

# An outlook of Gender Discourse and Various Legal Protection in Traditional Society of Arunachal Pradesh

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## ABSTRACT

The promotion of women and child health in India is gradually being viewed as a meaningful objective of national development policy. The government has invested in an impressive 2000 Primary Health Centers, 130,000 sub-centers, 2000 community health centers, over 500,000 trained birth attendants, and 400,000 community health guides. However, there are also a great number of overlapping uncoordinated programs and an inadequate development policy.

Independent India has tried to redeem the situation by proclaiming equality of sexes as fundamental right under the constitution. Since last 5-6 decades of Indian independence the subsequent governments have passed several laws protecting the women from violence, discrimination and strengthen women in social and economic field. Numerous committees and commission have been made, x-rayed and scanned the situation of the women thereby made recommendations to improve the condition of women.

Amartya Sen has attributed access to fewer household resources to their weaker bargaining power within the household. Furthermore, it has also been found that Indian women frequently underreport illnesses. The underreporting of illness may be contributed to these cultural norms and gender expectations within the household. Gender also dramatically influences the use of antenatal care and utilization of immunizations.

Since time scores of schemes have floated by different ministries like ministry of Women & child, ministry of social justice & empowerment, ministry of tribal affairs, ministry of minority affairs etc. of the government to address the concerns and problems of women. As per my understanding, the multidimensional issues related to gender, resistance and transition may be discussed and measured in the following narrations.

Key Words: Gender, Discourse, Legal protection, Arunachal Pradesh

## Health

Women's health in India is being examined in terms of multiple indicators, which may vary by geography, socioeconomic standing and culture. In pursuit of adequately improving the health of women, in India the government currently face multitude of problems, which ultimately affect the aggregate economy's output. Addressing the gender, class and ethnic disparity that exist in health care and improving the health outcomes can contribute to economic gain through the creation of quality health capital and increased levels of savings and investments. Gender is one of the social determinants of health that play a major role in health outcomes. The level of gender inequality surely affects the health of women.

Today, the life of women in the developing world especially in India is a vicious cycle of inferior status by virtue of poverty and deprivation with no access to resources of a balanced diet, health care and education. Therefore, malnutrition is widely prevalent.

Gender discrimination begins before; females are the most commonly aborted sex in India. If female foetus is not aborted, the mother's pregnancy can be a stressful experience, due to her family's preference for a son. Once born, daughters are prone to being fed less than sons, especially when there are multiple girls already in the household. As women mature into adulthood, many of the barriers preventing them from achieving equitable levels of health stem from the low status of women and girls in Indian society, particularly in the rural ad poverty- affected areas.

Taken together, women are oftentimes seen less valuable than men, with lower involvement in the public sphere- as exemplified by the labour and political participation rates – and the stigma of being less valuable within a family, women face a unique form of gender discrimination.

Gender inequalities, in turn, are directly related to poor health outcomes for women. Numerous studies have found that the rates of admission to hospitals vary dramatically with gender, with men visiting hospitals more frequently than women. Differential access to healthcare occurs because women typically are entitled to a lower share of household resources and thus utilize healthcare resources to a lesser degree than men.

## Education

Female education is a catch-all term for a complex set of issues and debates surrounding education (primary education, secondary education, tertiary education, and health education in particular) for girls and women. It includes areas of gender equality and access to education, and its connection to the alleviation of poverty. Also involved are the issues of single –sex education and religious education have been traditionally dominant and are still highly relevant in contemporary discussions of educating females as global consideration.

## Current policies in India

Before and after independence, India has been taking active steps towards women's status and education. The 86<sup>th</sup> constitutional amendment act, 2002, has been a path breaking steps towards the growth of education, especially for females. According to this act, elementary education is a fundamental right for children between the ages of 6 and 14. The government has undertaken to provide his education free of cost and make it compulsory for those in that age group. This undertaking is more widely known as Sarva Shiksha Abhiyan (SSA).

Since then, the SSA has come up with many schemes for inclusive as well as exclusive growth of Indian education as a whole, including schemes to help foster the growth of female education.

## Major schemes

Mahila Samakhya Programme : this programme was launched in 1988 as a result of the New Education Policy (1968). It was created for the empowerment of women from rural areas especially socially and economically marginalized groups. When the SSA was formed, it initially set up a committee to look into this programme, how it was working and recommends new changes that could be made.

Kasturba Gandhi Balika Vidyalaya Scheme (KGBV) : this scheme was launched in July, 2004, to provide education to girls at primary level. It is primarily for the underprivileged and rural areas where literacy level for females is very low. The schools that were set up have 100% reservation 75% for backward class and 25% for BPL (below poverty line) females.

National Programme for Education of Girls at elementary level (NPEGEL): This programme was launched in July, 2003. It was an incentive to reach out to the girls where SSA was not able to reach through other schemes. The SSA called out to the 'hardest to reach girls'. This scheme has covered 24 states in India. Under the NPEGEL, "model schools" have been set up to provide better opportunities to girls.

One notable success came in 2013, when the first two girls ever scored in the top 10 ranks of the entrance exam to the Indian Institutes of Technology (IITs). Sibbala Leena Madhuri ranked eighth, and Aditi Laddha ranked sixth.

Through government has taken up concerted efforts, while illiteracy levels in India continue to stand at about 54% for women and 76% for men, school, enrolment, attendance and quality of education, especially for the girl child threatens deteriorate even further if appropriate measures are not put in place and mostly this is due to the lack of women education in India. Illiteracy is one of the main obstacles in women empowerment in India.

Concerns have been raised by those monitoring millennium development goals. They are saying that going to school is one thing, but the quality of education is another. Pupils enrolled in public schools in India are experiencing numerous challenges as far as their education is concerned, says Oxfam India. Some of the issues include: Over-crowding of classes, Absentee teachers, unsanitary conditions, Teachers who lack professional qualification.

It's the girls and marginalized groups who are being affected. It's a fact that girls in India attend primary school roughly in the same numbers as boys, but the gap widens as they grow older because they are either married off or forced to stay at home to help with the chores.

It's shocking because out of the school drop-outs in 2008, 62% were girls who make up two thirds of the illiterate population aged between 15 and 24 years of age. Most of these girls were from tribal groups, lowest in the caste system.

## Livelihood

The right to livelihood is crucial to women and men around the world. It is a right that is fought for and defended by farmers, workers, peasants and the urban poor. Conceptually, it is much more than the right to work. It is the right to pursue a dignified life. In its essence, the right to livelihood offers people the opportunity to realize other rights with dignity. Particularly, it is a right that is embraced by women around the world, who frequently encounter obstacles to livelihoods and seek equal opportunities to realize their rights. Yet despite its importance, the right to livelihood .However, conceptualizations of the right to livelihood are now developing from the ground issues which were broken down into three different categories, together comprising the emerging definition of the right to livelihood.

The right to food and issues related to food – food security, food sovereignty, and food production including agriculture and seeds.

Access to and ownership and control over natural resources, such as land, water, and forests.

Issues related to markets, a space to trade both goods and services, and recognition of the fact that participation in markets requires education, skills, and credit.

## The right to livelihood & women

Though the right to livelihood is important for all, it is particularly important for women. The problems women face with regard to livelihood is compounded by a number of gender-specific factors.

Women play a significant role in all livelihood efforts, which are crucial for are often the main contributors to agriculture and household nutrition and food security. They cultivate, plough and

harvest more than half of all the food in the world. They are also the primary users of forests and other natural resources including land and water for livelihood security. Despite the fact that women world over are the main actors in livelihood activities. Their contributions are often undervalued or unrecognized. the work that women undertake within household, in subsistence farming ,their multiple roles in animal husbandry ,fish processing, collection of non-timber forest produce, and the many activities they perform to supplement family incomes are rarely recognized as work creating economic value. Even when women work alongside their husbands, their efforts are often characterized as wifely duties and not as contributions to their family's food security and livelihoods. Thus, recognizing the right to livelihood, which broadens the ambit of rights, is important in acknowledging women's contributions.

Realizing the right to livelihood is important for woman's ability to realize other human rights. The right to livelihood is intrinsically linked to other human's rights, such as the right to food, the right to health, the right to social security, the right to work, and the right to education. The inter-linkages are more profound in the case of women. Loss of livelihoods adversely affects women's position in the power hierarchy and their bargaining capacity within the household and their community. The loss of income arising out of the disruptions of livelihoods affects women's health and wellbeing's as they usually eat last and eat fewer meals. Livelihood insecurity makes women vulnerable to violence and abuse, both within the household as well as outside.

Women confront multiple forms of discriminations that have a negative impact on their livelihood. These include discrimination in employment and access to productive resources and markets. Women also face discrimination in equal access to control and ownership of land, which is "crucial for the purpose of strengthening their security and livelihood".

Traditionally prescribed gender roles also result in significant differences in terms of the resources that men and women are able to mobilize to carry out their work related responsibilities.

Women are subjected to a time burden that is much greater than that of men, as they are expected to take care of nearly all the responsibilities of household upkeep and childcare. Women are increasingly made responsible for generating income for themselves and their families in addition to the unpaid work they do. "For many women, unpaid work in and for the household takes up the majority of their working hours, with much less time spent in remunerative employment. Even when

they participate in the labour market for paid employment, women still undertake the majority of the housework.”

Women are not involved in the decision making process on resources, including money, even when they earn it. Even though 70 to 80 percent of all rural economic activities are carried out by women, they do not view themselves as economic agents. To ensure that women are able to realize their right to livelihood, advocates and policymakers must take steps to address the obstacles that women confront. Such recognition must be grounded in an understanding of the importance of the right to livelihood in the lives of women. Equally important, however, are the acknowledgment of women’s contributions to economic activities and the recognition of women as equal citizens. Women are not mere members of households that are dependent on the male breadwinner. They cannot be reduced to roles of passive welfare recipients or viewed only as a vulnerable group that needs to be protected and taken care of. They are active economic agents with rights and contribute to both the productive and reproductive economy. “A gender perspective means recognizing that women stand at the crossroads between production and reproduction between economic activity and the care of human beings, and therefore between economic growth and human development.” Enhancing women’s access to productive resources and ensuring that greater social value is accorded to their contribution can bring about greater balance between economic growth and human development.

### **Laws protecting the rights of the women**

Crime against women: “The semantic meaning of ‘crime against women’ is direct or indirect physical or mental cruelty to women. Various kinds of violence against women are eve-teasing, molestation, bigamy, fraudulent marriage, adultery and enticement of married women abduction and kidnapping, rape, harassment to women at working place, wife beating, dowry death, female child abuse and abuse of elderly female etc. in order to address these CRDAW was framed. The conventional of elimination of all forms of Discrimination against women Act 1979 (CEDAW) adopted by UN general Assembly is an Act to provide for more effective protection of the right of women guaranteed under the Construction who are victims of violence of any kind occurring within the family and for matters connected therewith or incidental thereto.

## Women- specific legislations

The immoral Traffic (Prevention) Act, 1956

The Dowry Prohibition Act, 1961 (28 of 1961) Amended in 1986)

The indecent Representation of Women (Prohibition) Act, 1986

The commission of sati (prevention) Act, 1987 (3 of 1988)

Protection of women from Domestic Violence Act, 2005

The Sexual Harassment of Women at Workplace (PREVENTION, PROHIBITION and REDRESSAL) Act 2013

## Women-Related Legislations

The Married Women's Property Act, 1874 (3 of 1874)

The Maternity Benefit Act, 1961 (53 of 1961)

The medical Termination of Pregnancy Act, 1971 (34 of 1971)

The Equal Remuneration Act, 1976

The Family Court Act, 1984

The Muslim Women Protection of Rights on Dowry Act 1986

National Commission for Women Act, 1990(20 of 1990)

Pre-Natal Diagnostic Techniques (Regulation & Prevention of misuse) Act 1994

## Protection of Women from Domestic violence Act, 2005

The Protection of Women from Domestic violence Act, 2005 is an Act of the Parliament of India enacted to protect women from domestic violence. It was brought into force by the Indian government from October 26, 2006. The Act was passed by the parliament in August 2005 and assented to by the president on 13 September 2005. Of about 8,000 criminal case registered all over India under this act, Rajasthan had 3440 cases; Kerala had 1,028 cases, while Punjab had 172 cases registered.

Various legislations have been enacted and adopted in India but. "The most effective strategies are likely to be those that support women to organize peer groups and mobilize community resources and



public service, including women's health services. Such approaches enable women to overcome resignation to the legitimacy of the established order and are important factors in the perpetuation of imbalances of power between women and men. If women are to implement their reproductive preferences, then it is essential that their empowerment occur not only within their personal spheres, but also in the broader spheres of the community and the state."

## Challenges

Back to the streets, girls are still suffering what is called "eve-teasing". It affects women education in India in various ways. The violence suffered by women also makes them scared, not knowing what to do. And the police just sit and watch, without much action being taken. A lot of campaigns geared to encourage women education have been started.

## Arunachal Pradesh

Arunachal Pradesh is inhabited by 25 major tribes and over 100 sub-tribes, for variety of historical and cultural reasons; they were kept out for number of years from the mainstream resulting in primitive economy of the region. Women in Arunachal Pradesh are hard working and outgoing. Their Sex Ratio is higher in all Census records except for the 1991 census. Women are an integral part in all the communities in Arunachal Pradesh. The status of women in society is directly linked with social and Cultural traditions, stages of economic development achieved, educational levels, attitude of the society towards women, social taboos, women's own awareness and Political attainments Status of Arunachal Pradesh Women in 21st Century. Such factors affect the national and also regional characteristics of the status of women. The economic status of women is determined by the role played by them in carrying on economic and non-economic activities in society. The Nature and type of economic and non-economic role played by women have undergone continued transformation in accordance with the changes in socio-economic factors, education levels and technological developments and with the changing concepts regarding the extent to which women's contribution is desirable and necessary.

“Laws change/minds don’t change” there are constitutional provisions and stringent laws but in practical sense it is observed that between a progressive legislation and enforcements there still falls a long shadow.

The region’s topography, lack of road communication far flung areas and climatic reason contributed the beautiful state to be aloof from the rest of India for centuries. With the above factors the tribal groups got confined themselves to particular areas and developed strong isolationist tendencies. Besides, tradition acrimony among some of them and a simple pattern of primitive economy had kept the inter-tribal and even inter-village interactions at the minimal level.

As the relatively isolated communities of Arunachal Pradesh are gradually being exposed to new forms of economic, political and social organization, culturally, enormous changes are taking place with regard to the construction of acceptable social forms and the position of women in particular in Arunachal Pradesh. The sheer enormity of these far reaching changes and the speed in which they have been introduced have been unsettled many of the age old institution, beliefs and practices. The transition in gender relations both in individual and collective levels are yet to be documented and analyzed by researchers.

The society with overwhelming dominance of patriarchal value system denies effective rights of participation of women in all spheres. The structure inequalities of relative deprivations of earnings, education, employability and overall well being, creates strong barriers for informed and effective participation of women in decision making. Along with that the internalization of patriarchal values by women themselves, through socialization processes and other means, makes the articulation of independent voices of women more problematic and difficult. In societies facing the challenges of modernization and possible integration into other dominant cultures, there is generally a strong emphasis to preserve a real or imagined ‘pure’, indigenous culture. In such sharply polarized discourses on identity and culture, women’s rights and concerns are often relegated to the background. Traditional Social differentiation as well as newly emerging economy differentiation within these communities has also an impact on the position enjoyed by women of different strata. Along with that, the migrations from different parts of the country, education, mass entertainment, media exposure and external culture influences have been influencing the making of gender relations in changing social milieu.

But it is an established fact that in comparison to other parts of India women in Arunachal Pradesh seem to enjoy greater freedom of mobility and decision – making in some spheres.

Women in Arunachal Pradesh performed some of the most onerous and tedious tasks and spend a considerable time and energy in doing unpaid domestic work along with a host of productive and income generating activities though their contribution remains undervalued and unrecognized.

Globally it is seen that there are varying degrees of gap between men and women in terms of their access to power. However significant progress has been made as the literacy level in recent past have shown remarkable rise. As per 2011 census Women Literacy rate 59% as compared 73.7% for Men.

Gender equality cannot be achieved by set of policies and programmes alone. It calls for restructuring of political, economic and socio cultural goals and priorities. Given the unequal distribution of resources and opportunities between the sexes, Women's empowerment has to be assigned a central place in the agenda of social transformation.

The road to parliamentary democracy covered by Arunachal Pradesh 67 years has been more or less smooth. The democratic political processes, institutions and practices have been gradually accepted by the tribal communities. The share women representative in the state legislative assembly has never exceeded 5 per cent. Highest number of women in state legislative assembly has only been three, where as women comprise almost 50% of population. So far as parliamentary representation is concerned, no women member has ever been elected to Lok Sabha from the state. In the last twenty seven years there was only one women member of parliament from the state, who was elected to Rajya Sabha. Thus at least in terms of representation in the formal structure of political power, Women in Arunachal Pradesh is marginalised.

At grass root level in traditional village chief like, Gaon Buras, Bauris and village council which play a crucial role in conflict resolution and administration, there is hardly few Gaon Bauris and women are barred to play any role in the traditional institution.

In developing Arunachal Pradesh the relationship between economic development and gender relation has been found to be multi dimensional and complex. The changing gender relation in Arunachal Pradesh, a state that has seen a rapid economic transformation in the past few decades,

on the basis of women's relative position in the economic spheres. Although Arunachal Pradesh like the other north eastern states is generally described to have a healthier gender relations but is still now there is a continued and emerging disparities in various dimensions of well being and empowerment.

While in some indicators Women in Arunachal Pradesh have better status in relation to males in the state as well as women in the country as a whole, clearly there are old and new spheres of modernization, segregation and discrimination.

Even after the successful completion of more than 67 years of India's independence and the golden jubilee celebration of the declaration of Human Rights, it would be surprising to the conscious citizen of India that, still in north eastern states of India particularly in Arunachal Pradesh the age old practice of servitude is in existence.

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