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# **GENDER EQUALITY: A TOOL TO SOCIAL TRANSFORMATION**

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## **Introduction**

There have been revolutionary changes in the society and this process of change has alters the socially ascribed status of women. The age-old gender biases, perceived as existing globally, which used to place women at disadvantageous position. In Indian society, the family rejoices in celebration when a boy is born, and cries in the birth of girl child. There is male -preference so much that from the times immemorial we are killing our daughters at birth or before birth. If, fortunately, she is not killed we find out various way to discriminate her throughout her life. Though, our religious beliefs make women a sacred being but we fail to recognize them as a human being first. In India, the voices against gender issues and violence against women have been outraging. The search for equality between men and women is empowering the women socially, economically, politically and legally.<sup>1</sup>

The term 'Gender' is a socio-cultural term referring socially defined roles and behaviours assigned to males and females in a given society; whereas the term 'Sex' is a biological and physiological phenomenon which defines man and woman. In its social, historical and cultural aspects, gender is a function of power relationship between men and women where men are considered superior to women. In simple words, it may be defined as discrimination against women based on their sex. However, society is changing and the voices are raised for gender equality.

## **Gender equality in India**

In ancient Hindu law, Manu stated that: "women are supposed to be in the custody of their father when they are children, they must be under the custody of their husband when married and under the custody of their son in old age or as a widow. In no circumstances they should

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<sup>1</sup> Nazhath Sara "Process of Social Transformation among Women in India" 1588 vol .8 No. 2 Journal of Social Science Resrarch 2015.

be allowed to assert themselves independently”. The position of women which Manu has referred in ancient India is been challenged in present modern day social structure. Barring few exceptions here and there, women have excelled in every sphere of life and thus there is transformation into the life of women as they are more empowered take independent decisions either at home or outside world.<sup>2</sup>

In earlier times, the root cause of gender inequality in Indian society lies in its patriarchy system which means a system of social structure and practices, in which men dominate, oppress and exploit women. Extreme poverty and lack of education derives countless women to work in low paying domestic services and thus became the reasons for women’s low status in society. Women used to only get unequal pay for equal or more work but also, they are being offered only low skill jobs for which lower wages are paid. The social customs, beliefs and practices are also the root cause for the gender inequality. There used to be a time where the women’s roles are mostly confined to domestic work and treating them as subordinate to men. The lack of employment opportunities has put the women at the threshold where they are not able to resolve the conflict between new economic demands and old domestic roles. Though, Article 15 of the Indian constitution states that “*the states shall not discriminate any citizen on grounds of only sex*”.<sup>3</sup> The irony is that there is still widespread discrimination against women and they are victim of various form of injustice. The social evils like dowry system, sati system and child marriages are also responsible for the low status of women and the root cause of gender inequality in the society.

### **Social Transformation in India.**

Over the few decades, there has been social transformation in Indian society and thus women are providing with lots of opportunities. Their voices are being heard and they have become the integral part of society. The horrific rise in crimes against women, especially the December 2012 Gang-rape in New Delhi, have led to widespread protest and underlined the seriousness of gender problems in India. Violence against women (VAW) also known as hate crime, is a violation of human rights. The UN Declaration on the Elimination of violence against women States that, “violence against women is a manifestation of historically unequal power relations between men and women” and “violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men.

<sup>2</sup>Anjani Kant, *Women and the law* 232 APH Law Publishing Corporations, First Edition. New Delhi.

<sup>3</sup> Shukla’s, V.N, “Constitution of India’ Eastern Book Company, Twelfth Edition. Lucknow at P(87)

Violence against Women is a problem of pandemic proportions. At least one out of every three women around the world has been beaten, coerced into sex or otherwise abused in her lifetime with the abuser usually someone known to her.

Violence against women especially like rape, sexual assault and domestic violence are under-reported, often due to societal norms, taboos, stigma and the sensitive nature of subject. It is widely recognized that even today, a lack of reliable and continuous data is an obstacle to forming a clear picture of violence against women. The National Family Health Survey 2014-2015 pointed out the severity and diverse nature of violence against women, which includes participation of women in household decision, ownership of land, cell phones and bank account and instances of spousal violence.

A woman during their menstruation cycle still carries a stigma, leaving girls and women ashamed and unable to carry on with their daily lives in some parts of the India. In some homes, women are not allowed to cook during these days because they should not enter kitchen. There are so many taboos like should not sleep on bed or sit on the sofa and even the food habits are made different during this time. As it considers a woman is impure when she menstruates, but when she does not menstruate, she is considered unlucky as she wouldn't be able to bear child. So, in all way women are being discriminated and look down upon.<sup>4</sup>

The major cause of the decrease of the female birth ratio in India is considered to be the violent treatment meted out to the girl child at the time of the birth. The Sex Ratio which describes the number of females per 1000 of males is a valuable source to find out the population of women in India. The sex ratio of 2011 shows 943 an upward trend from the census 2001 data. Census 2001 revealed that there were 933 females to that of 1000 males. In absolute term India has 48.53% female population compare to 51.47% of more male population. In the context of State of Sikkim, the Sex Ration in Sikkim is 889 for each 1000 male and had increased since last census in which it was 875 per 1000 males calculated from the 2011 census where the population is 6.1 Lakh<sup>5</sup>.

The frequency of female feticide in India is increasing day by day. The natural ratio is assumed

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<sup>4</sup>Prabhakar, V., "Pre-Natal and sex Determination" Kamal Publishers, First Edition. New Delhi Pp(21-22)

<sup>5</sup>Bhatnagar's "Law relating to women and their Rights" Ashoka law House, Second Edition. New Delhi at Pp(434-435)

to be between 103 and 107, any number above it is considered as suggestive of female foeticide. The reason for sex- selective abortion has been seen as due to cultural preference, disparate gendered access to resource and due to India's weak social security system which led to killing or abortion of a female foetus. Therefore, women are murdered even before they have the opportunity to be born. Females not only face inequality in this culture, they are even denied the right to be born. Aborting female foetus is practically and socially accepted in India as they are perceived as a social and economic burden.

The development of any nation or region is indicated by the level of education and that too of both genders. But in India there seems to be a considerable gap between male and female literacy rates. As per the census of 2011, an effective literacy rate for men was 82.14% whereas for women it was 65.46% therefore there exist a lack of education to the women's. The Article 21-A of the constitution which provides free and compulsory education of all children in the age group of six to fourteen years but still there is education gap affecting more over the women's. Even in the state of Sikkim the total literacy rate is 81.42% out off which male literacy is 86.55% and the female literacy rate is 75.61%. The barrier to female education is the negative attitude of parents towards the girl child and her education is one reason and other thing is due to lack of female teacher as there is lack of employment of women.

The use of women's labour force in the economic development of the country is minimal; moreover, men's are reserved for it. The Economic Empowerment is the capacity of women and men to participate in, contribute to and benefit from growth processes in ways that recognize the value of their contributions, respect their dignity and make it possible to negotiate a fairer distribution of the benefits of growth. The political sphere of the country is, by and large, reserved for only men. In addition, women's rights are not properly protected in order for women to participate in various issues of their country. Health disparity is one gender issues where women tend to have poorer health outcomes than men for several reasons ranging from sustaining greater risk to diseases to experiencing higher mortality rates. Cultural norms and practices are the two main reasons for gender health disparities exist and continue to persist. These cultural norms and practices often influence the roles and behaviours that men and women adopt in society and thus give rise to gender inequality and which in turns create health disparities.<sup>6</sup> While both males and females face health disparities, girls and women experience

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<sup>6</sup>M.G.Chitkara, "Human Rights" APH Law Publishing Corporation,332 First Edition. New Delhi 1996

a majority of health disparities. This comes from the fact that many cultural ideologies and practices have structured society in way whereby women are more vulnerable to abuse and mistreatment, making them more prone to illness and early death. Hence, women tend to have poorer access to health care resources than men.

However, India is in its transition phase and things are changing in the life of women. Today, more women are educated and have opportunity to take decision in any walk of their life whether social, economic, political or legal. The Indian Constitution grants equal rights to both men and women. Social transformation is ongoing process and there is transformation in the status of women in the society. Women in all sorts of life is giving tough competition to men and proving to the world that they are equally capable.

### **Social Perceptions on Gender equality.**

Gender inequality is the social reality in India and it affects our society in many ways. The issue of gender is not just about men and women and it is not confined to women only. It affects, men too and no doubt transgender people as well. But this is about the way that the society has conveniently pushed men forward and has forgotten that women too are not just a victim but the perpetrator. The term gender has nothing to do with the sex.

In reality, the social perspectives of gender is that males too are being affected by gender inequality as they face gender specific problems such as lower life expectancy, higher mental health issues, lower education and rigid gender norms and expectations. Therefore, males too have to deal with gender inequality though it is invisible. The recent judgement of Supreme Court on third gender and recognizing their right as an individual has been a milestone to break the gender stereotype. The Judiciary has made the transformation in the society by its judgement on Decriminalization of section 377 is an exemplary to show that the mindset of the people is changing and now Indian society is ready to accept such changes. It is a one of the burning issue related to Gender which recognizes that every individual have right to live their life with dignity.<sup>7</sup>

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<sup>7</sup>Vinod Sharma, "Human Rights Violation" APH law publishing corporation, First Edition. New Delhi Pp(221-222)

### **Legal and Constitutional Safeguards against gender equality.**

Indian Constitution provides for positive efforts to eliminate gender inequality; the Preamble of the Constitution talks about goals of achieving social, economic and political justice to everyone and to provide equality of status and of opportunity to all its citizens. Article 15 of the Constitution provides for prohibition of discrimination on grounds of *sex* including other grounds such as religion, race, caste or place of birth. Article 15(3) authorizes the State to make any special provision for women and children. Moreover, the Directive Principles of State Policy also provides various provisions which are for the benefit of women and provides safeguards against discrimination to any vulnerable group.

Other than these Constitutional safeguards, various protective legislations have also been passed by the Parliament to eliminate exploitation of women and to give them equal status in society. For instance, the Sati (Prevention) Act, 1987 was inhuman custom of Sati; the Dowry Prohibition Act, 1961 to eliminate the practice of dowry; the Special Marriage Act, 1954 which provides provision for inter-caste or inter-religious marriage; Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 to prohibit sex determination test and to prevent female infanticide, right over the property to women and many more such Acts. Furthermore, the Judiciary also plays an important role by applying judicious mind and has brought several changes into the society whether it is triple talaq, rights of elderly parents, rights of disabled people, education to the girls etc. The laws are also changing according to the need of the society. Thus, time to time there is amendments to existing laws in order to adapt to the new changes in the society. Recently, there has been repeal of age-old criminal law of the country and from July first new criminal law will be imposed.

There are various laws which plays as an instrument of social change in the society. It helps in building protection mechanisms for the establishment of society where everyone will be respected irrespective of their gender. Despite all these provisions women are still being treated as subordinate to men in our country. They still have to face lots of discrimination whether at domestic or professional front.<sup>8</sup> The social fabric of society is such that it has conditioned women to live as subordinate member. Gender is nothing but the structure of the society which believes in certain norms where they have fixed the role of men and women in the society. All individuals are trained and groomed in such a way that they follow that pattern.

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<sup>8</sup>V.N.Shukla's, "Constitution of India' Eastern Book Company, Twelfth Edition. Lucknow at Pp(87-88)

## Conclusions

Therefore, the gender inequality which creates a gap between man and women needs to be removed from the society. There should be equal opportunities to both men and women to reach their full potential. To achieve the gender equality there is need to include “gender sensitization” topic in the curriculum. It is through education we can change the mindset of people in the society. There should be gender sensitization programme to make everyone in the society aware about their role or responsibilities is not govern by their gender. There should be awareness from the grassroot level about the marital obligations, household chores and freedom to choose partner is not based on gender.

The girl child should be raised in the same way boy child is raised and they should be valued as an individual. There should be governmental agencies to encourage women into non-traditional vocations. The health and safety is another important area where government should put an effort that each women should reach out to the service provides at times of need. They should get equal opportunity to full economic and political participation. There should be formulation and implementation of health policies and enhance the competence of primary health services. The government should take necessary step to implement the social legislations for working women and improve the facilities exclusively. The implementation of gender awareness at the grass root level and dissemination of information through media is essential to have society which believes in gender equality.

The gender equality is the tool to bring transformation in the society and to break the conservative cultural and value system which keeps the country backward. Therefore, the women’s empowerment is necessary where women can become economically independent and self-reliant; where they can fight their own fears and go out in the world fearless. Therefore, in times to come and with the effort of both men and women, there would be a new society where there is gender equality and both men and women have equal status irrespective of their gender. It would be perhaps, a cherished dream of truly modern Indian society in both thought and actions.

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