
WOMEN'S EQUALITY AND GENDER JUSTICE IN INDIA

DR S JEYARANI

Abstract: Today, in India, “women’s empowerment” is a government slogan; it is a feature of every party manifesto. There is a ministry for women and child development. There are laws against female feticide, domestic violence and sexual harassment in the workplace. In recent times women’s participation in public life is on the rise. Yet, in the first decade of the 21st century, Indian women - seemingly protected by law, celebrated by the media and nursed by activists - remain second- class citizens, most obviously in rural areas, but in some senses everywhere. It has been pointed out that masculine bias in the population, lower ages at marriage, family structures, etc. have been found to influence gender discrimination and hence proportion of female population in the country. The general social preference for sons has also been cited as an important reason behind the growing masculinization of Indian societies.

In way emancipation from the rigidities of caste for lower caste women who endure a combination of poverty and gender discrimination that keeps them illiterate, low paid, malnourished and unhealthy and powerless. Caste-based discrimination remains widespread and deeply rooted; its victims face structural discrimination, marginalization and systematic exclusion. This form of discrimination entails gross and wide ranging human rights abuses including brutal forms of sexual violence Dalit women and girls are particularly vulnerable and are exposed to multiple forms of discrimination and violence on the basis of gender and caste .Children victims of caste based discrimination are more at risk to be victims of sale and sexual exploitation.

Introduction: Today, in India, “women’s empowerment” is a government slogan; it is a feature of every party manifesto. There is a ministry for women and child development. There are laws against female feticide, domestic violence and sexual harassment in the workplace. In recent times women’s participation in public life is on the rise. A number of women are occupying top corporate positions as Kiran Majumdar Shaw Indian; they are also leading sports persons, film stars, and civil society activists. It shows that show that talented, determined women are making it in every corner of this traditional society - a society that was entirely male-dominated in 1947. Yet, in the first decade of the 21st century, Indian women - seemingly protected by law, celebrated by the media and nursed by activists - remain second- class citizens, most obviously in rural areas, but in some senses everywhere

According to Urvashi Butalia,” One of the most enduring clichés about India is that it the country of contradictions. Like all Clichés, this too has a grain truth in it. At the heart of the contradiction stand Indian women: for it is true to say that they are among the most oppressed in the world, and it is equally true to say that they are among the most liberated, the most articulate and perhaps even be most free. Can these two realities be simultaneously true”

Masculinization of Indian societies: There have been a number of attempts to understand the root causes of this problem. Traditional literature has been centered round the cultural and economic factors that underlie this strange phenomenon. It has been pointed out that masculine bias in the

population, lower ages at marriage, family structures, etc. have been found to influence gender discrimination and hence proportion of female population in the country. As discussed earlier, academicians have argued that high levels of female infanticide, sex selective abortion and other coercive methods have been a major reason behind the massive imbalance. The general social preference for sons has also been cited as an important reason behind the growing masculinization of Indian societies.

While looking at the female-male ratio in the population is only one way of examine the relative position of women, this approach does give some insight into the acuteness of the problem of gender inequality in matters of life and death. The planning commission of India (an apex body for planned development chaired by the Prime Minister of Indian has set the target of raising the sex ratio for age group 0-6 to 935 by 2011-12 and 950 by 2016-17 in its XI plan period(underway). Although it has been said in plan after plan, it needs to be reiterated here that the Eleventh Five Year Plan will give special attention to the health of marginalized groups like adolescent girls, women of all ages, children below the age of three, older persons, disabled, and primitive tribal groups. It will view gender as the cross-cutting theme across all schemes.

A total of 2,44,270 incidents of crime against women (both under IPC and SLL) were reported in the country during the year 2012 as compared to 2,28,650 in the year 2011 recording an increase of 6.4% during the year 2012. These crimes have continuously increased during 2008 - 2012 with 1,95,856 cases in the year 2008, 2,03,804 cases in 2009 and 2,13,585

cases in 2010 and 2,28,650 cases in 2011 and 2,41,270 cases in the year 2012.*National Crime Records Bureau. According to National Crimes Record Bureau, registered rape cases in India have increased by 900 percent in past forty years. Percentage variation between 2012 (31116) and 2011(28878) on rape related crime is alarmingly as high as 8 percent. Dishonour killings are being reported mainly from the northern Indian States.

This specific nature of crime against women is far more prevalent in Haryana, Punjab and Uttar Pradesh

Important constitutional and Legal Provisions for women empowerment and equality In India: The Potential for promoting women's equality and gender justice is buttressed by the rich legal sources including a powerful constitution and major international treaties that obligate the Indian government to respect and protect women's right. The Constitution of India, which came into effect in 1950 and has since been "the conscience of the Nation and the cornerstone of the legal and judicial system," contains twenty-two parts. The most relevant sections for purposes of rights based approach to gender justice are Part III's Fundamental Rights, defining the basic human rights of all citizens that are enforceable in court, and Part IV's Directive Principles of State Policy, listing non-justiciable guidelines for the government to apply when framing laws and policies.

The Constitution of India not only grants equality to women but also empowers the State to adopt measures of positive discrimination in favour of women for neutralizing the cumulative socio economic, education and political disadvantages faced by them. Within the framework of a democratic polity, our laws, development policies, Plans and programmes have aimed at women's advancement in different spheres. Fundamental Rights, among others, ensure equality before the law and equal protection of law; prohibits discrimination against any citizen on grounds of religion, race, caste, sex or place of birth, and guarantee equality of opportunity to all citizens in matters relating to employment. Articles 14, 15, 15(3), 16, 39(a), 39(b), 39(c) and 42 of the Constitution are of specific importance in this regard.

New Law Regarding Rape and other crimes against women: The new bill has amended India's Penal code and laws of criminal procedure. It is adopted in response to country wide street protests after the fatal gang-rape of a 23 year old woman in Delhi in December 2012. Among the significant provisions of the bill, are longer sentences for sex offenders, a broader definition of rape and punishments for other sex crimes. A gradation of different kinds of sexual offences has been introduced to plug the legal vacuum that existed. It has introduced new form of offences related to acid

attacks, sexual harassment, forced stripping of women, voyeurism, stalking, e stalking. The Bill has expanded the meaning and definition of rape to include not just peno vaginal intercourse but the insertion of an object or any other body part into a woman's vagina, urethra or anus, and oral sex. The amendments have strengthened accountability of the police and public servants for acts of omission and commission in respect of sexual offences. Under the amended law, there is a minimum mandatory sentence of 6 months for dereliction of duty by public servants, for neglecting to act as required by the law, or disobeying the law to the detriment of a woman.

Caste and Gender relations in India: India's rapid economic development in recent decades, it still insinuates itself into the social, economic, and political fabric of the country. No researcher with any familiarity with India would claim that caste is a thing of the past.

The marginalization of dalit women can clearly be seen in their current low national status in terms of occupation, education, health, political power extent of victimisation through violence and access to forms of justice. Dalit women are in worst positions than dalits in general in terms of sex ratio, wages, employment, occupation, assets, education, health, social mobility and political participation. Besides this, a large number of dalit women are engaged in so called 'unclean occupations' like scavenging. Because of their association with these occupations, they face discrimination in social and economic sphere. The high dependence on casual labour, with relatively low earnings coupled with inadequate exposure to education among dalit and tribal women induces a high degree of deprivation and poverty among them. According to the National Sample Survey Organisation data of 2009-10 only 52.1 percent of dalit as well as scheduled tribe women were literate. The drop-out rate among them is relatively high at every stage of education. Besides this, a large number of dalit women are engaged in so called 'unclean occupations' like scavenging. Because of their association with these occupations, they face discrimination in social and economic sphere. The high dependence on casual labour, with relatively low earnings coupled with inadequate exposure to education among dalit and tribal women induces a high degree of deprivation and poverty among them. According to the National Sample Survey Organization data of 2009-10 only 52.1 percent of dalit as well as scheduled tribe women were literate. The drop-out rate among them is relatively high at every stage of education.

Conclusion: In a way emancipation from the rigidities of caste for lower caste women who endure a combination of poverty and gender discrimination that keeps them illiterate, low paid, malnourished

and unhealthy and powerless. Caste-based discrimination remains widespread and deeply rooted; its victims face structural discrimination, marginalization and systematic exclusion. This form of discrimination entails gross and wide ranging human rights abuses including brutal forms of sexual

violence Dalit women and girls are particularly vulnerable and are exposed to multiple forms of discrimination and violence on the basis of gender and caste .Children victims of caste based discrimination are more at risk to be victims of sale and sexual exploitation.

References:

1. Abraham, Vinod (2012), 'Wages and Earnings of Marginalised Social and Religious Group in India', MPRA, <http://mpra.ub.uni-muenchen.de/37799>.
2. Bhalla, A and F. Lapeyere (1997), 'Social Exclusion: Towards an Analytical and Social Framework', Development and Change, Vol. 28, No. 2.
3. Bordia – Das, Maitreyi (2010), 'Minority Status and Labour Market, Outcomes: Does India Have
- Minority Enclaves?' in Sukhdeo Thorat and Katherine S. Newman (eds), Blocked by Caste: Economic Discrimination in Modern India, New Delhi, Oxford University Press.
4. CSO (2010), Women & Men in India 2010, New Delhi, Government of India Central Statistical Office.

Dr S Jeyarani /Asst Professor In Economics/ The American College/ Madurai/ drsjeyarani@gmail.com