

# GENDER DISCRIMINATION IN INDIA

*Written by Abhinav Pratap Singh*

*4th BA LLB student, Karnataka State Law University*

---

*"Equality may be a fiction but nonetheless one must accept it as a governing principle"*

**BR Ambedkar**

## ABSTRACT

This Article aims to estimate whether there is Gender Discrimination in the Indian society or not. The key subject matter of the research is Gender Discrimination. This article explains the issue of Gender Discrimination in workplace even such discrimination can be perceived on a social background like in education system. This article has also considered the steps which are taken by government in order to curb such stigma from the society.

In this context, this article attempts to highlight the Gender Discrimination and identify the recent trends in women's social and economic development in India.

## INTRODUCTION

Gender Discrimination subsists in Indian economy and prevails in all sectors of life like health, education, economics and politics. Men have always had the upper hand in these fields, depicting how deeply patriarchy is entrenched in India. Even though gender equality soars to great heights in the post-independence era, many steps have been taken in various sectors of life to bridge the gap between men and women and to bring them up to the same level.

## WHAT IS GENDER DISCRIMINATION?

Gender discrimination simply means the situation in which people are treated differently only because they are male or female, rather than on the basis of their individual skills or capabilities. India is the world's largest democracy, with 1.35 billion people, and is expected to be the world's most populous country by 2050. Where India makes progress towards development goals, the lives of hundreds of millions of people can be improved: in recent decades, India has made substantial progress to improve child nutrition, immunisation rates and education enrolment rates, as well as to achieve broad economic growth. Yet, gender disparities persist against a backdrop of rapid economic growth: rates of violence against women are still high, women's participation in government is low, and discriminatory dowry and inheritance practices continue.

## **WHAT DOES THE CONSTITUTION OF INDIA SAY ABOUT GENDER DISCRIMINATION?**

The Constitution grants equality to women, ensures equality before the law (Article 14) and prohibits discrimination against any citizen on the basis of religion, race, caste, sex or place of birth (Article 15). It also allows 'personal' laws, however, resulting in a dual system that allows forms of discrimination against girls and women.

In Civil law, for example, the minimum age for marriage is 18 years for women and 21 years for men, but in Muslim Personal Law (though not codified) Muslims can determine when marriage is acceptable (sometimes at puberty).

Implementation of relevant legislation, such as the Prohibition of Child Marriage Act (2006), has been weak, partly because the statute is unclear on whether it supersedes personal law. Similarly, The Hindu Succession Act of 2005 grants Hindu, Sikh, Buddhist and Jain women equal inheritance rights to ancestral and jointly owned property, but Muslims may follow Sharia laws on inheritance that allow daughters to inherit only half as much as sons.

## GOVERNMENT SCHEME FOR WOMEN

India launched the National Mission for Empowerment of Women (NMEW) in 2010, mandated to facilitate the coordination of all programmes related to women's welfare and their socio-economic development across all ministries and departments. The government leads specific initiatives focused on gender equality and other programmes that, though not focused exclusively on girls and women.

## CAUSES OF GENDER DISCRIMINATION IN INDIA IN EDUCATION SYSTEM

Education is not equally attained by Indian women. Although literacy rates are increasing, the female literacy rate lags behind the male literacy rate,

<b>Literacy Rate Census of India</b>				
<b>Year</b>	<b>Literacy (%)</b>	<b>Male(%)</b>	<b>Female (%)</b>	<b>Change (%)</b>
<b>2011</b>	74.04	82.14	65.46	8.66
<b>2001</b>	65.38	75.85	54.16	-

### *Literacy rate census of India 2001 and 2011 comparison*

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. Thus, there is a strong belief that due to their traditional duty and role as housewives, daughters would not benefit directly from the education investment.

## THE INDIAN SOCIETY

Gender Discrimination has been a social issue in India for centuries. That in many parts of India, the birth of a girl child is not welcomed is a known fact. It is a known fact too, that discrimination starts from even before the girlchild is born and sometimes she is killed as a

foetus, and if she manages to see the light of day, she is killed as an infant, which makes up the highly skewed child sex ratio where for every 1000 boys in India, there are only 908 girls. In such a scenario, it is obvious that for myriad reasons, many girls across the country are forced to drop out of school. Patriarchal norms have marked women as inferior to men. A girl child is considered a burden and is often not even allowed to see the light of the world. It is hard to imagine this state of affairs in the 21st Century when women have proved to be strong leaders in every field possible. From wrestling to business, the world has been revolutionised by exceptional women leaders in fields that were until recently completely dominated by men.

Across India gender inequality results in unequal opportunities, and while it impacts on the lives of both genders, statistically it is girls that are the most disadvantaged. Globally girls have higher survival rates at birth, are more likely to be developmentally on track, and just as likely to participate in preschool, but India is the only large country where more girls die than boys. Girls are also more likely to drop out of school.

**E.g** - Discrimination on toys in a way that for a girl child parents buy doll, but for male child they buy a toy gun.

## **SOCIAL AND RELIGIOUS BELIEFS**

Women are not free from social customs, beliefs and practices. The traditional patrilineal joint family system confines women's roles mostly to the domestic sphere, allocating them to a subordinate status, authority and power compared to men. Men are perceived as the major providers and protectors of a family while women are perceived as playing only a supportive role, attending to the hearth. Boys and girls are accordingly drained for different adult roles, status and authority. In Indian culture since very early periods, men have dominated women as a group and their status has been low in the family and society. Women are not allowed to enter religious temples at the time of Pregnancy and Periods.

### **EARLY MARRIAGE:**

Section 5 of Indian Hindu Law act 1955 defines the minimum age for marriage is 21 years for male and 18 years for females.

### **LACK OF SOCIAL AWARENESS:**

Women are not aware of their social and human rights. According to Article 15 of Indian Constitution says that “Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth. (1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them”.

## **SOLUTIONS FOR GENDER DISCRIMINATION**

### **EDUCATION:**

Gender responsive support to enable out-of-school girls and boys to learn and enabling more gender-responsive curricula and pedagogy (Example: implementing new strategies for identifying vulnerable out of school girls and boys, overhaul of textbooks so that the language, images and messages do not perpetuate gender stereotypes).

Not only the female, the society must be educated to give equal rights for females.

### **HEALTH:**

Reducing excess female mortality under five and supporting equal care-seeking behaviour for girls and boys. (Example: front-line workers encourage families to take sick baby girls to the hospital immediately)

### **EMPOWERMENT:**

Empowering women with the help of laws, education and employment will make the society accept women as an equal gender like male. Female also has all the potential and empowering women will help to use her full capability and mitigate the economic dependency of women.

### **EMPLOYMENT:**

Employment gives the income and improves the economic position of the women. Employed women are given importance by the family members. Employment gives economic independence for women.

### **ECONOMIC INDEPENDENCE IN INDIAN SOCIETY:**

In India, mostly, women in the young age – depends on their father, in the middle age- she depends on her husband and in the older age –depends on her son. Woman always depends on somebody for her livelihoods hence, independent in economic aspects are imperative for women's development.

### **SELF DEPENDENT AND SELF CONFIDENT:**

Women in Indian society, especially uneducated and unemployed women, haven't had self-confidence. Women need self-confidence to fight against all the atrocities, against her and to live a self-esteemed life. Hence, boosting the morale and self-confidence of the women, is the key to eliminate the inferior complex of her.

### **DECISION MAKING:**

In Indian families the decision-making power of women is denied. Most males make the important decision in the family and in the family. This makes women as voice less and destroys her confidence and she feel less important in the family as well as in the society. So, to end gender discrimination women must empower with decision making power.

### **CONCLUSION**

In the world or Indian society, without the participation of women, women cannot achieve development. If we eliminate gender discrimination, women will deliver all the achievement, potentials, skills, knowledge to develop the family, growing family, the nation and the whole world.