Women's rights constitute an integral part of human rights. However, it appears that the right and dignity of a woman is often thwarted by family, society and the state. In spite of the existence of difference in class, race, nationality and national boundary, patriarchy and the devaluing of woman is almost universal. Peggy Antrobus remarked in the World Women's Congress in Florida (1991), "Although we are divided by race, class, culture, and geography, our hope lies in our commonalities. All women's unremunerated household work is exploited, we all have conflicts in our multiple roles, our sexuality is exploited by men, media, and the economy, we struggle for survival and dignity, and rich or poor, we are vulnerable to violence. We share our 'otherness', our exclusion from decision making at all levels." Thus, women have to face many disadvantageous situations due to the existence of gender difference and bias.

Since 1940s, promotion of human rights has become a widely accepted goal. It provides a useful framework for seeking redress of gender abuse also. But for a long period, gender based violations were not considered as human rights violation. As a result of it a new concept 'Women's human rights' has emerged. Since the term 'Human' connotes both males and females, the concept 'Women's Human Rights' is often conceived as a misnomer. In this chapter, an attempt has been made to justify the concept 'Women's Human Rights'. Besides, the global and national scenario of women's human rights has also been highlighted here.
WOMEN'S HUMAN RIGHTS: JUSTIFICATION OF THE CONCEPT

The concept, women's human rights, is of recent origin. The phrase, 'Women's Rights as Human Rights' has been used to explore, assert and redress the gap between the international commitment to equality for women and the actual experience of women. The concept women's human rights emerged as a consequence of exclusion of women's issues from the human rights issues. Thus, the failure to respect and recognize women as human led to the claim of 'Women's Rights as Human Rights.'

It is noteworthy that the term human rights itself came into existence as a result of discrimination faced by women. Formerly, these rights were known as 'Rights of Man.' The term 'Human Rights' was first coined by Eleanor Roosevelt in 1940s, because it was found that in some parts of the world 'Rights of Man' was considered entirely for males and not for females. However, the acceptance of the term 'Human Rights' in stead of 'Rights of Man' proved to be a mere change in the nomenclature and nothing else. It could not do justice to women. Even the two commissions set up by the United Nations, i.e., the United Nations' Commission on Human Rights and the United Nations' Commission on the Status of Women, developed in isolation from each other. In the United Nations, the Human Rights Commission has more power to hear and investigate cases than the Commission on the Status of women. It has more staff and budget and better mechanisms for implementing the findings.

Similarly, in 1973, the main unit in the United Nations' Secretariat, which was responsible for women's issues was transferred from the (then) Division of Human Rights to the Centre for Social Development and Humanitarian Affairs in the Department of Economic and Social Affairs. Since then the agencies of the United
Nations examined women's issues under the economic and social development agenda and the human rights angle was marginalised.⁵

There is no doubt that the international instruments of human rights, such as the Universal Declaration of Human Rights, 1948, the International Covenant on Civil and Political Rights, 1966 and the International Covenant on Economic, Social and Cultural Rights, 1966, define human rights in gender neutral language. Eleanor Roosevelt and the Latin American women fought for the inclusion of the word 'sex' in the Universal Declaration of Human Rights. They intended that it would address the problem of women's subordination.⁶ That is why, Article 2 of the Universal Declaration of Human Rights, 1948 states, "the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

Although the United Nations, from its inception, has emphasised about the equality of men and women, it appears that very little elaboration of these rights has been made from the point of view of women. Charlotte Bunch views that, the dominant definitions of human rights have tended to exclude much of women's experiences and that of non-elite men as well, because these groups have not been well represented in human rights discourse. The Western educated propertied men, who first advanced the cause of human rights in the public sphere, were the masters of home and they did not have to fear violation of their rights in the private sphere. Virtually, violation in the public sphere was focused in the human rights work. That is why, many generally applicable human rights principles are inherently biased against women. Primacy is given towards protection of men within public life.⁷ The existence of the distinction
between public and private spheres deprive women from enjoyment of their rights, which can be assessed from three generation of rights.8

**First Generations Rights** : The operation of a public/ private distinction at a gendered level is most clear in the definition of civil and political rights. Traditionally, primacy has been given to civil and political rights toward protection for men within public life, i.e., in their relationship with the government. The most important human right of a person is right to life. Article 6 of the International Covenant on Civil and Political Rights, 1966,9 deals with right to life. It is concerned with the arbitrary deprivation of life through public action. However, it does not address the ways through which the life of a woman may be threatened and the necessity to have legal protection in order to enjoy her right to life.

The life of a woman is full of risks, throughout her existence. Abortion and infanticide because of the social and economic pressure to have sons in some cultures, malnutrition due to social practices of giving men and boys priority with respect to food, less access to health care, and endemic violence against women take place in all states. Although the empirical evidence of violence against women is overwhelming and undisputed, it has not been adequately reflected in the development of international law.

One of the important features of the international legal definition of torture10 is that it takes place in the public realm: it must be "inflicted by or at the instigation of or with the consent of or acquiescence of a public official or other person acting in an official capacity. "Although many women are victims of torture in this 'public' sense, by
far the greatest violence against women occurs in the private non-governmental sphere. That has not been taken into account.

**Second Generation Rights**: Economic, social and cultural rights are considered as the second generation rights. Most of the women live within the four walls of home. The economic activity of the most of the women is invisible as it is performed without pay and within the domestic spheres. In Article 7 of the International Covenant on Economic, Social and Cultural Rights, 1966, the definition of the right to just and favourable condition of work is meant only for the work within the public sphere. The guarantee to women in Article 7(a) (i), i.e., "conditions of work not inferior to those enjoyed by men, with equal pay for equal work" does not touch the working conditions of most of the women. Thus, the women's experiences have not been taken into consideration in the definitions contained in the Covenant on Economic, Social and Cultural Rights, 1966.

**Third Generation Rights**: The third generation rights are community or group rights. But these rights also have been developed in the androcentric way. Charlesworth Opines, "The theoretical and practical development of third generation rights has, in fact, delivered very little to women. The right to development is both defined and implemented internationally to support male economic dominance." The United Nations Declaration on the Right to Development has been universally accepted. But it has been undermined by the fundamentally androcentric nature of the international economic system, which accords for greater value to work conducted in the public sphere than to women's work in the private sphere.11
Therefore, it is necessary to ensure that women's experiences are included in the definition of all human rights norms. So far, women's rights have been viewed as special interest rather than of general interest. This separation of women's rights from human rights has perpetuated the secondary status of women and highlights the importance of recognising specific women's human rights concerns.

WOMEN'S RIGHTS AS HUMAN RIGHTS

Women's rights are still considered to be of lesser importance than the human rights. The provisions of various covenants and the constitution and working of the Human Rights Commission and the Commission on the Status of Women, as already mentioned, are the ample evidences of it.

Women's right form an integral part of human rights. Charlotte Bunch observes four basic approaches to link women's rights to human rights. These approaches often overlap and are complementary to each other.¹²

Women's Rights as Political and Civil Rights : The first approach is concerned with taking women's specific needs into consideration as part of the civil and political liberties (first generation rights). It involves both raising the visibility of women who suffer general human rights violations as well as calling attention to particular abuses women encounter because they are female. This approach has been taken by groups like the Women's Task Force of Amnesty International in pushing for Amnesty to launch a campaign on behalf of women political prisoners which would address the sexual abuse and rape of women in custody, their lack of maternal care in detention, and the resulting human rights abuse of their children.
Women's Rights as Socio-economic Rights: The particular plight of women regarding 'second generation' human rights such as food, shelter, health care and employment are included in the second approach. It focuses on the primacy of the need to end women's economic subordination as the key to other issues including women's vulnerability to violence. This particular focus has led to work on issues like women's right to organise as workers and opposition to violence in the workplace, especially in situations like the free trade zones which have targeted women as cheap non-organised labour. This approach looks at women's rights in the context of socio economic development.

Women's Rights and the Law: The creation of new legal mechanisms to counter sex discrimination characterises the third approach to women's rights as human rights. It tries to make existing legal and political institutions work for women and to expand the state's responsibility for the violation of women's human rights. National and local laws which are concerned with sex discrimination and violence against women are examples of this approach. With these measures women can fight for their rights within the legal system. The Convention on Elimination of All Forms of Discrimination Against Women, 1979 is an international illustration of this approach.

Feminist Transformation of Human Rights: The fourth approach is concerned with transforming the human rights concept from a feminist perspective, so that it will take greater account of women's lives. This approach relates women's rights and human rights, looking first at the violations of women's rights and then asking how the human rights concept can be changed to be more responsive to women. The GABRIELA women's coalition in the Philippines, simply stated that "Women's Rights are Human
Rights", in launching a campaign in 1989. The coalition members saw that human rights are not reducible to a question of legal and due process. ..... In the case of women, human rights are affected by the entire society's traditional perception of what is proper or not proper for women.

Charlotte Bunch opines, "The human rights community need not abandon other issues but should incorporate gender perspectives into them and see how these expand the term of their work." However, the Vienna Declaration of 1993 and the Beijing Conference of 1995 have declared in unequivocal terms that "Women's Rights are Human Rights." Exclusion of women's issues from the purview of human rights is evident from the necessity of such declarations in the last decade of the twentieth century.

WOMEN'S HUMAN RIGHTS: GLOBAL PERSPECTIVE

Human rights of women are the "collective rights of woman to be seen and accepted as a person with the capacity to decide or act on her own behalf and to have equal access to resources and equitable social, economic and political support to develop her full potential." But perhaps nowhere in the world a woman enjoys her rights as stated above. Human dignity is frequently violated on grounds of sex and sexuality. Gender based discrimination takes place all over the world with respect to employment, bodily safety and integrity, basic nutrition and health care, education and politics. The Human Development Report of the United Nations reveals that in no country in the world, women's quality of life is equal to that of men, according to a complex measure that includes life expectancy, educational attainment and GDP (Gross Domestic Product) per capita.
In the patriarchal system of society, women are considered to be inferior to men. Aristotle held that women and slaves were not full-fledged human beings. He opined, "The female is a female by virtue of a certain lack of qualities, we should regard the female nature as afflicted with a natural defectiveness." Saint Thomas also viewed women to be an 'imperfect man', an 'incidental' being. To quote Kate Millet, "Our society...is a patriarchy. The fact is evident at once if one recalls that the military, industry, technology, universities, science, political offices, finances, in short, every avenue of power within the society including the coercive force of the police is entirely in male hands."

The subordination of women at a daily level regardless of the class takes various forms - discrimination, disregard, insult, control, exploitation, oppression, violence - within the family, at the place of work, in society. August Bebel remarked..."From the beginning of time, oppression has been the common lot of woman and the labouring man - her position was even lower than his, and even by him was she regarded as an inferior and continues to be so to this day.... woman was the first human being that tasted bondage. Woman was a slave before the slave existed." Due to such subordination faced by women, women's liberation movement grew up all over the world.

**Women's Rights Movements**: Few social movements have flourished in all over the world like the women's movements. The French Revolution was the first modern revolution to involve the masses of people including women in struggle. In 1790, Olympe de Gauges drafted the Declaration of the Rights of Women. She remarked, "This revolution will not be completed, until all women are conscious of their
deplorable lot and the rights they have left in society." She pointed to the harmony and cooperation of the sexes in nature and ridiculed man's claim, "to command despotically a sex which has all the intellectual faculties."\(^{19}\)

Locke, Rousseau and the Utilitarians fashioned a world in which men could be free and equal. But these ideas which were never meant to be applied to women were taken up by reformers such as Mary Wollstonecraft and Harriet Taylor.\(^{20}\) Wollstonecraft's 'A Vindication of the Rights of Women' (1792), challenged the idea that women exist only to please men and proposed that women receive the same opportunities as men in education, work and politics.\(^{21}\) In the nineteenth century, the women's movements were mainly concerned with women's suffrage. In the first half of the twentieth century, women of almost all the countries achieved the right to vote. In the second half of the twentieth century women's movements were mostly associated with the property rights, employment, and matters related to sex discrimination.

Generally, women's movements are concerned with various issues relating to women's legal and political rights, violence against women, reproductive choice and abortion, sexual freedom, employment opportunities and discrimination and women's political participation and representation. Sometimes women's movements try to politicise the private domain, such as, women's movements in the United States of America focuses on issues like domestic violence, rape, abortion etc. In India also most of the women's movements were centred on dowry death, rape etc. On the other hand, some of the women's movements are concentrated on public domain. The women's movements of China, Russia and Eastern Europe are mostly concerned with public sphere issues like employment, political representation and social security.\(^{22}\)
On many occasions, women's movements are associated with broader movements of social change such as national liberation, human rights and the democratisation of authoritarian regimes. Even sometimes they are closely associated with the working class struggles. In Palestine, feminism grew out of the self determination movement. In Chile, women played important roles in struggle against class and gender inequality in nitrate mining towns. In India, during 1975-77, women's groups formed an important part of the civil movement against the national emergency imposed by the Indira Gandhi government. The contemporary women's movements of the United States of America is also a product of the civil rights and New Left Movements of the 1960s.  

The movement for women's suffrage, women's movement in the second half of the twentieth century and the women's human rights movement may be considered as three milestones of the women's rights movements. These movements are discussed below.

(i) Movement for women's suffrage: The first systematic justification of women's rights in the nineteenth century were borrowed from liberal and democratic theory. The democratic panacea of vote was focus of feminist struggle. Historically, the United States of America and the United Kingdom provide characteristic examples of the struggle for woman suffrage in the nineteenth and the twentieth centuries.

The movement for woman suffrage in the United States of America started in the early 19th century during the agitation against slavery. Women's like Lucretia Mott and Elizabeth Cady Stanton joined the anti-slavery forces and decided that the rights of women as well as those of black slaves needed redress. In July 1848, they called for a
Convention in Seneca Falls, and issued a declaration that called for woman-suffrage, and for the right of women to educational and employment opportunities. After that, various conventions were held and the movement gained its mass strength. It soon became apparent that an amendment of the federal constitution would be a preferable plan. The National Woman Suffrage Association was formed in 1869 with the declared object of securing the ballot for women by an amendment to the constitution. The dynamic suffragist leader Susan B. Anthony and Stanton were the leaders of this organisation. Since 1869, this Association held a convention every year for fifty consecutive years. In 1869, another organisation, the American Woman Suffrage Association was founded by Lucy Stone. In 1890, the two organisations united together under the name of the National American Woman Suffrage Association and worked together for almost thirty years. Ultimately, on August 26, 1920, the 19th Amendment of the constitution was proclaimed by the Secretary of State as being part of the constitution of America and women in the United States were enfranchised on an equal basis with men.

In Great Britain, woman suffrage was first advocated by Mary Wollstonecraft in her book A Vindication of the Rights of Woman (1792) and was demanded by the Chartist Movement of 1840s. The demand for woman-suffrage was increasingly taken up by prominent liberal intellectuals in England from the 1850s, notably by John Staurt Mill and his wife Harriet Taylor. The first woman suffrage committee was formed in Manchester in 1865 and in 1867, Mill presented a petition to the parliament, which demanded the right to vote for women. The Reform Bill of 1867 contained no provision for woman suffrage, but meanwhile woman suffrage societies were forming in most of
the modern cities of Britain, and in 1870s these organisations submitted to parliament petitions demanding the franchise for Women. The succeeding years saw the defeat of every major suffrage bill brought before parliament. In 1869, parliament granted women taxpayers the right to vote in municipal elections. In 1897, the various suffragist societies united into one National Union of Women's Suffrage Societies. After the return to power by the Liberal Party in 1906, the succeeding years saw the defeat of seven suffrage bills in parliament. As a consequence, many suffragists became involved in increasingly violent actions. Gradually, public support of the women's suffrage movement grew and public demonstrations, exhibitions and processions were organised in support of women's right to vote. The need for the enfranchisement of women was finally recognised by most members of parliament, and the Representation of People's Act was passed by the House of Commons in June, 1917 and by the House of Lords in February, 1918. Thus, all women aged 30 or over received the complete franchise. An Act to enable women to sit in the House of Commons was enacted shortly afterward. In 1928, the voting age for women was lowered to 21 to place women voters on an equal footing with male voters.

Though the women's suffrage movement was started in the United States of America and in the United Kingdom, they were not the first countries to grant women the right to vote. Women had won the right to vote in national elections in New Zealand (1893), Australia (1902) and Norway (1913). In the period 1914-39, women in 28 additional countries acquired the right to vote. Some of them were Soviet Russia (1917), Canada (1918), United States of America and Hungary (1920) and Great Britain (1918 and 1928). Full suffrage for women was introduced in India by the
constitution adopted in 1949; in Pakistan women received full voting rights in national elections in 1956.

(ii) Women's Rights Movement since Mid-twentieth century: A milestone in the rise of modern feminism was Simone de Beauvoir's book 'The Second Sex' (1949). This book raised the feminist consciousness by appealing to the idea that liberation for women was liberation for men too. Betty Friedan's 'Feminine Mystique', which was published in 1963 attacked the deadening domesticity - the conditioning of women to accept passive roles and depend on male dominance. Friedan describes that under mid-twentieth century circumstances, house work and child-rearing are not challenging for an adult. But women have been taught that the true self-fulfilment lies in being wife and mother exclusively. When women do not realise the promised self-fulfilment and become unhappy, they blame themselves and not their situation. Friedan therefore suggests for an education and a profession for woman.26

In 1966, Friedan and other feminists founded the National Organisation for women in the United States of America. Other women's organisations for equal rights proliferated in America and Western Europe. These organisations demanded for the amendment of laws that enforced the inferior status of women. Their demands were also concerned with property rights, pay issues and matters related to sex and child bearing.

The United Nations declared 1975-85 as the International Decade for Women. Women's movement, during this period forced all political parties to be alert on women's problems. Political parties and governments made various attempts to co-opt individual women's organisations and it changed the nature of the power struggle.27
Some characteristics of the women's movement during this period may be pointed out.28

1. The women's movement sought to change society's prevailing stereotypes of women as relatively weak, passive, and dependent individuals who are less rational and more emotional than men.

2. The women's movement sought to achieve greater freedom for women to work and to remain economically and psychologically independent of men if they chose.

3. The women's movement criticise society's prevailing emphasis on women as objects of sexual desire and seek to broaden both women's self awareness and their opportunities to the point of equality with men.

4. Women's movement aims to advance women's participation in political decision making and all areas of public life.

Certain basic differences are evident between the earlier women's movement and the modern women's movement. Women's rights advocates in the nineteenth and early twentieth centuries pursued long for individual autonomy and for women's access to all men's prerogatives in higher education, paid employment, the professions and citizenship. Until the 1960s and 1970s, feminist ideology did not take much cognisance of women's self identification besides gender.29 Thus, earlier, the struggle was for the democratic rights of women. It included the right to education and employment, the right to own property, the right to vote, the right to enter parliament, the right to birth control, the right to divorce etc. In other words, earlier women's movements fought for legal reforms, for a legally equal position in society; the struggles were, essentially outside the home and the family. But the modern women's movement has gone beyond mere legal reforms to end discrimination; they were working towards the emancipation of women. In its essence, the women's movement of the present times is a struggle for
the achievement of women's equality, dignity and freedom of choice to control their lives and bodies within and outside the home.30

(iii) Women's Human Rights Movement : The movement for women's human rights comprises women's rights activists' efforts to use the human rights framework to promote the achievement of women's rights in the international areas of political, civil, economic, social and cultural rights.31 The traditional framework of human rights law focused on the promotion of rights in the public and political arena. But now the advocates of women's human rights try to promote women's human rights law by holding government accountable for private agent abuse, because though governments are not directly responsible, they can be seen condoning it through inadequate prosecution. Judged by every index of gender comparison, women's human rights is much inferior to that of men.32

Different women's organisations had to play effective roles in order to change the international human rights agenda. In Latin America, the women's organisations actively participated against the human rights abuses under the dictatorial regimes. Though the political situation changed, the democratic transition processes did not address to end violence against women during peace or war. Then some women used the human rights framework to advance women's rights. Instead of claiming rights for women, they claimed the human rights of half the community. Similarly, in Pakistan, the women's organisations demanded that in stead of religion, the norms of international human rights law should be the basis of women's rights.33

The United Nations Decade for Women (1975-1985) is a step forward in placing woman in the international as well as national agenda. One of the effective tool
that emerged during this period for promoting women's equality was the Convention on the Elimination of All Forms of Discrimination Against Women, 1979. It laid out the duties of the states which they have to do for promoting women's equality in all areas of life, from family to work place to government.\textsuperscript{34}

Till the end of the 1980s no integration took place between the women's human rights movement and the international human rights organisations. Toward the end of the 1980s the women's human rights movement began to receive help from the mainstream human rights movement. Suzanne Roach, coordinator of Amnesty International's International Women's Network stated that Amnesty International started to work on women's human rights in the late 80s, when staff and membership realised that women were systematically underrepresented in their research.

Rebecca cook opines that critical recharacterisation of international human rights is needed, in order that women's distinctive human rights will not be marginal and implementation of such rights becomes part of the central agenda of human rights work.\textsuperscript{35} Since 1990, women's challenge to the international human rights movement has moved from calls for equality or non discrimination and positive rights guarantee, to a call for the international system to go beyond mere recognition of women's rights to address violations of those rights through preventive action and enforcement of the law.

Promoting women's human rights—whether that means including women in job training, defending their rights to bodily integrity, or insisting on their education—clearly involves efforts within areas of life, considered to be private. Calling for government accountability in these areas requires a considerable reorientation of human rights law.\textsuperscript{36} The concept of human rights, like all vibrant issues is not static or the
property of any one group, rather its meaning expands as people reconceive of their needs and hopes in relation to it. In this spirit feminists redefine human rights abuses to include the degradation and violation of women. The specific experiences of women must be added to traditional approaches to human rights in order to make women more visible to transform the concept and practice of human rights in various cultures so that it takes better account of women's lives.  

The inclusion of women's human rights within the Vienna Declaration, 1993 proves that a global movement for women's human rights has taken shape. However, still the movement has much more challenges to be met. Dorothy Thomas points out three major challenges which are to be met. The first is to move beyond mere visibility for women's human rights to actual accountability for abuse. The second challenge is to avoid falling into "the trap of establishing some kind of parallel universe for women in the human rights area. Women's issues must be considered at every level of the United Nations, within every committee, convention and assembly. Thirdly, to remain sensitive to the needs and desires of women from every region of the world.

**WOMEN'S HUMAN RIGHTS AND THE UNITED NATIONS**

The Commission on the Status of Women, 1946 is one of the first bodies established by the United Nations' Economic and Social Council. It monitors the situation of women and promotes their rights and prepares recommendations and reports for the United Nations. Further, the United Nations has adopted some conventions or international treaties which are legally binding for ratifying countries. They are,

- The Convention on the Political Rights of Women, 1952;
- The Convention on the Nationality of Married Women, 1957;
- The Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1962;

Some of the major activities done within the United Nations Organisation are discussed below.

The Convention on the Elimination of All Forms of Discrimination Against Women (1979): It is a major step towards the attainment of human rights of women. It may be considered as a standard setting instrument for the realisation of the human rights of women. It tries to eliminate the artificial barrier of public-private distinction. For the first time it recognises domestic violence against women as the human rights violation. Article 1 of the Convention defines discrimination against women as "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enforcement or exercise by women, irrespective of their marital status, on a basis of equality of men and women of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field." But the provision for reservations undermine its very purpose. Till
June, 1994, 40 of the 133 ratifying states had made 91 reservations\(^3\), most of them on religious or cultural grounds, seriously weakening the conceptual framework of the convention.

The Convention on the Elimination of All Forms of Discrimination Against Women imposes significant positive economic, cultural and social duties on state parties. It has called upon the states, to take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with the view of achieving the elimination of prejudices and other customary practices and all other practices that are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles of men and women. This positive social and cultural duty imposed on states is essential to eliminate historical discrimination against women.\(^4\)

**World Conference in Vienna**: The United Nations World Conference on Human Rights was held in Vienna in 1993. This conference is a step forward in the field of human rights of women as it recognised women's rights as human rights. The Conference declared, "The human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights"\(^4\) It further stated, "The human rights of women should form an integral part of the United Nations human rights activities, including the promotion of all human rights instruments relating to women."

The Vienna Declaration highlights some areas of critical concern. They are international trafficking, cultural prejudices and religious extremism, as well as gender bias in the administration of justice and in all aspects of political, civil, economic, social and cultural life.
Elimination of Violence Against Women: The Declaration on the Elimination of Violence Against Women, was adopted by the general Assembly in December, 1993. Article 1 defines violence against women as "any act of gender based violence that results in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. Article 2 makes the state responsible for not overtting or punishing violence against women. But it does not have the binding force of a treaty."

Until that point, most governments tended to regard violence against women largely as a private matter between individuals, and not as a pervasive human rights problem requiring active state intervention. The Declaration identifies three areas in which women are particularly vulnerable—violence in the family, violence within the community and violence perpetrated or condoned by the state.

World Conference on Women: In order to promote the rights of women, the United Nations convened several world conferences on women. In Mexico City (Mexico, 1975); Copenhagen, (Denmark, 1980) and Nairobi, (Kenya, 1985). The World conference on women held in 1985 adopted the 'Nairobi Forward-looking strategies for the Advancement of women to the year 2000', which are aimed at the achievement of a genuine equality of women in all spheres of life and the elimination of all forms and manifestations of discrimination against them.

The fourth World Conference on Women was held in Beijing (China), in 1995. It declared in unequivocal terms that "women's rights are human rights." It has pointed out certain critical areas to take strategic actions by the governments, the international community and civil society. The critical areas of concern are: increasing burden of
poverty on women, unequal access to education and training, health care and relative services, violence against women etc. Moreover, the conference called for a concrete action in the following matters.44

1. Action to protect and promote the human rights of women and the girl child as an integral part of universal human rights.

2. Action to eradicate the persistent and increasing burden of poverty of women.

3. Action to remove the obstacles to women's full participation in public life and decision making, at all levels including the family.

4. Action to eliminate all forms of violence against women.

5. Action to ensure equal access for girl children and women to education and health services.

6. Action to promote economic autonomy for women, and ensure their access to productive resources and

7. Action to encourage an equitable sharing of family responsibility.

Thus, it may be observed that all the international instruments declare the equality of sexes. The Beijing conference and the Vienna Declaration, which can be described as Bill of Rights for women45 declared women's rights as human rights. But in reality, most of the states, among others, India, Bangladesh, Malaysia and Egypt are reluctant to modify their existing discriminatory provisions regarding women, at the cost of culture and religion. The violation of women's human rights are justified in the name of obedience to religious and cultural norms and till now the realisation of women's human rights have remained a far cry.

CUSTOM, CULTURE AND WOMEN'S RIGHTS

Though human rights are universal in character, in practice the human rights of a person is decided by the custom and culture of the particular state or society. There are
two basic positions regarding women's human rights— the universalist and the cultural relativist. The universalist holds that all members of the human community share the same inalienable rights and the international community has the right to judge, by reference to international standards, the ways states treat their own citizens. Human rights scholars argue that clear and direct state responsibility is the main thing which distinguishes human rights abuses from ordinary crimes. The states are bound to reform their constitutions and laws to bring them into conformity with the international norms. The universalists opine that all women are entitled to enjoy the rights set forth in the international covenants and conventions, such as the International Covenant on Civil and Political Rights 1966 and the Convention on the Elimination of All Forms of Discrimination Against Women, 1979 (hereafter the Convention).

At a time when the international law opines that no state is independent enough to curtail the rights of its citizens, it is subject to the scrutiny of the international institutions, the view of the cultural relativists is that the practices of one society cannot legitimately condemn the practices of societies with different traditions. The cultural relativists object to universal approaches on the grounds that they use criteria which are ostensibly international but that actually reflect the values of Western culture. Therefore, Western condemnations of discrimination against women in other regions are said to reflect an insensitive, ethnocentric approach to rights issues, which is linked to cultural imperialism.

Though the universal documents declare that everyone is entitled to the human rights without distinction of any kind such as race, colour, sex, language, religion etc., yet, most of the member states of the United Nations make distinction between the two sexes
in the name of religion, tradition and custom. The Convention reflects the depth of the exclusion and restriction practised against women solely on the basis of their sex, by calling for equal rights for women. It calls for national legislation to ban discrimination; recommends temporary special measures to speed equality in fact between men and women, and action to modify social and cultural patterns that perpetuates discrimination.\textsuperscript{50} Till March 2000, the convention had been ratified by 165 states\textsuperscript{51} but most of them ratified with reservations that limited their obligations to implement the convention-principles in significant ways. Frequently they concern potential conflicts between the Convention and customary or religious law, or they reduce the states' obligations in the area of family relations.\textsuperscript{52}

India ratified the Convention in 1993 but reserved on the articles relating to cultural and customary practices [Art. 5(a)] and to equality in marriage and family relations [Art.16(1)]. Article 5(a) declares that "states parties shall take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or superiority of either of the sexes or stereotyped roles for men and women". Like a staunch follower of the cultural relativists, the Government of India made a declaration stating that it would follow a "policy of non-interference in the personal affairs of any community without its initiative and consent when implementing these provisions."\textsuperscript{53}

Bangladesh, Egypt, Libya and Tunisia have involved 'Islam' as the reason for making reservations. Egypt clarified its stand for not modifying its laws discriminating against women, after ratifying the Convention, that reforms undertaken pursuant to the
principles of the Convention to give women equal rights would violate Sharia requirements.54

During the Fourth United Nations World Conference on women in Beijing (in 1995), cultural differences among women presented a series of practical and theoretical problems. The practical problems arose out of the enormous task of negotiating a single, albeit complex document for addressing the problems of women globally. At every stage of the process, the differences in culture, language and religion created complicacy. In the theoretical aspect, due to the profound cultural differences among women, it was difficult for the women's rights activists to maintain a global political movement without avoiding charges of cultural imperialism.55

Thus, till now, custom, culture and religion stand as major impediments in the enjoyment of women's human rights. The state parties even after ratifying the convention deprive women of their basic human rights, in the name of religion and culture.

NATIONAL PERSPECTIVE

The right and dignity of a woman is often violated by family, society and the state. Discriminatory practices towards girls start in the family. Gender classification of tasks, behaviour, dress, food, toys, games, space and time utilisation start at home.56 In the family, the woman is treated not as an end in herself, but as an adjunct or instrument of the needs of others, as a mere reproducer, cook, cleaner, sexual outlet, caretaker, rather than as a source of agency and worth in her own right.57 Limitation of women's activities to domestic functions result in the improper development of the personality of women and complete submission to the male members of the family.58 Violence committed against women in private domain has also become a matter of serious concern. Family is
the basic institution, which preserves and allows to continue the unequal social relations. Thus, it is a paradox that women are most discriminated against by those with whom they are most intimate and whom they trust most.

John Stuart Mill observed that when males are brought up to think that being male makes them superior to one half of the human race, this shapes them in the whole of their social behaviour, both with women and with other fellow citizens. That is why, in society also women have to face humiliation on the road, in the work place etc.

The state also contribute in the prevalence of discriminatory practices towards women. The State in India never set out to fundamentally restructure relations of hierarchy and power within the family or to enable women to have independent access to property and other resources. While a number of legislative measures were carried out to provide relief from domestic and social violence, in practice, the patriarchal assumption of women's subordination and dependence on men continues. The increasing numbers of dowry murders and rapes demonstrate the fact that the state has done nothing in substantial terms to ensure that women are protected against the experience of familial and social violence.

The report of the Committee on the Status of Women in India, in the seventies, clearly pointed out that the Indian State had failed in its constitutional obligation of not discriminating on ground of gender. There was no acknowledgement of the fact that millions of women in India earn their livelihood in developing sectors like agriculture, industry, fishery, livestock etc. The report also pointed out that the planners failed to deal with the problem that employment of women in some organised industries came down sharply, where they dominated earlier. This process of marginalisation of a large majority
of women in the economy and their consequent neglect and devaluation by society and the state were a clear indication of the overriding class and gender bias in the polity.\textsuperscript{61}

The position of women in India, from a historical perspective has been discussed below.

In the Vedic period women enjoyed almost equal status with men. They could take part in every aspect of life. At that time monogamy was the prevailing condition of society and widow remarriage was also in vogue.

During this period though males and females did not enjoy rights at equal footing, Vedic studies were not the prerogatives of men. Upanayana or ceremonial initiation in Vedic studies was common in case of boys and girls. Some of the girls were even the authors of vedic hymns. Lopamudra (Rig. Veda 1-179), Visvavara (v. 28), Sikata (VIII-91), Nivavari (IX-81, 11-20) and Ghosha (X-39,40), were some of the authors of Vedic hymns.\textsuperscript{62} However, the contemporary feminist historians like Uma Chakravarty expresses that less than one percent of the one thousand hymns of the Rig Veda are attributed to women, which clearly shows the marginal position of women scholars.\textsuperscript{63} The famous story about the debate between Gargi and Yajnavalkya is generally considered as an example of the learning allowed to women. But actually, in that event, Gargi was finally silenced and eliminated from the contest by Yajnavalkya, not by arguments but he threatened her, "Gargi, do not question too much, lest your head fall off......" Thus Gargi's talent was not allowed to come to light.

Many educated women accepted teaching as their career. In Sanskrit, the existence of two words Upādhyāyā and Upādhyāyānī, distinguish the lady teachers from the wives of teachers. The word Upādhyāyā means a lady teacher and Upādhyāyānī
means wife of a teacher. It indicates that lady teachers must have been fairly numerous in society.

Monogamy was the general rule in the Vedic Society. In Rigveda, the use of the word 'Jāyā' or wife in singular number indicates that monogamy was the general practice of that period. Macdonnel, in his 'Vedic Religion' observed, "In Vedic times we have every reason to believe that our Aryan fore-fathers generally practised monogamy or marriage in its true primal conception and intention as instituted in paradise, as the permanent union of one woman to one man."

During the Vedic period, daughters were relatively less unpopular for various reasons. The girls were initiated in Vedic studies and were entitled to offer sacrifices to gods; for this purpose the son was not absolutely necessary. Marriage and widowhood also were not problems for the parents of the girls. The girls themselves selected their grooms and widow remarriage was allowed and was fairly common in society. Prevalence of such practices kept women at a high pedestal.

In the Vedic age women recited Vedic hymns and offered Vedic sacrifices all by themselves. At that time girls could remain unmarried till the age of 16-17 years, and could devote for Vedic studies for 7-8 years. But during the age of Brahmanas (c1500-1000 B.C.), the volume of Vedic studies became very extensive because a number of subsidiary sciences were developed and lengthy commentaries were written on Vedic texts. As a result of this, it took longer periods for (12 to 16 years) Vedic studies. But as the girls used to be married at 16-17 years they could not engage themselves for the Vedic studies and gradually most of the sacrificial duties were allotted to males.
Manu played a very significant role in the establishment of an inferior position of women in society. He advocated that girls' upanayana may be performed but no Vedic Mantras should be recited in that occasion. He stated that the marriage ritual in the case of girls served the entire purpose of Upanayana; service of the husband correspond to the service of the preceptor, and household duties were a fit substitute for the service of the sacrificial fire. Manu even went to the extent of saying that a pious Brahmana should not attend a sacrifice, which is performed by women. Thus, Manu strictly prescribed that the life of a woman is fit only for marriage and the household chores.

During the post-Vedic period polygamy became very common. In the Aitareya Brahmana, a prince Harichandra by name had hundred wives. In the Brihadaranyak Upanishad, sage Yajnavalkya had two wives. Manu allowed the practice of polygamy for the three castes - Brahmana, Kshatriya and the Vaishya. With the practice of polygamy, naturally, the position of women deteriorated.

Though in case of males, the evil practice polygamy came into existence, widow remarriage was completely prohibited during this period. After the death of the husband the wife was not free to marry again. She had to lead a life of piety and absolute self-denial. The legal authorities were of the view that a woman once united with a man is united for ever and there can be no separation from him, even if he is dead. Her life was expected to be one of austerity.

The two epics, Ramayana and Mahabharata also do not entertain very high regard for women. The disposition of women according to the Ramayana, is very subtle from the beginning of the universe. They are said to be as whimsical as the leaves of a lotus flower, as sharp as the edges of a sword and as unsettled as the blast of a storm.
Mahabharata also Yudhisthira stated, "that science of policy which the preceptor of the Asuras know, that science of policy which the preceptor of the celestials know is not deeper or more subtle than what is women's intelligence."\textsuperscript{74}

The practices which emerged during this period, regarding women are prevalent even in the present day India. From the very childhood, girls are trained to become expert in household chores and by this way, they are made fit for marriage. Education and livelihood is not considered as important for a girl's life. Even now, the inferiority of a woman in the family and society is a natural and well accepted norm.

In the eleventh century, the Mohammedan invasion began in India. Mohammedanism influenced the existing situation of Indian women. Some of the Muslim women like Raziyya Sultana in thirteenth century and Chandbibi in sixteenth century became famous rulers but the general condition of Muslim women was deplorable.\textsuperscript{75} It is also worth-mentioning that, Raziyya was ousted from the throne just for the reason that she was female. Raziyya was a "great sovereign, sagacious, just, beneficent, the patron of the learned, a dispenser of justice, the cherisher of her subjects and of warlike talent, and was endowed with all the admirable attributes and qualifications necessary for kings."\textsuperscript{75a} She marched in person against her enemies and conducted the affairs of her government with considerable ability in open darbar. But the proud Turkish nobles could not reconcile themselves to the rule of a woman and brought about her downfall. It clearly shows that in spite of possessing all good qualities and eligibility, it is enough to disqualify a person from her due, just for the reason that she is a female and that is why she cannot occupy a position superior to males.
Polygamy and strict veiling of women were common Moghul practices. The Mohammedan invaders were short of women. There is nothing in the Koran, to forbid inter-religious unions. Therefore, the Mohammedan invaders were eager to marry even the Hindu girls. But in Hinduism even inter-caste marriages within its own fold was completely forbidden. Therefore, the Hindus, as a means of protecting their daughters, resorted to marrying their daughters not only at the approach of puberty, but even as infants. In such situations Purdah also became a protective measure in Hindu society.76

The result of prevalence of child marriage was that women were deprived of education. Only a few girls acquired some education in their early childhood and women in general did not get opportunity of education. Thus, in this period the condition of women was highly deplorable. Since the Vedic period, with the passing of time, the position of women gradually deteriorated.

In 1757, in the battle of Plassey, the British East India Company defeated the Moghuls and occupied Bengal from them. The company gradually spread their empire and began to rule the whole of India. However, in 1857, after the Sepoy mutiny, the reign of India was transferred from the company to the British Queen.

During the colonial period, a new era began in India. In spite of the political subjugation, Indian people came to know about Western education and culture. Western education enlightened many Indian people and drew their attention to certain social evils prevailing in that period. They tried to eradicate the evils related to women also.

During that period, discriminatory treatment towards women prevailed and women were victim of cruel rites like sati, infanticide, child marriage, polygamy, purdah etc. Social reformers like Raja Ram Mohan Roy protested against the prevailing religious
and social maladies. He created public opinion against the practice of sati, which forced the widows to immolate themselves in the funeral pyre of their husbands. Raja Ram Mohan Roy, with the assistance of William Bentinck, the then Governor General, succeeded in abolition of this practice. In 1829, an Act was passed, which declared sati as an act of 'culpable homicide'. Though the practice of Sati was not completely eradicated, the Act brought about change in the way of thinking of people.\(^77\)

A movement for widow remarriage was started by Ishwar Chandra Vidyasagar. He justified widow remarriage by extensive quotations from the Hindu shastras. Ultimately, in 1856 a law on widow remarriage was enacted. The Brahmo Samaj and the Arya Samaj were also in favour of widow remarriage.\(^78\)

Social reformers like Keshav Chandra Sen and B.M. Malabari raised voice against the practice of early marriages. Due to their effort, the Age of consent Act, 1891 was passed. It laid down the minimum age of marriage of boys and girls at 12 and 10 years respectively. The Sharda Act of 1929 raised the age to 18 years and 14 years for boys and girls respectively.\(^79\) These Acts could not completely curb the child marriage but were able to create public opinion against child marriages.

During the colonial period certain positive steps were taken regarding education of women. In 1849 the first Hindu Girls' School was started at Calcutta. In 1854, the Wood's Despatch recommended that special facilities and encouragement should be provided to female education. The Saddler Commission, 1917 which was appointed under Dr. M. E. Saddler, Vice chancellor of the University of Leeds stressed for the need of extension of facilities for female education and it recommended the establishment of a special board of Women Education in the Calcutta University.\(^80\) The Hartog Committee
of 1929 also recommended for the improvement of female education. Thus, the importance of female education was felt and educational institutions for girls' were set up all over the country. However, the spread of education among women progressed very slowly.

In the political field of Indian states, women had very little role to play. But Mahatma Gandhi associated women with the national movement which helped them to enter in the political field of the country. Women like Sarojini Naidu, Raj Kumari Amrit Kaur, Kamala Kumari Devi Chattopadhyay, Durgabai Deshmukh etc., were the able leaders of the freedom struggle. The formation of national bodies like the All India Women's Conference (1926), the Women's Council (1920) etc., helped to improve the condition of women.81

The demand for women's suffrage and more facilities for women's education and health care was raised under the leadership of Annie Besant, Margaret Cousins and Dorothy Jinarajadassa. They participated in suffrage movement in England. In 1917, the British Parliament passed the Representation of the People Bill, giving all women a right to vote. Then, in India also demand was raised for women's suffrage. But the British authorities did not respond in positive. In 1919, the women leaders appeared before the franchise committee in London. The women were mainly from Women's Indian Association. The British Government however, left the matter to the Indian legislatures. The suffragists appealed to the legislators and presented memoranda. The Indian nationalist political leaders passed the necessary resolutions. Then the Indian legislatures began to enfranchise women: Rajkot in 1923, Travancore- Cochin in 1924; Bengal 1925, the Punjab and Assam in 1926. Since ownership of property and income were the basis of
franchise and most of the women did not own property therefore, the franchise did not help women. However, after independence the Constitution of India has guaranteed political equality to women through adult franchise.

At present, women of India are receiving more and more rights through legal channel. However, the disparity between the proclaimed equality and the reality of discrimination also cannot be denied. In the post-independence period, position of women in different fields may be discussed in the following manner.

Women and Law: In order to rectify the unequal position of women, many laws were enacted, some before the adoption of the constitution and some thereafter. Based on their nature, they can be broadly categorised as Constitutional law, Labour laws, Criminal laws, Family laws and other Civil laws.

Constitutional Law: Since its inception (26 January, 1950), the Constitution of India contemplated a social revolution by guaranteeing equal status to women with men. It is considered as the 'women-friendly constitution' as it does not contain any discriminatory provision regarding women. In Part III and Part IV of the Indian Constitution, the rights of people are enumerated. Part III (Article 12-35) contains fundamental rights which are of justiciable nature. Art. 14 provides "the state shall not deny to any person equality before the law or equal protection of the laws within the territory of India". Again Art. 15 (1) ensures, the state shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them." The fundamental rights also have taken into consideration some special disabilities, which the state may endeavour to rectify by affirmative action. Article 15 (3) lays down, "Nothing in this Article shall prevent the state from making any special provision for women and children. Moreover,
discrimination on the basis of sex in public offices has been prohibited [Art. 16(1) & (2)].

The Directive principles of state policy contain provisions like equal pay for equal work for both men and women (Art 39), and that state shall make provisions for maternity relief. (Art. 42).

The constitution also provides that it will be the duty of every citizen of India to renounce practices derogatory to the dignity of women [Art 51 (A) (e)].

Labour Laws: Among the labour laws, mention may be made of the following Acts.

The Maternity Benefit Act of 1961 regulates the employment of women in certain establishments for certain periods before and after child birth and to provide for maternity benefit and certain other benefits.85

The Equal Remuneration Act of 1976 ensures equal pay for equal work for both men and women. Moreover, some laws like the Workmen's Compensation Act, 1923; the Minimum Wages Act, 1948; the Factories Act, 1948; the Employees' State Insurance Act, 1948; Plantation Labour Act, 1951; the Contract Labour Act, 1970; the Bonded Labour System (Abolition) Act, 1976; the Inter-State Migrant Worker's Act, 1979 and the Child Labour (Prohibition and Regulation) Act, 1986, which are not gender specific, they also concern for women.86

Criminal Laws: The Indian Penal Code, 1860 contains many provisions pertaining specially to women. It deals with punishment for disclosure of the identity of victim of certain offences like rape, (Sec. 228A); dowry death (Sec 304-B), outraging the modesty of women (S. 354), kidnapping from lawful guardianship (Ss. 361, 363, 366), selling and buying of minor for prostitution (Ss. 370 -373), Rape (Ss. 375-376), offences relating to marriage like bigamy, adultery (Ss. 493-498) and eve-teasing (S.509).87
The Criminal Procedure Code, 1973 contains provisions regarding search of arrested female [S.51(2)], orders for maintenance of wife (S.125) and that a female witness has to be examined at her place of residence only [S.160(1)].

The Evidence Act, 1872 also contains certain relevant sections relating to women. If a woman commits suicide within a period of seven years from the date of her marriage and that her husband or such relative of her husband had subjected her to cruelty, the court may presume, that such suicide had been abetted by her husband or by such relative of her husband (S. 113 A). Similarly, the Court may presume the absence of consent of the woman in certain prosecutions of rape (rape by public servant, superintendent of Jail, any member of management or staff of a hospital).

Thus, the Criminal laws contain various provisions relating to women keeping in view about the social condition of India.

Family laws: Family laws cover personal laws of various communities. Hindu personal law was codified in 1950's to give women right to inheritance, to adoption, to divorce, and to impose monogamy. Personal laws of other communities remain untouched.

The Hindu Marriage Act of 1955 provides for the minimum age of marriage for girls as eighteen years and twenty one years for boys. The Act prescribes for monogamy, and a bigamous marriage will be void ab initio. Under the Hindu Marriage Act, for the first time a Hindu woman has been given the right to divorce her husband. An application for maintenance from the husband can be made along with the petition for divorce.

The Hindu Succession Act was passed in 1956. It declares equal rights of succession to male and female heirs. Moreover, it also states that any property
possessed by a female Hindu, whether acquired before or after the commencement of the Act shall be held by her as full owner thereof.\textsuperscript{94}

The Hindu Adoption and Maintenance Act 1956, prescribes that a child can be adopted by the husband with the consent of the wife.\textsuperscript{95} Moreover, an unmarried woman, a divorcee or a widow has the capacity to take a son or a daughter in adoption.\textsuperscript{96} The Act also prescribes that, a Hindu wife is entitled to be maintained by her husband during her lifetime.\textsuperscript{97}

Thus, the codified Hindu personal laws have changed many provisions of ancient Hindu law, which were discriminatory towards women.

Other Laws: There are also some other laws relating to women and their rights.

The Immoral Traffic Prevention Act, 1956 (Amendment, 1986) states that the prostitution and the accompanying evil of traffic in person for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community. The Act declares that its eradication by gradual and evolutionary process is the ultimate aim, but it is only reasonable that restrictions should be imposed to mitigate the evil effects of trade or profession and to protect the interests of the general public.\textsuperscript{98}

The Indecent Representation of Women (Prohibition) Act, 1986 prohibits indecent representation of women through advertisements or in publications, writings, painting, figures or in any other manner and for matters connected therewith or incidental thereto.\textsuperscript{99}

The Commission of Sati Prevention Act was passed in 1987. Though an Act preventing sati was enacted a long way back in 1829, it could not stop sati completely. In
1986, in the Deorala district of Rajasthan, a woman named Rup Konwar committed sati in the funeral pyre of her husband.\textsuperscript{100} After the incident, the gravity of the problem was again seriously felt and the new Act was passed. The Act provides for effective prevention of the commission of sati and its glorification and for matters connected therewith.\textsuperscript{101}

The Dowry prohibition Act 1961 (Amendment 1986), declares giving and taking of dowry as offence punishable by law. The aim of the Act is to prohibit and prevent the evil practice of dowry.\textsuperscript{102}

The Constitution and other enacted laws provide for the ways of securing rights of women. These provisions ensure the rights of women. With so many provisions for safeguarding the rights of women, the Indian women should have been enjoyed a dignified life, free from discrimination. The following paragraphs reveal the actual position of women in India.

After independence, the position of Indian women have changed to a great extent. Empowered with the equal rights provision of the constitution, Indian women have left almost no field unstepped. But it is true only for a fortunate few. Despite the provisions of the constitution and other laws, the fate of the lots of Indian women remained unchanged.

A constant fall of the number of females in the sex ratio has become a matter of serious concern in India (Table 2.1). From 972 females per one thousand males in 1901, the ratio dropped steadily and reached 927 females per one thousand males in 1991. The reasons of uneven ratio may be attributed to differential nutrition and unequal health care of male and female children, female infanticide, female foeticide etc. Till now, in villages
of Rajasthan and Bihar, the baby girls are killed in two ways: either by putting them on the hot griddle or by putting them in the tub of milk. The medical technique of 'Amniocentesis', which was evolved to discover birth defects is used in India mainly to detect the sex of the foetus. Between 1979 and 1984, an estimated 80,000 female foetuses were aborted in India after sex determination tests. Similarly, an estimate between 1981 and 1991 reveals that more than four million girl children joined the ranks of India's missing women and an estimated 1.2 million lives were snuffed away through abortion. Continuance of this trend will certainly lead to the collapse of the social fabric.

<table>
<thead>
<tr>
<th>Census Year</th>
<th>Sex Ratio</th>
<th>Census Year</th>
<th>Sex Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>1901</td>
<td>972</td>
<td>1951</td>
<td>946</td>
</tr>
<tr>
<td>1911</td>
<td>964</td>
<td>1961</td>
<td>941</td>
</tr>
<tr>
<td>1921</td>
<td>955</td>
<td>1971</td>
<td>930</td>
</tr>
<tr>
<td>1931</td>
<td>950</td>
<td>1981</td>
<td>934</td>
</tr>
<tr>
<td>1941</td>
<td>945</td>
<td>1991</td>
<td>927</td>
</tr>
</tbody>
</table>

Source: Census of India

Women and Education: Equal opportunity in education is one of the prime constituents of human rights. But in India, almost half of the total population is illiterate. In case of females the situation is even more miserable. Despite the constitutional guarantee for equal status and opportunity, disparity in respect of education, between males and females still persists (Table 2.2). The Table clearly indicates that there is a gradual increase in the literacy rate of both male and female population. But prevalence of discrimination, on the basis of sex, in the field of education is very much evident. The
common belief in the inequality of the sexes, and the belief that women's real place is at home only, lead the parents to think that education is of no use for girls.

TABLE- 2.2

Literacy rate in India (1951-1991)

<table>
<thead>
<tr>
<th>Census Year</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1951</td>
<td>24.95</td>
<td>7.93</td>
<td>16.67</td>
</tr>
<tr>
<td>1961</td>
<td>34.44</td>
<td>12.95</td>
<td>24.02</td>
</tr>
<tr>
<td>1971</td>
<td>39.45</td>
<td>18.72</td>
<td>29.46</td>
</tr>
<tr>
<td>1981</td>
<td>46.89</td>
<td>24.82</td>
<td>36.23</td>
</tr>
<tr>
<td>1991</td>
<td>64.68</td>
<td>39.52</td>
<td>52.11</td>
</tr>
</tbody>
</table>

Source: Census of India

Educational backwardness of women and girls has been both the cause and the result of their low status and subjected position in society. Socio-economic factors such as prevalence of purdah system, segregation of women folk, child marriage, enforced ascetism for widows are on one hand the manifestations of lack of education among women and girls and on the other hand these are abstracting their educational development.106

Women and Economic Activities: In India, rather than law, custom dominates practice. Consequently, majority of women do not enjoy the right to inheritance. They rarely realise the rights that contemporary laws have promised them. Moreover, as daughters, women's claims appear to enjoy little social legitimacy. The daughters mostly inherit in sonless families. In those cases also generally she does not enjoy full ownership, but serves as a trustee on behalf of her son, occasionally, her husband is the designated heir. In some communities like Gaddis of Himachal Pradesh endowment of land even to the
brotherless daughters also completely forbidden. In such communities a woman even cannot hold self acquired land. In some cases the sonless Hindu couples adopt a male child as their heir, bypassing the daughters.\textsuperscript{107} Therefore, in India the cases of daughters acquiring land from the parents directly and unconditionally are very rare.

Further, up to the Fifth Plan (1974-79) there was no effort to see women as human or productive entities nor in terms of their roles in productive activities. The statistical purdah concealed the full extent of their participation in economic activities and their contribution to the national domestic product, and this made them invisible persons to the policy planners. However, the sixth plan introduced a separate chapter on women, due to the demand of women's groups and for the international pressure during the International Decade of Women. It stressed economic independence, giving of joint titles to husband and wife in all asset transfers, including of land, house sites and other economic units.\textsuperscript{108}

Experts have observed that apart from the existing structure of discrimination against women, the introduction of structural adjustment programme\textsuperscript{109} via new economic policy with its attendant problems of inflation, recessions, restructuring of industry, fall in real wages, etc., will intensify and worsen conditions particularly for poor women. Many scholars and activists have pointed out that there will be a fall in working women's standard of living, poor nutritional and health level and a brake to any improvement of their status in society.\textsuperscript{110} Therefore, training in technical skills, combined with other educational programmes for women have become dire necessity of time.

\textbf{Women and Politics:} In the political field, the Constitution of India has guaranteed adult suffrage to the citizens of India. The electoral process is an important mechanism to represent and promote women's interest. However, the participation of women in the
political process is far from adequate. Women have remained at the periphery of politics. Over the years the participation of women in elections by way of voters and contestants has increased significantly, but the visibility of women in the electoral fray appears in inverse proportion to the promises made by political parties on their empowerment. (Table 2.3). The disadvantageous position of women in social, economic and educational fields is responsible for their low politicisation.

**TABLE 2.3**

Women's participation in Lok Sabha Election (1952-1999)

<table>
<thead>
<tr>
<th>Election Year</th>
<th>Voting percentage of Men</th>
<th>Voting Percentage of Women</th>
<th>Total seats Contested by Women</th>
<th>Seats won by Women</th>
<th>Percentage of Women members in Lok Sabha</th>
</tr>
</thead>
<tbody>
<tr>
<td>1952</td>
<td>53.00</td>
<td>37.10</td>
<td>43</td>
<td>14</td>
<td>4.40</td>
</tr>
<tr>
<td>1957</td>
<td>54.00</td>
<td>38.77</td>
<td>45</td>
<td>27</td>
<td>5.40</td>
</tr>
<tr>
<td>1962</td>
<td>62.10</td>
<td>46.63</td>
<td>70</td>
<td>35</td>
<td>6.70</td>
</tr>
<tr>
<td>1967</td>
<td>66.70</td>
<td>55.48</td>
<td>67</td>
<td>30</td>
<td>5.90</td>
</tr>
<tr>
<td>1971</td>
<td>60.79</td>
<td>49.15</td>
<td>86</td>
<td>21</td>
<td>4.20</td>
</tr>
<tr>
<td>1977</td>
<td>65.62</td>
<td>54.96</td>
<td>70</td>
<td>19</td>
<td>3.40</td>
</tr>
<tr>
<td>1980</td>
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<td>68.41</td>
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<td>62.1</td>
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<td>599</td>
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<td>65.7</td>
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<td>1999</td>
<td>—</td>
<td>—</td>
<td>247</td>
<td>47</td>
<td>8.70</td>
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</tbody>
</table>

*Source: Reports on General Elections; Election Commission of India.*
Voting is the basic activity by which the citizens get assimilated in the political process. Women's participation in formal elections is to a great extent dependent on the mobilisation efforts of the political parties, general awareness among the community about the importance of exercising franchise, and the overall political culture.\footnote{111}

In case of political participation also the existence of discrimination on the basis of sex is observed in the data set presented in Table 2.3. It clearly indicates the low level of participation of females as voters and candidates, as well as the low percentage of women as members of Lok Sabha. Within this almost fifty years of time, there are not even ten percent female representatives in the last thirteen Lok Sabhas. It may be the main reason for which women's issues do not get proper response from the Members of Parliament, viz., Muslim Women's (Protection on Divorce) Bill, Women's Quota Bill, and Domestic Violence Bill, to cite just a few.

The low participation of women in elections both as voters as well as candidates may be attributed to the following reasons\footnote{112} (i) women are not independent voters, (ii) a majority of them are illiterate, (iii) a majority of them make their choice on the basis of suggestions from male members, (iv) women lack information and political awareness.

Reluctance of political parties to give party tickets to female candidates to contest in the elections is also one of main reasons of women's less participation as contestants. In the 1996 Lok Sabha Elections, among the total candidates contested from the major political parties, only 3.4% were female candidates.\footnote{113} Considering the social, economic and political situations of India, it may be assumed that at present the only way to expedite the entry of females in the decision making machinery is through reserving some seats for them. The 73rd and 74th Amendment of the constitution which introduced
the policy of reservation at the grass root levels (Panchayats and municipalities) has proved to be very effective. It caused tremendous enthusiasm among women and improved their self-confidence.

The 81st Amendment Bill of the Constitution was introduced on 12th September, 1996 seeking 33% reservation of seats in the Parliament for women. But so far the Bill has not become an Act due to the apathetic attitude of the political parties. At a national seminar on "Women's Reservation Bill and Electoral Reforms" held on July 18th, 1997 at New Delhi, Inder Kumar Gujral, the then Prime Minister pointed out that all political parties adopted a double faced policy in the matter of women's reservation Bill. Outside the parliament, all the political parties supported reservation for women, behind closed doors they were all for a quiet burial to it.\textsuperscript{114}

Political empowerment of women and their active participation in setting the agenda for their own and social development may change the situation to a great extent.

**Crime against women** : Gender injustice taking the shape of crime against women has become a matter of serious concern. Table 2.4 clearly indicates that crimes against women are on the rise. Thus, it is evident that the theoretical declarations and the prohibitive measures have very little effect upon the lives of women. They have not been able to fulfil their main purpose, i.e., to protect women and to deter the offenders from committing crimes.

Women are generally considered weak, vulnerable and in a position to be exploited. Women can be burnt for not bringing enough dowry, tortured and harassed for not providing money to their alcoholic husbands, raped to satisfy the lust of males or just to teach them a lesson for being bold and outspoken.\textsuperscript{115} Apart from these, criminalisation
of politics lead to violence and the brunt of the resulting violence is borne by the marginalised sections of society, including women. The increasing use of communal, caste and ethnic identities in the pursuit of political gains is another factor behind the spreading violence. Increasing participation of women in work and politics is making them more vulnerable to crime. Moreover, attempts to control and intimidate women associated with decision making process are also leading to violence.116

Some common reasons pertaining to specific type of violence against women may be identified – all forms of violence against women appear to be higher in lower socio-economic strata, violence is more common against women who belong to families that are more patriarchally organised in a traditional way, a large number of women who are victims of violence are those, who lack self-confidence, have poor self image and a feeling of helplessness etc.117
It may be noted that though crime against women is rampant, most of the crimes go unreported due to the reasons of social stigma, distrust in legal mechanisms, lack of legal awareness, fear of retaliation etc., and this is the reality, in spite of the constitutional assurance of equality and dignity of all human beings.

Thus, it is evident that violation of women's human rights is an age-old phenomenon. However, from 19th century onwards, some females as well as males have been trying to make the situation better. The women's rights movements in India may be discussed as follows.

WOMEN'S MOVEMENT IN INDIA

In India, the first movement for women's rights may be traced back to nineteenth century. It was centred round some major problems like child marriage and enforced widowhood. The nineteenth century social reform movement focused on improving women's condition. However, though the social reformers were concerned with the oppressed condition of women, they did not have any idea of establishing equality between males and females.

The social reform movements helped to improve women's social status, while the nationalist movement provided an opportunity for women to take part in extra-familial and non-caste activity, giving them a new sense of power and a new image.

In 1927 the All India Women's Conference was formed with the modest objective of improving women's education, but by 1929 it had enlarged its scope to social reform. Its constitution declared it to be guided in its work by principles of justice, personal integrity, and equal rights and opportunities for all. It played a very significant role in creating a favourable climate for new social legislation. The Sarda Act (1929),
forbidding child marriage, the Dissolution of the Muslim Marriage Act (1939), were all made possible because of All India Women's Conference's pressure.

During this period, some women's organisations organised debates on social, political and economic problems designed to raise women's consciousness. Women's organisations through their participation in nationalist movement and campaigns for legal reforms questioned some of the traditional values attached to women's role.

The movement was middle class and urban, with an elite leadership, and hence it articulated demands of this class. The demands of women's movement in this period were limited to equal rights in political field. Issues of economic inequality were taken up less since the middle class women did not enter the labour force in a large scale until 1940s.\(^8\)

After independence, for over a decade, there was a lull in political activity by women. From the late sixties onwards, the political activity of women again started. During this period, the Anti Price Rise Movement was organised by the socialists and the Communist Women. It was linked up with the students' agitation against corruption in Gujarat and became a massive middle-class movement which soon shifted its focus to an overall critique of the Indian State. The struggle was crushed by police repression and declaration of the emergency (1975). The Self-employed Women's Association in Ahmedabad and Working Women's Forum in Madras were formed in this period. The Self-employed Women's Association tried to organise lower class women involved in the collection and sale of second hand goods, in petty production and petty retailing. It helped them to obtain loans as well as protects them when they were harassed by the public or police. The Bodh Gaya Movement in 1978 was another landmark, which
confronted a local 'muth', owning most of the village land. During the struggle women combined the issue of land rights with specifically women's right to resources. However, both the male leadership and government rejected women's demands, asking for entitlement to landed property in their names.

The women's movement had a specific feminist focus during the late seventies. Autonomous women's groups without any party affiliations grew up in towns and cities. They pointed out that left parties and trade unions were as patriarchal as any other and therefore it was necessary to stay independent while allying on a broad platform. There were also nationwide campaigns on dowry and rape.

In the late eighties and further, a new feature was added in the women's movement, i.e., the large scale availability of funding, both from government and international sources. Moreover, increasing usage of the slogan 'Empowerment of women' in government document is also an important feature of this period.

The emergence of a common platform of the national level political parties is one of the significant features of the 1990s. All India Democratic Women's Association, National Federation of Indian Women, Mahila Dakshata Committee and three national level women's organisations, i.e., the Y.W.C.A., the Joint Women's Programme and Centre for Women's Development Studies worked together on some specific issues such as Bill on Reservation for Women in Parliament etc.\textsuperscript{119}

Therefore, it may be observed that the contemporary Indian Women's Movement is a complex, variously placed and fertile undertaking. It is perhaps the only movement that encompasses and links such issues as work, wages, environment; ecology, civil
rights, sex, violence, representation, caste, class, allocation of basic resources, consumer rights, health, religion, community and individual and social relationship.\textsuperscript{120}

The impact of women's movements can be clearly seen on the government, administration and politicians whereby a series of bodies have been set up specifically to deal with women's issues. Besides influencing legislation, judiciary, media, education programmes and government strategies, the most important gain is that it has been accepted that a woman who was earlier considered weak and in need of help, should rather be a participant in her own development. The movement has given increasing number of women a voice and courage to speak.\textsuperscript{121}

Thus, in view of the injustices meted out to women, attempts have been made for redressal, both at the national and international levels. In spite of these efforts women are yet to enjoy their due rights. There are various factors responsible for the present position of women in society. The next chapter focuses on the roles of religion, custom and law as determinants of women's rights and position in society.

\textbf{NOTES AND REFERENCES}


6. Supra note 4, p. 233.


9. Article 6 (1) of International Covenant on Civil and Political Rights States, "Every human being has the inherent right to life. This right shall be protected by law. None shall be arbitrarily deprived of his life." The subsequent clauses of the Article are concerned with arbitrary deprivation of life through capital punishment or death penalty by state parties.

10. Regarding torture, Article 7 of International Covenant on Civil and Political Rights states, "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation."

11. Supra note 1, p. 109.

12. Supra note 4, pp. 237-41.


23. Ibid., pp. 9-10.

24. Supra note 20, p. V.

25. Supra note 21, p. 732.


28. Supra note 21, p. 735.


33. Supra note 31, pp. 21-23.

34. Ibid.


36. Supra note 7, p. 20.

37. Supra note 4, p. 233.
38. Supra note 31, pp. 31-32.

39. Supra note 5, p. 38.


42. Supra note 5, p. 40.


44. Platform for Action and the Beijing Declaration, United Nations, Department of Public Information, New York, 1996, p. 3.

45. Supra note 2, p. 176.


47. Supra note 40, p. 341.


49. Supra note 46, p. 176.


53. Ibid, p. 39

54. Supra note 46, p. 178.

55. Supra note 51, p. 405.


59. Supra note 57, p. 244.


64. Supra note 62, p. 13.


66. Supra note 62, p. 4.


68. Manu Sanhita, III-66.


70. Manu Samhita, IV-205.

71. Supra note 65, p. 59.

72. Ibid., p. 96.

73. Ramayana, Aranya Kanda XIII - 5, 6.

74. Mahabharata, Anushasan Parva, 39-8.


75a. It was the comment of the contemporary Muslim chronicler, Minhaj-us- Siraj.


78. Ibid., p. 103.

79. Ibid, p. 103.

80. Ibid, pp. 159, 165.


86. Supra note 83, p. 177.


90. Hindu Marriage Act, 1955, Section, 5 (111).

91. Ibid, Section 5 (1).

92. Ibid., Section 13.

93. Hindu Succession Act, 1956, Section 10.
94. Ibid., Section 14 (1).

95. Hindu Adoption and Maintenance Act, 1956, Section, 7.

96. Ibid., Sec. 8.

97. Ibid., Sec. 18.

98. Supra note 85, p. 500.

99. Ibid., p. 495.


101. Supra note 85, p. 571.

102. Ibid., p. 472.


105. Supra note 56, p. 21

106. Supra note 104, p. 90


108. Supra note 61.

109. Structural adjustment refers to those economic reforms undertaken in countries with heavy burdens of international debt. Typically they involve lifting subsidies on food and other basic commodities, deregulation of local currencies, decreased investment in social services like health and education, denationalisation of state sponsored production activities and shifting from production for domestic use to production for export- quoted from Economic and Political Weekly, January 6, 2001, p. 66.


113. Ibid., p. 270.

114. Ibid., p. 270.


119. Supra note 63, p. 21.

120. Supra note, 100, p. 83.

121. Supra note 111, p. 12.