PREFACE

To understand the spirit of a people of any era and its excellence one has to study the history of its women and the treatment meted out to them. Gender has always shaped the legal and cultural scene of all countries. Women, though numerically equal are a minority group in terms of power and influence. The differences between man and woman may be small but they have increasing effects on the status of a majority of women. Even the most significant, rich and civilized empires cannot provide equal treatment to the women.

It was soon realized that no country can progress if half of its total population is behind – socially, economical and politically. If equality and freedom were kept away from women, it would have also been offensive to human dignity, human rights and development. Against the inequalities, gender oppression, unemployment and violence, a historic beginning was made, which later opened the floodgates for feminist movements all over the world.

Internationally, under the guidance of United Nations, various instruments laid down the basic minimum standards, to be adopted by member countries, to eliminate discrimination and violence against women.

In India, womanly glory was at its peak in the Vedic period, after which it suffered a decline. After independence, the country protected not only the noble principles of equality, liberty and social justice but also provided for benign discrimination in favour of women in the constitution of the country. The constitutional mandate was followed by the legislative
intent, it being expressed in the form of various enactments which were passed to protect the rights and upheld the dignity of women.

According to Gandhi, both men and women are of equal rank, but they are not identical. They are peerless pair, being supplementary to one another, each helping the other so that without the one the existence of the other cannot be conceived. The concept of self is the most important factor affecting the behaviour of women. Self-realization of the potential of women was severely restricted in the pre-independence period due to various socio-cultural conditions and conditioning. There was an urgent need to make special efforts to enable women to become self-reliant, by positive and active interventions in the direction of confidence building in the cognitive, psychological, economic and political areas.

Woman is the companion of man, gifted with equal mental capacities. She has the right to participate to the very minutest detail in the activities of man and she has an equal right of freedom and liberty with him. She is entitled to a supreme place in her own sphere of activity as a man is in his. This ought to be a natural condition of things and not as a result only of learning to read and write. Just by the sheer force of a vicious custom, even the most ignorant and worthless men have been enjoying their superiority over women, which they do not deserve and would not leave. Men have to be teachers to their wives, and that not merely to make them literate, gradually, it should be possible to introduce women to the subjects of politics and social reform. The men in such a case will have to change their attitude towards their wives.

Thus, Gandhi attempted to increase the recognition of the value of women at home and the primary relationship, apart from that he also stressed the need for the qualitative transformation of the ‘outer’ public
which would acknowledge women’s genius and accords the ‘feminine’ an equal status in human evolution. He projected women as symbols of courage, intelligence, perseverance, robust independence and power and not as stereotypes of submission, subservience, self-effacement, helplessness and patience.

Despite the laws, discrimination and violence continues unabated. The malaise of discrimination in personal and labour laws is reflected in a number of cases filed in various court of the country. While women attempt to empower themselves economically, they are faced with the problem of sexual harassment at the work place and domestic violence. The gender sensitive approach of the judiciary, as is reflected in a number of decisions, however, is a ray of hope.

A sincere attempt has been made in this study to highlight the empowerment of women through capacity building and capacity building through empowerment, causes of exploitation, Constitutional provisions and laws to safeguard their interests and the judgments given by various courts.

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