

Gender Equality: An Indian Outlook

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Introduction

In India, biased outlook against the women since female foetus up to an adult woman it has been practicing from generation to generation in spite of equally protected by the Indian Constitution as well as a variety of protective laws. However, gender disparity still remains.

Both women and men are important for reproduction. The cultural construct of Indian society which reinforces gender bias against men and women, with varying degrees and variable contexts against the opposite sex, has led to the continuation of India's strong preference for male children. Female infanticide, a sex-selective abortion, is adopted and strongly reflects the low status of Indian women. Census 2011 shows decline of girl population (as a percentage to total population) under the age of seven, with activists estimating that eight million female foetuses may have been aborted in the past decade. The 2005 census shows infant mortality figures for females and males are 61 and 56, respectively, out of 1000 live births, with females more likely to be aborted than males due to biased attitudes.

A decline in the child sex ratio (0-6 years) was observed with India's 2011 census reporting that it stands at 914 females against 1,000 males, dropping from 927 in 2001 - the lowest since India's independence.

The demand for sons among wealthy parents is being satisfied by the medical community through the provision of illegal service of foetal sex-determination and sex-selective abortion. The financial incentive for physicians to undertake this illegal activity seems to be far greater than the penalties associated with breaking the law.

A Survey conducted on the Education Childhood to Adulthood. Literacy Rate Census of India between the period 2001 and 2011 Comparison, Education is not widely attained by Indian women. Although literacy rates are increasing, female literacy rate lags behind the male literacy rate.

Literacy for females stands at 65.46%, compared to 82.14% for males. An underlying factor for such low literacy rates are parents' perceptions that education for girls is a waste of resources as their daughters would eventually live with their husbands' families and they will not benefit directly from the education investment.

Adulthood and Onwards, Discrimination against women has contributed to gender wage differentials, with Indian women on average earning 64% of what their male counterparts earn for the same occupation and level of qualification.

Discrimination against women has led to their lack of autonomy and authority. Although equal rights are given to women, equality may not be well implemented. In practice, land and property rights are weakly enforced, with customary laws widely practised in rural areas. Women do not own property under their own names and usually do not have any inheritance rights to obtain a share of parental property.

The Objective of the Study

The focus of research paper is on Gender Discrimination mostly against the women. The objective study of the academic research is to flash the light on Gender Discrimination in all walks of their life in the Indian society. Moreover, it is scholastically enquired to traced it out the means with an intention eradicate Gender Discrimination from the society. In the existing society, aggrieved women are ignorance of laws cause of that women are still suffering discrimination. Therefore, this academic research paper aims to disseminate the preferential

and protective provisions of the Indian Constitution and the laws made for the women to establish Gender Equality.

Hypothesis of the Study

Foundation of the targeted research is based on the proposed hypothesis has been placed for the study that the problem relating to Gender Discrimination in the egalitarian society. Moreover, issues proposed also find out the information. In this context, the following Hypothesis is framed in order to accomplish targeted research.

1. The Constitutional Provisions and Special Protective Laws are not sentient by the women in India.
2. No effective implementation of laws which are specially made for women
3. Women are lagging behind to come forward and fight against the outdated gender discrimination and establishment of egalitarianism in the men-dominated society.

Methodology of Study

Spirit of the study geared up on the topic of the "The Law of Land and Legislative Perspective on the Gender Equality: An Indian Perspective" is based on armchair research, that is to say, Doctrinal Methodology of Research. In addition, confirmed with the designed hypothesis and bound with the above expressed objectives in view, this research work has been carried out with the Historical and Analytical process of Research. These manners have been measured, appropriate in view of the nature of study involved viz., Research.

Meaning of the Gender Discrimination

Gender discrimination refers to the practice of granting or denying rights or privileges to a person based on their gender. In some societies, this practice is longstanding and acceptable to both genders. Certain religious groups embrace gender discrimination as part of their dogma. However, in most industrialized nations, it is either illegal or generally considered inappropriate.

Attitudes toward gender discrimination can normally be traced back to the roots of certain segments of society. Much of the discrimination is attributed to stories such as a woman being made from man's rib and societal practices such as dowries

paid to fathers by prospective husbands to purchase their daughters to be wives. Countless literary fiction references are made to females being the fairer, weaker sex and males being the strong, invincible hunters of the world. The combined power of these societal and religious beliefs left little room for equitable thinking for centuries.

Although gender discrimination is traditionally viewed as a problem normally encountered by females, it has significantly affected males as well. Jobs customarily and historically held mainly by women were often denied to men based on social stigmas. Some of the more common jobs that fell into this category were nurses, childcare providers and flight attendants.

In the past few decades, gender discrimination has gained respect as a serious affront. It is frequently given as much credence as racial discrimination. Some countries and societies mete out relatively harsh punishments to those convicted of gender discrimination. In countries where it's considered an affront, gender discrimination is also often difficult to prove. It is normally not as overtly evident as racial discrimination since the offender can claim other reasons a person was denied equal consideration. For instance, if a male claim he was not hired as a nurse based on his gender, the employer can simply maintain his qualifications were substandard or his personality was not a good fit with the rest of the staff. Such ambiguities frequently make it hard to prove gender discrimination.

In cases where the discriminatory act is repeated, legal action is customarily taken. These incidents commonly revolve around persons of a certain gender being summarily passed over for promotions by the same company. Another common scenario involves a gender-defined group being paid less for performing exactly the same job as the other gender.

Educational institutions and lending institutions were some of the first segments accused of this type of discrimination. Grants, loans and scholarships promoted as non-gender specific sometimes heavily favoured one gender for reasons that were often more traditional than malicious. Bankers were once commonly instructed by their superiors to deny females loans and mortgages based

on their gender and regardless of their assets or credit histories .

Constitutional & Legal Position

The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. The Constitution not only grants equality to women, but also empowers the State to adopt measures of positive discrimination in favour of women. Within the framework of a democratic polity, our laws, development policies, Plans and programmes have aimed at women's advancement in different spheres. India has also ratified various international conventions and human rights instruments committing to secure equal rights of women. Key among them is the ratification of the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) in 1993.

Constitutional Protective Provisions

The Constitution of India not only grants equality to women but also empowers the State to adopt measures of positive discrimination in favour of women for neutralizing the cumulative socio economic, education and political disadvantages faced by them. Fundamental Rights, among others, ensure equality before the law and equal protection of law; prohibits discrimination against any citizen on grounds of religion, race, caste, sex or place of birth, and guarantee equality of opportunity to all citizens in matters relating to employment. Articles 14, 15, 15(3), 16, 39(a), 39(b), 39(c) and 42 of the Constitution are of specific importance in this regard.

- (i) Equality before law for women (Article 14)
- (ii) The State not to discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them (Article 15 (i))
- (iii) The State to make any special provision in favour of women and children (Article 15 (3))
- (iv) Equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State (Article 16)
- (v) The State to direct its policy towards securing for men and women equally the right to an adequate means of livelihood (Article 39(a)); and equal pay for equal work for both men and women (Article 39(d))

- (vi) To promote justice, on a basis of equal opportunity and to provide free legal aid by suitable legislation or scheme or in any other way to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities (Article 39 A)
- (vii) The State to make provision for securing just and humane conditions of work and for maternity relief (Article 42)
- (viii) The State to promote with special care the educational and economic interests of the weaker sections of the people and to protect them from social injustice and all forms of exploitation (Article 46)
- (ix) The State to raise the level of nutrition and the standard of living of its people (Article 47)
- (x) To promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of women (Article 51(A) (e))
- (xi) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat to be reserved for women and such seats to be allotted by rotation to different constituencies in a Panchayat (Article 243 D (3))
- (xii) Not less than one- third of the total number of offices of Chairpersons in the Panchayats at each level to be reserved for women (Article 243 D (4))
- (ix) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality to be reserved for women and such seats to be allotted by rotation to different constituencies in a Municipality (Article 243 T (3))
- (x) Reservation of offices of Chairpersons in Municipalities for the Scheduled Castes, the Scheduled Tribes and women in such manner as the legislature of a State may by law provide (Article 243 T (4))

Legal Position & Gender Equality

To uphold the Constitutional mandate, the State has enacted various legislative measures

intended to ensure equal rights, to counter social discrimination and various forms of violence and atrocities and to provide support services especially to working women.

Although women may be victims of any of the crimes such as 'Murder', 'Robbery', 'Cheating' etc, the crimes, which are directed specifically against women, are characterized as 'Crime against Women'. These are broadly classified under two categories.

(1) The Crimes Identified Under the Indian Penal Code (IPC)

- Rape (Sec. 376 IPC)
- Kidnapping & Abduction for different purposes (Sec. 363-373)
- Homicide for Dowry, Dowry Deaths or their attempts (Sec. 302/304-B IPC)
- Torture, both mental and physical (Sec. 498-A IPC)
- Molestation (Sec. 354 IPC)
- Sexual Harassment (Sec. 509 IPC)
- Importation of girls (up to 21 years of age)

(2) The Crimes identified under the Special Laws

Although all laws are not gender specific, the provisions of law affecting women significantly have been reviewed periodically and amendments carried out to keep pace with the emerging requirements. Some acts which have special provisions to safeguard women and their interests are:

1. The Employees State Insurance Act, 1948
2. The Plantation Labour Act, 1951
3. The Family Courts Act, 1954
4. The Special Marriage Act, 1954
5. The Hindu Marriage Act, 1955
6. The Hindu Succession Act, 1956 with amendment in 2005
7. Immoral Traffic (Prevention) Act, 1956
8. The Maternity Benefit Act, 1961 (Amended in 1995)
9. Dowry Prohibition Act, 1961
10. The Medical Termination of Pregnancy Act, 1971
11. The Contract Labour (Regulation and Abolition) Act, 1976
12. The Equal Remuneration Act, 1976
13. The Prohibition of Child Marriage Act, 2006
14. The Criminal Law (Amendment) Act, 1983
15. The Factories (Amendment) Act, 1986

16. Indecent Representation of Women (Prohibition) Act, 1986

17. Commission of Sati (Prevention) Act, 1987

18. The Protection of Women from Domestic Violence Act, 2005

Special Initiatives for women

1. The National Commission for Women
2. Reservation for Women in Local Self – Government
3. The National Plan of Action for Girl Child
4. National Policy for the Empowerment of Women

Conclusion

In India, even today the society makes discrimination against women in all walks of their life. However, the women protective laws and a strong protective shield of Constitution provided around the women by which they can easily chase the out dated and unscientific gender discrimination.

In the present Political State, women can establish their identity also cause for women empowerment in the egalitarian society. The gender discrimination is to be avoided by only women but not by the men. It is very badly required for them. It is the need of the hour to awake and arise about their standard life. Women protective laws are not alone can protect them until and unless the laws learn and apply by them against Gender Discrimination. Therefore, women protective laws needed to be studied by women, they should be able to conscious also they must able to stand and fight against the Gender Equality.

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