

# THE SOCIO-ECONOMIC STATUS OF WOMEN IN INDIA

**Dr. P.Sai Babu**

Assistant Professor in Political Science, DNR - College, Palakollu,  
West Godavari, Andhra Pradesh, India

## ABSTRACT

*Today women enjoy equal legal access to health care, education, civic participation, and economic justice as a result of generations of advocacy on behalf of women. However, despite gains in gender equality over the past century, women are still victims of harassment, assault, and discrimination in the workplace and at home. As Lenora Lepidus observes, barriers to full equality for women continue to exist in our society, and yet the call for advancement and reform can go unanswered. There are many who have dedicated their lives to the furthering of women's rights, yet advocates are still needed in the field of women's rights to continue important this work.*

## **INTRODUCTION**

The term “women’s rights” encompasses many different areas, making it among the most difficult areas of law to define. Women’s rights are most often associated with reproductive rights, sexual and domestic violence, and employment discrimination. But women’s rights also includes immigration and refugee matters, child custody, criminal justice, health care, housing, social security and public benefits, civil rights, human rights, sports law, LGBT rights, and international law. Often feminist leaders today focus on areas of intersection between women’s rights and other issue areas and consider these areas of intersection as one larger movement for social justice. These areas of overlap offer an opportunity for lawyers to focus on many areas of social policy important to them. For example, if you work for an immigrant rights group or for a labor union, you can find areas of overlap with women’s rights whenever women are involved. You can be an advocate for women’s rights from a many of types of organizations, because when a woman is involved, women’s rights are involved.

This guide will mainly focus on the traditional “women’s rights” areas, and discuss the variety of opportunities, issue areas, and practice settings to advocate for women’s rights. However, there are an infinite number of women’s issues to fight for, and an equally large number of avenues in which to advocate for equal justice. Be creative in your thinking, spread wide your research, and find the issue and practice area in which you can most effectively achieve your goals.

## **BASIC RIGHTS FOR WOMEN**

Many states have established Governor’s Commissions or Task Forces on Women’s Issues, most dealing with domestic violence. For example, Massachusetts has a Governor’s Commission on Domestic Violence that coordinates state programs and initiatives on community responses to domestic violence. Illinois has a Governor’s Commission on the Status of Women in Illinois, which initiated and was responsible for the passage of the Illinois Gender Violence Act giving victims of domestic violence, rape and sexual assault a civil right of action against their perpetrators. Even if you do not want to directly work at your state’s commission on women’s rights, remember these offices as resources with links to other organizations about women in your state.

Attorney General’s Offices can offer interesting work on women’s rights issues. Some have established divisions focused on women’s rights that do policy work on economic and violence issues affecting women in particular. Other divisions of an Attorney General’s Office will deal with women’s issues as well, such as

abortion rights, consumer advocacy, health care issues, and poverty law.

Opportunities exist at the local level of government to work on women's rights through mayoral offices and prosecutor's offices. Some mayors make fighting violence against women a priority, and have dedicated offices to combat domestic violence. State's Attorneys and District Attorneys prosecute sex crimes on the local level, bringing justice on behalf of victims of rape and sexual assault. Programs created in these offices to support crime victims throughout the difficult trial process have made enormous differences in the willingness of these victims to cooperate with the prosecution of the case. Consider volunteering as a courtroom advocate to work with female witnesses and help them navigate the criminal justice system.

## **LEGAL RIGHTS FOR WOMEN**

Although not intended in the formulation of laws, some criminal laws are applied to men and women differently. While there are other examples of ways criminal laws are applied in different ways to men and women, the prosecution of women for drug-related offenses can have unintended consequences for women. With the mandatory sentencing practices enacted during the war on drugs, women are increasingly being incarcerated for, what is often, very limited involvement in drug trafficking. For example, if a woman owns the car used to carry drugs, or answers the telephone for someone else in the household involved in drug selling, the woman is at risk of being prosecuted based on the amount of drugs involved rather than the level of her participation. Because women often have such limited involvement with the drugs themselves, they can have little information to bargain with or offer in a plea bargain. As a result, men with more intricate knowledge of the drug transaction are offered pleas and spend less time incarcerated than women. While the intention of the war on drugs was not to imprison women with limited if any involvement in the drug operations, that has been the unfortunate reality. Lawyers can work defending women accused of involvement with drugs, and legislation reform.

### **Household Violence on Women**

Domestic violence against women permeates every aspect of life for victims of abuse in the home. It includes physical, emotional, and sexual abuse by a partner. Domestic violence is a complicated problem and once a victim finds the strength to leave her abuser, she encounters a variety of problems requiring legal support. There are a number of legal hurdles women have to jump through after leaving their attacker.

One of the greatest challenges facing victims of domestic abuse is loss of housing. Because of the coercive and controlling tactics used by abusers, women can be cut off from family, friends and other support networks. In Minnesota in 2003, 46 percent of homeless women reported that they had stayed in an abusive relationship because they had nowhere to go. When victims decide to leave their abuser and go to a shelter, they may encounter time limitations on their stay at the shelter. Some landlords refuse to rent units to victims or evict women when they learn of a domestic violence situation. In addition to direct representation of women in obtaining restraining orders, legal advocates can work to prevent discriminatory rental practices, ensure adequate funding for shelters, and other reforms at both the local and national level.

## **DOMESTIC LAW ON WOMEN**

Family law encompasses, among other practices, child custody, child support, protection from abuse orders, and divorce—all of which involve women. Women involved in family law proceedings need counsel in obtaining legal protection from abuse for themselves and their children. In custody, support, and protection proceedings, low-income women in family court typically rely upon legal support from local legal services offices to represent them. Legal services lawyers can make improve daily lives of individuals through family law practice supporting women. Reform through policy and impact litigation can protect the rights of mothers and women on a larger scale.

## HUMAN TRAFFICKING AND SEX WORKERS

Human trafficking continues to victimize young women and girls internationally. Low levels of education, economic instability, and limited English competency often make women vulnerable to predatory traffickers, who coerce their victims with false promises for employment. Taken from their homes to other countries to serve as sex workers or domestic servants, women and girls are exposed to physical, sexual and psychological force routinely. Sometimes traffickers and employers deny women and girls their identification documents to prevent them from escaping. Legal advocates work to call attention to these injustices from governments around the world, demand punishment of those involved in trafficking, and return women and girls to their homes.

## INTERNATIONAL WOMEN'S RIGHTS

Organizations both in the United States and abroad are increasingly calling for vigilance in respecting and advocating for the rights of women abroad. Just as in the United States, violence against women is a systemic problem in many areas of the world. In some war-torn countries in Africa, women are raped repeatedly by militants and often infected by HIV/AIDS. In other countries, men beat women regularly, with few, if any, consequences from law enforcement. Often there are stigmas attached to victims of sexual and domestic violence, discouraging victims from reporting crimes of this nature. Legal advocates in the United States can fight for increased awareness of violence against women as violations of human rights.

## SEXUAL HARASSMENT

Sexual assault and rape pose a great threat to women. Victims of such crimes are in need of attorney advocates to protect their individual rights as women and to support policy on behalf of victims across the nation. State's Attorneys and District Attorneys prosecute sexual assailants and are involved in cases regarding sexual assault on an individual level. In some states, upon arrival at a hospital, rape victims are not informed about emergency contraception. Some women's rights activists are currently working to standardize the information provided to rape victims about their rights and the choices they can make about their health and recovery.

In largely agrarian economies, arable land is the most valued form of property and productive resource. It is a wealth-creating and livelihood-sustaining asset. For a significant majority of rural households it is the single most important source of security against poverty. Traditionally, it has been the basis of political power and social status. For many, it provides a sense of identity and rootedness. It is an asset that has a permanence that few other assets possess. In some communities, ancestral land also symbolically stands for continuity of kinship and citizenship. While many of these links are well recognized at the *household* level, their importance specifically for *women* has received little attention. Indeed, the issue of women's rights in land (and more generally in property) has been, until recently, largely neglected in both research and policy. In fact, in almost all developing countries, large-scale surveys and agricultural censuses collect property related information only by households, with-out disaggregating by gender. Nepal is a recent exception where such data will now be collected in its census. In most of South Asia, including India, therefore, we still have to depend on small-scale surveys and village studies to assess women's access to land. These sources reveal that typically few women own arable land and even fewer effectively control some.

The social and economic implications of this are wide-ranging. Millions of women in Asia, Africa, and Latin America depend critically on land for a livelihood. The typical process of agrarian transformation under which labor shifts from agriculture to non agriculture has been slow and gender biased. In many countries, those who have moved to nonfarm work are largely men, while women have remained substantially in agriculture. Hence a disproportionate number of those still dependent on land are women. In India, for instance, 58 percent of all male workers but 78 percent of all female workers, and 86 percent of all *rural* female workers, are in agriculture. Indeed the *gender gap has been growing*. Women's domestic work burden, lower mobility, lesser

education, and fewer investable assets limit their entry into non agriculture, and also their range of nonfarm options. Moreover, the nature of women's agricultural work is, to a greater extent than for men, casual in nature. Relative to men, women also continue to have lower real wage rates and lower average real wage earnings in both agriculture and non agriculture.

### **Land Rights for Women**

Rights (in any form of property) are de-fined here as claims that are legally and socially recognized and enforceable by an external legitimized authority, be it a village-level institution or some higher-level body of the State. Land rights can stem from inheritance, transfers from the State, tenancy arrangements, land purchase, and so on. They can be in the form of ownership or usufruct (rights of use), and can encompass differing degrees of freedom to lease out, mortgage, bequeath, or sell.

Three additional distinctions are relevant here. First, there is a difference between the legal recognition of a claim and its social recognition, and between recognition and enforcement. A woman may have a legal right to inherit property, but this may remain merely on paper if the claim is not recognized as socially legitimate or if the law is not enforced. Second, there is a distinction between ownership and effective control. It is sometimes assumed incorrectly that legal ownership carries with it the right of control in all its senses. In fact, legal ownership may be accompanied by restrictions on disposal, as among the Jaffna Tamils of Sri Lanka and several communities in Latin America, where a married woman needs her husband's consent to alienate the land she legally owns. Third, we need to distinguish between rights vested in individuals and those vested in groups.

In contrast, direct land transfers to women are likely to benefit not just women but also children. Evidence both from India and from many other parts of the world shows that women, especially in poor households, spend most of the earnings they control on basic household needs, while men spend a significant part of theirs on personal goods, such as alcohol, tobacco, etc. (Dwyer and Bruce 1988). This, in turn, affects child welfare. Children in rural India are found more likely to attend school and receive medical attention if the mother has more assets (Duraisamy 1992). Women without independent resources are highly vulnerable to poverty and destitution in case of desertion, divorce, or widowhood. In parts of western and north western India, not uncommonly, rural women even from rich parental and marital families, deprived of their property shares when widowed, can be found working as agricultural laborers on the farms of their well-off brothers or brothers-in-law. The fate of deserted and divorced women is worse.

### **SOCIAL STATUS OF WOMEN RIGHTS**

Unless and until women's claims begin to be seen as socially legitimate, parents who have a male bias are likely to use the right of making wills to disinherit daughters, even if the laws are made fully gender-equal. Similarly, efforts are needed to change conservative or negative perceptions about women's appropriate roles and abilities, and to challenge social norms that restrict women's public mobility and interaction. For instance, the problem posed by women's marriage outside the natal village arises only partly from the distances involved and mostly from social strictures on women's mobility, and social perceptions about women's lesser abilities and deservedness. Men are seldom denied their property rights even if they migrate to distant parts (as many men, especially younger ones, do to seek jobs in cities.

Although social attitudes, norms, and perceptions are not easy to alter, certain types of interventions could further the process. For instance, government initiatives to transfer land titles and infrastructural support to women farmers would have a notable demonstration effect. Interventions to strengthen extra family economic support for women, including through a government social security scheme, would help reduce women's dependence on relatives and especially on brothers in whose favor women often forgo their claims. Overall,

economic support would also enhance women's ability to challenge inequalities in the family and community.

## CONCLUSION REMARKS

A number of South Asian women's groups also have been arguing for gender equality in inheritance laws by emphasizing that their constitutions promise equal treatment of women and men. Moreover, women's groups that have not raised the issue of women's land and property claims directly have still, over the years, spread an awareness of gender concerns. This has created an environment within which women's claims to land can be placed more centrally in the arena of public concerns something that was not easy to do twenty years ago. A window of opportunity is also provided by the growing attention being given to watershed development and localized irrigation schemes by a number of NGOs and some government agencies, in several parts of South Asia. But once land becomes more valuable with the availability of irrigation, women's land claims are unlikely to be recognized. The opportune time to establish women's claims is during the process of developing the watershed or irrigation facility, not afterward.

The experience of the women's movement in India also indicates that women of different socioeconomic backgrounds can cooperate strategically for legal reform, as they did in campaigns to amend dowry and rape laws, despite differences in ideologies, agendas, and social composition. Moreover, many urban middle-class women activists have played and continue to play important roles in promoting poor rural women's economic and social concerns, such as supporting their campaigns for higher wages, and their programs for wasteland management, credit, and small-enterprise development. In more recent years, there have been also some significant cases of middle-class activists promoting poor women's land claims, as in the Bodhgaya movement in Bihar, the Shetkari Sanghatana in Maharashtra, and the DDS in Andhra Pradesh. These experiences again indicate that cooperation between women, which cuts across economic and social heterogeneity, is possible on a number of issues and in varied contexts.

Finally, given that this issue is significant and relevant for women in many countries, there is scope here for sharing experiences and strategies for change; for building horizontal linkages between groups with similar goals; and for international coalitions both between South Asian countries and between South Asia and other parts of the globe. This would be facilitated by emerging international support for women's claims in property. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) has focused on equality in property as one of its important directives. The United Nations Conference on Human Settlements at its Istanbul meeting in 1996 also focused centrally on women and land. Since then the Huairou Commission in conjunction with the UNDP, Habitat, WEDO, and the Women's Caucus of the UN Commission on Sustainable Development has held several discussions with women's groups world-wide, to examine regional progress in enhancing women's access to land and property. The Huairou Commission is also re-requesting support for a global campaign to promote women's claims in land and property, and in housing rights for the urban poor under the auspices of the United Nations Centre for Human Settlements.

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