



Women Empowerment: Breaking the Pattern of Gender Discrimination

Dr. G A Solanki

Associate Professor and HOD, Faculty of Law, The M S University of Baroda, Vadodara

ABSTRACT

Women like others are the integral part of the society and her contribution to the societal development is noteworthy. Indian tradition and culture has put the women in high esteem and regarded her as the most valuable national resource. Women as a folk have got greater role to play in molding and shaping the family and society as well. She also contributes to nation's economy. During the pre-independence period various educationists, social scientists and historians through their studies and research on the women and their related problem brought to limelight the significant contribution the women had played for the development of the society. After independence, importance was laid on the role of women in shaping the family and society and accordingly several welfare measures were undertaken by the Government. Yet despite all these when the developing nations are trying to protect and preserve the talent of the women, in most parts of the society they are subjected to discrimination and exploitation and are deprived of the social, economic and political rights. The paper aims to discuss the core areas of issues pertaining to women empowerment, related legislation and suggestions.

KEYWORDS: Gender discrimination, women's right, women empowerment

Introduction

Law is not an end in itself. It is a means to achieve some social goals. The suggestion that women have through the ages been marginalized to a defined 'subordinate status' is something that would be easily understood in most parts of the developed and developing world.

The few decades have witnessed a concerted effort by women individually and in organized manner to redress the imbalance approach in societal behavior which itself in fact is a result of incredulous and often mythical norms. For the Indian women the struggle for equality is still in a very elementary stage. Gender is a complex term and gender relations even more complex when viewed in the Indian context.

Women's lives in India and the world over are circumscribed by patriarchy, inadequate access to productive resources and powerlessness. At the core of the circle denial and discrimination in their rightful entitlements of life, education and training for a scientific technological world, health, and social security, lies the gross violation of the human rights of women embodied in invisible structural and outward forms of violence perpetrated by institutions of family, community and society at large. It is maintained that 'gender' is thus an essential factor in women's subordinations to men and the subsequent devaluing of the feminine in relation to the masculine. To the extent that the feminine values of cooperation, carrying, compassion are important to achieving an ethical, equitable, just and sustainable livelihood, understanding gender power relations is critical to understanding how we might make the necessary changes.²

What is Gender Discrimination

The term gender discrimination refers to the particular kind of practice whereby certain rights or privileges are granted or denied on the basis of their gender. There are some societies where this kind of practice is very old and acceptable to both genders. Again, there are certain religious groups that hold gender discrimination as part of their popular doctrine. However, in most developed countries, it is considered either illegal or 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.³ In the past few decades, gender discrimination has gained respect as a serious affront. It is frequently given as much credence as racial discrimination.⁴

From birth till death, women are facing various types of discrimination. Some of them are:

Treatment as Family servants

There are many developing countries where birth of a girl child is considered as added 'expense'. There are many parts in India, where there is a tradition to greet the family to whom a girl is born by saying: 'The servant of your household has born'. It is a pathetic condition for a girl when she is being made realized that she is worth less than a boy. Her opportunities are taken back and she is made to feel that she is second rate. Again, extreme poverty and constant biases against a girl child prevents her to live up to her full potential.

Discrimination

Discrimination of all sorts and at all levels against girls and women is a demoralizing reality in many developing countries. This adds to many other misfortunes which in turn affect the potential for entire nation. The status of women is central to the health of any society, both socially and economically.

Dowry

The lesser we say is better. It is more than 60 years of our independence and still we are not able to come out of this shackles. In developing countries where it is difficult to have meals for two times a day for poor, the birth of a girl shall prove to be a monetary drain and more specifically where religion permits practice of dowry.

Neglect

In a developing country where poverty is a part of life, the birth of daughter will be an added monetary burden. This attitude has resulted in neglect of girl child. There are countries where a mother of a girl child will not give her own milk so that women can try to get pregnant again with a boy as soon as possible. The neglect continues even after the girl child is grownup. They are given less food, improper health care than boys. When this girl child becomes young nothing much is changes. Traditions say that they have to eat last and at times the leftovers of men and boys.

Abortions

When a girl child is considered to be a added financial burden for a family it has been seen in many cases that parents themselves ends up the life of the baby girl child. Sex-selective abortions are even more common than infanticides in India. They are growing ever more frequent as technology makes it simple and cheap to determine a fetus' gender. In Jaipur, a Western Indian city of 2 million people, 3,500 sex-determined abortions are carried out every year. The gender ratio across India has dropped to an unnatural low of 927 females to 1,000 males due to infanticide and sex-based abortions.⁵

Sexual Abuse

Even after infancy, the threat of physical harm follows girls throughout their lives. Women in every society are vulnerable to abuse. But the threat is more severe for girls and women who live in societies where women's rights mean practically nothing. Mothers who lack their own rights have little protection to offer their daughters, much less them-

selves, from male relatives and other authority figures. The frequency of rape and violent attacks against women in the developing world is alarming.⁶ Eve teasing, marriage at the young age, sexual harassment and rape are the worst crimes that a woman has to face. She is at times treated less than a human, and the society is watching this show.

Labour

This is again very alarming situation. The young girls when grew up, their life becomes more hard. Going to the school is just a dream. Only for few years she can go to school, but once she crosses 10 years of age she becomes a subject matter who can now work for all day at home.

Housework in developing countries consists of continuous, difficult physical labor. A girl is likely to work from before daybreak until the light drains away. She walks barefoot long distances several times a day carrying heavy buckets of water, most likely polluted, just to keep her family alive. She cleans, grinds corn, gathers fuel, tends to the fields, bathes her younger siblings, and prepares meals until she sits down to her own after all the men in the family have eaten. Most families can't afford modern appliances, so her tasks must be done by hand—crushing corn into meal with heavy rocks, scrubbing laundry against rough stones, kneading bread and cooking gruel over a blistering open fire. There is no time left in the day to learn to read and write or to play with friends. She collapses exhausted each night, ready to wake up the next morning to start another long workday.⁷

Denial for education

It is not a new phrase to hear 'why do you want to go to school...girls have to learn how to prepare food and take care of kids and family. Girls don't have to go out to earn...' These are the common terminologies that a girl child has to hear. Denial of the education to the girl child is the 'root cause' of the gender discrimination.

Sex Trafficking

Some families decide it's more lucrative to send their daughters to a nearby town or city to get jobs that usually involve hard labor and little pay. That desperate need for income leaves girls easy prey to sex traffickers, particularly in Southeast Asia, where international tourism gorges the illegal industry. In Thailand, the sex trade has swelled without check into a main sector of the national economy. Families in small villages along the Chinese border are regularly approached by recruiters called "aunties" who ask for their daughters in exchange for six years' wages. Most Thai farmers earn only \$150 a year. The offer can be too tempting to refuse.⁸

There are several reasons for gender discrimination; some of them are listed below:

1. Poor Educational standard
2. Caste
3. Culture (I would like to say this as norms of duplicity)
4. Rigid customs and beliefs
5. Low income and unemployment
6. Society and Family situations

As discussed above there are several reasons for the gender discrimination. The foremost among others is the denial for education to the girl child or poor education standard. Government has come up with many policies for upbringing the level of education of the girl child, but its execution is not done properly. Secondly, various caste systems and religious beliefs also play a vital role in gender discrimination. Rigid customary beliefs and low income of the family adds fuel to the fire. In cases when society itself takes the stand that women are just a subject matter or property of the man, nothing much can be done for the upliftment of women. Education is the only means to resolve this issue.

Legislative Measures

There are various legislative measures that aim to answer the gender discrimination and gender imbalance. The foremost is the Constitutional Guarantees in Part III (Fundamental Rights) and Part IV (Directive Principles).

The emphasis on equality for women has been assured under Article 14, 15, 15B, 16, 38, 39B, and 44 of Indian Constitution. A.14 provides equality before law. Thus women in Indian society enjoy the same protection and treatment as men which are guaranteed by the Constitution. In *Air India v. Nargis Mirza*⁹, the Supreme Court while analyzing certain provisions of *Air India* tilted towards protecting the rights of

women. The court while upholding the restraint upon air hostesses to marry within four years of entering into service as a non-discriminatory measure of promoting family planning, the rule which required them to retire upon first pregnancy was declared unreasonable and arbitrary and hence violative of A. 14.¹⁰

It is submitted that no Constitution is so much soaked with gender sensitivity and gender justice as the Indian Constitution in conformity with Gandhian ethos and ideal of social and political reforms to uplift the women.

Article 15(3) provides a benign exception to equality rule for the benefit of women.¹¹ This appears a sort of our atonement to women power and the Indian Vedic Ideal of mother being holier than father and gods. Accordingly a series of legislative measures were enacted to ensure sex equality and to remove gender disabilities which women suffered from medieval times onwards.

This led to introduction of monogamy, daughter, widow and mothers right to inherit property along with son, consent of wife for the adoption of a child by a married man, enabling a woman to adopt a child, empowering wife to claim separate maintenance and appoint guardian at will. Establishment of family courts, appointment of women as judges and enactment of the National Commission for Women 1990 to ensure women development, equal status for women and to remove all discriminations against women are some of the landmarks towards women empowerment.¹²

Likewise social evils concerning women like 'Purdah system', preventive of Sati, child marriage, female infanticide, polygamy, dowry, exclusion of women from succession to property etc. have been curbed through legislative measures. To secure equality to women at work measures like equal pay for equal work, maternity benefit, prohibition of employment of women in mines, night work and restrictions on work which is hazardous and unsuitable to their health etc have been enacted. The Suppression of Immoral Traffic in Women and Girls Act 1986 punishes prostitution and Indecent Representation of Women (Prohibition) Act 1986 advertisements and publications containing, indecent representation derogatory to dignity of women is made punishable offence.¹³

In India the Constitution and the various legislative measures¹⁴ have abolished inequality and atrocities against women yet women continue to suffer injustice. It is the judiciary which has provided crutches to women, in their long march towards a woman's paradise where they may enjoy equality, justice and dignity free from male chauvinism and paternalistic romanticism. However, gender discrimination is a universal phenomenon despite philosopher's philosophies such as Rousseau, Immanuel Kant, Radbruch, Gandhi and Martin Luther King. Discrimination against women existed¹⁵ and shall exist in American society despite power women-lib-movements, due process of law and equal protection of law under 14th Amendment.¹⁶

Conclusion

It is evident from various judgments wherein we find a young widow was burnt on her husband's funeral pyre¹⁷, or a young bride¹⁸ was burnt to death for dowry or death of a girl child in police custody¹⁹ or violence against women by way of rape²⁰ etc. Perhaps the National Commission for Women and the National Human Rights Commission armed with necessary legal and constitutional provisions have not been successful in bringing about a qualitative change in the paradigms of justice for women. This is also evident from the observations of Justice Saghir Ahmad when he remarks:²¹ 'Unfortunately, a women, in our country, belongs to a class or group of society who are in a disadvantageous position on account of several social barriers and impediments and have, therefore, been the victim of tyranny at the hands of men with whom they, fortunately, under the Constitution enjoy equal rights.'²²

The only answer against the predicament of gender discrimination is 'Education'. Education is the only weapon that can help to break the pattern of gender discrimination and bring lasting change for women, which in turn shall make their life more meaningful. It is only through education that gender bias can be removed. The longer stay in school shall help her to pursue higher education and will help to earn livelihood. This shall prevent child marriages, and more number of children's. Education girl shall make her children also to go to school. In long run it shall provide comprehensive change in the society. Through education, women shall have good status in society, which in turn shall

translate into power to influence society as a whole. To defend against the evil of sexual abuse women needs authority and it is through knowledge one gains authority.

In India the expression women conjures the benign Vedic hallow of Motherhood with manifold identities each holier than the other. Such an ideal is vividly reflected by Swami Vivekananda who says 'The ideal

woman in India is the mother first and mother-last. The woman calls up to the mind of a Hindu Motherhood. On the other hand in the West the woman is a wife. Thus in this age of 'rights' we need to move beyond the rhetoric human rights and direct the public policies and programmers for the welfare of woman. The key issues should be solved by going to the ground realities and ensure that fight for gender equality becomes a reality.

REFERENCES

- Dr. G A Solanki, Associate Professor, Faculty of Law, The M S University of Baroda | Antrobus and Bisot, 1993) | See, What is Gender Discrimination, available at <http://www.wisegeek.com/what-is-gender-discrimination.htm>, accessed on 1/10/12 | Ibid | See, Gender Discrimination, available at, <http://childreninneed.org/magazine/gender.html>, accessed on 3/10/12 | Ibid 4 | Ibid 5 | Ibid 6 | AIR 1981 SC 1829 | See, Women and Human Rights, edited by Reicha Tanwar, Nirmal Book Agency | University of Madras v Shantabai, AIR 1952 Mad. 67; Anjali Ray v. State of West Bengal, AIR 1952 Cal 9825; Dattatraya Motiram v. State of Bombay AIR 1953 Bom. 842; Boney Bhusan Chakravarty v. Gobind Chandra Sharma, AIR 1955 NUC 1780; C B Muthamma v. UOI, AIR 1979 SC 1868; Neera Mathur v. LIC, AIR 1992 SC 392; Ultrakahand Mahila Parisad v. UP, AIR 1992 SC 1635 | See, Jurisprudence and Fundamentals, by Dr S N Dhyani, Central Law Agency | Hindu Marriage Act 1955; Hindu Succession Act 1956; Hindu Adoption and Maintenance Act 1956; Hindu Minority and Guardianship Act 1956; Dowry Prohibition Act 1961; Hindu Minority and Guardianship Act 1956; Dowry Prohibition Act 1961; Indecent Representation of Women (Prohibition) Act 1986; Commission of Sati (Prevention) Act 1987; Criminal (Amendment) Act 1983; The Minimum Wages Act 1948; Factories Act 1948; Maternity Benefit Act 1961; The Mines Act 1990; Equal Remuneration Act 1974; and the National Commission for Women Act 1990 | Valsamma Paul v. Cochin University AIR 1996 SC 1011 at 1020-21. | Kelly, Alfred H. Harbison; The American Constitution-Its origin Development 715 (ed 6th Tata McGrawhill, New Delhi 1986) | Ibid 12 | Burning of Roop Kanwar (Rajasthan) Indian Express Oct. 13, 1996 | Paniben v. State of Gujarat, AIR 1992 SC 1817 | Womens Resource Centre v. Commissioner of Police, AIR 1990 SC 513 | State of Maharashtra v. Narayan Mardik, AIR 1991 SC 207; Delhi Domestic Working Womens Forum v. Union of India 1995 SCC 14; Bodhisatta Gautam v. Subhra Chakraborty, AIR 1996 SC 922; Ranvir Singh v. State of Madhya Pradesh 1996 | Bodhisatta Gautam v. Subhra Chakraborty, AIR 1996 SC 922 | Ibid 12 |