

A Socio-Economic Study of Participation of Women in the progress of India: An Ethno-legal Concern

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Abstract

India is a land of origin of many religions. Religion is the prime concern of the people of the land but in the name of religion no person shall be deprived of his/her dignified life, it is guaranteed by the Supreme Court of India on behalf of being guardian or protector of the Constitution. Right to profess of religion is also a fundamental right with certain restrictions because no fundamental right is absolute. But due to handful malpractices in the name of faith and religion, women are harassed and their basic rights are curtailed this shall rectify through legal mechanism. In the recent judgment the Supreme Court differentiates practice from religion which is protected under Article 25, a fundamental right. It is very significant now mere practice will not have sanctity of religion and thus can be dropped down in relatively easier manner. Crime against women shows how vulnerable they are in our society and effective measures are indispensable for the self realization or women empowerment in India. So far the participation of women is concerned there were just 24, or 4.8%, women among CEOs of companies that made up the 2018 Fortune 500 list. This was a 25% fall from 2017 when women were at the helm of 32, or 6.4%, companies in the Fortune 500 list.

Key Words: Participation of Women, Religious Practice, Women Self Realization, Ethno legal, Crime against Women.

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1. INTRODUCTION

"A practice does not acquire sanction of religion simply because it is permitted. Such a practice can be regulated by law without violating Article 25."

-Hon'ble Justice Adarsh Kumar Goel in Khursheed Ahmad Khan case¹

Man and woman are two wheels of the chariot named family that further constitute society than a nation. But since the inception of civilization, women have been continued to be a victim of discrimination. Women constitute almost 50% of the world's population, but India has shown a disproportionate sex ratio whereby the females' population has been comparatively lower than males. In war, several misconducts and even offenses against women have been prevalent. At peace, stringent patriarchal mannerism makes them a thing of pride that is artificial. Every time she is compelled to live as the others think fit even if she is highly educated, wise, and capable of efficiently taking her decisions. Morality suddenly gets denser while dealing with women. Women empowerment refers to increasing the spiritual, political, social, educational, gender, or economic strength of women's communities. Women's empowerment in India is heavily dependent on many different variables that include geographical location (urban/rural), educational status, social status (caste and class), and age. Policies on Women's empowerment exist at the national, State, and local (Panchayat) levels in many sectors, including health, education, economic opportunities, gender-based violence, and political participation. However, there is a significant gap between policy advancements and actual practice at the community level.

Fortunately, in modern times at least a thought process has been developed that equality, dignity, and righteousness must be co-shared by man. United Nations performed a tremendous role on this behalf. Any progressive thought that emerges anywhere globally is recognized but gets promoted with the utmost gravity, taking famous faces worldwide.

India is one of the secular countries where religion controls daily life and thinking upto a vivid extent. Judicial pronouncements regulating religious affairs are hard to execute, but several instances are there while in reflexes even Constitutional amendments had made to avoid the responsibility of execution. And of course, liberty of faith and worship is made an objective in the Preamble of India's Constitution, though after the freedom of thought and expression in the same line. It clearly shows the intention that progressive ideas are always welcome, and so it is justified its social document status as the Constitution of India is considered by distinguished jurists.

2. LITERATURE SURVEY

H. Subrahmanyam (2011) compares women's education in India at present and Past. Author highlighted that there has good progress in the overall enrollment of girls in schools. The term empowerment means to give lawful power or authority to act. It is the process of acquiring some women's activities. M. Bhavani Sankara Rao (2011) has highlighted that the health of women members of S.H.G. has undoubtedly taken a turn better. It clearly shows that health of women members discuss among themselves health-related problems of other members and their children and make them aware of various Government provisions specially meant for them. Doepke M. Tertilt M. (2011) Does Female Empowerment Promote Economic Development?

¹ Khursheed Ahmad Khan v. State of UP, AIR 2015 SC 1429

Mary Pat Fisher (2006) *Women in Religion* this latest book by notable scholar and author Mary Pat Fisher reflects the growing interest in women in religion. Every chapter begins with a brief history of a religious tradition and women's roles in developing that religion, giving students historical context. Biographical feature boxes and interviews are peppered throughout each chapter to provide insight into critical figures and practitioners' personal experiences. Extracts from holy texts, diaries, and articles, together with shorter quotations woven throughout the text, support and illustrate the main text discussion and enable critical issues to be raised and considered. This accessible text makes women's religious experiences and actions come to life in all their richness and variety.

Karen L. Garst (2018) is the editor of *Women Beyond Belief and Writes for Faithless Feminist*. Throughout history, religion has been used as a tool of female subjugation. Women have been deemed less worthy than men, have been prevented from owning property, and worse – all in the name of a higher power. In recent decades, women have made progress in equal rights with men, at least in Western democracies, but why has the United States never had a female president? Why aren't more women heads of Fortune 500 companies? Why do politicians in the West continue to attack women's reproductive rights? As this volume explores, it would be hard to find a bigger culprit than religion when identifying the last cultural barriers to full gender equality. With topics ranging from the subjugation of women in the Bible to the shame and guilt felt by women due to religious teaching, this volume makes clear that only by rejecting the very system that limits their autonomy will women be fully liberated from its malignant influences, not just in codified law but also in cultural practice.

Abrahamic religions infantilize all people with their father figures and supplication demands. But women are especially subordinated. How? In a book that provides a valuable compendium of smart, thoughtful critiques of religion's treatment of women, Karen Garst explains a book. This tightly edited collection of essays by an array of accomplished women writers will enlighten and entertain even as it infuriates you with its deep dive into the patriarchy that is religion.

"Despite the patriarchal and misogynist origins of many world religions, women of all ethnicities have the highest rates of religious participation across the globe. What accounts for this seeming contradiction? What social and cultural factors can address this disparity? The multi-faceted essays of Karen Garst's *Women v. Religion* provide an insightful historical critique of the dominance of organized religion and how it undermines gender equality, women's self-determination, and the agency of women of color. The book is a valuable resource for secular and religious scholars seeking an alternative to the thesis that organized religion and faith are necessary moral and social forces in women's lives."

This work gathers together some heartfelt writings of women who give overwhelming evidence of the multiple ways in which religion has betrayed and abused the female sex. To read these writings is to realize that religion has been far crueler than kind to women; this is particularly objectionable in view that it is based on lies, concocted for-profit, and the benefit of men. A thoroughly enlightening work.

Crime against Women i. A total of 4,05,861 cases of Crime against women were registered during 2019, showing an increase of 7.3% over 2018 (3,78,236 cases). ii. The majority of patients under Crime against women under I.P.C. were registered under 'Cruelty by Husband or His Relatives' (30.9%) followed by 'Assault on Women with Intent to Outrage her

Modesty' (21.8%), 'Kidnapping & Abduction of Women' (17.9%) and 'Rape' (7.9%). The crime rate registered per lakh women population is 62.4 in 2019 in comparison with 58.8 in 2018.

Crime against Women (IPC + SLL) - 2017-2019

S.No.	States	2017	2018	2019	Percentage State Share To All-India (2019)	Mid-Year Projected Female Population (In Lakhs) (2019)	Rate of Total Crime against Women (2019)+
1	2	3	4	5	6	7	8
1	Andhra Pradesh	17909	16438	17746	4.4	261.4	67.9
2	Arunachal Pradesh	337	368	317	0.1	7.3	43.3
3	Assam	23082	27687	30025	7.4	168.9	177.8
4	Bihar	14711	16920	18587	4.6	576.2	32.3
5	Chhattisgarh	7996	8587	7689	1.9	143.8	53.5
6	Goa	369	362	329	0.1	7.6	43.1
7	Gujarat	8133	8329	8799	2.2	324.9	27.1
8	Haryana	11370	14326	14683	3.6	135.3	108.5
9	Himachal Pradesh	1246	1633	1636	0.4	36.1	45.4
10	Jammu & Kashmir	3129	3437	3069	0.8	64.2	47.8
11	Jharkhand	5911	7083	8760	2.2	183.3	47.8
12	Karnataka	14078	13514	13828	3.4	325.1	42.5
13	Kerala	11057	10461	11462	2.8	182.9	62.7
14	Madhya Pradesh	29788	28942	27560	6.8	399.6	69.0
15	Maharashtra	31979	35497	37144	9.2	588.5	63.1
16	Manipur	236	271	266	0.1	15.5	17.2
17	Meghalaya	567	571	558	0.1	16.1	34.6
18	Mizoram	301	249	170	0.0	5.9	28.7
19	Nagaland	79	75	43	0.0	10.4	4.1
20	Odisha	20098	20274	23183	5.7	223.9	103.5
21	Punjab	4620	5302	5886	1.5	141.9	41.5
22	Rajasthan	25993	27866	41550	10.2	376.4	110.4
23	Sikkim	163	172	125	0.0	3.1	39.8
24	Tamil Nadu	5397	5822	5934	1.5	379.2	15.6
25	Telangana	17521	16027	18394	4.5	185.3	99.3
26	Tripura	972	907	1070	0.3	19.7	54.5

27	Uttar Pradesh	56011	59445	59853	14.7	1081.4	55.4
28	Uttarakhand	1944	2817	2541	0.6	54.6	46.5
29	West Bengal	30992	30394	30394	7.5	474.9	64.0
	TOTAL STATE(S)	345989	363776	391601	96.5	6393.3	61.3

Source: Crime in India Report 2019

3. OBJECTIVES OF STUDY

- [1] To maintain high standards of women's dignity and curb malpractices arising out through ethnic and religious practices.
- [2] Development of law in favor of women and relaxed ethno-legal pressure upon women in India.
- [3] To ensure and enhance participation of women in the progress of the Nation.

4. PROBLEM DEFINITION

Religion is part and parcel of day to day life in India. Religion and Religious practice are two different phenomena. Neither of the two should come across on the way of women empowerment. Still, India's Right to religion is a fundamental Right, so challenging to deal with sometimes; religious practice is on a lighter note in this respect.

5. METHODOLOGY

Mainly a doctrinal approach is used in this research paper. Still, it aims to find out how far religion and religious practices create hurdles in women empowerment or, as the author says, women's self-realization. Data from Crime in India Report 2019 is also analyzed, so this paper is an amalgam of Doctrinal and empirical methods. Crimes against women show the thought process of society about women and so is a relevant factor if more participation is needed more safe and secured environment would have to be indispensably be provided

6. EXTENSION OF RELIGIOUS FREEDOM, CONSTITUTIONAL OVERVIEW

Article 25 of the Constitution provides the Right to freedom of conscience and free profession, practice, and propagation of religion; here also the word 'conscience' comes at the earliest, which opens the door for modern progressive notions further this Fundamental Right is subject to restrictions, i.e., public order, morality and health and to other provisions of Part III of the Constitution of India that not only put the women on equal position but give them special status for improving their representation in every walk of life. "A particular Fundamental Right cannot exist in isolation in a water-tight compartment. One Fundamental Right of a person may have to co-exist in harmony with the exercise of power by the State in the light of Directive Principles in the interest of social welfare as a whole." A person can exercise his religious freedom so long as it does not conflict with others' Fundamental rights.²

Again in Directive Principles of State Policy, the Part IV of the Constitution Article 39(a) lays down a principle "that the citizen, men, and women equally, have the right to an adequate means

² M P Jain, "Indian Constitutional Law", 7th ed. pp: 1250

of livelihood;" Here in the provision the word 'citizen' further split into 'men' and 'women' it shows that in the social participation of women in livelihood is challenging otherwise only 'citizen' word may have been used by the framers of the Constitution. It clearly shows that women are not dependant but undoubtedly independent as a principle of State Policy that has the force of public policy reflecting its dynamic consciousness.

But in the name of religion or custom, derogatory practices to the dignity of women had been in vogue even after functional democratic Constitutional set up whenever these practices were challenged through Public Interest Litigation or otherwise in the High Courts and The Supreme Court the respective sect took the plea that it was the core of faith thereof. When the 42nd Constitutional Amendment took place under which vivid and substantial changes were seen, Fundamental Duties under a new Part I.V.A. were introduced what is relevant here is under Article 51-A(e) a Fundamental Duty to renounce practices derogatory to the dignity of women; it was to underline the intention of the framers of the Constitution that the equality between men and women is always a core feature of the Constitution. And any derogatory practice derogatory to women's dignity should be curbed as it is made the citizen's fundamental duty. Women as citizens are also dutiful to renounce or raise voice against such practices. Though the argument sometimes heard that woman is enemy of woman has no logic every underprivileged is observed this kind of inclination to please the immediate peer or authority due to fear or favor where they find themselves superior in their class but inferior as a whole based on religion, race, caste, creed or sex.

The Supreme Court held that achieving equal opportunity for women is essential to the attainment of equality. Though there has been proper removal of institutionalized discrimination, the mind-set and the attitude ingrained in the subconscious have not been erased. Women still face all kinds of discrimination and prejudice. When women were treated as fragile, feeble, dependent, and subordinate to men, the days of yore should have been a matter of history, but it has not been so³.

The Covenant on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1973, is the United Nations' landmark treaty marking the struggle for women's rights. It is regarded as the Bill of Rights for women.⁴

7. CONCLUSION

Women are still vulnerable in our society. Data analysis of Crime against women shows that in two States (Rajasthan & Uttar Pradesh) Percentage of State Share to All-India (2019) is 10.2 and 14.7, respectively, which is very high. Age-old customs are often advocated to be continued what if they are not dignified to the women? The historical school of jurisprudence supports the view, but what we see is not the full canvas. Law is real, an historical growth, for it is an expression of customary morality that develops silently and unconsciously from one age to another. That is the great truth in Savigny's theory of its origin. Still, the law is also a conscious or purposed growth.

³ Charu Khurana v. Union of India, AIR 2015 SC 839

⁴ *ibid*

Customary morality's expression will be false unless the judge's mind is directed to attaining moral end and its embodiment in legal forms.⁵

The Supreme Court of India, while reviewing U.P. Government Servants' Conduct Rules, 1956, held that Art. 25 protects religious faith and not practice, which may run counter to public order, health, or morality. Polygamy is not an integral part of religion and monogamy as reform is within the State's power under Art.25 of the Constitution.⁶

Religious faith is inner conscious, and its outer articulation is practice. Looking forward positively when discrimination against women will not be tolerated in any form and by any reason, the line between religious faith and training would be obliterated.

8. FUTURE SCOPE

This study shall make aware of the Government bodies and N.G.O.s (Non-Governmental Organizations) how to curb spiritual malpractices and make the women self-realized, especially those who come from socially educationally backward strata. An awareness program in this regard at the National and International level shall also be introduced. Beyond the ethnic legal restricted environment, a liberal and women-friendly atmosphere should be developed. So that active and relatively more immense contribution can be attained.

REFERENCES:

- [1] Duflo E. (2011) Women's Empowerment and Economic Development, National Bureau of Economic Research, Cambridge.
- [2] India: Women's Empowerment - IFAD / OE, 2000. The Republic of India; Tamil Nadu Women's Development Project: Completion Evaluation, Report 340 - IN Rome, April.
- [3] Baruah B. (2013) Role of Electronic Media in Empowering Rural.
- [4] Goswami, L. (2013). Education for Women Empowerment. ABHIBYAKTI: Annual Journal, 1, 17-18.
- [5] Baruah, B. (2013). Role of Electronic Media in Empowering Rural Women Education of N.E. India. ABHIBYAKTI: Annual Journal, 1, 23-26.
- [6] Kadam, R. N. (2012). Empowerment of Women in India- An Attempt to Fill the Gender Gap. International Journal of Scientific and Research Publications, 2(6): 11-13.
- [7] Nagaraja, B. (2013). Empowerment of Women in India: A Critical Analysis. Journal of Humanities and Social Science (IOSRJHSS), 9(2), 45-52 [W.W.W. page]. URL <http://www.iosrjournals.Org/empowerment.html>.
- [8] Deshpande, S. and Sethi, S., (2010). Role and Position of Women Empowerment in Indian Society. International Referred Research Journal, 1(17): 10-12.
- [9] Kishor, S. and Gupta, K. (2009), Gender Equality and Women's Empowerment in India, NATIONAL FAMILY HEALTH SURVEY (NFHS-3) INDIA, 2005-06, International Institute for Population Sciences, Deonar, Mumbai.
- [10] Suguna, M., (2011). Education and Women Empowerment in India. ZENITH: International Journal of Multidisciplinary Research, 1(8): 19-21.

⁵ Benjamin N. Cardozo, The Nature of the Judicial Process, 7th Indian Reprint, pp: 104-105

⁶ Khursheed Ahmad Khan v. State of UP, AIR 2015 SC 1429

- [11] Dr. Dasarati Bhuyan "Empowerment of Indian Women: A challenge of 21st Century" Orissa Review, 2006
- [12] Vinze, Medha Dubashi (1987) "Women Empowerment of Indian: A Socio-Economic Study of Delhi" Mittal Publications, Delhi.
- [13] Dhruba Hazarika "Women Empowerment in India: a Brief Discussion" International Journal of Educational Planning & Administration. Volume 1, Number 3 (2011)
- [14] Pankaj Kumar Baro1 & Rahul Sarania "Employment and Educational Status: Challenges of Women Empowerment in India," A Peer-Reviewed Indexed International Journal of Humanities & Social Science.
- [15] Agarwal, S. K, & Singhal Jyoti(2017).Effects of economic factors on working women in the banking industry (A comparative study between public and private sector banks), International Journal of Trade & Commerce-IIARTC6(2): 554-565
- [16] Behera, Bhagabata (2017) Women Entrepreneurship Development In Tribal Areas In Odisha: An Effective Means Of Women Empowerment, International Journal of Trade & Commerce-IIARTC 6(2): 382-390.
- [17] Subrahmanyam, H. (2011), Women Education in India Facts and Factors, (Asian Entrepreneur, 2011, pages 61-71
- [18] Garst, Karen L. (2018), is the editor of Women Beyond Belief: Discovering Life without religion,
- [19] Paperback, Pitchstone publishing (272 pages), Durham, North Carolina, U.S.A.
- [20] Fisher, Mary Pat (2006) Women in Religion, Longman Publishing Group (328 Pages), U.S.A.
- [21] <http://www.slideshare.net/puneetsharma5688/women-empowermentpuneet-sharma>.
- [22] All India Reporter.
- [23] Crime in India Report 2019.
- [24] M P Jain, "Indian Constitutional Law," 7th ed.