

DISCRIMINATION FROM CRADLE TO GRAVE

By Akshay Singh¹²¹ & Aneri Shah¹²²

“There are no limits to masculine egotism. In order to understand the world, we must look at it through the eyes of women”.

Can we envisage a country where many of the authoritative political figures, billionaires, governing regional politicians, several prominent CEOs, and half of the local government representatives are women? Now imagine that, in that same country, one-third of adult women are illiterate, spousal rape is not illegal, and sex-selective abortion and female infanticide, child labour, dowry are still widely practiced. It may be tough to square these two realities, but modern India somehow manages to be, at the same time, the land of Indira Gandhi, Mother Teresa and Sunita Williams and of child brides and dowry deaths.

Gender discrimination and violence against women are global phenomena as old as human history. Women's rights are the freedom and entitlement of women of human rights without discrimination or violation. Women's rights are rights inherent in nature and guaranteed by law. Therefore gender discrimination is contrary to fundamental human rights, equity, natural justice and good governance¹²³. Gender discrimination is not biologically determined but it is determined socially and the discrimination can be changed by the proper and perpetuate efforts. Denial of equality, rights and opportunity and suppress in any form on the basis of gender is gender discrimination¹²⁴.

SEX AND GENDER

‘Sex’ being a biologically determined attribute is not easy to change while ‘gender’ refers to socially constructed roles, which are likely to vary from one society to another, and which change significantly as societies develop and evolve over time. The construction of gender roles in any society is influenced by several factors, most of which are largely independent of the sources of

¹²¹ 5th Year Student, Institute of Law, Nirma University

¹²² 5th Year Student, Institute of Law, Nirma University

¹²³ Francis O. Anaeme, Reducing Gender Discrimination and Violence against Women through Library and Information Services, 2012

¹²⁴ M. Sivakumar, Gender discrimination and women's development in India, 7 September 2008

poverty or growth¹²⁵. The term sex refers to the biological differences between males and females. Gender on the other hand refers to the social, cultural, and psychological characteristics by which human behaviour is categorised as masculine or feminine. Gender is not determined by an individual's biological characteristics, but by how society looks at the roles of men and women.

GENDER DISCRIMINATION

Article 1 of CEDAW (Convention to Eliminate All Forms of Discrimination Against Women) defines discrimination against women as “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field.”

“Government interventions though essential, are insufficient” to root out the scourge. “The principle of gender equality and of affirmative action to ensure it, is writ large in the Constitution and has been reinforced by Supreme Court rulings. Societal reality is, however, not in consonance with it. In order to camouflage the reality, we resort to tokenism and often parade exceptions as the rule”¹²⁶. Indian Constitution has its articles enforced to see that Gender Discrimination is prohibited. Article 14 states “Equality before Law”. Article 15(1) of the Indian Constitution prohibits Gender discrimination stating that The State shall not discriminate against any citizen on grounds only of religion, race, caste, *sex*, and place of birth or any of them.

Discrimination can be of two types:

- i. **Direct Discrimination:** Direct discrimination occurs when a person treats another less favourably than they would a person from a different group. It is not necessary to prove that direct discrimination is intentional or motivated by prejudice¹²⁷. Direct discrimination

¹²⁵ Swapna Mukhopadhyay and Ratna M. Sudarshan , Gender Discrimination and its Indicators : A Research Agenda, available at <<http://www.isst-india.org/PDF/A%20research%20agenda.pdf> >

¹²⁶ Hamid Ansari, Vice president of India, at 19th convocation of the North Eastern Hill University, Shillong, October 1, 2011

¹²⁷ Liam Healy & Associates, Direct and Indirect discrimination : A Discussion,

occurs if a person treats, or proposes to treat, a person with an attribute unfavourably because of that attribute¹²⁸.

- ii. **Indirect Discrimination:** Indirect discrimination occurs when selection tools or procedures have different effect on people from a particular group which is not then borne by performance at work. Again, it is not necessary to prove that indirect discrimination is intentional¹²⁹. Indirect discrimination will occur where a person imposes, or proposes to impose, a requirement, condition or practice that has, or is likely to have, the effect of disadvantaging people with a protected attribute, and that is not reasonable¹³⁰.

DISCRIMINATION STARTS BY BIRTH

Discrimination against women is deeply rooted in our society. Our country has given us Rani Laxmi Bai, Indira Gandhi, Sarojini Naidu but ironically the same country has also given us female infanticide, dowry deaths and very few house husbands. We live in a patriarchal society. Women need to prove to others and unfortunately sometimes to themselves their mettle¹³¹. Why women are continually seen as objects? What makes society see them as such? Answers to these and many other questions lie in the proper understanding of the institutionalization of so called functionality of the gendering in the social fabric. Child marriage, abortion etc persist because of the weak Indian state. Women derives her status from men and thus do not have a status of her own. Man's strong advocacy for incorporation of gender as a dimension of social stratification is based on the thesis that stratification is gendered and gender is stratified. *Gender discrimination is not an episodic, ephemeral or a situational phenomenon. Its ramifications correspond with social and cultural differences in the Indian society*¹³².

available at <<http://www.psychometrics.co.uk/discrimination.html>>

¹²⁸ Equal opportunity act, [Victorian Equal Opportunity & Human Rights Commission](http://www.austlii.edu.au), available at <<http://www.austlii.edu.au>>

¹²⁹ Liam Healy & Associates, [Direct and Indirect discrimination : A Discussion](http://www.psychometrics.co.uk/discrimination.html), available at <<http://www.psychometrics.co.uk/discrimination.html>>

¹³⁰ Equal opportunity act, [Victorian Equal Opportunity & Human Rights Commission](http://www.austlii.edu.au), available at <<http://www.austlii.edu.au>>

¹³¹ Is discrimination against women deep-rooted in our society?, The Times of India, March 13, 2012 (Goa) <http://articles.timesofindia.indiatimes.com/2012-03-13/goa/31158938_1_dowry-deaths-gender-discrimination-gender-equality>

¹³² Rajul Bhargava, [Gender issues, Attestations and Contestations](#) (Rawat publications, 2010)

Starting from birth till death, how at various phases gender discrimination occurs is discussed below:

- **Sex selective abortion**

Indian society is patriarchal society. Sons carry on the family name. They are also charged with the task of supporting their parents in old age. Parents live as extended families with their sons, daughter-in-laws, and grandchildren. Daughters, on the other hand, become part of their husband's family after marriage, and are therefore considered to be '*bojh*' on the parents¹³³. India has to begin to tackle the quandary of sex selective abortion with legislations.

- **Female foeticide**

Although sex selective abortion is a fairly recent phenomenon, its roots can be traced back to the age old practice of female foeticide. The Indian government has opposed the practices of female foeticide and sex selective abortion, and has been sluggish and ineffectual in bringing about reform. The institution of female foeticide arose due to deplorable situation of women in Hindu society, dowry system, hyper-gamy and sense of honour and pride¹³⁴.

- **Child marriage**

Child marriage is prevalent even today among the rural people, and among the urban illiterate and poor. The institution of child marriage is also the result of hypergamy, dowry, and the notion of virginity and chastity. It has resulted in the problems of over population, poverty, unemployment, ill-health, dependence upon parents and many more¹³⁵.

- **Dowry**

In developing countries, *the birth of a girl causes great upheaval for poor families. When there is barely enough food to survive, any child puts a strain on a family's resources. But the monetary drain of a daughter feels even more severe, especially in regions where dowry is practiced.* Dowry

¹³³ Rita Patel, The Practice of Sex Selective Abortion in India: May You Be the Mother of a Hundred Sons, Department of Maternal and Child Health, School of Public Health, available at <http://cgi.unc.edu/uploads/media_items/the-practice-of-sex-selective-abortion-in-india-may-you-be-the-mother-of-a-hundred-sons.original.pdf>

¹³⁴ K.L.Sharma, Indian social structure and change (1st ed. Rawat Publications, 2008)

¹³⁵ K.L.Sharma, Indian social structure and change (1st ed. Rawat Publications, 2008)

is goods and money a bride's family pays to the husband's family. Originally intended to help with marriage expenses, dowry came to be seen as payment to the groom's family for taking on the burden of another woman. In some countries, dowries are extravagant, costing years' worth of wages, and often throwing a woman's family into debt. The dowry practice makes the prospect of having a girl even more distasteful to poor families. It also puts young women in danger. A new bride is at the mercy of her in-laws. UNICEF estimates that around 5,000 Indian women are killed in dowry-related incidents each year¹³⁶.

- **Domestic work, sexual harassment and violence**

Like male or even above them female plays important role in the family and national development. But her contribution is not recognized by the male dominant society¹³⁷. Violence against women is the biggest human rights scandal of all time. Much of the violence and crime against women are rooted in the patriarchal society prevalent in the country. The cycle of violence won't be broken till violence against women is not punished. 'While all men are not responsible for violence against women, all men must take responsibility to end it'¹³⁸. *Sexual Harassment is violation of one's freedom and personal integrity*¹³⁹. It can ruin a victim's life. Historically, sexual harassment is seen as being perpetuated by men in possession of power (physical, political, and economic) against the women. It is seen as an outcome of a men dominating society¹⁴⁰.

- **Trafficking**

The illegal status of children trafficked across national borders and children of illegal migrants makes them more vulnerable to exploitation and abuse, especially since they cannot attend school. Children of migrants, refugees, the internally displaced, asylum seekers and minority groups are not only more likely to be working¹⁴¹. Where such vulnerable children work and their national

¹³⁶ Julie Mullins, Gender Discrimination Why is it still so bad and what can you do about it?, available at <<http://www.childreninneed.org/magazine/gender.html#Anchor-Sex-11481>>

¹³⁷ M. Sivakumar, Gender discrimination and women's development in India, 7 September 2008

¹³⁸ Patriarchal system blamed for violence, crime against women, The Times Of India, February 24, 2013 (Goa)

¹³⁹ C. Raj Kumar & K. Chockalingam, Human Rights, Justice, & Constitutional Empowerment, Oxford press

¹⁴⁰ Jefferson N.C., Power and Gender: Issues in sexual dominance and Harassment, McFarland and Co, 1999 at 460

¹⁴¹ Produced by the NGO Group for the CRC Sub-Group on Child Labour, The Impact of discrimination on working children and on the phenomenon of child labour, June 2002

available at <http://www.antislavery.org/includes/documents/cm_docs/2009/d/discriminationpaper.pdf>

counterparts do not, they are likely to receive discrimination in that country due to their lack of rights and skills compared to nationals, and have fewer chances as adults.

- **Occupational aspirations**

The process of child socialization encourages girls and boys to internalize sex-typed expectations of others, which in turn shapes their occupational aspirations and preferences. Girls and boys are subject to differential gender socialization from birth¹⁴². Boys tend to work more in environments away from parental control, or in jobs that are associated with men's work, such as work outdoors or physical labour. Girls on the other hand tend to work in the domestic sphere, in what are perceived to be protected environments in or near the home, or in jobs that are associated with women's roles, such as work demanding patience or attention to detail. These include domestic service, home-based manufacturing, family based agriculture and garment work¹⁴³.

- **Widow exploitation**

On one side where Indian government has enacted numerous laws to protect widow's rights, including prohibitions against traditional practices for which India has been discredited, such as the burning of widows (Sati); India's contemporary culture, especially in the modern urban middle-class, these societal norms have given way to a more righteous conduct, the enforcement of the law continues to be challenging, where there are regional, religious or caste variants of family law, which tend to escape government jurisdiction. Hence, a widow is still seen as a liability in some part of the Indian society, which might result in her being abandoned by her in-laws. As her originating family is often unable or unwilling to take her back as well, she might be left on her own, without any education, skills, or financial assistance. Instead, she is subjected to many restrictions, and might be required to shave her head permanently, or to wear white clothes for the rest of her life; thus, stigmatized, she is not allowed to enter in any celebration e.g. weddings,

¹⁴² Anna Leon-Guerrero, Social problems community, policy and social action (3rd ed., Pacific Lutheran University, Sage publications, 2011)

¹⁴³ Produced by the NGO Group for the CRC Sub-Group on Child Labour, The Impact of discrimination on working children and on the phenomenon of child labour, June 2002
available at <http://www.antislavery.org/includes/documents/cm_docs/2009/d/discriminationpaper.pdf

because her presence is considered to be inauspicious¹⁴⁴. Moreover, a widow faces trouble securing her property rights after her husband's death, nor be allowed to remarry, disregarding at what age she became a widow.

DISCRIMINATION AT VARIOUS SECTORS:

The journey of a butterfly from a caterpillar to that of a full grown butterfly, even then when the butterfly flies, there are obstacles for it. Same is the case with Indian women, where on her step into the world, the world is ready to pound upon her. Here comes the **discrimination at various sectors**: Occupation, Media, Household, Healthcare, Educational Institutions, and Law etc.

- a) Media: Many women journalists are deprived of top positions in organizations due to gender discrimination. Many women journalists are quitting because of various reasons, including gender inequality, harassment at work place and less pay. A case study reveals women who go on maternity leave are likely to lose their jobs in 29% of media houses and are unlikely to get jobs again¹⁴⁵.
- b) Hospital: Our society is in a transition phase, Women are seen as a recruitment liability due to maternity leave. Women have to compromise particularly on their health in balancing home and office responsibilities. GOI Planning Commission (2008) indicated that discrimination against women and girls impinges upon their right to health and manifests itself in the form of worsening health and nutrition indices. Thus, India continuous to grapple with unacceptably high MMR, IMB, and increasing rates of anaemia, malnutrition, HIV/AIDS among women¹⁴⁶. The growing problem of AIDS and successes in reducing HIV transmission through the collaboration of sex workers in the 100% condom use policy is documented, and the tensions implicit in a cultural representation of women that both protects and constrains women are explored¹⁴⁷.

¹⁴⁴ Saarthak , Women's situation in India, available at <http://www.sarthakindia.org/womens_situation_India.html>

¹⁴⁵ Nandini Sahai, (Director Media Information and Communication Centre of India (MICCI)), Gender discrimination at workplace: Myth or reality, The Times of India

¹⁴⁶ M. Sivakumar, Gender discrimination and women's development in India, 7 September 2008

¹⁴⁷ Peter S Hill & Heng Thay Ly, Women are Silver, Women are Diamonds: Conflicting Images of Women in the Cambodian Print Media, (2004)

- c) Health-Care: Gender discrimination is rampant among Indians, even when it comes to hospitalizing their children. In a first-of-its-kind large scale study announced on Tuesday, scientists from the University of Edinburgh in the UK have found that a male child in India is nearly three times more likely to receive hospital care than a girl child, suffering from acute chest infections like pneumonia that often proves fatal. The study found that a substantial number of children under five who became critically ill from chest infections were not treated in hospitals. Around 38% of severe cases did not even reach hospitals¹⁴⁸.
- d) Educational institutions: There were number of women candidates who were not called for interview despite scoring higher marks than male candidates “It's a typical case where men have benefitted from reservation meant for women”, says one of the candidates Sunita Jain, who hails from Ratlam. She had complained to the national women’s commission, state women’s commission and made representation at all levels, pointing out that keeping higher “cut-off” marks for women candidates and lower cut-off marks for men amounted to gender discrimination¹⁴⁹.
- e) Law: In India, considerable emphasis has been placed on the law as a tool for social change. But how judges will interpret the law, and how far the intentions of social reform movements are translated into practice, is difficult to predict. Two decades ago, women activists did not hesitate to condemn dowry, or offer divorce as a way out of oppressive situations. Today, there seems to be a general feeling that no ‘quick’ solutions are possible, and that much more sustained action is needed. Dowry must be abolished, but women’s rights to property must also be ensured. Divorce must be made possible, but the stigma attached to it must also go; women’s ability to earn and live alone or to seek a new partner requires social consent and approval¹⁵⁰. The Indian Divorce Act, before being amended had a clause where only after the women proves adultery with two other crimes, only then can she be given divorce. This law was clear discrimination on the part for women, and was violative of Art 14, 15 and 21 of the Indian Constitution. Crime against women has gone up in the recent years. Rape, kidnapping and

¹⁴⁸ Kounteya Sinha, In India, sons more likely to get hospital care, The Times of India, January 30, 2013 (London)

¹⁴⁹ Joseph John, Bhopal, Gender discrimination, say women candidates, The Times of India, August 6, 2012, (Bhopal)

¹⁵⁰ Swapna Mukhopadhyay and Ratna M. Sudarshan , Gender Discrimination and its Indicators : A Research Agenda, available at <<http://www.isst-india.org/PDF/A%20research%20agenda.pdf>>

abduction, homicide for dowry and dowry deaths, torture, molestation, sexual harassment, importation of girls, eve teasing etc have become a frequent feature despite the legal provisions¹⁵¹. The 73rd Constitutional Amendment ensures one-third representation of women in village panchayats and municipal committees. Since most of rural women who are elected as *Panch* and *Sarpanch* happen to be illiterate and have no exposure to the game of power-politics, their husbands substitute them even in formal meetings of Panchayats. The elected woman just remains a rubber stamp. The actual power remains with the husband¹⁵².

CAUSES OF GENDER DISCRIMINATION:

The major causes for discrimination are:

- **Education**

Girls are educated to become efficient housewives and mothers who can properly socialize their children. In India, parents prefer to give higher education to sons rather than to daughters, mainly because boys are considered positive economic assets to the family. Because daughters leave up to marriage, sons are looked upon as the backbone of parents. Few prevalent sayings throughout India are that “bringing up a girl is like planning a sapling in another’s courtyard” and “bringing up a daughter is like pouring water into sand”¹⁵³.

- **Caste**

One of the major problems for discrimination is caste. Caste-based discrimination entails social and economic barring, isolation in housing, refutation and restrictions of access to public and private services and employment, and enforcement of certain types of jobs resultant in a system of contemporary day slavery or bonded labour. Forty-one independent monitoring institutes (MI) have submitted reports to the Union Human Resource Development Ministry about instances of discrimination and untouchability in 186 schools across Rajasthan, Madhya Pradesh, Orissa, Uttar Pradesh and Gujarat. Whereas only girls being made to serve meals in some schools¹⁵⁴.

¹⁵¹ K.L.Sharma, *Indian social structure and change* (1st ed. Rawat Publications, 2008)

¹⁵² Krishna Bhowmik, *Indian women, The ushering of a new dawn*, (2007 edn, Mittal Publication, 2006)

¹⁵³ Leela Dube, *Women and kinship* (2009 edn, United Nations Press University 2009)

¹⁵⁴ Anubhuti Vishnoi, *Caste, Gender Discrimination Rampant*, The Indian Express, November 26, 2012 (New Delhi)

- **Religious beliefs, customs, and traditions:**

Gender discrimination is as old as humankind, and is part of many religious and cultural traditions. The Bible describes how God made the woman out of the man and charged her to always be submissive to the husband. Hindu scriptures describe a good wife as “a woman whose mind, speech, and body are kept in subjection, acquires high renown in this world, and, in the next, the same abode with her husband”¹⁵⁵.

“The codification of the old Hindu law has not kept pace with the constitutional mandate of gender equality and in removing gender disparity completely. The egalitarian bluestocking that the Hindu society may have become, in consonance with the constitutional mandate, it has still left untouched perhaps the last discriminatory corner of Hindu society which has otherwise come of age and which would have to be looked upon as wanting in an equal society. Ever since the law was enacted in 1956, this is the first time a question about constitutional validity of the provisions has come before the court”¹⁵⁶.

Struggle for new laws, and its implementation is only made when these laws are made according to the customs. Religious laws and traditions still determine the lives of many people, particularly women. Even if women are formerly entitled to own land and resources, social and religious factors make many women refrain from this right not to cause distortions within the family. The preference for having sons permeates all social classes in India, which sets the standard for girls throughout their entire lives¹⁵⁷.

- **Low income, illiteracy and unemployment:**

¹⁵⁵ Francis O. Anaeme, Reducing Gender Discrimination and Violence against Women through Library and Information Services, 2012

¹⁵⁶ Justice Dalvi, while Ruling on two property disputes (In the first case, a city resident died without leaving a will and without any heirs. Both his paternal aunt and maternal aunt claimed a right over the property. In the second case, a Juhu resident and her husband were murdered 12 years ago. The Juhu flat was the woman's self-acquired property and was left in her will to her brother and four sisters. However, her husband's brother claimed the law gave him first right over the property), The Times of India, November 9, 2012 (HC Mumbai)

¹⁵⁷ M. Sivakumar, Gender discrimination and women's development in India, 7 September 2008

Gender discrimination is a persistent feature of all modern societies. Social scientists identify two types of sex segregation in the workplace – horizontal and vertical. Horizontal segregation represents the separation of women into non manual labour and men into manual labour sectors. Vertical segregation identifies the situation in which men are elevated into the best paid jobs and most desirable occupations in non-manual and manual labour sectors whereas women remain in lower paid positions with no job mobility¹⁵⁸.

According to some estimates, women represent 70 percent of the world's poor. They are often paid less than men for their work, with the average wage gap in 2008 being 17 percent. Women face persistent discrimination when they apply for credit for business or self-employment and are often determined as insecure, unsafe and low-wage work. The International Labour Organization estimates that the economic downturn could lead to 22 million more unemployed women in 2009, jeopardizing the gains made in the last few decades in women's empowerment¹⁵⁹.

▪ **Family**

The Indian Family is based on old customs and traditions treating men and women differently. In most households, father is considered to be the head of the family where as women generally perform kitchen work, child care and other domestic chores. Regardless of women is in paid employment outside the home or not, domestic work is considered a woman's area. The distribution of work-roles in our families is based on sex called gender division of labour. While a woman's place is primarily within the home and hence private, a man's place of activity is mainly outside the home and hence public. The family is thus the first foundation of discrimination. It is in the family that daughters and sons are socialized for playing unlike roles in the society. The allocation of role is not based on capability but on sex. Such a prototype of preparing daughters and sons for playing unlike roles is identified as gender-biased socialization. In India, nearly 30 percent of the household survive on the earnings of women. Such households are referred to as female headed households.

¹⁵⁸ Anna Leon-Guerrero, Social problems community, policy and social action, (3rd ed. Pacific Lutheran University, Sage publications, 2011)

¹⁵⁹ UN women, Women Politics and Economics, available at <http://www.unifem.org/gender_issues/women_poverty_economics/>

- **Society**

Identification of a woman is generally defined by her role within the family. Since her birth, women have a predefined role already decided for her. She is identified as a daughter, daughter in law, mother, mother in law, wife etc and not as a person¹⁶⁰. The cruel gang rape of a 23-year-old student in New Delhi gave a brandish of rage that followed and brought to light the daily anguish of many Indian women. Thousands of people took to the streets to protest not just rape but the discrimination many women in India often have to live with throughout their lives. Another major reason is the women herself. Often the mother-in-laws, having been gone through the same discrimination and treatment by their in-laws, follow the same on their daughter-in-laws; thereby making them subject to dowry, violence, harassments etc.

SOLUTION FOR THAT:

- **Mind-sets:**

The problems of gender discrimination can be overcome only when the mind-sets of the people starting from the grass root levels are improved. Only when the importance of girl-child, daughters, wives, mothers, and most significantly women are understood only then discrimination can be removed. As far as daughters are considered 'bojh' or women and mothers are not 'respected' and valued for their position, discrimination cannot be removed.

- **Education:**

Education develops the skills, imparts knowledge, changes the attitude and improves the self-confidence. It provides employment opportunity and increases income. Hence educating women is the prime factor to combat gender discriminate and for the upliftment of women¹⁶¹.

Parents have several incentives for not educating their daughters. Foremost is the view that education of girls brings no returns to parents and that their future roles, being mainly reproductive

¹⁶⁰ K.L.Sharma, Indian social structure and change (1st ed. Rawat Publications, 2008)

¹⁶¹ M. Sivakumar, Gender discrimination and women's development in India, 7 September 2008

and perhaps including agricultural labour, require no formal education¹⁶². India has the best laws for women, but there is almost no awareness of the same¹⁶³.

- **Employment**

Employment gives the income and improves the monetary situation of the women. Employed women are given significance by the family members. It gives women economic independence. It increases the self-confidence of women and reduces slavery. A recent analysis finds that regions with higher initial levels of female labour force participation have experienced larger growth of per capita expenditure and also faster poverty decline¹⁶⁴. Female labour force participation can be interpreted as an indicator of the general involvement of women in economic, social and political matters, with faster poverty decline being more likely in a society which gives greater scope for women's agency in general.

- **Women empowerment**

The way out of gender discrimination is women's empowerment. This involves the strengthening of the individual and collective abilities of women for positive action. Women's empowerment will lead to a balanced partnership of both sexes. This would involve the generation of awareness on the fallacies of gender stereotypes and the raising of consciousness against gender biasness as acts of injustice. It can be done through all the agents of socialization starting from the family to the community, schools, churches, libraries, and government¹⁶⁵. In cardinal goals of democracy “of the people, by the people and for the people” cannot be accomplished if the female population remains out of political empowerment. Empowering women is the basic to the basics of human rights where she wants neither to beg for power nor search for power hierarchy to exercise power against others. On the contrary she demands to be accepted as human first of all; where she as a person in command of herself and for that necessarily all the resources physical, social, economic,

¹⁶² M. Sivakumar, Gender discrimination and women's development in India, 7 September 2008

¹⁶³ Auda Viegas, India, worst place in world for girl child, The Times Of India, March 12, 2012 (Goa)

¹⁶⁴ Swapna Mukhopadhyay and Ratna M. Sudarshan , Gender Discrimination and its Indicators : A Research Agenda, available at <<http://www.isst-india.org/PDF/A%20research%20agenda.pdf>

¹⁶⁵ Francis O. Anaeme, Reducing Gender Discrimination and Violence against Women through Library and Information Services, 2012

political, cultural and spiritual to be equally accessible to her, are prerequisites for considering the whole question of empowerment¹⁶⁶.

- **Access to resources**

The slogan “Women’s Rights are Human Rights” adopted at the World Conference on Human Rights in Vienna in 1993 and the Declaration on the Elimination of Violence Against Women by the General Assembly in the same year further demonstrate the increasing awareness and the attention being paid to the respect of the right of women. It is pertinent and timely to identify that the values placed on women and the girl child by the society has overbearing impact on their life and the human development. This ignorance makes it impossible for them to question the rationality of these beliefs and practices and consciously and unconsciously they endorse their perpetuation and ultimately the infringement of their economic and social and cultural rights¹⁶⁷. Women’s rights around the world are important indicators to understand global well-being.

- **Law (structural reforms)**

“A nation which cannot ensure respect for its women can never prosper. It is heartening to see that women are coming to the forefront in all walks of life. Steps like reservations in Panchayats have enabled them to become sarpanch and take charge of their villages despite social prejudices. The December 16 incident left the entire nation shaken. Besides, every morning we wake up to find newspapers replete with stories of violence against women. Madan Mohan Malaviya had realised the need for uplifting the status of women decades ago and the ideal needs to be preserved. Governments in states should take steps to increase, if needed even double, the number of judicial officers posted in districts”¹⁶⁸.

Despite the existence of complaint committees in the government sector, women are afraid to come forward as they fear reprisal, the stigma and the element of shame attached to such incidents. Many are forced to give up their jobs as a result and face embarrassment. Reporting incidents of harassment requires courage. Monitoring of sexual harassment committee is required¹⁶⁹. Crime

¹⁶⁶ M. Sivakumar, Gender discrimination and women’s development in India, 7 September 2008

¹⁶⁷ Francis O. Anaeme, Reducing Gender Discrimination and Violence against Women through Library and Information Services, 2012

¹⁶⁸ Altamas Kabir, Nation that does not respect women can never prosper, ZeeNews.com, March 17, 2013 (Allahabad)

¹⁶⁹ Auda Viegas, India, worst place in world for girl child, The Times Of India, March 12, 2012 (Goa)

against women in trains has been on a rise despite deployment of security personnel by Railways. There were total 210 cases of crime against women registered in 2012 as against 127 cases in 2011. The molestation cases in trains have gone up from 52 in 2010 to 72 in 2011, the number touched 119 in 2012. Rape cases have also increased from 3 in 2011 to 7 in 2012. Cases of misbehaviour with women were also reported in trains. The number of misbehaviour cases increased from 33 in 2010 to 52 in 2011. 2012 witnessed 84 misbehaviour cases in trains¹⁷⁰.

In India, several laws, legislations, policies and institutional reforms have been enacted to carry out the gender action plan for the development of women. Legislation is an important instrument for bringing about a change in the unequal economic and social status in India. After Independence, there have been important changes in legislation and litigation which have facilitated the increased participation of women in political activities as well as in the socio-economic development activities and the increase appear to be more likely at the lower level than at the highest centres of decision making¹⁷¹.

Article 14 of Indian Constitution says that the state shall not deny to any person equality before or equal protection of the law, Article 15 says that no women can be discriminated against on the ground of sex, Article 15 (3) emphasis that the state shall make special provisions for women and children and Article 16 provides equality of opportunity in matters relating to employment by the state. In Article 39(a) emphasis that the citizens, men and women equally, have the right to an adequate means of livelihood, in Article 39(d) it says that the state should secure equal pay for equal work for both men and women. Article 21 takes about right to life and personal liberty, which cannot be hampered even during emergency. The 73rd and 74th Amendments of Indian Constitution in 1993 are the milestone in the history of India. It paves the way for decentralisation, empowers the poor people as well as women. These amendments provide constitutional sanction to democracy at the grass root level¹⁷². Apart from these, Section 10 of National Commission of Women's Act, 1990; guidelines from cases like: *Vishaka and others v. State of Rajasthan*¹⁷³ are few laws, helping women.

¹⁷⁰ Crime against women on the rise in trains, The Indian Express, March 18, 2013 (New Delhi)

¹⁷¹ M. Sivakumar, Gender discrimination and women's development in India, 7 September 2008

¹⁷² Dr. J.N.Pandey, The Constitutional Law of India (49th ed., Central Law Agency, Allahabad, 2012)

¹⁷³ AIR 1997 SCC 3011

CONCLUSION

All human beings, male and female, are born into a free world, and are expected to participate freely, without any inhibition on grounds of sex. Any form of societal discrimination on ground of sex is antithesis to a society. Women's representation in public life is very low. They continue to bear the major load of the household work. Her primary role is often viewed by the society as housewife. A nation or society, devoid of the participation of women cannot develop. If we eradicate gender discrimination, women will deliver all the potentials, skills, knowledge to develop the family, the nation and the whole world. Discrimination against women is deeply rooted in our society. The subordination and overthrow of women is hallowed by our deep rooted Indian traditions. Patriarchy, patrilocality, dowry and commoditization of women are institutions which reinforces gender favouritism. Therefore, gender parity cannot be achieved only through assenting actions, until there is foremost transformation in both social notes and institutions. Women are the cornerstone of the Indian family. Transforming the existing social discrimination adjacent to women must become apex priority and ought to happen concurrently with amplified direct action to swiftly perk up the social and economic status of women. Only through action to remedy discrimination against women should be the vision of India's independence, India where all people have the possibility to live healthy and fruitful lives be realized.

The LAW BRIGADE