

CHAPTER – VII

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India is known as the land of diversity where unity is said to prevail overriding innumerable diversities. Indian society strictly and proudly adheres to patriarchal, patrilocal and patrilineal practices. The religion based Hindu social system presents a unified exterior. Underlying that is a highly divided society which is a conglomeration of so many divisions based on caste, gender, class, etc. These divisions have given rise to a number of exclusions and inclusions, some favourable and some unfavourable to the members of various groups. Being a vast country, there are differences in race, religion, language, culture, conventions, customs, rituals, way of dressing, food habits, traditions etc. Despite the existence of an infinite number of differences, one common unifying factor among Hindus is the inferior status accorded to women and superior status accorded to men.

Civilizations with a long past have their own values, dogmas and beliefs. They are well entrenched not only in the social setup but also in the minds of the people. Old civilizations that boast of an uninterrupted past like the Chinese and the Indian, also have a long history of rights abuse of gender and class. The traditional Hindu society followed the practice of adopting social values on the basis of hierarchy in relation to caste, age and gender. To perpetuate this classification of inequality, it practices certain exclusive social practices whereby such inequalities and discriminations have been institutionalized and perpetrated. The social values were responsible for several gender based discriminations, deprivations and disabilities. These discriminations are the reflections of the traditionally assigned roles of men and women in a patriarchal and patrilineal society from an era bygone.

'Son preference' and *'daughter abhorrence'* are like two sides of the Hindu coin. The inferior status and position of Hindu women have been moulded by centuries of customary practices and values of the Hindu social system, which had deftly, intricately and inextricably woven it into its social institutions of family, marriage and community.

Once legitimized and institutionalized these were accepted as the norm and way of life by all the Hindus including those affected by such discriminations and exclusions.

At the time of the introduction of the Indian Constitution, these are some of the social exclusionary practices which were in vogue and some are found till date. The life of a woman is fraught with dangers at every turn from the womb to the tomb. Discrimination starts from the womb when the parents and relatives convert it into a tomb for the female foetus. Advances in science and technology at a later period has made sex determination easy. With that, killing a large number of female foetuses is made much more easier. Unwanted girl children are also killed using crude methods. The practices of foeticide and infanticide has led to a screwed up male-female ratio.

The dependant status of girls to boys and women to men are dinned into the heads of children strongly. Women are always treated as dependants. It is the unwritten social code. Any sign of independence is suppressed. Marriage, though union of two people is seldom viewed as such by the Hindus. It is rather an alliance between two families. A girl is rarely asked her choice and the families impress upon the girl that her marriage is in the best interest of the family. Her choice is seldom respected. In the Hindu marriage market, the inferiority of the girl's side and the superiority of the boys side is projected and reinforced by many rituals before and after marriage. Those women who decide to marry persons of their choice are hounded and even killed by their own people in the name of family honour. Honour killings are a way of suppressing women in a violent way when other threats do not work. It also serves as a bloody warning to other girls who are similarly inclined.

Women who accept arranged marriages also face different forms of torture after marriage. They are treated as unpaid servants. Marital rape, physical abuse, dowry harassment, heavy workload, if working, managing household work and office work, are some of the forms of harassments that await women in their marital home. Right to privacy and rights over their own bodies are denied to them. They are seen as husband's property and so his family members take the liberty of deciding her reproductive rights.

A woman is seen as the lawful reproductive vehicle for continuing their family lineage. So the family's interest, though arbitrary prevails over women's rights.

A childless woman and widow are treated shabbily and their presence in functions is not generally acceptable. Likewise a woman who begets a daughter undergoes torture. Refusal of parents and brothers to part with a share of immovable property and demands made on it by a woman's husband and his family leads to mental and physical trauma of women and men also result in dowry deaths. Domestic violence, wife beating and marital rape are violent forms of abuse a woman faces within the four walls of her home. Discrimination and unequal treatment is meted out to girls and women regarding provision of nutritious food, health care, education and work load in the houses. They have more duties and very few rights.

Economic empowerment of women is seen as the road to their liberation. Most of the employed women occupy low level jobs or middle level jobs. Higher posts are beyond the reach of majority of women. So having a job actually does not completely empower a woman. She is made to realize and feel that her earning is because her family members allow her to do so.

After overcoming the obstacles in the private sphere, girls and women have to face even more harassments in the public sphere. Eve-teasing, physical assault including sexual assault threatens women and makes their life miserable. Working women face physical intimidation and sexual harassment not only in the work place but also while travelling to and from their work places. Secular and religious prostitution, adds to the existing problems. Stalking and acid attacks leaves them mentally and physically scarred for life. Technological advancements are used by men and boys to indulge in cyber crimes. These are new forms of harassments faced by women. On the whole a woman has to overcome many hurdles, both in private as well in the public spaces, some even life threatening in her day to day life due to the embedded notions of male superiority and female inferiority. Hindu women in different stages of their lives feel a sense of deprivation and utter helplessness.

The status of women throughout the world is inferior to that of men, but the gender differences vary from place to place, culture to culture and society to society. In the western countries women had to wage a violent battle to secure their legitimate rights. The Seneca Falls Convention in 1848 can be considered as the first women right's convention. It declared that history of mankind has been a history of injuries by men on women in order to tyrannise her completely. They issued a declaration of sentiments and eleven resolutions to end gender discriminations.

After the Second World War, the United Nations concentrated on securing equal rights to women by ending discriminations. With that aim it created the Commission on the Status of Women to specifically work for gender equality. The CSW helped to draft gender sensitive provisions in many international conventions, declarations and conferences, some specifically for women and some gender neutral. The United Nations declared the year 1975 as '*International Women's Year*' and from that period till 1995 it conducted four international conferences, the first at Mexico in 1975, the second at Copenhagen in 1980, the third at Nairobi in 1985 and the fourth at Beijing in 1995. In the last conference the *Beijing Declaration and Platform for Action*, as the key global policy document for women empowerment was adopted unanimously. Twelve critical areas of concern were identified and strategic objectives were proposed to State parties so that they can effectively combat discrimination and promote gender equality. After Beijing every 5 years the UN conducts review meetings to assess the work of State parties.

A number of international conventions and declarations were held by the United Nations and its agencies to curb different forms of gender discriminations. The Convention on the Elimination of All forms of Discrimination Against Women (CEDAW), also known as *Women's Bill of Rights*, defined gender discrimination holistically. Despite international law being soft law, nation states by incorporating them in their national laws have strengthened them. These conventions and conferences have opened a global dialogue on the urgency for bringing in gender equality.

Indian Constitution is a revolutionary and organic document. It has distinct ideals of liberty, equality and fraternity. For the speedy realization of these objectives, social justice, including gender justice is incorporated as the first objective of the Constitution. The Indian Constitution imbibed several western ideas of liberty, equality and dignity in addition to democratic values. It contemplates to adopt through the State certain inclusive policies in order to realize equality, liberty and dignity of all its citizens including women.

The organs of the State are the legislature, the executive and the judiciary. These vital institutions through their allotted functions make laws, apply laws and adjudicate laws in addition to declaring laws respectively by the legislature, executive and judiciary in order to translate the objectives of the Constitution relating to gender equality. In the process of transforming society more particularly changing the status of women from the hitherto practices of social exclusion, various innovative policy inclusions have been enacted, implemented and adjudicated whenever dispute arise.

The principles of UDHR have influenced Constitution framers in India. In Hindu society, liberty of people in general and women in particular is sacrificed in the interest of the family and the community. It blends basic individual rights to sail along with the idealistic vision of the community at large. Adequate flexibility and safety valves within the Constitution enables it to assimilate changes as and when required. Citizenship rights accorded to all has seriously dented the patriarchal hegemony.

The Constitution being a highly gender sensitive one, gender protective provisions are explicitly incorporated in addition to gender equality provisions. The following are the salient gender protective provisions. There are many positive inclusive measures in the Constitution, commencing from the Preamble. The objective of the Preamble is to accord equality, liberty and fraternity to all its citizens including women. It mandates to provide social justice including economic and political justice and dignity to all its citizens. For the realization of these objectives, rights to equality and freedom have been conferred as positive fundamental rights in Part-III of the Constitution. In addition to that, right against exploitation is conferred as a negative fundamental right.

There are many gender inclusive provisions in the Constitution, from Article 14 to 18 which have been intentionally inserted so as to break the inequality of women which is institutionalized in the hierarchal Hindu social system. Article 14 guarantees equality to all irrespective of sex. Though revolutionary, it has serious limitations since this right to equality is confined only to the State leaving the society free to continue with its discriminatory practices. Article 15(3) provides protective discriminations allowing the State to make any special provisions for the welfare of women and children. Article 16 provides right to employment opportunities and mandates reservation of seats for women in employment. Article 17 bans untouchability and thereby women from Scheduled Castes and Scheduled Tribes who face exclusions are empowered. In a patriarchal society only men were given titles and Article 18 abolishes the conferment of such titles.

Article 19 is a cluster of six freedoms available to all citizens like freedom of expression, right to assemble, right to reside and move freely, right to practice any profession etc. Despite its limited scope these Articles from 14 to 19 are helping to reduce the gender gap. Article 20 is related to crimes and punishments and it removes several disabilities and exclusions of women in these aspects. Special legislations to prevent eve-teasing, sexual harassment etc., emanated from this Article. Article 21 protects life and personal liberty and since gender right is a component of human rights, this Article has a profound impact on women's rights.

Free and compulsory education has been given under Article 21A, which right has enabled girls to have access to education. Article 22 is on rights of arrested persons and women are sought to be protected by the State before and after their arrest. Right against exploitation is guaranteed under Articles 23 and 24, whereby traffic in human beings, beggary, and forced labour are prohibited. It also protects children from being forced to work. All the above discussed fundamental rights are gender sensitive and ensure the protection of women and children including the girl children.

The Constitution accords religious, cultural and minorities rights from Articles 25 to 29 of the Constitution. In this part the personal laws are legalized. Article 25 (2)(d) deals exclusively with Hindu religious institutions. It excludes the State from making any law on matters related to essential elements of religion, where even the courts cannot adjudicate. However, the Courts can adjudicate on other secular activities of religion.

Hindu religion ascribes an inferior and subordinate status to Hindu women. Due to this socially accepted notion of inferiority and subordination, Hindu women are denied the liberty of thought, expression, belief, faith and worship independent of the family. A Hindu woman is not allowed and encouraged to have a distinct identity. Her identity is merged with the family's identity, making her indistinct and her liberty is generally sacrificed at the altar of the welfare of the family. Hence, when the State refrains from interfering in the personal laws and protecting them as fundamental rights, Hindu women's equality of status is nullified. Likewise Article 29 which guarantees cultural and educational rights to minorities allows them to discriminate women based on religion. This area breeds and sustains gender inequality to this day.

Political rights are guaranteed by the Constitution to all citizens. The adult franchise for all including women, right to contest in elections and assuming public office are vital rights leading to their empowerment. Women's presence as decision makers in various political offices would help in rooting out discriminatory practices and bringing in inclusive measures. The Constitution has rightly opened up the political arena to women from the highest level to the grass root level. Reservation of seats for women for the post of chairpersons in the local bodies and their active participation are inclusive provisions to remove exclusionary practices. Right to citizenship for women on par with men has a tremendous impact on gender equality and is the sustaining base helping them to make use of other enabling rights. It has diluted the patriarchal hegemony. Likewise, the right to form unions, association or cooperative societies provided to all citizens has also empowered women and enhanced their status. Right to constitutional remedies are provided under Articles 32 and 226.

The Directive Principles of State Policy guide the governments to turn in to welfare States. A number of legislative enactments and executive policies have been introduced from time to time based on these directives. Thus the above analysis reveals that the objective of the Constitution to accord equality and liberty falters because of its duality of approach. What is guaranteed in the first part of fundamental rights stand nullified for women because of personal rights guaranteed in the second part of the fundamental rights. This duality naturally finds reflection in the legislative enactments, executive policies and judicial pronouncements.

Prior to independence, the British government enacted legislations to codify the civil and criminal laws. It also passed the Indian Contract Act, Indian Evidence Act, Women's Right to Property Act, Labour Laws and social welfare measures like Abolition of Sati, and Widow Remarriage Act. The Hindu Women's Right to Property Act was passed to amend the Hindu law in order to give better rights to women with regard to property.

The gender neutral language in the Acts have empowered women. Their right to enter into contract on par with men was made possible by the Contract Act. Likewise, in matters of giving evidence, women were treated equally like men. The gender discrimination in Hindu Sashtic Laws were neutralized by these Codes. Labour legislations like the Factories Act, Workmen Compensation Act, Trade Union Act, The Employees State Insurance Act, Maternity Benefit Act, attached value to women's work and economically empowered them. Thus, in the last few decades of British rule in India many legislative enactments were passed to protect them from discriminations and to empower them.

The Constitution empowers the Union Parliament and State Legislatures to enact laws under the Entries given in the Union, State and Concurrent List. The Union Parliament at the centre and the State Legislature of Tamil Nadu from time to time based on the requirements of the society, enacts appropriate women protective and inclusive legislations in order to enable women to realize their equality of status. Of these, some are enabling legislations, some are protective and some others facilitate women to have

empowerment. Some legislations have been passed to protect women from gender related offences including heinous offences. It is also found that in criminal legislation normally the onus of proof is on the part of prosecution. But in crimes and offences related to gender, the burden is shifted to the accused. The following are the important legislations that have been passed to protect and empower women.

Personal laws relating to marriage and divorce, adoption and maintenance, minority and guardianship and property rights of Hindu women were passed. Hindu marriages are still considered as sacrament and not a contract. The Hindu Marriage Act abolished polygamy, recognized monogamy and legalized divorce. These three aspects in Sashtic laws subjugated women. The Act fixed a minimum age for valid marriages, thereby effectively stopping child marriage and it gave additional grounds for divorce. The patrilocal custom was also not continued. The legal heirs list do not discriminate between legitimate and illegitimate children. Marriage between minors are not declared as void marriages. Despite more women in Class I Heir List, discriminations remains in property rights to agnates and cognates.

The rights of women to adopt and to give in adoption have been made on par with men. As far as maintenance is concerned, women have right to *stridhana* property and the Act prescribes that it is the duty of the husband to maintain his wife and children. An unmarried daughter has to be maintained by her father and widowed daughter-in-law has to be maintained by her father-in-law. This is a classic example of positive discrimination of women. Hindu Minority and Guardianship Act regulates provisions related to minor as well as minor's properties. Discriminatory provisions are blatantly apparent in this Act where the father alone is made the natural guardian, while the mother can be a natural guardian only after him. In the case of illegitimate child, mother is accepted as the natural guardian whereas father is made as natural guardian only after her. In both these instances, women are unfavourably excluded and unfavourably included. For men the exclusion and inclusion are both favourable.

The Parliament and State legislatures have passed many protective enactments to safeguard the rights of women. The PNDT Act was a move to curb medically assisted foeticide in the Son obsessed Hindu society. The Act to prohibit sexual harassment of women at work place was an enactment inspired by the strong stand taken by the judiciary against sexual harassment of women. The alarming rates of abuse of women in their work places had to be controlled legally and so the Government passed. Eve-teasing is yet another social evil affecting the lives of many girls and women. It was prohibited by law by the Government of Tamil Nadu. Laws alone cannot bring in the desired discipline and change in the mind set of the people. The change has to come from within them.

The Constitution vests powers on the Union and the State legislatures to make laws in addition to conferring certain specific rights to women. Irrespective of a right being a fundamental right, or a constitutional right or even a statutory right, it would be useless if it is not enforced. Implementing the laws and rights vests on the executive. The Union Government and the Government of Tamil Nadu, through a plethora of schemes, plans, policies and other executive measures implement the constitutional mandates and legislative enactments. From the following executive measures, the sincere efforts taken by both the Governments to seriously work towards gender inclusive development can be gauged. These Central and State executives have the power and backing of the Constitution to bring in various inclusive measures to remove the exclusionary practices against Hindu women.

The five year plans have given a broad outline of policies and schemes to empower women. Central Welfare Boards and Commissions and State Welfare Boards and Commissions are the agencies through which these policies are mooted. Inclusive policies for economic empowerment like Swasakthi, Swayamsidha, Swawlamban, STEP, Rastriya Mahila Kosh and Gender Budgeting Scheme have been introduced by the Central Government. Inclusive policies for social empowerment introduced by the Central Government includes schemes like One Stop Crisis Centre, Women's Help Line, Ujjawala, Swadhar Greh Scheme, Compensation to Rape Victims, Indira Gandhi Matritrav Sahyog Yojana, Rajiv Gandhi National Creche Scheme for the Children of

Working Mothers, Beti Bachao Beti Padhao Scheme, Construction of Working Women's Hostel, Distance Learning Programme on Rights of Women, General Grant-In-Aid (GIA) Scheme, etc.

Some programmes which the Government considers as important for the welfare of the people are called as flagship programmes. It includes the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS), Programmes for Agricultural Development, National Rural Health Mission (NRHM) and Total Sanitation Campaign (TSC). Of these Central inclusive policies some are specifically aimed for women whereas some are gender neutral. All these programmes and policies have a strong impact on women's development, helping them to change their lives for the better. From offering employment opportunities including self employment to nurturing the affected victims, these policies have made India a truly a welfare State. The flagship programmes especially, MGNREGP and NRHM have reached and benefitted women in nooks and corners of the country. The programmes are publicized by the Government through the media to ensure that it reaches all women.

In the State of Tamil Nadu successive governments have brought in a wide range of policies and schemes to ameliorate the plight of women and to march towards inclusive growth. These schemes and policies are taken to the people through the urban and rural local bodies. For the economic empowerment of women in Tamil Nadu, the policies introduced are Sathiyavanimuthu Ammaiyar Ninaivu Free Supply of Sewing Machine Scheme, Rajiv Gandhi Scheme for Empowerment of Adolescent Girls (RGSEAG) – SABLA, Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS), Mahalir Thittam, Self Help Groups, Community Based Organizations (CBOS) and Amma Unavagam. Alongwith the State schemes, the Government of Tamil Nadu has to take the Central schemes also to the women.

Women Police are a visible force in Tamil Nadu and All Women Police Stations are successful role models for the entire country. 30 percent reservation is provided for women in all employments. The social inclusive policies introduced by the Government of Tamil Nadu reveals the gender sensitive mindset of the politicians. The schemes

include Cradle Baby scheme, Chief Minister's Girl Child Protection Scheme, Amma Baby Care Kit Scheme, Creches, Mother feeding rooms in public places, The Menstrual Hygiene Programme, Dr. Muthulakshmi Reddy Maternity Benefit Scheme (MRMBS), IGMSY (Indira Gandhi Matritva Sahyog Yojana), opening of working women's hostel and service homes. Steps are taken to protect women from domestic violence.

Educating girls is regarded as important for their development and the nation's development. The Government of Tamil Nadu has brought into effect innumerable schemes to retain girl students and to provide them with the necessities needed to complete their education. The Government has truly stepped into the shoes of parents of school girls and caters to almost all their need from uniforms to laptops. Scholarships are also given to different categories of students enabling them to continue their education from the primary level to post graduate level.

In the patriarchal society, marriage for girls is deemed to be a necessity. Parents of girls have to bear the marriage expenses. The Government of Tamil Nadu understanding the predicament of the poor parents provides a helping hand to them. Many marriage assistance schemes are available for different categories of women. These ensure the right to marriage and right to have a family for poor girls, orphans, widows and other categories. Every year the Government of Tamil Nadu presents award to women social workers for their outstanding services. In this way the Government encourages the social workers also. These inclusive policies have definitely reduced the gender gap to a large extent, but they have not been able to completely do away with gender discriminations.

The Constitution is the grund norm from which powers and rights emanate. The Union Legislature and State Legislatures from time to time introduce progressive legislations in order to bring gender justice. Correspondingly governments through their delegated legislations and administrative actions as discussed in the previous chapters expand such policies and programmes in order to empower women. These organs of the State introduce general provisions of statutory law applicable to women and at times specifically to Hindu women. Whenever such laws contravene the constitutional

provisions, the High Courts and Supreme Court are vested with the power to declare them as ultra vires the Constitution. Correspondingly the higher judiciary is also vested with the adjudicatory power to declare the delegated legislations including the subordinate legislations as ultra vires of the parent Act as well as the Constitution when they violate the provisions of legislations and Constitution.

Indian judiciary has inherited the common law legacy. On account of that it is vested with the power not only to declare laws but at times to make laws interstices. Jurisprudentially there are two popular theories with reference to judicial process, namely declaratory theory and law making theory. Normally in a conservative common law judiciary, as per the Blackstonian perception, judges ought to do the role of adjudication. But, the six and half decade's experience of Indian judiciary indicates that it has emerged from obscurity to the dizzy heights of glory earning it the epithet that the Supreme Court of India is the most powerful court in the world. For this revolutionary transformation, the Supreme Court invented and used the techniques of the *Public Interest Litigation (PIL)* and judicial activism in order to achieve justice, social, economic and political.

Gender justice is social justice. Empowerment of women to become equal in reality has been the ultimate aim of social justice. To achieve this noble objective, the Supreme Court interprets the Constitution and other statutory provisions in a liberal and progressive manner. It has assumed the mantle of leadership of all the three organs of the State. It has not only confined itself to declaring laws, but also in making laws in favour of protective discrimination for the purpose of promoting the interest of women.

There are innumerable decisions of the Supreme Court affecting women both directly and indirectly. The duality of approach found in the Indian Constitution is reflected in the approach of the judiciary also. Public Interest Litigation is used a weapon by the Supreme Court to render justice to many affected women. In the name of Judicial Activism, gender sensitive judges have assumed legislative and executive responsibility. A careful analysis of the cases discussed in this research work reveal the attitude of the judges towards gender justice. While dealing with cases relating to economic empowerment of women and protection of women and girl children, judicial activism is

vibrant and dynamic. In *Masilamani Mudhaliar*, the Court citing constitutional provisions and international instruments decreed a widow's property as an absolute property, despite a restricting will. *Madhy kishwar's* case was on property rights for Tribal women. In this case the Court gave limited economic right for Tribal women over their property but refused to treat the Tribal's laws as ultra vires of the Constitution.

Economic empowerment of women was guaranteed by the judicial decisions as revealed in *Anuj Garg*, *Charu Khurana*, *Nargees Mirza*, *C.B.Muthamma* and in *Richa Mishra's* case. Likewise, in *Arun Kumar Agarwal's* case relating to equitable compensation to women, the Court's gender protective stance was evident. The plight of women sexually harassed by men moved the Supreme Court resulting in the path breaking *Vishaka Guidelines*. It came to the rescue of other affected women in cases like *Apparel Export Case*, *Chandrima Das*, *Gaurav Jain*, *Buddha Dev Karmaskar*, *Delhi Domestic Working Women's case etc.*, Dowry deaths and honour killings were also viewed seriously by the Supreme Court as is evident in *Ashok Kumar's* case, *Kaliyaperumal's* case and *Latha Singh's* case.

In rights relating to personal laws, the Court ensured that gender discriminations were averted in some cases, but refrained from making drastic changes in personal laws leaving certain discriminations intact. In *ABC v. State* and in *Rosann Sharma*, the right to guardianship of mother including unwed mother was upheld. In *Gita Hariharan* and in *Dr.Vandhana's* cases, the Court refused to consider the request of mother to be considered as guardian of the child along with the father. The Court instead of changing section 6(a) of the Hindu Minority and Guardianship Act, interpreted the term '*after*' to mean '*in the absence of the father*'. The right of mother as a guardian equally with the father has not been considered by the Supreme Court till date. A critical analysis of these cases reveal that the judgments were proactive and liberal in secular matters, but in personal matters it refrained from changing the *status quo* and merely made an attempt to harmonize international instruments with domestic laws. That job was left to the Government.

A study of the Indian Constitution, legislations, policies and judgments makes us understand the duality of approach. It may be due to the fact that western liberal ideas are juxtaposed on eastern patriarchal way of life. The men who drafted the Constitution, the legislators who make laws, those who implement them and judges who adjudicate them, could look at equality and liberty only through the prism of their own patriarchal lens. Despite broad thinking, the inner core of their being has been soaking up all traditional notions on gender roles from a tender age.

The impact of this gender conditioned upbringing though not evident even to the individuals, moulds their character and thought process. It is locked up in the dark recesses of their sub-conscious mind and surfaces in their dealings and activities, revealing to themselves and the world their mindset. People remain prisoners of their thoughts, which are highly conditioned. These thoughts fuel our actions. Gender discrimination persists because we talk of ending it, but the traditional notion on gender inequality is strongly embedded in all of us at the sub-conscious level, nullifying our own efforts to end it.

Despite all that, Hindu women in India in general and women in Tamil Nadu in particular have undergone a revolutionary social transformation due to the concerted policy inclusions as found in the Constitution, legislative enactments, executive policies and judicial pronouncements. The status of Hindu women has improved and many women are visible in leadership roles including in politics. Yet their journey to realize absolute equality on par with men is not yet over and they have to travel a long way to reach their destination.

SCOPE FOR FURTHER RESEARCH

There are several doctrinal works relating to one or few social exclusionary practices of women. Such piecemeal researches cannot measure the quality and quantum of the exclusionary practices against women. It is suggested that empirical research on the basis of scaling techniques can be carried out to measure the quality and intensity of exclusionary practices. Since it is a big research work, empirical research may be carried out to measure such practices in the following institutions namely (i) family, (ii) marriage, (iii) caste, (iv) community, and (v) public institutions.

The above said research may be conducted to find out the impact of exclusions on women in different stages with men in corresponding positions like (i) daughter compared with son, (ii) wife compared with husband, (iii) mother compared with father, (iv) grandmother compared with grandfather, (v) a childless wife compared with a childless husband, (vi) mother of girls compared with mother of sons, and (vii) widow compared with a widower.

Social exclusions vary from religion to religion. Hence a comparative study of exclusions faced by Hindu women vis-à-vis women from other communities may be undertaken. Similar comparative researches can be suggested based on economic status, to compare the effect of discriminations on women belonging to different economic strata. Empirical research on impact of different inclusive policies on women is also suggested. The possibilities of research in this area are endless.

RECOMMENDATIONS

The status and position of Hindu women has undergone rapid transformation due to the concerted efforts of all the organs of the Government and the constitutional provisions. It is recommended that to achieve real and substantive gender equality there is an urgent need to redefine secularism and the corresponding provision of the Constitution relating to freedom of religion. The State's policy not to interfere in the essential elements of religion should be changed, so that discriminations in this area can be stopped. Likewise discriminations in legislations, rules and manuals, should be identified and eliminated.