Gender Equality in Contemporary India: Issues and Challenges

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Men and women can be said to be two pillars of society. Yet the society has always attributed different position and status to men and women and that this differential treatment has rendered women counterpart mostly in a disadvantageous position. Indian society has evolved through different phases during which some progressive steps have been taken to do away with the discriminations based on gender. The social reform movement which emerged during 19th century raised the question of right to equality and equal status and opportunity of women. Starting from the struggles to bring in legislations to eradicate certain social evils like ‘Sati Pratha’, we have travelled quite a distance guaranteeing one third of women’s participation in the local bodies through 73rd and 74th amendments. However, despite many constitutional and legal provisions in place, the idea of a gender just society still remains a far cry. The rights of women continue to be violated and in many cases they even fail to channelize their grievances and claims. In our Indian society marked by patriarchal values the male counterpart continues to control both the production and reproduction process thereby establishing its dominance. The increasing rates of crime against women including sexual harassment at workplace and rape clearly suggest that they continue to remain vulnerable even today. Since mere legal provision is not sufficient to address the question of gender justice, we must also therefore critically engage ourselves to question the culture and tradition privileging the male over female. I further assert that the

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process of ensuring gender equality in our society requires serious attempts to democratize the entire society and the functioning of the primary institutions like family and state.

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1. Introduction

It is a fact that both men and women play an inevitable role in the creation and development of their families as well as their society in general. However the society has always attributed different position and status to men and women, generally keeping women always in a disadvantageous position. Regardless of the biological distinctions between men and women, the fact remains that the later constitutes an integral part of our society and the same cannot be ignored. However, throughout the world, women are relegated to the second class status that makes them vulnerable to abuse and less able to protect themselves from discriminations. Though it is the responsibility of the society to protect and respect the inherent dignity of the women folk, the harsh reality of the present day is that women are always subjected to various forms of discrimination and violence. Despite the constitutional provisions that aim at establishing gender equality by doing away with all forms of discriminations based on gender, the society at large has failed to contain the undemocratic practices that undermine the idea of gender justice. And the basic rights of women continue to be violated by the patriarchal structure and culture of Indian society and politics.

2. Status of Women: A Study from Historical Perspective

It is argued that ancient India reflected a period where women enjoyed equivalent status & rights like their male counterparts in the family as well as in the society. Especially during the Aryan age of history women enjoyed great respect as mother, sisters, and daughters because they believed that where women are respected, divine graces adore that home. During the Vedic age also women enjoyed a privileged status. Women during vedic age were educated, had a say in family matters, took important decisions of life and were free to choose their own husbands. For instance the ancient system of “Swayamvara” where women were allowed to choose a partner of their choice is mentioned in many holy scripts and also in many epics.

However, with the passing of time women started losing the status and position they enjoyed during the Vedic age. In the medieval period the status of women deteriorated considerably. Women were gradually denied of their freedom to participate in the family or social matters. Evil practices like sati, polygamy, child marriage were in vogue and women were subjected to face the evil effects of these social practices. Also during the Mughal rule purdah system was practiced. The southern India also practiced Devdasi tradition where girls were forced to get married to trees or deity.
People started considering daughters to be a burden and they were reduced to doing the chores of household. Also in ancient India, remarriage of widows was not encouraged. They were seen as a disgrace to the family and had to give up all the comforts of life. They wore plain clothes, tonsured their heads, had a separate place to stay and ate bland food. Thus, the position and status of women in medieval India was very nasty and women were extremely humiliated and tortured and mostly they were kept confined within the four walls of their house with no respect for their dignity.

3. Status of Women in Modern India

With the passing of time the condition of women improved and they were able to walk on the streets again with their heads held high. With the spread of education and growing public consciousness especially the growing awareness among the women folk gradually helped in changing the age-old beliefs concerning the status and position of women in India.

It is important to note that there were many women reformers who worked for the upliftment & betterment of their female counterparts. During the British period the position of women had undergone drastic changes due to western impact on Indian sub-culture pattern. During the British rule, the social reform movement and the nationalist movement contributed significantly in the upliftment of the status and position of women folk of our country. The social reform movement which emerged during 19th century raised the question of right to equality and equal status and opportunities of women. The ill effects of the social evils like sati system, ‘purdah’ system and child marriage were brought to limelight by social reformers like Swami Vivekananda, Raja Ram Mohan Roy, etc. The reformers laid emphasis on giving women every access to education as they considered education as a means of empowerment.

After the socialist movement the nationalist movement gained momentum in India. This movement drew the attention of a large number of people and generated confidence among women to raise their voice against oppressive system. In 1927, All India Women’s Conference was held and it proved to be a crucial movement towards securing the right to equality to the women folk of our country. Consequently a number of legislation were enacted like Widows Remarriage Act, 1856, Child Marriage Restraint Act, 1929 and Hindu Women’s Right to Property Act, 1937 etc which intended to eradicate numerous social evils from our society. Even provisions of industrial laws were appropriately amended to restore the position of women which prevailed during the Vedic period. The establishment of crèches, reduction of working hours, prohibition on night working hours and restriction to work in mines were introduced in the banner of nationalist movement to provide for a safe and healthy working condition for women in the industrial sectors.
4. **Constitutional Safeguards**

The makers of the Indian Constitution also envisioned to create a gender just society in India. As the Indian society at that time was not based on gender justice and equality the makers of our constitution realized the need to make special provisions for the protection and promotion of the interest of the women to ensure the idea of gender equality in Indian society. It is in this context that the makers of our constitution made the special provision in the Constitution of India under Article 15(3), Article 39(d), Article 39(e), Article 42, Article 51 A (e) to protect the interest of women in our country.

Article 15 (3) empowers the state to make any special provision for women and children. The purpose of Article 15(3) is to remove the socio-economic backwardness of women and to empower them in such a manner so as to bring about effective equality between men and women. Article 39 (d) states that there should be equal pay for equal work for both men and women thereby developing the doctrine of economic empowerment of women. To implement this Article the Parliament has also passed the Equal Remuneration Act, 1976 which provides for the equal remuneration of male and female workers. Article 42 requires the state to make provision for securing just and humane conditions of work and maternity relief. Article 51A (e) is one of the fundamental duty of the citizens of India which provides for renouncing the practices which are derogatory to the dignity of women.

The Supreme Court of India has made a novel use of Article 21 to ensure that the female workers in any working place are not harassed by their male co-workers. In the case of Vishaka v. State of Rajasthan, the Supreme Court has declared sexual harassment of a working woman at her place of work as amounting to violation of rights of gender equality and liberty which is a clear violation of the Articles 14, 15 and 21 of the Constitution of India. Also in the case of Bodhisatwa Goutam v. Subhra Chakrovarty, the court interpreting the Article 21 of the Constitution declared rape as an offence against women which violates the rights to live with human dignity guaranteed under Article 21 of the Constitution of India.

Besides, some other articles such as Article 226 empowering the High Courts to issue writs to protect human rights of men and women, Article 300 (A) contains the legal protection of individual property rights, Article 325 ensures the rights of men and women to insert their names in the voter lists and Article 326 contains the provision to hold Parliamentary and Assembly general elections on the basis of Universal Adult Suffrage etc. also promise the constitutional protection of human rights of women in India.

There is also a growing realization of the need for establishing linkages between programmes oriented to women and national policy towards weaker sections. Several commissions have been appointed by the central and the state
governments to suggest measures for protecting rights of women in various fields. The National Commission for Women (NCW), set up in January 1992 was directed to look into women-related issues, probe the status of women, examine various legislations and point out loopholes and gaps and assess the causes of discrimination and violence against women and suggest possible remedies. Since then the commission is working for the promotion and protection of the human rights of women in India.

Apart from these the government has initiated various schemes in favor of women. By the 73rd and 74th amendment of the Constitution of India in the year 1992 the government has ensured the reservation of one third of the total seats in all elected offices in local bodies for women. The government has also launched the National Plan of Action for the Girl Child (1991-2000) to ensure the survival, protection and development of the girl child. Again in the year 2001 National Policy for the Empowerment of Women was prepared by the Department of Women and Child Development in the Ministry of Human Resource Development to bring about development and empowerment of women in India.


The Indian Penal Code, 1860 has made exclusive provisions dealing with the crimes against women. The code contains specific provisions penalizing the most common forms of atrocities committed against women in India. The offences against women under IPC are: Rape (Sec. 376), Kidnapping & Abduction for specified purposes (Sec. 363- 373), Dowry Deaths or their attempts (Sec. 302/304-B), Torture - both mental and physical (Sec. 498-A), Molestation (Sec. 354), Sexual Harassment (Sec. 509) and Importation of girls (upto 21 years of age, Sec. 366-B)

However despite these provisions that penalize the atrocities committed against women, the violence against women has been increasing at an alarming rate. Common forms of violence against women include female foeticide, child marriage, sexual harassment, rape, dowry deaths, domestic violence, trafficking, etc. As per the study of crimes against women by National Crimes Record Bureau a total of 3,38,954 incidents of crime against women were reported in the country during 2016 as compared to 3,29,243 during 2015 recording an increase of 2.90% during 2016. According to the same report, such crimes against women have continuously increased during 2006 - 2010 from 1,64,765 cases in 2006 to 2,13,585 cases in 2010. Andhra Pradesh, accounting for nearly 7.1% of the country’s population, has accounted for 12.8% of total crimes against women in the country by reporting 27,244 cases whereas West Bengal with 7.6% share of country’s population has accounted for nearly 12.2% of total crime against women by reporting 26,125 cases in 2010. All these acts committed towards women amount to
violation of their human rights. Gender discrimination against women has become the biggest obstacle in the way of women’s enjoyment of human rights.

The first principle on which human rights are based is the principle of inherent dignity and worth of every individual. There is a need to secure each and every individual’s right to freedom and equality. But, though universally accepted, human rights are yet to be realized in the daily lives of a majority of ordinary men and women. Human rights are not a domain of man alone, they cover the entire mankind. Our constitution and the laws also make provisions for the protection of rights of both men and women. However, gender equality is still a far cry for the women in our patriarchal society which is characterized by exclusive male dominance by way of male control of female sexuality, fertility, mobility and productivity.

6. Conclusion

Despite the existence of numerous Constitutional and penal provisions and other developmental efforts taken women still constitute a very marginalized section in social, economic, civic, educational and political sphere. The crimes committed against women are increasing at an alarming rate. Millions of women throughout the country live in conditions of abject deprivation and attacks against their fundamental human rights for no other reason than that they are women. In India there is no shortage of laws for the promotion and protection of human rights of women. However, where we lack is the effective implementation of these laws. Cases of gang rape, molestation, and sexual harassment at workplace are very common. Also such offences committed against women in India is rapidly increasing but in many cases the offender goes unpunished either due to the absence of evidence particularly in rape cases or the absence of effective justice delivery system in our country. Thus fast track courts can be established for taking prompt action in cases relating to rape and other sexual and physical assaults against women in India.

Culture is often used as a potential tool that justifies male domination and control over women. For those who advocate the supremacy of culture and tradition, putting limitation on the exercise of total liberty by women counterpart asserting their individuality therefore, at times becomes a necessary condition for the preservation of culture. When preservation of culture and tradition relies on the use of violence and particularly when this use of force acquires an acceptable form of violence against women which in turn goes on to justify suppression of women, it essentially sharpens the conflict between culture and right. Therefore, it is clear that mere legal provision is not sufficient to address the question of gender justice as we simply cannot negotiate the conflict between culture and right merely with the help of legislation. Indeed we need to engage ourselves in much critical exercises by questioning the prevailing culture and norms that is often invoked to defend the violence against women. Observing such cultural practices and social
realities, Sally Engle Merry rightly points out that “because gender violence is deeply embedded in systems of kinship, religion, warfare and nationalism, its prevention requires major social changes in communities, families and nations.”

Development of a very positive thinking towards women is the need of the hour. Though active governmental steps and strong actions help in removing the gender inequalities as well the crimes against women from our society, yet the same is not the only medicine to curb this evil. It is only when the attitudes of our society becomes congenial and positive towards women, that the status of the women folk of our society can be improved. And it is only when the crimes against women are reduced that the women will get the courage to come out of their home and walk freely in the society and thereby participating equally with the men in every field. It has been quite some time that we have been theorizing the idea of gender equality, and now it is high time that we not only theories the concept but bring it in practice in everyday life.

References


Crimes in India, 2016, National Crimes Record Bureau, http://ncrb.nic.in/


http://www.womenempowermentinindia.com/status-of-women-in-india/


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