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## FACTORS INFLUENCING GENDER EQUALITY



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**Abs tract:**-Gender equality is an important issue of human rights and social justice. Women represent half of the resources and half of the potential in all societies. Efforts to promote greater equality between women and men can also contribute to the overall development of human society. The empowerment autonomy and the improvement of women's social, economic and political status are essential for the achievement of sustainable development in all areas of life.

**Keyw ords:**Empowerment, Gender Mainstreaming, Equality, Discrimination, Subjugation, Exploitation, Opportunity, Rights.

### INTRODUCTION

#### SIGNIFICANCE OF THE STUDY

Women as human beings and the individuals in their own right have the same claim to basic human rights as the men, including decision making as regards to their own lives. In this regard the law makers in India enacted laws for equal treatment of women. So, the law plays an important role in shaping the society particularly for women folk. It has been considered as an essential condition for their emancipation. Many legislative attempts were taken during the British rule and even after independence.

The reality is that women do not share equality with men in the opportunities, benefits and responsibilities of citizenship and development. Women's movements have broken many barriers by transforming the way women live and contributing to broader social and political changes. These movements may have varied in content pace and scale from country to country. But they have shared a common concern for the advancement of women and the progress of the society. The following factors are – Political Movements, Social Reforms, Nationalist Movements, Mass Media, British Laws, Industrialization, Constitutional Provisions, and Role of law.

#### OBJECTIVES

The objectives of the study are both academic and social. The laws are in favour of women, who are not able to utilize and enjoy them. So the researcher wants to expose the factors for this precarious position of women. The study attempts to understand the position of women in India. The aim is to study the concept and meaning of gender equality and the factors influencing gender equality.

#### METHODOLOGY

The present study is both historical and analytical in nature. It is descriptive yet at the same time interpretative. This study is unbiased and impartial and no time truth is

sacrificed and has been validated from different sources. The various techniques of the field study, personal observation method and interviews are adopted. Keeping in mind, the limitations of time and resources available, the scholar has restricted the number of cases and individuals. The use of different techniques enables the study to cross check and verify the veracity and authenticity of the materials collected.

#### POLITICAL MOVEMENTS

Early politicization of women took place in the context of broader social and political necessities. Since the end of the 19th century, women have been active in national liberation struggles in civilized countries where democracy began to spread a force to be reckoned with in the participation of women in the political movements. It helped to create an understanding of women's situation and fuelled the growth of a more explicitly feminists movement. The first phase of the women's movement centered on getting rights that men had already got, the right of citizenship, right to access to such social services as education and health. Women had taken active participation in the freedom struggles and all leaders of national movements recognized the need to integrate women into their platforms of national transformation. A common theme in all the movements was to struggle for equality of women in areas where men had already made progress.

Women's movements have pressed for equal access to economic opportunities. Access to assets and services has been considered critical including raw material credits and financial and technical support services. In many Western countries women have demanded for social recognition of public and private rights, particularly reproductive rights and equal rights in divorce, inheritance and wages.

#### SOCIAL REFORMS

The social reforms have created some basic

avenues for the growth of the idea of emancipation of women in India, by stopping barbarous practices such as sati (widow burning), child marriage etc. Women were given education and public participation in the national struggle. But all efforts failed to focus an image of the Indian woman who was free to decide for herself. It strengthened the patriarchal control by emphasizing values and ideals. It could not have attained without making her subordinate to familial, social and economic relationship.

The social reformers concern for preserving family structures was most visible in the content of education promoted by them. The purpose of education for women behind this progressive reform was amply clear. In fact, there seemed to be a broader agreement between reformers and revivalists on this issue such as widow remarriage, prohibition of child marriage etc., First and foremost was that education for men directly related to the pursuit of employment. But female education had no economic functions, needs or development of professional skills or expertise among women.

The main public use of women's education is to be more efficient in housekeeping, cooking and child care with a view to increase happiness within the home and facilitating progress of nation. Women's educational project is thus always phrased in terms of both social and moral betterment and in totality as the welfare of family. The role of education is viewed as improving the efficiency of women as mothers and strengthens the hold of traditional values on society since women are better carriers of these values. The other purpose of education of women is to fill the wide gulf created by changing socio-cultural context between man and woman. It created difficulties in the social and family structures. In order to develop a satisfactory relationship between husbands and wives, it became necessary to educate women. Education of women and reform of Hindu society were also important to counter the attacks and criticism of the British and to give an image of emancipated Hindu women.

#### **NATIONALIST MOVEMENT**

The issue of emancipation of women developed against the background of growing nationalist struggle. It aimed at achieving political independence from foreign rule. One of the various forms of resistance chosen to challenge British imperialism was to mobilize people by asserting their cultural superiority over the West. The selective notion of the Western values has contradictory implications for women. This meant that women should be educated, should be brought out in society, should know social graces, should involve themselves in national struggle, should be freed from practices like sati, they should shed all those things which gave Indian women an age of backwardness. Women were to act as the guardians of national culture, indigenous religion and family traditions while simultaneously involving themselves in activities outside the home.

Glorification of motherhood concept can be found in the writings of many social reformers associated with religious reform movements like Arya Samaj and Brahma Samaj. This glorification of the mother hood ideal had a far reaching impact on the ideological control over women. It glorified womanhood only through her reproductive

function. It also served to keep women out of the privileges like education and profession. When they were made available to them, they were wrapped in ideology of caring and nurturing. It also fosters a picture of economically dependent women, which at the same time depicts her as spiritually more powerful than man. In the words of Jasodhara Bagchi, "it was ultimately a way of reinforcing the social philosophy of deprivation as women." This identification of cultures with patriotism and cultural parochialism prevented any debate on gender equality.

Gandhi envisaged the role of women which went beyond the narrow confines of their homes and families. And he raised the issue of personal dignity of women. Gandhi refused to subscribe to the doctrine of the infallibility of ancient law givers, who had denied freedom to women and suppressed their development. He said: 'woman has the right to participate in the minute details of the activities of man and she has the same right of freedom and liberty as she.

She is entitled to a supreme place in her own sphere of activity as man he has'. Gandhiji's view was that purdah, child marriage, ban on widow remarriage, denial of education and property were all results of inequalities between men and women in laws and customs. He believed that women must labour under no legal disability not suffered by man. He recommended equal shares of sons and daughters in parental property, joint ownership of husband and wife of the husband's earnings as he makes money only by her assistance.

He advocated a new role for women. It was radically different from the ideology of division of labour between sexes. It has been historically an important tool for the oppression and exploitation of women. His leadership encouraged the growth of the women's movement. It also strengthened certain characteristics which limited the effectiveness of women's movement in raising their status.

#### **INDUSTRIALIZATION**

Much legislation was passed to regulate labour due to industrialization and growth of commercial contact. These legislations in their own way contributed to the decline of women in workforce and it was more important that they also introduced Western notion of family, family way, male bread earner and dependent housewives. For example, the Factory Act was passed to limit the hours of work. It differentiated (as sex segregation already existed) between the work of men and women, as women were pushed into the narrow range of lowest paid occupations. This idea of gradual reduction and the lowest pay led to the systematic exclusion of women from industry and forced the rational being women-to return to their traditional place- the home.

Industrialization and mechanization resulted in an extremely limited progress in this regard. In general, both men and women were affected adversely by the destruction of traditional home industry and competition with mill made material and mechanization. But still men were more fortunate. The reason was that the bulk of employment opportunities in the modern sector went to them. For women, this meant a permanent shift towards the periphery of the economy.

It is only in the present century and more especially

during the war periods that steps had been taken place regarding women labour. During the First World War, women were recruited to the traditional male civilian jobs. This had brought to the forefront the problem of equal pay for equal work. Many started to support the cause of equal pay for the emancipation of women. More and more women began to enter into the labour world during war and post-war periods. They entered into non-traditional occupation and began to compete with men. And womenfolk were forced to become a bread winner due to the loss of their husbands in the wars.

#### **BRITISH LAWS**

During the British rule in India, diverse systems of laws existed. In addition to personal laws of various religious communities, there were also numerous practical traditions of customary and tribal laws applicable to different castes, tribes, and lineage or family groups. But, in actuality, with the establishment of judicial system, a necessity was felt to find out the laws of different communities. In the case of Hindus, pundits were attached to practically every level of court machinery to advise the courts on questions coming before them concerning Hindu law. This Hindu law was related to the issues of inheritance and marriage in accordance with Hindu Sastras. As a result, the process was to make the Hindu law applicable to many more communities. During the period between 1827 and 1887, several British acts and regulations were passed to recognize some textual laws. The impact of Hindu social reform movements empowered the courts either to recognize the local customs and usages or Hindu religious laws. By following this, the Hindu law existed and applied to all Hindus led to the erosion of customary laws and propagation of orthodox Hindu values and Hinduisation of castes and tribes on the fringes of Hinduism.

In the early 19<sup>th</sup> century some marginal adjustments were made in response to humanitarian considerations and social demands due to their efforts of the social reformers. The social reformers realized the government's refusal to legislate on social matters. The way was opened to spread education more widely among the people particularly women. They felt, this could help to eliminate some of the inhuman practices and also act as an incentive to women to organize and demand legislative changes. The legislations like Hindu Remarriage Act referred to problems of widow especially child widows. It was a problem of higher Hindu castes that did not practice widow remarriage. But more significantly, the issue of remarriage of widows was intimately linked with the issue of retention or forfeiture of property that she inherited from her deceased husband which clearly seen. Moreover the plight of widows without any means of their own, depending entirely on the family led to the passing of the Hindu women's Right to Property Act in 1929 followed by the 1937 act. These laws while making the widow less dependent financially during her lifetime, it stopped her from getting any substantial rights of ownership since her right to property was for life.

The demand for major changes grew as a result of the untiring efforts of Gandhi, who did not want women to suffer from any social or legal disabilities. The inferior

position of women in all matters of guardianship, inheritance and divorce had an effect on the personality of the women. The demand for improvement and modification of the law grew well and the government was compelled to act. As a result, a committee was constituted under the chairmanship of B.N.Rau whose terms of reference included suggestions for change and the codification of Hindu law, so that all Hindu would be governed by the same law. Even though the report was ready, the resistance to change the setup was so great. No effective steps could be taken for many years. But fortunately, after India's independence, India has relied heavily on legislation in its efforts to usher in a society where there is discrimination or inequality. It has sought to protect social and political disabilities by penalizing the practice of untouchability. By clearly emphasizing the principle of equality and removing all legal discrimination between sexes, the national leaders have shown their acceptance first to pass Hindu code bill. Moreover, they have shown their interests to provide complete liberty for women and all legislative traces of inequality of women without exception must be removed.

#### **MASS MEDIA**

The mass media used for publishing certain measures taken by the government has been conspicuously silent about social legislation. If legislation reflects the social values of the country, the degree of women's emancipation is the natural measure of the general emancipation in any given society. It is therefore necessary to pass legislation and also to see that it is implemented. But legislation cannot by itself change the society. To translate these rights into reality, it is the task of other agencies. Through the News papers, magazines, journals, public opinion has to be moulded to accept these rights. The judiciary and the executive branch of the government have to play a major role to educate the people about the socio economic change.

#### **CONSTITUTIONAL PROVISIONS**

Under the Indian Constitution the status of women is equal to that of men. On the eve of the meeting of the Constituent assembly in November 1946 the congress adopted a resolution declaring that it stands for a Constitution where in social objectives were laid down to promote freedom, progress and equal opportunity for all people of India. The objective resolution drafted and moved by Pandit Nehru in the Constituent Assembly on December 14, 1946 was as follows. i) This Constituent Assembly declares its firm and solemn resolve to proclaim India as an Independent Sovereign Republic and to draw for her future governance... (ii) Where in shall be guaranteed and secured to all people of India -justice, social, economic and political and equality of status and opportunity before the law. The main object of Constitution as enshrined in preamble is among other things to provide to equal status to all its citizens without discriminating on the basis of sex.

#### **ROLE OF LAW**

Law plays an important role in defining the relations between men and women. And it has a potential to change the existing notions about the rights of men and

women. These rights affect their status both within and outside the family. The laws and the grant of legal rights may not by themselves change the social system. But sometimes they can help to change the mental makeup of the society and may be helpful to transform the economic and social position of women. Every small gain can help women to overcome some aspect of discrimination. It appears that even crude legal instruments can be important to the weak and disadvantaged groups in society and can give them at least some power on political process.

In addition to this, in the modern societies, the pervasiveness of laws regulating almost all aspects of our lives cannot be ignored. This makes it even more important not only to strive for making the laws more egalitarian but also to understand the role of law in perpetuating or ameliorating the subordinate position of women in society. In India, law is to work as a double edged weapon. As an ideological force it is meant to attack the social norms, which kept women in a state of dependency and powerlessness. At the same time, by granting women actual legal and economic rights in marriage and family to share own land, property and other productive resources, Women are to be made both legally and economically powerful to fight social impediments. It holds them back to ascertain what their due is.

This also required enactment of laws to stop violence against women as this violence is being inflicted on them due to their subordinate position in family and society. It paved the way for torture and murder of women. It was due to dowry demands, wife beating, rape and sexual harassment which resulted purely from man's superior position in family and traditional value system.

The changes were required in the social and legal definitions of women's primary and subsidiary roles as defined in laws like the Factory Act, the Minimum Wages Act 1948 and by social norms. Laws were also needed to challenge the double standards of morality for men and women as sanctioned by both written and unwritten laws. In other words, laws has to be used as a tremendous ideological force to attack and diminish patriarchal bastions of authority at various levels and empower women in such a way that they are no more exploited and are able to develop their full personality. In this sense, law was meant to be one step ahead of society and was intended to set new norms for the society. It was decided to perform the functions of legitimizing certain negative values prevalent in the society and legitimizing new social values and roles. For example, law against sati delegitimized the practice of burning of widows. Similarly law for equal wages for equal work serves to withdraw the social and legal sanction behind the unfair practice of paying unequal wages to women. Moreover, it tends to legitimize the value of gender equality in employment.

The main focus is here on the absence of certain rights to women. So, continuation of discriminatory and unequal laws is continuing despite Constitutional commitment to equality of sexes. The research deals with the legal inequalities and discrimination in inheritance and property rights as contained in personal and customary laws between men and women and gross inadequacy of economic

rights within the marriage.

The issue of gender subordination and property rights and control over family resources are related not only to who has the legal rights to own property, but also to who actually controls the latter aspect. This is not because it is of lesser importance. But the emphasis is to understand the role of the state in challenging or sustaining subordinate rights of women in family through its legal system. The main reason for keeping the focus on economic and property rights of women is its direct relation with the under valuation of women's work and contribution to household economy and denial of women's democratic right to equality.

Therefore the theme of the study is related to gender equality and property rights of women in Tamil Nadu. It is to exhibit the social scenario which compelled the political atmosphere to enact new frames of law. An emphasis is made to understand the role of the state in challenging the attitude and aspiration of the social custom which subordinated the women and undervalued their role in shaping the nation. The introduction of the Hindu succession Act of 1956 opened the gates of equality for women. It has many unique features.

#### **The Hindu Succession Act of 1956**

Efforts to achieve equality for women in every sphere of life have been taken both at the national and international level. The Indian Constitution and various enactments have been brought out to achieve equality. So far, the equality of women within the family has been neglected but the independent India in her Constitution, not only grants equality to women, but also empowers the state to adopt measures of affirmative discrimination in favour of women.

As a result, much legislation had been passed namely Hindu Marriage Act, the Hindu Succession Act of 1956. It contains provisions for women to achieve equality on par with men. Any law of succession has its own importance. The Hindu Succession Act of 1956 has an added importance. Because it seeks to intestate and testamentary succession of Hindus uniform throughout India and maintaining the distinctive features of the prevalent systems as far as possible. The act overrides all other rules of succession hitherto applicable to Hindus and as such the law as codified is simpler than before. The act has a wide application on account of the expansive definition of the expression 'Hindu' and it applies practically to every Indian who is not a Muslim, Christian, Parsee or Jew. A large number of heirs are eligible to inherit while the grounds to disqualify heirs are lesser in number than before the act. But the unique features of Hindu Succession Act are that (i) woman has been given equal rights in the matter of succession to the properties equally with men. (ii) The limited estate of a Hindu woman is abolished and she is entitled to deal with the property inherited by her as a full owner (iii) she has the power of disposition of the property as men do.

#### **CONCLUSION**

Thus the unenviable position of women in Indian society has always fermented the minds of social reformers, planners and administrator's collective efforts have been made, particularly after the Indian independence, to raise

women from their present state and to bring them on par with men. As a consequence several measures have been adopted with the fond hope that women would become self-radiant and would move towards social equality.

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