

Roseanne Barr, an American actress, writer and media personality said, “The thing women have yet to learn is nobody gives you power. You just take it.”

I. Equality of status and dignity of the individual are inalienable rights

DIGNITY

- a) The Universal Declaration of Human Rights, 1948 its preamble proclaims that:

“Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom.”
- b) Article 1 of the Declaration asserts that : “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”
- c) The Indian Constitution in its Preamble echoes a similar fundamental principle: “Fraternity assuring the dignity of the individual and the unity and integrity of the Nation”
- d) The Supreme Court in the case of **Francis Coralie Mullin v/s Administrator, Union Territory of Delhi and Others** reported in 1981 (1) SCC 608 has interpreted Right to Life as meaning Right to Live with dignity. In 1976 by the 42nd amendment to the Indian Constitution introduced a chapter laying down the Fundamental Duties of every citizen in article 51A (e). Under this article there is a special requirement of **renouncing practices derogatory to the dignity of women.**

II. EQUALITY

- a) The Indian Constitution in its Preamble enshrines: “Equality of status and of opportunity”
- b) Articles 14, 15 and 16 also provide for equality per se, equality in matters of admission to educational institutions and equality of opportunity in matters of employment under the State

respectively. Article 15 (3) of the Indian Constitution enables the State to make special provisions for women.

- c) In 1992 by the 73rd Constitution Amendment 1/3rd of the seats in the Panchayat Elections were reserved for women. It came into effect on 24.04.1993. A further amendment i.e the 74th Constitutional Amendment was made which came into effect on 01.06.1993 by which 1/3rd of the seats in the Municipal Elections were reserved for women. The Panchayat and Municipal level elections are at the local and district level.
- d) There is no reservation of seats for women either in the State Assemblies or in the Parliament. In order to give full effect to the equality clause in the Constitution atleast 50% of the seats in the Panchayat, Municipal, State Legislature and the Parliament should be reserved for women. Such a reservation of 50% of the total number of seats in all legislative bodies would be in perfect consonance with the constitutional goal of equality. Let us not forget that India is a signatory to the Convention on the Elimination of All Forms of Discrimination against Women.
- e) Excluding women from participation in governance is one of the reasons why women are made to feel unequal even though they are equal to men in all mental abilities and skills. For too long women were content to be self effacing. Commenting on the social equation between men and women Sir James Matthews in his play The Twelve Pound Look written in the 19th century has this to say “Every man who is high up likes to think that he has done it all himself; and the wife smiles, and lets it go at that. Its our only joke. Every woman knows that.” For centuries women’s contribution went unrecognized and women were given stereotypical roles.
- f) The Women Rights Movements started in the west mainly to reclaim their inalienable rights of equal status and dignity. A famous women’s rights activist who fought for women’s suffrage Susan B. Antony said, “The day will come when men will recognize woman as his peer, not only at the fireside, but in councils of the nation. Then, and not until then, will there

be the perfect comradeship, the ideal union between the sexes that shall result in the highest development of the race.”

III. Dowry system origin and current practices

- a) Today I am going to focus on one of the most reprehensible social customs which strips women of dignity and which is the underlying cause for all the other discrimination against women. The custom of dowry was intended to compensate the daughter who moved out of the house after marriage with a share of the property belonging to her father. Dowry was intended to give the women financial security and an independent income. The dowry comprised both, gifts given by the bride's family as well as those given at the time of the wedding by the family and friends of the groom. In India it is called *stridhana* property and it was to belong exclusively to the girl and not to the groom or his family.
- b) There was a further justification for the prevalence of the social custom of dowry until 1956. Prior to the enactment of the Hindu Succession Act, 1956 women did not have right to inherit property as absolute owners. Even after 1956 inequality but to a lesser extent continued until in 2005 when the act was amended to give equal property rights to female members from the time of birth in the ancestral property as *co-parcenors* (joint owners of property) bringing them on a par with their male counterparts.
- c) The custom of dowry was not unique to India and prevailed in other parts of the world. However, in the rest of world it fell into disuse with the Industrial Revolution and with the recognition of women's right to property as absolute owners. This, however, was not to be in India where it is prevalent to this date and what is more has degenerated into a perverse and oppressive practice of demanding dowry from the bride's family even though both the social and the legal justification for the same have disappeared. The prevalence of this social evil is because of its acceptance by all parties concerned. The parents of the girl, the girl herself and the groom and his parents collude in sustaining this practice which is so humiliating to and degrading of the women. Ironically, it should also be demeaning to any self respecting

groom, on whom a price tag is put on the basis of his position in society – higher his position higher the dowry and vice versa.

- d) In 1961 the Parliament passed Dowry Prohibition Act; under this act both taking and giving dowry is illegal and invites criminal prosecution. Dowry Prohibition officers have been appointed under the act. However, there is no seriousness in enforcing this law because of the collusion of the law enforcers and the affected parties themselves. Eleanor Roosevelt said, “Remember, no one can make you feel inferior without your consent.” and that indeed is my lament to my Indian sisters they don’t have to submit to this indignity.

IV. Dowry system is responsible for many of the inequalities and discrimination against the women

- a) The Supreme Court observed in its judgment in **Voluntary Health Association of Punjab v/s UOI** [2013 (4) SCC 1] and I quote “Indian society’s discrimination towards female child still exists due to various reasons which has its roots in the social behaviour and prejudices against the female child and, due to the evils of the dowry system, still prevailing in the society, in spite of its prohibition under the Dowry Prohibition Act. The decline in the female child ratio all over the country leads to an irresistible conclusion that the practice of eliminating female foetus by the use of pre-natal diagnostic techniques is widely prevalent in this country.”
- b) The National Crime Records Bureau reveals the following statistics which show the apathy of the law enforcers in implementing the law and in spreading social awareness of this national shame.
- c) 6,851 dowry deaths were reported in the country in 2001, the figure reached 7,618 in 2006 and touched 8,233 in 2012. While 6,539 cases were charged and 6,060 sent for trial in 2001, in 2012, the number of cases charged was 8,022 and 7,537 of that sent for trial. 21,922 dowry death cases were pending trial from the previous year in 2001 and the figure touched 29,669 in 2012.

- d) In 2001, the total number of cases on trial was 27,969 and at the end of that year 22,697 cases were pending trial. The corresponding figures for 2012 were 37,206 and 31,888 respectively. A total of 1,389 cases were withdrawn for various reasons after coming up for trial during the 12-year period. 44,668 cases were convicted during the period.
- e) A female child from birth is considered a liability. She is not given sufficient nutrition where the family has limited resources. She is not sent to school so that she can take care of her younger siblings while both the parents are at work. She is married off sometimes even before she reaches the age of majority and she has no say in planning her family. All this step motherly treatment is mainly because the daughter's parents feel that they would have to spend on the marriage and dowry, therefore, it is not necessary to give her proper nutrition or education. The dowry is not given to the girl any more but to the groom and his family. In other words it is the purchase price of the groom.
- f) To prevent the feticide of female children the Indian Parliament enacted the Pre-Conception & Pre-Natal Diagnostic Techniques Act, 1994 which unfortunately has done very little to rid the society of the prejudice against the female child. Women should realize that education is their passport to the realization of the other rights guaranteed under the law. If the Government of India seriously wants to change the inequities and discrimination against women it can only be done by ensuring free and compulsory education of the female child not just upto the age of 14 but until they are able to acquire the skills for becoming economically independent.
- g) If the condition of a woman becomes intolerable in her home there should be enough social support systems such as :
- i. Hostels for single women and working women. Their boarding and lodging in these hostels should be free or minimal and should become payable only upon their becoming economically self sufficient.

- ii. Counseling services for women must be provided in educational institutions, work places, community centers and through social networking by truly dedicated and sensitized women activists.
- iii. Forums and centers for women to meet, share and discuss their special problems.
- iv. Dignity and safety of the women in work places should be protected not just by passing legislations but by also effectively implementing these laws.
- v. Crimes against women should be swiftly investigated, tried and punished.
- vi. The police stations must have equal number of women police officers sensitized specially in women's issues. There should be better representation of women at all levels of administration.

A recent report of the ILO on Global Employment Trends 2013 says India ranks 11th from the bottom in the female participation in labour force. The Economist Steven Kapsos has said that this decline has been noted in all age groups across all educational levels, and in both urban and rural areas. The finding of the report is that the women do not have equal access to employment as their male counterparts. Kapsos wisely concludes that underutilization of women reduces productivity and economic growth.

Justice Krishna Iyer, a retired Supreme Court judge known for his social activism in his scholarly article **Human Right to be women** has urged : “Freedom is indivisible as between man and woman. Either both or neither. So woman power shall break its promethean chains and emerge unbound, through law if possible, against law if necessary.”

Let us take Krishna Iyer's advice to heart and break loose some of the chains of our own making that binds us. Novelist and philosopher Ayn Rand said, “The question isn't who's going to let me; it's who is going to stop me.”

So let us see who will stop us.