punjab and Haryana, yet as violence against women cuts across states and boundaries, it is useful for this study.

“Women, Justice and the Rule of Law”,42 is an edited work by Asha Bhandari and Rekha Mehta, that discusses women empowerment through policy intervention and initiatives to secure women’s participation in all fields of life. The role of self help groups in the economic empowerment of women through local self governance, education as key to all round development, national and state level policies for women empowerment, gender justice, globalization and gender justice, are some of the aspects discussed at length in the research papers in this volume.

Bhatnagar’s, “Law Relating to Women and Their Rights”,43 cover provisions of laws related to socio- economic problems faced by women in India especially personal law, dowry death, sexual offences like rape etc. Some of the legislative enactments and the lacunae in the existing laws are also elaborately analyzed in the book.

“Capabilities, Freedom, and Equality”,44 is a collection of articles by various authors on Amartya Sen’s work from a gender perspective. Edited by Bina Agarwal, Jane Humphries, Ingrid and Robeyns, it consists of an introduction and two parts. The introduction has only one article written by the editors of the book, where challenges of Amartya Sen’s work and ideas are discussed. Part I has fourteen articles contributed by different authors. In this part Amartya Sen’s work and ideas like the capability approach, freedom, social choice, justice, etc. has been analysed. Part II has five articles by Amartya Sen on social choice, gender inequality, development as capability expansion, gender and co-operative conflicts and development as freedom. Sen’s views on feminist economics remains the core concept of this book.

Barbara Nelson and Najma Chowdhury, editors of the book, “Women and Politics World Wide”,45 analyse the complexities of participation of women in politics. It includes forty three articles written by various authors of forty three countries representing the different political systems existing in those countries and women’s political status therein. Of these articles, the article written by Hemalatha

Swaroop and others entitled “Women’s Political Engagement in India Some Critical Issues,” traces the involvement of women in politics from the pre-independent to post-independent period and opines that equal participation of women in the Indian political arena suffers due to male dominance or patriarchy.

“Women and Culture”,46 edited by Caroline Sweetman is a journal dedicated to gender and development. In this particular issue the role of culture and tradition in according a secondary status to women has been analysed in various articles. There are two articles on the Indian situation, “Gender Relations, Development Practice ‘Culture’”, by Maitrayee Mukhopadhyay and “Challenging Cultural Constraints”, a personal test by Rehana Khatun Adeer. The authors argue that gender ideology is embedded in notions of custom and tradition, which reinforce the power of men over women in patriarchal society and hence gender equality remains elusive mainly due to that.

“Women, Social Justice and Human Rights”,47 by Devasia.V.V and Leelamma Devasia, is a volume on social justice and human rights of women. The authors have discussed in depth the search for human rights of adivasi women, dalit women, tribal and slum women. Poverty alleviation leads to better human rights for women, which ensures better health care facilities, safe drinking water, protected ecology etc. The struggle of these women for justice and judicial response to social justice has also been analysed. Various international conventions and instruments dealing with gender equality have also been listed out in this volume.

Flavia Agnes, in her book, “Law and Gender equality”,48 discusses the politics of women’s rights in India. The pre-colonial and colonial legal framework dealing with Hindu women’s rights and rights of women under other religions in India are discussed.

48 Flavia Agnes, Law and Gender Inequality (The politics of Women’s Rights in India), Oxford University Press, New Delhi, 1999.
Goel. S.L, in his book, “Social Welfare Administration, Organizational Infrastructure”, 49 discusses elaborately the organization, development and children, working of welfare department for empowering the people, especially women belonging to Scheduled Castes, Scheduled Tribes and other minorities. The Government’s five year plans and how it touches the lives of these vulnerable groups has been analysed threadbare in this volume.

Goel. S.L, in his book, “Social Welfare Administration- Social Justice and Empowerment”, 50 analyses the concept social welfare administration that aims to secure social justice and empowerment. In this volume, the author has discussed at length the policy inclusion measures for women under five year plans, protecting women against violence, including domestic violence, curbing sexual harassment at work place, role of self-help groups in women’s welfare and gender budgeting for women’s development.

Giriraj Shah’s, “The Encyclopedia of Women’s Studies”, 51 deals with the problems faced by women like dowry, matrimonial problems, divorce etc. As a police officer the reported crimes against women have been well documented. “Women’s Consumer Rights and their Awareness”, 52 by Gokilavani.S and R.Nageswari, focusses on the consumer behavior of women in India and in Tamil Nadu. “Women and Society, Equality and Empowerment” 53 edited by Jyoti Mitra, is a collection of articles on empowerment of women especially the professional development.

“Demography, Economic Inequality, Women and other Essays”, 54 edited by Jugale.U.B., has IV parts. Part I discusses demography and Fertility, Part II is on “Poverty, Economic Inequality and Growth; Part-III is on “Women and Empowerment” and Part IV, deals with “Health and Health care facilities”.

“Women and Human Rights”, by Jyotsna Mishra, discusses how violence affects the lives of millions of women, which are violations of the fundamental human rights. The author offers suggestions to curb this like sensitizing the masses and taking legal steps to protect women’s rights. The book in Chapter 8 brings forth all those international instruments, conventions and treaties which work towards ending discriminations against women.

Jamanadas.K, in his book, “Devadasi’s Ancient to Modern”, has highlighted the degrading position of devadasi women from the ancient past to the present and how Buddhism has a way out for them.

“Child Marriage in India Socio-Legal and Human Rights Dimensions”, by Jaya Sagade, looks at the state of Indian law- the lacunae, confusion, lack of gender sensitive provisions especially relating to child marriage, consent, validity of marriage and personal laws. The author brings in the international instruments that speaks out against child marriages. The role of civil society in stopping the heinous crime is also discussed.

Hope Landrine, Elizabeth A.Klonoff in their book, “Discrimination Against Women: Prevalence, Consequences, Remedies”, discuss the prevalence and consequences of sexist discrimination. They contend that discrimination is a major challenge to the contemporary society where it is well entrenched in the economic, political, social and psychological contexts. Sexist discrimination is prevalent in schools, colleges, other higher educational institutions, in salaries, and in the work place through the devaluation of women’s competence. Their empirical analysis is basically on the American society, but since gender discrimination is a global phenomenon their theories are also found to be true in India.

Lotika Sarkar and B. Sivaramayya’s, “Women and Law Contemporary Problems”,\textsuperscript{59} is an edited volume of papers contributed to four national conferences of women. The articles have been divided into four categories namely (i) Patriarchy (ii) Violence against women (iii) Women and control over resources and (iv) Women and exercise of rights. The research articles in these four parts discuss issues like property rights to women, gender role in the Constitution, women’s rights as guardian, suppression of women, rape, dowry, sati system among other things.

“Inclusive Growth in India”,\textsuperscript{60} by Mahendra. S, emphasizes the need for economic reforms coupled with equitable development with a focus on inclusive growth. The author stresses on the importance of women’s economic and social empowerment, and upliftment of socially disadvantaged sections for realizing the objective of inclusive growth.

Monmayee Basu’s, “Hindu Women and Marriage law, from Sacrament to Contract”,\textsuperscript{61} traces the condition of Hindu women during the second half of the 19\textsuperscript{th} century and the changes in the concept of Hindu marriage. She also deals with the dowry problem, the plight of widows and property rights of women.

Mamta Rao’s, “Law relating to Women and Children”,\textsuperscript{62} is an in-depth study of the laws in force relating to women and children, wherein the author discusses the problems faced by women and the legislative measures to protect them. The gender protective Constitution and the role of National Commission for Women in bettering the lives of Indian women has been analyzed in a systematic manner. The related judgments of the Supreme Court and the High Courts have also been quoted profusely.

\textsuperscript{60} Mahendra Dev.S., Inclusive Growth in India-Agriculture, Poverty, and Human Development, Oxford University Press, New Delhi, 2007.
“Gender and Discrimination, Health, Nutritional Status and Role of Women in India”, by Manoranjan Pal, et.al., is a collection of articles which critically investigate the economic, social, religious and psychological problems faced by women. These articles, though diverse agree on one aspect namely the inherent inequalities existing between men and women especially with respect to wages, ownership of properties, professional and educational opportunities and intra-household discrimination in resource allocation between men and women leading to differences in health status.

Martha Alter Chen’s, “Widowhood in Rural India- Perpetual Mourning”, is a book based on empirical data on the problems of widows. The study was conducted in 14 villages in seven States, four from North India and three from South India including Tamil Nadu. In this book the author analyses how gender, caste, marriage and social regulations structure the life of widows. She has also examined how the customary practices and norms in orthodox Hindu traditions influence the relationship between widows and their families. The book also discusses the property rights of widows.

“Embodiment Essays on Gender and Identity”, edited by Meenakshi Thapan, has four sections. The women’s body is considered as the foundation on which gender inequality is built and legitimised. The primary objective of this book is to understand it in different contexts, settings and situations. All the articles in this book examine gender inequalities as interplay between society, gender and women’s body. Section I has articles on caste and community and nationalism and its effect on women. Section II has articles based on intimate relationships, space and performances. Section III has articles relating to women’s body and social regulation of prostitution. Section IV has articles relating to women’s sexual preferences.

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64 Martha Alter Chen, Widowhood in Rural India, Oxford University Press, New Delhi, 2000.
Muzamil Jan in “Entrepreneurship Development for Women through Co-operative Sector”,66 points out the problem in the formation of women’s co-operatives, which are usually not encouraged since men dominate the co-operative sector. The author argues for the establishment of women co-operatives by pointing out the successful ones run by women and how it enforces their status and also its usefulness to society.

“Bride-burning in India: A Socio-legal Study”,67 by Mohd. Umar, traces the various factors responsible for the causes of bride-burning especially in U.P. The phenomenon of bride burning and violence is on the basis of the motive to harass the young women into submission and to make her even more vulnerable in her own family. The law enforcement authorities are also at fault. The judiciary both High Courts and the Supreme Court show vast disparity in sentences. Policy recommendations and legal and practical steps to curb this menace have been suggested.

“Women and Law”,68 by S.R.Myneni, analyses the status of women in India from the historical times to the present. The existing international human rights instruments for the protection of women have been discussed briefly. The author highlights the gender protective measures under the Constitution of India. The various enactments pertaining to women have been discussed in detail like labour laws, maternity laws, law relating to divorce, maintenance of women, guardianship, adoption, succession rights, etc. Protective measures for women under the Indian Penal Code, Indian Evidence Act and Civil Procedure Code have also been enumerated.

Puran Chand in “Political Dynamics of Women”,69 has penned 14 articles in this book. In these articles the author looks at the role of women as politicians and also analyses the reasons why women’s presence in political arena is still negligible. The importance of having more women political representatives in democracies has been highlighted.

Pooja Kataria in “Women and Media Changing Roles, Struggle and Impact”,

is a critique on the media’s penchant for sensationalizing women as objects of sex and giving priority to such news, while not giving prominence to women’s development issues.

Preeti Misra’s “Domestic Violence Against Women”,

discusses a whole gamut of problems faced by women in the household as a child, wife, mother, and widows. The cause for domestic violence is also analyzed threadbare. Under legal response to domestic violence, constitutional provisions, legislative enactments and judicial response for women are discussed and analyzed.

“Women Education and Development Perspectives, Issues and Concerns”,
edited by Rajarshi Roy, points out the gaps that are prominent in favour of males in almost all indices of development, in a gender divided society like ours. This is the result of gender role stereotyping constantly reinforced in the society. In this volume the importance of education in helping women’s development has been analysed.

Rekha Roy’s “Women’s Rights in India”,
projects the denial of rights to women from Vedic times to the present and the progressive deterioration of women’s status in India as a deliberate male agenda to ensure socio-political patriarchal control through culture and religion to suppress women. The author argues for protective discrimination and change in the mindset of men and women to protect women’s rights. Planned laws, good enforcement and equitable judicial system will also go a long way in ensuring women’s rights.

Rekha Rastogi in her book “Gender Justice and Sexual Discrimination”,
analyses the position of women in traditional patriarchal society and also in the occupations of legal and police system. The author examines the working of the legal and criminal justice system through the gender lens.

74 Rekha Rastogi, Gender Justice and Sexual Discrimination, Sumit Enterprises, New Delhi, 2007.
“Prostitution and Beyond: An analysis of Sex Work in India”,\textsuperscript{75} edited by Rohini Sahni, V.Kalyan Shankar and Hemant Apte, explores the socio-economic-legal and health aspects of prostitution in India. The portrayal of prostitutes in literature, language and media have also been analysed in the articles.

I.Sarkar’s work, “Women in Changing Society”,\textsuperscript{76} has twenty articles on the status of women in Assam, Tripura, Nepal, Bangladesh and North Bengal. The topics include the freedom movement, women’s studies, work, education, economic development, violence and empowerment of women. From these articles valuable insights into the changing trend of feminism and shift in women studies are brought to the fore.

“Dr. Muthulakshmi Reddi - Social Reformer Par Excellence”,\textsuperscript{77} by K.S.Sarwani, brings to light the life and achievements of Dr.Muthulakshmi Reddi. The story of women’s movement in South India in the twentieth century is incomplete without Dr.Muthulaksmsi Reddi whose work as a social reformer, as a legislator and as a doctor to alleviate the sufferings of women especially in Tamil Nadu have been discussed in depth by the author.

Sonia Bathla in her book, “Women Democracy and the Media”,\textsuperscript{78} analyses the way women are portrayed in media and in politics. The Brahmanical notion that women’s issues belong to private space and so better not discussed is the reason for such problems to be silenced in the society. In the opinion of the author, it is the Brahmanical hegemony with its deeply rooted cultural orientation of the Indian urban elite that is the cause for women’s rights being trampled.

“The Indian Women’s Search for An Identity”,\textsuperscript{79} by Shoma A. Chatterji, has 4 parts. Part-I deals with problems faced by women at home and has essays on ill-

\textsuperscript{75} Rohini sahni, V.Kalyan Shankar and Hemant Apte, \textit{Prostitution and Beyond: An analysis of Sex work in India}, Sage Publications, New Delhi, 2008.
\textsuperscript{79} Shoma A.Chatterji, \textit{The Indian Women’s Search for an Identity}, Vikas Publishing House, New Delhi, 1997.
treatment of women within the four walls of the home. Part II, ‘Women in Society’
discusses issues like rape, divorce, voting rights etc. ‘Women at Work’, the title for
Part III is on ‘economic rights of women’ and Part IV, entitled ‘Women and health’
discusses issues like fertility, forced abortion, test-tube baby etc. In all these aspects,
how women are affected has been discussed by the author.

Surinder Hediratta’s “Handbook of Law, Women and Employment”, 80 examines the gender friendly provisions of the Indian Constitution and all major
legislations touching on women’s employment. In the author’s opinion the existing
legal measures are not adequate and rarely implemented to meet the challenges of the
growing number of women workers in all fields. The problems of working women
like low wages, unequal pay, no access to legal aid and advice, insecurity of tenure,
poor working conditions, long working hours, social and sexual harassment have also
been analysed comprehensively.

the social and cultural values that affect Indian women’s rights at home and outside.
The book highlights the developments in family welfare reforms and welfare rights
activism and the impact of policy inclusion on the lives of women.

Sally Engle Merry’s book, “Human Rights and Gender Violence
Translating International Law into Local Justice”, 82 discusses the developments in
international law on gender justice and the work of feminist organizations at the grass
root level in countries like India, Fiji and Hong-Kong. The book examines the deep
roots gender violence has in cultural and religious systems and how the international
human rights laws aim at changing this belief system. The way feminist groups
transform these international human rights to the local level for challenging social
hierarchy and the resulting gender injustice has also been discussed elaborately by the
author.

80 Surinder Mediratta, Handbook of Law, Women, and Employment Policies, Issues, Legislation, and
case Law, Oxford University Press, New Delhi, 2009.
82 Sally Engle Merry, Human Rights and Gender Violence Translating International Law into Local
Justice, Oxford University Press, New Delhi, 2009.
“Gender Equality: A Mystic Reality”, by P. Vanangamudi, discusses in depth the legal rights available to Hindu women in India, those given in the Constitution and those rights got through legislative enactments. The bargaining power exercised by women as daughters, wives, mothers and widows have been discussed along with the concept of gender justice.

“Periyar on Women’s Rights”, compiled by Veeramani. K, reflects the views of E.V.Ramaswami Naicker also known as Periyar, on many issues affecting women like marriage, widowhood, widow remarriage, women’s education, birth control, property rights and portrayal of women in Hinduism, among other relevant issues.

“Rural Women Empowerment”, edited by Verma.S.B, Jiloka.S.K., and Kushwah K.J, is a collection of 42 articles by different authors. There are three parts in this book. Part I is a collection of articles on women empowerment, part II has articles on child labour preventive strategies and eradication and part III has articles on employment generation. In all these articles the pattern of decision making by rural women and their participation in social, rural, political and developmental activities have been discussed.

“Development of Women in Modern India”, edited by Vats.S. and Shakuntala Mudgal, is on the multiple dimensions of the development of women in modern India leading to their productive and reproductive activities as individuals and as members of households. The problems and issues related to development in India has also been discussed by the authors. The book also analyses the development of women in modern India from three angles namely: (a) impact of modernization on Indian women, (b) women and social development in India, (c) women and holistic development in India.

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“Women’s Development and Social Conflicts: Historical Perspectives on Indian Women (Study in Orissa)”, by Utpala Nayak, is a comprehensive history of the status of women in Orissa from the earliest times to the present. There are five chapters in the book. The second chapter discusses the position of women in ancient Orissa, the third chapter gives the picture of the gender conflicts and problems under the Muslim rule in medieval Orissa and the fourth chapter brings forth the socio-political role of women of Orissa during the British period. The position of women in the changing socio-political scenario has been analysed in the book.

Benjamin N Cardoza in his book, “The Nature of the Judicial Process”, explains in simple language the conscious and subconscious factors that influence a judge in the process of judgment. The Judges’ notion on social utility that play in the judicial process has been admirably presented by the author.

“Law and Son Preference in India: A Reality Check”, A Report commissioned by United Nations Population Fund (UNFPA)-India has been authored by Kirti Singh. In this work the author has analysed multiple facets of gender-biased sex selection that mainly occurs due to socio-cultural preference for sons leading to discrimination of daughters. The influence of laws though invisible and covert that work towards son preference and daughter abhorrence has also been critically analysed. Likewise, the positive and negative judgments in this regard have been discussed. The gaps between laws, policies and judgments on ending discriminations have been pointed out, so that it can trigger a change in the discriminatory mindset of the people. Concrete suggestions for policy makers to deal with various discriminations have also been given.

Deepti Shenoy in her work, “Courting Substantive Equality: Employment Discrimination Law in India”, discusses the existence of inequality in India due to the rigid social hierarchies which are deeply connected with the religious principles of

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Hindus, the dominant majority. Hierarchies in the social lives of Indians, its negative impact on the caste system and also on women belonging to the lower classes have been discussed indepth in this article.

“Empowerment of Women in India through Panchayat Raj System”, by Sanjay Kumar Pradhan and Geetanjali Dutta, analyses the impact of political representation on rural women in village administration in the capacity of administrators. They have traced the genesis of democracy at the grass root level, its initial hiccups, men pulling the strings from behind with women as puppet chairpersons and later the emergence of women political leaders from the shadows of men in some places.

Snehalata Panda in her article, “Political Empowerment and Decision-Making: Tribal Women in Panchayats”, explores the political aspects of empowerment and decision making capabilities of tribal women representatives of panchayats in Orissa. The socio-economic environment hurting their capabilities as leaders have also been analysed.

Jean Dreze and Amartya Sen, in their book, “India Development and Participation”, have discussed the contribution of women to India’s development process. The seventh chapter of this book is particularly relevant to this study wherein issues relating to fertility and emancipation, widowhood, poverty versus patriarchy, gender and caste and female-male ratio have been elaborately analysed.

Geraldine Forbes, in the book, “Women in Modern India (The New Cambridge History of India)”, has traced the role of women in independent India in the new economy and in the new political establishment along with the new women’s movement.

Tanzeem Fatima in her article, “Gender Justice: A conceptual Analysis”, discusses the reasons for gender justice to remain elusive despite the constitutional protection. The global scenario, gender justice and women’s role in the development of the nation have been explained along with women’s rights in the socio-political and cultural arena. The increased role of the judiciary to achieve gender justice has also been pointed out along with suggestions to achieve it at the earliest.

Arpita Banerjee’s article, “Status of Women and Gender Discrimination in India: A State wise Analysis”, evaluates the status and position of women in India in the light of some important gender-related indicators, which covers a wide spectrum of socio-economic status of women. A comparative analysis of different States in the attainment of indicators like female literacy rate, life expectancy of females, sex ratio, crimes against women, etc., have been made. The findings of the paper reveal striking differences between the northern and southern States in most of the gender related indicators. The position of women is reported to be better in South India than in North India.

P. Arokiasamy and Jalandhar Pradhan in their article, “Gender bias against Female Children in India: Regional difference and their implications for MDGs”, elaborately discuss the gender bias with regard to male-female ratio, school attendance, child nutrition, health care services etc. Their paper points out marked gender differences in respect of these indicators and systematic neglect of female children. Inequality among the States in these indicators has been noticed. The position of girls in southern Indian States, are found to be comparatively better than in northern Indian States in these indicators.

Kshipa Sharma, in her article, “Gender and Language: A Study of Social Movements in India”, underlines the importance of language and forms of knowledge that facilitates man-woman hierarchies. Dominant forms of literature are

97 P. Arokiasamy and Jalandhar Pradhan, “Gender bias against female children in India, Regional difference and their implications for MDGs” http://paa2006.princeton.edu/papers/60960
taken over by men to give male-centered perspectives while relegating women’s perspectives to the background as something frivolous. In these social movements also there are dominant gendered spaces where the literature reveals that the words chosen to communicate their ideas and disseminate agendas are often gendered. The author opines that language reflects and is influenced by gender structure. Social movements also use such gendered language, which affects women’s equal status with men.

*Md. Tarique and Sana Samreen*, in their article, “Gender Inequalities in Education and its Effect on Health of Women and Child”, evaluate the status and position of women in India related to health and educational opportunities. The paper is divided into four parts. The first part discuss the background of the problem, the second part presents a wide view on inequality and gender discrimination in India, the third part compares India’s progress with other countries in these indicators and finally the fourth part presents the policy recommendations.

“Legal Provision for Women Empowerment in India”, is an article written by Dr. Saba Yunus and Dr. Seema Varma. The authors in this article trace the status of women from the ancient period to the present and discuss the constitutional provisions that ensure gender equality to women. The legal enactments relating to women are classified under two major categories – A) The Indian Penal Code, B) The Special Laws. The offences against women and their punishments under Indian Penal Code have been briefly explained. Under special laws, the main provision of some important Acts like The Immoral Traffic (Suppression) Act, The Dowry Prohibition Act, The Family Courts Act, etc have been discussed. Some important policies for women empowerment have also been analysed.

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Dr. K. Srivastava in his article, “Sexual Harassment and Violence against Women in India”,\textsuperscript{101} analyses the reasons for sexual harassment and violence against women. In the course of this article he enumerates the constitutional provisions, international instruments and legislative enactments that deal comprehensively in protecting women from sexual harassment. He analyses the judicial decisions in landmark cases especially the impact and limitations of the Vishaka Judgement.

“Women Security and Legal Safeguards in India”,\textsuperscript{102} has been authored by Nazeen Ahamed Khan. The author in this article discusses the inevitability of social change and the impact of the freedom movement that ushered in a positive change in the status of women in India. Apart from tracing the important constitutional and legal provisions in India, the State initiatives for protecting women and Justice Varma Committee’s recommendations have been critically analysed by the author.

M. Sriramula and K.V. Chamundeswaramma in their joint article, “Empowerment of Women”,\textsuperscript{103} deal mainly with labour welfare legislations that work towards empowerment of women. The problems of women in the unorganized sectors have been highlighted. The important social reform legislations that seek to better women’s position have been enumerated.

“Conjugality and Capital: Gender, Families, and Property under Colonial Law in India”,\textsuperscript{104} an article by Mytheli Sreenivas, examines the property rights accorded to women during the colonial rule in India. The joint family system according to her was the harbinger of gender inequality based on male patrilineal privilege. She talks about ‘masculinization’ of colonial economy, wherein the rights and title over land was given only to men and denied to women. The Hindu Women’s Right to Property Act of 1937, that granted limited ownership to widows, including the right to partition the joint property and to take individual control over her share has been discussed.


“Gender Justice and Equality through the Monocle of Social and Legal Interface”, 105 Prakhil Mishra and Pranav Singh Rathore’s article, discusses the importance of participation of women in political governance to ensure gender equality. The authors briefly quote landmark judgments protecting women. The connect between gender discrimination and economic discrimination, according to the authors is the starting point for other forms of discriminations. In order to bring in gender equality the paper suggests more legislative measures and effective implementation of policies.

Kanakalatha Mukund’s article, “Women Property Rights in Tamil Society since Early Medieval Times”, 106 has traced the long history on owning, controlling and disposing of personal properties in the Tamil societies. Apart from the Queens and princesses, women of the Devadasi community and women from other communities also were owners of landed property. At the time of girls’s marriage, land was given to her called as ‘manjalkani’, ‘manjal’ means turmeric and ‘kani’ means unit of land measurement. Women inherited jewels from the parent’s side. The practice of giving both movable and immovable property to women of different castes and communities in Tamil Nadu has been highlighted by the author.

“Property Rights in South India: A Review”, 107 is by Kanakalatha Mukund. In this research paper the author analyses the property rights and customary practices relating to these in a changing traditional South Indian society especially in Tamil Nadu. Historical evidence from Tamil region suggests that women had considerably stronger right to property than indicated in the legal text. Tamil women owned property and had the authority to elevate the property-money or land- through gifts or sale. The author opines that the custom of dowry has affected this, to a large extent.

105 Prakhil Mishra and Pranav Singh Rathore, “Gender Justice and Equality through the Monocle of Social and Legal Interface”.
Kinkini Dasgupta and Misra in their article, “Information & Communication Technology for Women's Empowerment in India”,\textsuperscript{108} are of the firm belief that computer networks form an appropriate technology for exchange of information among the women’s organizations so as to create awareness and dissemination of information like availability of market and resources, health and sanitation issues, children education and housekeeping which would in turn empower women.

The need for dedicated NGOs and coordination between banks was emphasized by S. Narayanan, an economic advisor of Central Government in his article, “At Last, Recognition to Micro Finance the FM’s Initiative to Support Self-Help Groups And MFIs must be Translated into Early Action”.\textsuperscript{109} The author appreciates the support extended by the Governments of Tamil Nadu, Karnataka, Andhra Pradesh, Maharashtra, Gujarat and Rajasthan. He also suggests various successful models especially NGOs like SEWA, where self help groups get assistance and training in managing finances, accessing the administration and in income generating activities. Further he also insisted the need for regulating the bank linkages, financial flow and other such activities.

World Bank in its exclusive summary on, “Strategies for Enhancing the Role of Women in Development: Good Practice in Non-Lending Operations”\textsuperscript{110} reported that effectiveness of credit programmes for women was constrained by (i) weak organizational structure and poor loan supervision of most agencies especially government agencies, (ii) tendencies of women to invest in activities with inherent low rates of returns constrained by both market facilities and low skill levels, (iii) high operating cost of credit agencies because they need to provide non-credit services to clients.

\textsuperscript{109} Narayanan.S, At Last, Recognition to Micro Finance The FM’s Initiative to Support Self-Help Groups and MFIs must be Translated into Early Action http://www.financialexpress.com/about/feedback.html
Parekh and Mehta in their paper, “Empowerment of Rural Women: A Case Study of Udwada”,\textsuperscript{111} reports the constraints faced by rural women like vested interests of the officials, refusal to give loans to defaulter families etc. hurting their empowerment.

Seetaram in his research article, “Development of Rural Women: Problems and Alternatives”,\textsuperscript{112} puts forth the theory that the hurdles faced by rural women are due to the fact that majority of the women are engaged in traditional household industries. Women’s access to resources like land, credit and technology are restricted. Inadequate training and lack of educational facilities for women, inadequate information and career guidance, household and child care responsibilities also hold back women from development.

Sundaram.P and S.Singh in their article, “Assessment of DWCRA Programme on Modalities of Operation”,\textsuperscript{113} analyse the reasons for DWCRA programmes not reaching the beneficiaries. Poor physical layout, poor ventilation and lighting of the work place, lack of transport, delayed payments for goods etc. are pointed out as some of the obstacles.

Kiranmayee in her article, “A Study on the Characteristics and Role Performance of Group Leaders Working under Podupu Laxmi Scheme in Nellore District of Andhra Pradesh”,\textsuperscript{114} while studying the perceived constraints of group leaders revealed that lack of cooperation among members, irregularity in repaying the loans, insufficient loans, illiteracy, lack of marketing facilities, and lack of knowledge are undermining the utility of the project.

\textsuperscript{111} Parekh, R. and Metha, K., Empowerment of Rural Women, A Case Study of Udwada, National Consultation on Gender Issues in Credit in the Rural Non-Farm Sector, Organized by SNDT Women’s University, Bombay, 14-15, September, 1992.

\textsuperscript{112} Seetaram, M., “Development of Rural Women, Problems and Alternatives”, Kurukshetra, 43 (8), 1992, pp. 94-95.


\textsuperscript{114} Kiranmayee, A Study on the Characteristics and Role Performance of Group Leaders Working under Podupu Laxmi Scheme in Nellore District of Andhra Pradesh, Andhra Pradesh Agricultural University, Hyderabad, 1996.
Tejaswini and Veerabhadraiah in their article, “Knowledge Assessment of Rural Women of DWCRA and their Problems”, identified the difficulties faced by rural women in pursuing the DWCRA activities. The findings revealed that 85 percent of them are facing difficulty in getting a good price for their produce, 83 percent suffer due to lack of common work place, 75 percent due to lack of proper marketing facilities, 66 percent face problems in getting loan money released on time and 50 percent suffer due to lack of training facilities.

Ramalakshmi in her article, “A.P. Shows the Way, DWCRA Mela”, points out that inadequate working capital is the most serious obstacle in restricting the performance of many DWCRA groups and also the group members need training for skill enhancement especially for items like soft toys, terracotta pottery, readymade garments, foot wear, woolen blankets etc.

Snehalatha and Reddy’s article, “Impact of Thrift and Credit Groups in Income Generation of Rural Women”, listed out the problems faced by group members. Selling the produce without assured market outlets, lack of cooperation and team work among group members, non-availability of sufficient matching grants on time, ineffective group leadership, lack of training in group formation, unequal work delegation, mismanagement of accounts, discontinuance of internal lending are major issues. The constraints expressed by group leaders were, lack of time to perform farm, home and group activities, no reimbursement of money spent for group purposes, explaining accounts to illiterate members, resolving group conflicts, misunderstanding of group members that leaders benefit more and there are no economic incentives for being a group member.

Govindappa in his study, “Rural Women Entrepreneurship: Constraints and Strategies”, reported the issues faced by rural women entrepreneurs. Social risks like going out of the home and developing new relationships related to the new

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activity, caste’s perception of the new activity, other problems like technical risks, skill, knowledge and information required to carry out new economic activity are listed as some of the major road blocks.

*Mangasri in her article “Empowerment of DWCRA Groups in Ranga Reddy District of Andhra Pradesh”*,\(^\text{119}\) analyses the problems faced by DWCRA women. Lack of awareness, social and community pressures are identified as major ones. SHG members found difficulties in diversifying or starting of new activities, lack of space for storage of materials and had to suffer due to inadequate availability of raw material at the right time. Suggestions put forth by SHG members include improvement of overall functioning of the group (74.04 percent) improvement in enterprises and to get overall governmental financial assistance through developmental programmes.

*Sarah Kamala* in her Ph.D., Thesis, “*A Critical analysis of Pro-Poor Initiatives for the Employment of the Rural Women through SAPAP*”,\(^\text{120}\) found that the capital is quite low and could not meet all the requirements of the SHG members. For this the researcher suggested that, emphasis should be given in designing the training programmes with entrepreneurial abilities, managerial skills, quality consciousness and competitive spirit. Also it has been suggested that power-changing scenario should be made aware to all the beneficiaries.

*Selvi and Rathna Krishnan* in their article, “*Role Performance of SHG Leaders*”,\(^\text{121}\) opine that creating awareness on important issues among SHG members helps them to perform well. Since majority of the group members were illiterate, the NGOs are the best ones to provide training to improve awareness and knowledge level of the SHG members.

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J. Nirmala in her article, “Women Empowerment”,\(^{122}\) talks about the importance of self-help groups for the development of women in every aspect. She particularly deals with the measures taken by the Government of Tamil Nadu in this regard. The Tamil Nadu Development Project had been taken up for implementation under the name of ‘Mahalir Thittam’. This scheme is intended to promote economic development and social empowerment of the poorest women through the network of self-help groups formed with the active support of NGOs. This programme aims at the economic empowerment of women that can be achieved through greater access to financial resources outside household, reducing vulnerability of the poor women to famines, floods, riots etc. It aims at significant increase in the women’s own income, equal access and control over resources at the household level and financial self-reliance of women. The Government schemes benefitting women have also been highlighted.

Manikamma Nagindrappa and Radhika M.K in their article, “Women Exploitation in Indian Modern Society”,\(^{123}\) explain the stages and different forms of exploitation of women in the present society. To create a healthy environment for women and girls everywhere they suggested that efforts to end violence against them through education should be made and strong laws have to be passed to punish the offenders without delay. They also opined that the socio-economic empowerment must be ensured by the nation to minimize the exploitation of women and to improve their status.

Reecha Upadhyay in her work, “Women’s Empowerment in India: an analytical overview”,\(^{124}\) discusses the impact of the patriarchal structure that can be seen in rural and urban India, Women’s empowerment in rural India is much less visible than in urban areas. This is of particular concern, since much of India is rural despite the high rate of urbanization and expansion of cities. Rural women, as


opposed to women in urban settings, face inequality at much higher rates, and in all spheres of life. In the article, she has stated that urban women and, in particular, urban educated women enjoy relatively higher access to economic opportunities, health and education, and experience less domestic violence.

Prachi Singh and Shilpi Gupta in their article, “A Conceptual Study on Women Empowerment-Facts and Realities”, observed that India has enacted many constitutional and legislative provisions for empowerment of women. Many development schemes especially for women have also been launched for improving their fortune. Such measures have started giving positive outcomes relating to women’s problems. But the position of women in our country still leaves much to be desired. They suggested that top priority should be given in the developmental plans for improving female literacy and for creating skills and capability among women to enable them to stand on their own feet. The author opines that unless the process of development is properly engendered, it shall remain endangered.

Sangeetha Sharma and Manju Sharma in their article, “Gender Equality in the Workplace: the Perceptive Reality”, argue that the workplace is a setting where gender inequalities can be noticeable and sustained. Work plays a significant component in shaping power and status for both women and men. This generates gender inequalities in the distribution of everyday jobs. In the post-modern era, strategies have been designed to deal with situations of gender discrimination. However, gender inequality in the workplace is an acute and persistent problem, especially in developing countries. Efficiency and success of women is widely acknowledged by all, but despite this women in the Indian scenario are often exposed to some form of gender discrimination or the other. They felt that though laws have been enacted to provide equal opportunities in the workplace for both men and women, the fact is that it still exists.

Gita Gopal in her work, “Gender and Economic Inequality in India: The Legal Connection”, discusses gender equality by analyzing the constitutional mandate and many laws that have been passed to improve the traditionally inferior social and economic status of women. In their opinion, only a few privileged women benefit from this legal reform which includes the right to receive equal pay, to receive maternity benefits, to own or inherit property, to terminate unwanted pregnancies, and to be protected from cruelty at the hands of husbands through divorce or judicial separation. These legislative reforms perpetuate a myth that Indian women occupy a high status in Indian society. Though law technically confers an equal social status on women, it also constrains the potential development of women by sustaining patriarchal norms, thereby denying women access to economic resources outside the family, resulting in an inequitable distribution of property within the family.

Zameer Ahmad Bhat in his article, “Gender Bias and Socio-Economic Problems of Women in India”, opines that the condition of women in a society is an index of that society’s place in civilization. India is a multifaceted society where women’s status is heavily dependent on different variables that include geographical location (Urban/Rural), educational status, social status (Caste and class), and age. As such, women and girls have restricted mobility and access to education and access to health facilities. They have a lower decision-making power, and experience higher rates of violence. Despite existing reservations for women, their political participation is also hindered even at the panchayat (local governing bodies) level and also at the state and national levels. Policies on women’s welfare and empowerment exist at the national, state, and local (panchayat) levels in many sectors, including health, education, economic opportunities, political participation etc. However, he points out in the findings of the paper that, there are significant gaps between policy advancement and actual situation at the ground level.

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Chinna Ashappa in the article, “Gender Discrimination and Equal Rights of Women”\(^{129}\) says that the principle of gender equality is enshrined in the Constitution of India (in the preamble and fundamental rights) whereby the Constitution upholds and guarantees equality to women. The National Commission for Women, which was set up in 1990 through an Act of Parliament to safeguard the rights and legal entitlements of women, is considered to be the apex body to ensure rights and to work towards women empowerment. The author has listed out the Government’s efforts to empower women through five year plans, political empowerment through the 73\(^{rd}\) and 74\(^{th}\) constitutional amendments, signing of CEDAW and other declarations. Despite that the author says that women have not been able to realize their power due to patriarchal structure of the Indian society and gives suggestions to overcome them.

Sheela Rani Chunkath and V B Athreya in their article, “Female Infanticide in Tamil Nadu”,\(^{130}\) analyse the evidence from a field survey on the existence of the practice of female infanticide in Tamil Nadu. Primary health centre records provide strong corroborative evidence that the phenomenon is not, as earlier thought, confined to a few blocks of Madurai and Salem districts but is seen in an almost contiguous belt from Madurai to the then North Arcot districts of Tamil Nadu. In 1997, Chunkath and Athreya estimated that there were about 3,000 child deaths every year due to social causes. This paper throws light on the widespread existence of that evil.

Sharada Srinivasan and Arjun S Bedi in their article, “Girl Child Protection Scheme in Tamil Nadu: An Appraisal”,\(^{131}\) points out that in Tamil Nadu, daughter elimination in the form of female infanticide first came to public attention only in the mid-1980s. The Girl Child Protection Scheme (GCPS) was launched in 1992. According to government documents, the aim of the scheme is to promote family planning, eradicate female infanticide and promote the welfare and status of girl children in poor families. While the decline in daughter elimination experienced in Tamil Nadu is laudable, the discussion here shows that given the targeting mechanism and the sterilization condition linked to GCPS, it is unlikely that the scheme has


played a substantial role in reducing daughter elimination. They also opine that without rethinking some of the scheme’s conditions, it cannot be expected to play a large role in reducing daughter elimination in the future.

Angel Anila in her article, “A Study on Socio-Economic Condition of Self Help Group Members in Tirunelveli District, Tamil Nadu”, discusses the role of SHGs in developing socio-economic status of rural women. Self Help Group is an important tool which helps the rural women to acquire power for their self supportive life and nation building efforts. The empowerment of women through SHGs would give benefits not only to the individual women but also for the family and community as a whole through collective action for development. Empowering women is not just for meeting their economic needs but also for a more holistic social development. The SHGs empower women and train them to take an active part in socio-economic progress of the nation. According to the author, the Government of Tamil Nadu encourages the SHG activities and marketing of their products.

Preet Rustagi in her article, “Understanding Gender Inequalities in Wages and Income in India”, highlights the gender based discrimination prevalent in wage compensation and earnings as being an outcome of attitudinal and perceptual notions reflected in the behaviour of various agents – employers, state, contractors and workers themselves. Unless these stereotypes are changed or women’s position and status in society undergoes significant alteration, the wage shares and payments will continue to be imbalanced and unequal despite the legislative provisions such as Equal Remuneration Act. In the opinion of the author, any efforts to alter these circumstances have to aim at addressing gender inequalities from a multi-dimensional perspective. It should also have in mind, the changing perceptions and notions regarding the role of women and contribution prevalent among different agents of the labour markets, in addition to economic growth and enhancement of women’s employment.

Ambiga Devi.P., Gandhimathi. S. and Mirseth Begum in their article “Social Inclusion through Financial Inclusion – An Empirical Study on SHG Women in India”,\textsuperscript{134} opine that exclusion of women is most pronounced in countries that are extremely poor and where women have been historically marginalized. Discrimination in public and political life as well as failure to take into account gender perspectives in development planning and resource allocation were the main factors for social exclusion. Women are affected not only due to social exclusion but also by the financial exclusion. To reduce social and financial exclusion pertaining to women, micro finance institutions were introduced. The authors opine that, membership in Self Help Groups has contributed to significant changes in the lives of women.

Tanusree Chakraborty and Ishita Mukhopadhyay in their article, “Proxy Women or Empowered Politicians: Democratic Decentralization & Panchayati Raj Institutions (PRIs) in Rural India”,\textsuperscript{135} appreciate the fact that the 73\textsuperscript{rd} Amendment has created an opportunity that has been the prime mover in the process of empowerment for a large number of rural women to take part in the public institutions. Democracy has become more participatory in the process of implementing it. In many places, women have been functioning well and have engendered the development process, although in a limited sense. The myth of being a proxy woman gets disproved, according to this study. Despite the constraints, they are playing an extremely important role, which needs to be recognized. The authors say that a good beginning has been made to achieve the long-neglected gender justice, through political empowerment.

A. Srinivasan in his article, “Women Empowerment in Tamil Nadu Emerging Trends and State Initiatives”,\textsuperscript{136} discusses the significant developments in the sphere of women empowerment in Tamil Nadu, mainly with the help of state initiatives and the NGOs. The following points are obvious in the process of women


\textsuperscript{135} Tanusree Chakraborty & Ishita Mukhopadhyay, “Proxy Women or Empowered Politicians, Democratic Decentralization & Panchayati Raj Institutions (PRIs) in Rural India”, Journal of Politics & Governance, Vol. 3, No. 4, October-December 2014.

empowerment in Tamil Nadu. Both tradition and modernity have historically played a significant role in deciding the status of women in Tamil Nadu. Global and national policy decisions have had a corresponding impact on the policy decisions of the State Government. According to the author, Tamil Nadu has its own social, economic, and political conditions apart from global and national trends for making policy decisions in empowering women.

Geraldine H. Forbes in his article, “Symbols of Power”,\(^\text{137}\) points out that the demand for women’s votes and representation has consistently been justified in terms of ‘social feminism’. He says that women should be political leaders because only they can adequately represent women’s opinion and deal with the problems affecting women and children.

Rachna Sharma and Avtar Singh in their article “Participation of Women in Panchayati Raj: A Farce”,\(^\text{138}\) observe that women’s participation in self-governance encompasses structural changes in the rural socio-economic situation in order to achieve the prosperity and welfare, which is the ultimate goal of overall development. Women elected to the Panchayat Raj institutions have proved that they can make significant contribution to rural development and nation building. At the same time, majority of them in these local bodies have been facing hurdles in their participation as functionaries to discharge their duties for the grass root level development. In spite of all these efforts, their participation in the decision making process seems negligible and hence they are of view that the idea behind reserving seats for them as a step towards women empowerment appears far from being realized.

Seema Parveen and A.K.Singh in their article “Women Empowerment in India: Emerging Perspective and Trends”,\(^\text{139}\) have observed that empowerment of women is the key term that defines and determines the direction of diverse discourses on women. Women empowerment implies a process of creating conditions and taking measures which provide opportunities to women for their development in its different

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manifestations – physical, economic, political, legal, socio-cultural and psychological. Further, they point out that Indian women are at the crossroads as there is a great upsurge in consciousness about their rights among all sections and classes of society in the country. There has been a tremendous increase in development activities for women since 1980’s leading to hopes of achieving greater equity.

N.T.Rajashree in her article, “Globalization and Empowerment of Women – A Solution to Gender Discrimination”, has discussed threadbare the unprecedented opportunities and unique challenges offered due to globalization. Gender inequality springs from many sources and is often difficult to determine what forms of inequality are being eliminated by the effects of globalization and which are exacerbated. Work towards eliminating gender inequality in the framework provided by the Beijing Platform for Action has created awareness, in monitoring and alleviation of the externalities that the new global system created for women. Suggestions have been offered on eliminating gender inequality in the future.

5. RESEARCH METHODOLOGY

It is an ex post facto research in the sense that the present study attempts to analyse the exclusionary and gender discriminatory practices that prevailed in the Hindu society till the introduction of the Indian Constitution and also those discriminations that are still prevalent. It is a doctrinaire research. The doctrines of social exclusion, policy inclusion, gender justice, gender discrimination, gender equality, status of women including rights, duties, powers, liabilities, disabilities and immunities and protective discrimination constitute the core concepts of the analysis. Being a doctrinal research different research methods have been applied, like historical, diagnostic, explorative, formulative, critical, analytical and comparative methods to find answers to the research questions. Historical method is applied to trace the origin, growth and prevalence of various exclusionary practices against Hindu women. Diagnostic method is applied to find out the causes for the inferior status of Hindu women, which varies from community to community and from one stage to another stage of Hindu women. This study explores various exclusionary and gender discriminative practices, which are grouped together for a critical analysis.

The legislative enactments and executive inclusive policies have been critically analysed. Likewise, Supreme Court’s gender sensitive judgments have been explored to find out the sources from where it derives materials in support of its judgments, wherein comparative methods have been applied to render gender justice.

6. SOURCES OF DATA

For the purpose of answering the research questions the following primary and secondary sources of data are consulted. Constitutional provisions that deal with inclusive policies and exclusive provisions, related to rights, duties, powers, liabilities, disabilities and immunities of women, general and special Central Acts and Statutes relating to women’s equality of status and opportunity, Acts and Statutes passed by the State of Tamil Nadu affecting women’s equality of status and opportunity, Central Government policies, programmes, schemes etc, that attempt to empower women, the policies, programmes, schemes, etc. of the Government of Tamil Nadu that attempt to remove disabilities of women and empower them, landmark Supreme Court decisions that lay down principles of law in empowering women and removing their disabilities relating to inclusive growth, are the primary sources of data.

At the global level, gender related literature is found in abundance. At the national level and at the State level also the situation is similar. These books, articles, write ups in papers and dissertations form the secondary sources of data.

7. DELIMITATIONS

This study predominantly deals with Hindu women of India in general and Hindu women of Tamil Nadu in particular. The Indian Constitution is common to the entire nation, but the legislative enactments and the administrative efforts taken by the executive vary from State to State. Hence for the purpose of the present study, legislative enactments and administrative efforts of the Government of India on the whole with special reference to the Government of Tamil Nadu are taken. Likewise landmark Supreme Court decisions that have enabled policy inclusion of women alone have been taken. The period of the study is from the time of independence to the present (i.e) 1947 to 2015. Hindu women in Tamil Nadu do not include those Hindu women who reside in Tamil Nadu, but follow Buddhism, Sikhism and Jainism.
8. LIMITATIONS

The present study has the following limitations. Due to the cultural diversities in India, the parliamentary legislations do not have the same influence on all the people including women which includes women from Tamil Nadu. In this study mainly gender sensitive parliamentary legislations have been taken for analysis, which does not imply that other legislations have no effect on women. Likewise, despite the existence of various progressive central welfare measures, this study has taken up for analysis only those predominantly related to women. There are a plethora of Supreme Court judgments that have impacted the rights and liabilities of women in general and Hindu women in particular. But only few land mark women centric judgements have been analysed. Similarly, only those women centric legislations and executive policies of the Government of Tamil Nadu that seeks to improve the status of women have been taken up for analysis, despite the existence of many other measures undertaken by the Government. The High Court of Madras has delivered several judgments that affect the position of women including Hindu women. As these have not reached the Supreme Court, such decisions have not been taken for analysis. Development of the society includes development of women, including Hindu women. But the developmental analysis has multiple variables that cannot be easily segregated for a comprehensive analysis. It is also difficult to monitor and control these variables in a doctrinal research. These are the limitations in the present study.

9. PLAN OF THE STUDY

This research has VII chapters. Chapter I, “INTRODUCTION”, unfolds the basic outline of this topic, research problems, objectives, conceptual definitions, review of literature, sources of data, research methodology, limitations and delimitations along with a brief plan of the study.

Chapter II entitled “BACKGROUND” brings forth for discussion a whole spectrum of social exclusion practices in vogue to the detriment of Hindu women in India and also in Tamil Nadu. In civilizations which claim to have a hoary past, the number of customary and traditional practices would also be more. That is a good reflection of the Hindu society since the Indian civilization has an uninterrupted history of more than 5000 years. Hence the dogmas and beliefs of the people in the
name of customs and traditions are innumerable. Exclusionary practices are so vast and it varies from religion to religion, region to region, from community to community, caste to caste among other factors. All those social exclusionary practices have probably not been listed out and whatever is known may just constitute a small percentage of the existing practices. At times due to internalization over centuries, some social exclusionary practices have become part of peoples psyche or mental makeup in that region that, it has been accepted as a way of life. Only certain practices stand out for impacting negatively the lives of the affected women in particular and the society in general. Some such social exclusionary practices are discussed in this chapter.

The second part of the chapter analyses the various international conventions and treaties which support the cause of inclusive growth of women. Such conventions insist on the State parties to end gender discrimination and also to bring those tenets into the national laws for better compliance. They also monitor the State parties periodically to ensure that there is inclusive growth. Important conventions like Convention for the Elimination Against All Forms of Discrimination (CEDAW), considered as women’s Bill of Rights have been analysed in depth. Likewise UDHR, ICESCR, Optional Protocol to CEDAW, the four world conferences for women, Beijing Declaration, UN Women etc are discussed elaborately.

"CONSTITUTIONAL MANDATES" is the title of the third chapter. The Constitution of India is hailed as gender sensitive and an inclusive organic document. For the purpose of this research, a critical analysis is made of the Preamble and other provisions of the Constitution which are gender neutral, gender protective with embedded inclusive policies and also the gender restrictive policy exclusions. In the process of culling out and analysing them from this elephantine Constitution, a holistic perspective on exclusion and inclusion policies has emerged. The Constitutional provisions which ensure equality before the law and equal protection of law, prohibits discrimination against any citizen on grounds of religion, race, caste, sex or place of birth and guarantees equality of opportunity to all. Some of the inclusive Constitutional provisions are Article 14 which speaks about Right to Equality, Article 15 (3) which enables the State to make any special provision for women and children and other Articles including Articles 16, 39 (a), 39 (b), 42, 47, 51 (A) (e), 243 D (3), 243 D(4), 243 T (3), 243 T (4) etc.
Constitutional provisions found in Articles 25 to 28 of Fundamental Rights deal with personal laws. This part of the Constitution allows exclusion based on religious practices of the people and allows social exclusion practices under the garb of religion. All these have been critically analysed and interpreted.


The second part of this chapter discusses the inclusive legislative enactments made by the Government of Tamil Nadu like The Tamil Nadu State Commission for Women Act, 2008, etc. A critical analysis is made of the existing legislative measures and questions on how far they have been able to make inroads into the social exclusionary practices and also highlights the areas where have been unable to foster inclusive growth for women.

“EXECUTIVE POLICIES”, the fifth chapter lists out and explains the major government inclusive policies both at the Centre and in Tamil Nadu. The efficacy of such policies in obliterating social exclusionary practices and ushering in inclusive development has been analysed policy wise. The Twenty Point Programme, Self Help Groups (SHG’S), Mahatma Gandhi National Rural Employment Guarantee Act, (MGNREGA), Swadhar to rehabilitate women in distress, Widow Remarriage Scheme, Marriage Assistance Schemes, Cradle Baby Scheme, Maternity Benefit Schemes like Muthulakshmi Ninaivu Thittam, pension for aged, infirm and single women etc have been elaborately discussed. The schemes aimed at benefitting girl children are analysed threadbare. Despite so many enabling inclusive policies, social exclusion practices continue unabated hurting not only equality of status and opportunity to women but also slowing the process of the nation’s development. The research scholar has made a detailed analysis to understand the peculiar reasons for some of these practices to continue which are negating the multi-dimensional and multi-approach policy inclusive measures.
In the sixth chapter entitled “JUDICIAL DECISIONS”, landmark judgments aiming at policy inclusion of women in India are taken up for analysis. Judgments delivered by the Supreme Court of India have been examined and critically evaluated. The approach of these Courts in implementing not only the laws of the land, but also in applying international principles, those accepted and even those not taken in by the Government of India, in its quest for rendering gender justice and thereby ushering inclusive policies have been critically analysed. It has been observed that a gender sensitive judiciary has been torching out many a social exclusion practice through its magic wand called ‘Judicial Activism’ and ushering in inclusive developmental growth. Judiciary’s role in this arena is quite significant. Landmark cases like Vishaka, Muthamma, Madhu Kishwar, Masilamani Mudaliar, Nargeesh Mirza among others bring to the fore the fact that gender sensitive mindset of judges can go a long way in policy inclusion.

The seventh chapter is “CONCLUSION” in which answers to the research questions and findings are summed up. This chapter summarises the discussions of all the earlier chapters. Suggestions for understanding the exclusionary practices from a multi-dimensional perspective so as to evolve effective inclusive policies are stated in this concluding chapter.