

**GENDER DISCRIMINATION-POLICIES AND PRESCRIPTIONS**

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***ABSTRACT***

Gender Discrimination denotes a prejudicial treatment of women and denial of opportunities to them. Women are assigned home centric roles by traditions since centuries. These traditions are well engraved in educational & socialization process as well. Women are considered as liabilities, leading to murder in womb and declining sex ratio. The inequality between gender existing in social and economic structure result in sex based division of labor. This inequality also manifests in various forms of disadvantages and violence against women. Women are themselves weak and amongst them women belonging to weaker sections including Scheduled Castes/Scheduled Tribes/ Other backward Classes/ minorities/ rural women are most vulnerable. Our constitution guarantees gender equality and permits positive discrimination in favor of women. The government has initiated various measures including setting up National Commission for Women and its approach to women's issues has shifted from welfare to development. Our country is signatory to various conventions and human rights instruments committing to secure equal rights of women including Beijing Declaration guaranteeing gender Equality, Development & Peace. Various NGOs are doing commendable work for ending discrimination against women but still lots more need to be done. I have suggested some measures in area of Education, Judicial legal System, Decision Making, Economy, Poverty Eradication, Globalization, Agriculture, Industry, Health, Nutrition, Women in Distress, Right of Girl Child, Media, which may go a long way in ending gender discrimination and improving a lot for women.

**GENDER DISCRIMINATION-POLICIES AND PRESCRIPTIONS**

In sociological term “discrimination” is described as the prejudicial treatment of an individual, based solely on their membership in a certain group or category. When we talk of Gender Discrimination, it involves excluding or restricting women from opportunities that are available to them.

It is true that there are biological differences between men and women. Women produce children. They are primarily witnessed as mothers and housewives. They are seen cooking, sewing, washing and taking care of their men from centuries. In some societies, the issue of marriage of women is largely determined by their men folk. Thus traditionally women are assigned roles within the confines of their households and more frankly to take care of their men folk. From cradle to the grave, the women are prepared for their feminine role as housewives.

The shifting of house for the women at the time of their marriage in many societies, in my opinion is the prime cause for weakness of women as a whole for three reasons: firstly uprooting from the parental home and planting at husband’s home takes its own time for adjustment and many women loose faith in themselves by such transplant, Secondly traditionally after marriage, women are considered severing their link to parental property though lately women right to parental property has been fully recognized, Thirdly in Indian context, women are considered “Paraya Dhan” Husband’s property, they are not considered helpful to support the family and further because of institution of dowry they are considered as liability for the family.

Because of the reasons mentioned above, the sex ratio is adverse against women. According to the Census of India, 2001, the sex ratio of India stands at 933. This is a marginal improvement from the 1991 Census, which had recorded 927 females for every 1000 males. At the 2001 Census, the sex ratio among the major States, ranged from 861

in Haryana, to 1058 in Kerala. The Census of India 2011, revealed that the population ratio in India is 940 females per 1000 of males and the female child sex ratio (1) is 944 girl children per every 1000 boy children of the same age group. (2) The sex composition by age groups is very important for studying the demographic trends of young population, its future patterns and particularly, the status of the girl child. The decreasing sex ratio in this age group has a cascading effect on population over a period of time leading to diminishing sex ratio in the country. To understand the problem better, we must consider the fact that the child sex ratio is primarily influenced by sex ratio at birth and mortality in the early childhood. Alarmingly, the states like Delhi, Chandigarh, Haryana and Punjab

are placed at the bottom with child sex ratio ranging between 850-799. Ministry of Health and Family Welfare in a report had said, "Some of the reasons commonly put forward to explain the consistently low levels of sex ratio are son preference, low value of girl child, neglect of girl child resulting in higher mortality at younger age, female infanticide, female feticide, higher childhood mortality and male bias in enumeration of population."(3).

We must recognize here the emergence of a new demographic regime of gender discrimination, in which male dominance is much more pronounced among the young, including the unborn than it was in the past. In report published in "Hindustan Times" "Just 81 districts in India accounted for more than one-third of child mortality below five years of age in 2012 and half of these deaths were of girls, a study published in the international journal Lancet.....The study also showed that the probability of a girl dying within five years of her birth was higher than a boy. For 100 boys who die within five years of their birth, 131 girl deaths were reported, the study based on government data for child mortality states. "Female mortality at ages 1-59 months exceeded male mortality by 25% in 303 districts in nearly all states of India, totaling about 74,000 excess deaths in girls," the study's lead author Prabhat Jha said".(4) The female mortality amongst girls is 40 per cent greater than that of boys. Excess female mortality among girls is closely related to early discriminatory behavior, a phenomenon usually summarized as the "neglect of girls". This neglect/ discrimination may be extended to breastfeeding, visits to health centers, especially to private physicians, immunization coverage, food allocation, education etc.

The school curriculum is still partly gender based. One can easily find stories glorifying courage of boys and talking of girl's child to the confines of homes. The boys are encouraged to take technical and scientific subjects, whereas girls are steered towards Arts subjects, home-making and home-science, nutrition and commerce regardless of their interest and capabilities. In job market as well, some jobs are considered only of men's potential like mechanics, electricians, driving instructors and engineers, whereas teaching, nursing, receptionist and clerical jobs are within the realm of women's work.

The Women's liberation movements, debate the inequalities between men and women and particularly the sex based division of labor. Women are largely excluded from high status occupations and from position of power. The most basic division of labor is based upon sex or gender. The fact remains that sex based division of labor and inequality between sexes are

determined to some extent by biologically or genetically based difference between men and women. There are people as well; who would argue that gender roles are culturally determined and inequality between sexes are outcome of socially engineered power relationship.

Gender discrimination manifests itself in various other forms. Social stereotyping and violence at the domestic and societal levels are some of the other manifestations. Discrimination against girl child, adolescent girls and women persists in many parts of the country. The underlying causes of gender inequality are related to social and economic structure, which is based on informal and formal norms, and practices.

Gender discrimination is more prominent in women belonging to weaker sections including Scheduled Castes/Scheduled Tribes/ Other backward Classes and minorities, majority of whom are in the rural areas and in the informal, unorganized sector, who are largely denied educational, health and productive resources. Therefore, they remain largely marginalized, poor and socially excluded.

Since independence, we have taken many positive and far reaching steps to ensure gender equality. The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. The Constitution not only grants equality to women, but in fact it empowers the State to make positive discrimination in favor of women.

From the Fifth Five Year Plan (1974-78) onwards there has been a marked shift in the approach to women's issues from welfare to development. In recent years, the empowerment of women has been recognized as the central issue in determining the status of women. The National Commission for Women was set up by an Act of Parliament in 1990 to safeguard the rights and legal entitlements of women. The 73<sup>rd</sup> and 74<sup>th</sup> Amendments (1993) to the Constitution of India have provided for reservation of seats in the local bodies of Panchayats and Municipalities for women, laying a strong foundation for their participation in decision making at the local levels.

India has also championed women cause at International Forum by ratifying various international conventions and human rights instruments committed to secure equal rights of women. Key among them is the ratification of the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) in 1993(5). India also endorse Mexico Plan of Action 1975(6), with objectives of ensuring (a) Full gender equality and the elimination of gender discrimination (b) The integration and full participation of women in development and (c) An increased contribution by women in the

strengthening of world peace. the Nairobi Forward Looking Strategies- for advancement of women 1985(7), the Beijing Declaration as well as the Platform for Action 1995(8) and the

Outcome Document adopted by the UNGA Session on Gender Equality and Development & Peace for the 21<sup>st</sup> century, titled "Further actions and initiatives to implement the Beijing Declaration and the Platform for Action" .

Taking into account the apathy towards the girl child, Finance Minister Arun Jaitley on July 10, 2014, while presenting Union Budget 2014 launched a new scheme called "Beti Bachao, Beti Padhao" to help in generating awareness and improve the efficiency of delivery of welfare services meant for women. He said "Government would focus on campaigns to sensitize people of this country towards the concerns of the girl child and women".(9) He further said that the process of sensitization must begin early and therefore the school curricula must have a separate chapter on gender mainstreaming.

Though women's movement and a wide-spread network of non-Government Organizations, having strong grass-roots presence and deep insight into women's concerns have contributed in inspiring initiatives for ending discrimination against women but there still exists a wide gap between the goals enunciated in the Constitution, legislation, policies, plans, programmes, and related mechanisms on the one hand and the situational reality of the status of women in India, on the other.

Though the government has taken various measures to end gender discrimination and to ensure the empowerment of Women but still a lot is to be done. In my view following are the areas, in which the following policy-prescription may help in ending gender discrimination.

### **Policy / Prescriptions**

#### **Education**

Equal access to education for women and girls has to be ensured. Special measures will be taken to eliminate discrimination, universalize education, eradicate illiteracy, create a gender-sensitive educational system, increase enrolment and retention rates of girls and improve the quality of education to facilitate life-long learning as well as development of occupation/vocation/technical skills by women. Reducing the gender gap in secondary and higher education would be a focus

area. Gender sensitive curricula should be developed at all levels of educational system in order to address sex stereotyping as one of the causes of gender discrimination. Special focus should be given to girls and women, particularly those belonging to weaker sections including the Scheduled Castes/Scheduled Tribes/Other Backward Classes/Minorities, who are the weakest amongst the weak.

### **Judicial Legal Systems**

Legal-judicial system should be made more responsive and gender sensitive to women's needs, especially in cases of domestic violence and personal assault. The Government enacted "The Protection of Women from Domestic Violence Act 2005" which has addressed women's concern to a large extent.

At the initiative of and with the full participation of all stakeholders including community and religious leaders, the Policy should aim to encourage changes in personal laws such as those related to marriage, divorce, maintenance and guardianship so as to eliminate discrimination against women.

The evolution of property rights in a patriarchal system has contributed to the subordinate status of women. The Government enacted The Hindu Succession (Amendment) Act, 2005 (39 of 2005) which comes into force from 9th September, 2005 to remove gender discriminatory provisions in the Hindu Succession Act, 1956 and gives the following rights to daughters under Section 6: (i) The daughter of a coparcener shall by birth become a coparcener in her own right in the same manner as the son (ii) The daughter has the same rights in the coparcenary property as she would have had if she had been a son; (iii) The daughter shall be subject to the same liability in the said coparcenary property as that of a son; and any reference to a Hindu Mitakshara coparceners shall be deemed to include a reference to a daughter of a coparcener; (iv) The daughter is allotted the same share, as is allotted to a son.

Still lot more need to be done to ensure that Women are able to access legal institutions such as police and courts, which, UN Women has said that, "Too often, justice institutions, including the police and the courts, deny women justice" (10).

### **Decision Making**

Women's equality in power sharing and active participation in decision making, including decision making in political process at all levels should be ensured for the achievement of the goals of empowerment. All measures should be taken to guarantee women equal access to and full participation in decision making bodies at every level, including the legislative, executive, judicial, corporate, statutory bodies, as also the advisory Commissions, Committees, Boards, Trusts etc. Government introduced Women Reservation Bill 2010 to reserve for women 181 of the 543 seats in the Lok Sabha and 1,370 out of a total of 4,109 seats in the 28 State Assemblies. The bill is yet to be passed.

### **Economy**

Women's perspectives should be included in designing and implementing macro-economic and social policies by institutionalizing their participation in such processes. Their contribution to socio-economic development as producers and workers be recognized in the formal and informal sectors (including home based workers) and appropriate policies relating to employment and to her working-conditions should be drawn up.

### **Poverty Eradication**

Since women comprise the majority of the population below the poverty line and are very often in situations of extreme poverty, social discrimination, macroeconomic policies and poverty eradication programmes be specifically addressed to the needs and problems of such women. The implementation of programmes should also be improved.

### **Globalization**

Benefits of the growing global economy have been unevenly distributed, leading to wider economic disparities, the feminization of poverty, increased gender inequality through often deteriorating working conditions and unsafe working environment especially in the informal economy and rural areas. Strategies should be designed to enhance the capacity of women and empower them to meet the negative social and economic impacts, which may flow from the globalization process.

### **Agriculture**

In view of the critical role of women in the agriculture and allied sectors, concentrated efforts should be made to train women in soil conservation, social forestry, dairy development and other occupations allied to agriculture like horticulture, livestock including small animal husbandry, poultry, fisheries etc

### **Industry**

Women are playing important role in electronics, information technology and food processing and agro industry and textiles. Women should be given comprehensive support in terms of labor legislation, social security and other support services to participate in various industrial sectors. The principle of equal treatment for men and women as regards access to employment, vocational training and promotion be implemented and working conditions should clearly state that: Harassment and sexual harassment within the meaning of this Directive shall be deemed to be discrimination on the grounds of sex and therefore prohibited.

### **Health**

Special attention be given to the needs of women and the girl at all stages of the life cycle. The reduction of infant mortality and maternal mortality, which are sensitive indicators of human development, is a priority concern.

Policy be made to recognize the critical need of men and women to have access to safe, effective and affordable methods of family planning of their choice and the need to suitably address the issues of early marriages and spacing of children.

Women's traditional knowledge about health care and nutrition should be recognized through proper documentation and its use should be encouraged. The use of Indian and alternative systems of medicine should be enhanced within the framework of overall health infrastructure available for women.

### **Nutrition**

In view of the high risk of malnutrition and disease that women face at all the three critical stages viz., infancy and childhood, adolescent and reproductive phase, focused attention should be paid to meeting the nutritional needs of women at all stages of the life cycle. This is also important in view



of the critical link between the health of adolescent girls, pregnant and lactating women with the health of infant and young children. Special efforts will be made to tackle the problem of macro and micro nutrient deficiencies especially amongst pregnant and lactating women as it leads to various diseases and disabilities in mother and infant/ child.

### **Women in Distress**

In recognition of the diversity of women's situations and in acknowledgement of the needs of specially disadvantaged groups, measures and programmes should be undertaken to provide them with special assistance. These groups include women in extreme poverty, destitute women, women in conflict situations, women affected by natural calamities, women in less developed regions, the disabled widows, elderly women, single women in difficult circumstances, women heading households, those displaced from employment, migrants, women who are victims of marital violence,

### **Rights of the Girl Child**

All forms of discrimination against the girl child and violation of her rights should be eliminated by undertaking strong measures both preventive and punitive within and outside the family. These would relate specifically to strict enforcement of laws against prenatal sex selection and the practices of female feticide, female infanticide, child marriage, child abuse and child prostitution etc.

Though Government has passed two laws that prohibit the sex selection of a fetus in India are the Medical Termination of Pregnancy Act, 1971 (MTP), as amended in 2002, and the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 (PNDT), as amended in 2002. The former Act prohibits abortion except only in certain qualified situations, while the latter prohibits the sex selection of a fetus with a view towards aborting it. The implementation of these two laws is far from satisfactory.

The current laws in India that legislate sex workers are fairly ambiguous. It is a system where prostitution is legally allowed to thrive, but which attempts to hide it from the public. The only law dealing with the status of sex workers is the 1956 law referred to as

The Immoral Traffic (Suppression) Act or (SITA), which has been amended as The Immoral Traffic (Prevention) Act or PITA. Prostitution in India is due to poverty and unemployment, lack of proper

reintegration services, lack of options, stigma and adverse social attitudes, family expectations and pressure, resignation and acclimation to the lifestyle.

The Immoral Trafficking Prevention Act, 1956 (“PITA”), dealing with sex workers in India, does not criminalize prostitution or prostitutes per se, but mostly punishes acts by third parties facilitating prostitution like brothel keeping, living off earnings and procuring, even where sex work is not coerced. There is urgent need to pass law against child prostitution.

### **Media**

Media should be used to portray images consistent with human dignity of girls and women. The media should be encouraged to develop codes of conduct, professional guidelines and other self regulatory mechanisms to remove gender stereotypes and promote balanced portrayals of women and men.

Though the Government is doing its bit by launching “Beti Bachao Beti Padhao” movement, at the State & National level but such endeavor will be successful only when, gender equality find home in social, cultural and religious value structure.

Through this paper, I am trying to suggest that our country needs an ideological revolution, in which the gender roles existing in our culture, tradition, values, religion, and system must change to recognize the gender equality & identity of women. Thus men and women must be seen as human beings, not as gender, what is demanded is equality between the sexes which shall result in fulfilling human aspirations and lead to progressive development of nation.

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