

# Gender Disparity in India and the Role of the State

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## Abstract

India has achieved a prestigious position in the world today with a fast growing economy, rapid urbanization, advancement in science and technology, and an expanding youth population. However, in order to achieve the goal of sustainable development, equal participation of women and girls is required. During the British era, gender oppression and inequality was openly practiced in Indian society. There were concerted efforts on the part of some socially enlightened reformers to uplift the condition of women in India but the overall idea was that women are born to remain subjugated and subordinated to the male dominance. Post independent India saw some more efforts on the part of the government (both central government and state governments) to uplift and empower women so that they are able to find their suitable position in society. However, it is ultimately the attitude and honest efforts on the part of the common people which can bring about the much needed change that Indian society requires.

**Keywords:** Growing Economy, Urbanization, Gender Oppression, Sustainable Development

## Introduction

It goes without saying that the Indian society is based on gender inequality between men and women. In this society based on gender inequality, due to the predominance of men over women in the past, they have enjoyed exclusive dominance over all sectors of life, but not women. Male dominance in various sectors such as society, family, education, culture, economy etc. has forced women to stay confined to the four walls of the domestic household. This was the exact position of women in a sexist, male dominated patriarchal Indian society in the past. However, during the National Liberation movement against the British government in India, Indian women got the opportunity to come out of the domestic fold and join the national freedom movement. Later, in independent India, women were given various privileges and rights through various constitutional and legal systems. This was an important landmark in the field of women empowerment in India. However, even today, Indian women are constantly bearing the brunt of patriarchy and oppression in almost all sectors of life.

## Background of gender discrimination in India

It's true that the British did not interfere much in the prevalent social rules and customs of the Indian society. The customs and rules of the society related to marriage and family systems, property rights etc. were maintained and upheld as before. Basically, the British rulers perceived Hindu laws to be the rules and regulations governed by Brahmanism. Naturally, even during the British rule, Indian women were forcefully led to a subordinate social position as compared to men. It goes without saying that Indian Muslim women were no exception to this rule. The nationalist leadership of India during the British rule

did not give much importance to the indiscriminate and unequal position of women. They took the help of brave women in saving and redeeming the country, but believed in the patriarchal idea that the rightful place of women was actually the home or the household.

With the independence of India, the modern state structure was formed and in this state structure, strong conviction was expressed towards high ideals like democracy, equality, secularism, socialism, etc, but the traditional Indian social system based on gender discrimination remained as it was, resulting in a mismatch between ideals and reality, and it was most evident in the relationship between men and women.

### **Indian Constitution and Gender**

However, the Constitution of independent India guaranteed the fundamental rights of all citizens regardless of gender. Article 14 and 15 of the Indian constitutions spoke about equality before law irrespective of gender and prohibited discrimination on the basis of sex. Uniform Civil Code was introduced throughout the country and the policy of 'equal pay for equal work' to men and women was also introduced. Article 42 directs the State to make provision for securing justice and humane conditions of work and for maternity relief. Article 243 D (3) and Article 243 T(3) provide for reservation of not less than one third of total number of seats in Panchayats and Municipalities for women to be allotted by rotation to different Constituencies. Article 243 D(4) T(4) provides that not less than one third of the total number of officers of chairperson in the Panchayat and Municipalities at each level to be reserved for women. The state has also enacted various legislative measures intended to ensure equal rights, to counter social discrimination and various forms of violence and atrocities and to provide support services especially to working women.

With the enforcement of so many provisions, a few kinds of discrimination have been stopped but not to the hilt.

### **Gender and Hindu Society**

If we gauge British India, discrimination was enormous and much more intense as compared to the modern era. For example, the wicked and brutal practice of Sati or the ill treatment meted out to widows. Some legal provisions such as the Hindu Remarriage Act (1856) had done a bit in improving the social condition of women but the larger picture remained gloomy as before.

It needs to be mentioned that leaders like Jawaharlal Nehru and BR Ambedkar wanted to amend the prevailing Hindu laws to remove gender discrimination with regard to property and marriage. But the Constituent Assembly of India, which drafted the Indian constitution, rejected the proposal due to the opposition of some delegates. Except for a few individuals most of the political leaders of India at that time wanted to keep the traditional patriarchal social structure intact in India.

Later in the mid 50s, however, the Hindu Marriage Act and the Hindu Succession Act were passed on the initiative of PM Nehru and this, to an extent, improved the status of Indian women with respect to property and divorce. But this law was not really enough to establish equality for all regardless of gender.

## Gender and Muslim Society

In addition to that, the pathetic condition of Indian Muslim women remained the same as before. Under the Muslim Marriage Act, a married Muslim woman could be easily divorced by her husband by uttering the word 'Talaq' three times in a single breath. Even after independence, this law remained the same. Under this law, there are no provisions of alimony to the divorced woman and her children. However, in 1985, in the historic Shah Bano case, the Supreme Court of India ensured that a Muslim woman divorced under the Muslim Marriage Act is ensured the system of alimony. Consequently, as a reaction to this, fundamentalist Muslim men from all over the country started strong protests against it and the central government of India, having accepted the regressive Muslim Shariyati Act 1986, pushed Muslim women again to the realms of darkness and pathos. However, on 22<sup>nd</sup> August 2017, the Supreme Court of India through its decision again repealed the system of talaq in Muslim society. According to the decision of the Supreme Court, divorcing a wife by a man by the utterance of the word talaq three times is "irreligious, unconstitutional and illegal."

Apart from this, the Sachar Committee report (2005) in its findings described the pathetic social, economic and educational status of Indian Muslim women throughout the country.

## Attempts at removing Gender Discrimination in India

It is to be mentioned that numerous criminal laws have been passed and amended with respect to removal of gender discrimination in India since independence. But, such laws have not really been enough to eliminate gender discrimination in practice.

However, there definitely have been a number of positive efforts on the part of Indian government to do its best with regard to empowerment of women in India and providing them various platforms to uplift themselves. Some of these efforts are mentioned as follows.

1. National policy for the empowerment of women was adopted in 2001 for the emancipation and empowerment of women. Main policy prescriptions of National Policy for the Empowerment of Women include the strengthening of the legal and judicial system to ensure deliverance of speedy justice to women with regard to issues relating to marriage, divorce, property etc. The NPEW also includes measures to ensure active participation of women in decision making. Under this policy, there have also been efforts for the economic empowerment of Indian women, such as eradication of poverty, establishment of microcredit mechanisms, expansion of training programmes in social forestry, environmental conservation, etc to benefit women workers in the agricultural sector. Apart from this, support services have also been upgraded such as child care facilities, creches at workplaces, etc to address the needs and problems of working women as well.

There have also been numerous holistic efforts towards social empowerment of women, such as development of technical and vocational skills for women, special focus on girls belonging to backward communities, ensuring women's access to comprehensive, affordable and quality healthcare and nutrition.

2. Women Vocational training programme under the Ministry of Skill Development and Entrepreneurship which was launched in 1997 to mainstream women into economic activities

through industrial skill training, demand driven short term courses and other special programs which were implemented through a network of 11 institutes which were later named as National Skill Training Institutes for Women.

3. GATI is an initiative of the Department of Science and Technology (DST) that aims to promote gender equity in science and technology. GATI aims to nudge higher educational institutions towards supporting diversity, inclusion, and the full spectrum of their success and progression. It aspires to create an enabling environment that encourages women to participate equally in Science, Technology, Engineering, Medicine, and Mathematics (STEMM) disciplines at all levels.
4. There's also the Beti Bachao Beti Padhao Scheme which focuses on ensuring the protection, survival, and education of the girl child. This Scheme was introduced by the government for addressing the issue of declining Child Sex Ratio (CSR). The overall goal of the scheme is to Celebrate the 'Girl Child & Enable her Education'.

Then there's the Sukanya Samridhi Yojana which aims at the economic empowerment of women. It was launched as a part of the Beti Bachao Beti Padhao campaign. This Scheme is a small deposit scheme for a girl child in order to secure her future. Parents of a girl child below the age of 10 years can invest in the scheme through any designated public and private banks and post-offices. The plan matures when the daughter attains the age of 21 years. An interest rate of 7.6% p.a. is offered under the scheme.

5. The Stand-Up India Scheme for financing SC/ST and/or Women Entrepreneurs aims to promote female entrepreneurship by facilitating bank loans ranging from 10 lakh and 1 crore to at least one scheduled caste or scheduled tribe borrower and at least one women borrower per bank branch for setting up a greenfield enterprise in the manufacturing, services, agri-allied or trading sector.
6. The Ministry of Women and Child Development launched One-Stop Centre (OSC) Scheme (2015) with the goal of supporting women affected by violence in private and public spaces. The Scheme provides specialised services to women who have endured any type of gender-based violence including "attempted sexual harassment, sexual assault, domestic violence, trafficking, honour-related crimes, acid attacks or witch-hunting".
7. The Rashtriya Mahila Kosh is a national level organization established in 1993 under the aegis of the Ministry of Women and Child Development. It acts as a facilitator for providing funds to NGOs, voluntary organisations and self-help groups of women.
8. This scheme is being implemented by the Ministry of Women and Child Development with the objective to rehabilitate women in difficult circumstances. The Scheme covers the following categories of women:
  - Women who are deserted and without any social and economic support,
  - Women victims of domestic violence, family tension, and natural disaster.
9. The Women Entrepreneurship Platform (WEP) is an initiative of NITI Aayog for the promotion of women entrepreneurship by:
  - Promoting and supporting aspiring as well as established women entrepreneurs in India.

- Assisting and handholding the women entrepreneurs in their journey from starting up to scaling up and expanding their ventures.

10. Mahila e-Haat is a direct online marketing platform that leverages technology to support women entrepreneurs/SHGs/NGOs and showcase the products/services that they make/manufacture/undertake. It is a joint initiative of the Ministry of Women and Child Development and Rashtriya Mahila Kosh. This exclusive portal is the first in the country to offer a specialised, female-focused marketing platform.

### **Schemes launched by various State Governments in reducing Gender Disparity**

Apart from the schemes launched by the Government of India at large, various state governments of India have also done their bit to improve the condition of women in their respective states. Some of these schemes are internationally acclaimed ones as well. Some of the schemes launched by various state governments are as follows:-

#### **a. Bihar**

The Bihar government has been trying a lot to uplift the 'aadhi abaadi' (half of the population, more specifically the female section of population) by taking pioneering welfare measures for women. The Mukhyamantri Nari Shakti Yojana started in 2008 and the 35% quota for women in all state government jobs further boosted the empowerment measures for them. The government has also provided an interest-free Rs 10 lakh loan with half the subsidy for entrepreneurship and financial empowerment of women.

#### **b. Odisha**

Odisha was one of the first states to adopt the practice of gender budgeting in 2004-2005. The Biju Kanya Ratna scheme was implemented in the districts having the lowest child sex ratio from 2016-2017 to tackle the declining child sex ratio in the state. The scheme aims to prohibit gender based sex selection, ensure education and retention of the girl child in school as to sensitize the community and all the stakeholders towards the value of the girl child.

Another scheme launched by the state government is the Mission Shakti for empowering women through the promotion of Women's Self Help Groups. This scheme was launched on 8 March, 2001. It aimed at empowering women through formation of 1 lakh self-help groups and strengthening them by providing financial and technical support.

#### **c. Punjab**

The government of Punjab has made a number of efforts to improve the condition of women in the state. Women above 60 years and above residing in Punjab and women residing with state government employees staying in Chandigarh have been given the benefit of free travel concession with effect from 1.12.1997 in the Punjab roadways and Pepsu Road Transport Corporation buses. It is a 100% state government sponsored scheme. Mai Bhago Vidya Scheme launched during 2011-2012 to encourage enrolment of girl students to continue their further studies in government schools and to reduce the school dropout rate. Under the scheme, free bicycles are provided to all girl students of classes 9-12 studying in the government schools of the state. Bebe Nanki Laadli Beti Kalyan Scheme launched under 13<sup>th</sup> Finance Commission to curb female foeticide and provide better education to girls. Alongside that,

financial assistance will be provided to the families from time to time so that they are not burdened with the birth of the girl child.

#### **d. West Bengal**

The government of West Bengal has achieved a remarkable feat with respect to the upliftment and empowerment of women in the state. Kanyashree Prakalpa is a conditional cash transfer scheme designed by the Department of Women Development and Social Welfare, Government of West Bengal. The main aim of the scheme is improving the status and wellbeing of the girl child in West Bengal by incentivising schooling of girls and delaying their marriages till the age of 18 years. It comprises an annual scholarship of INR 500 and a onetime grant of INR25,000. It has received national and international recognition for its design and features of good governance, such as the UNPSA Award 2017, CSI NIHILENT Award 2014-15, Skoch Award and Order of Merit, 2015 and many others. It was also lauded and recognised by the UNICEF.

These are some remarkable initiatives and schemes on the part of both the central government and different state governments of India to reduce gender gap in all aspects of social, economic and political life.

#### **Conclusion**

It is strongly believed that achieving gender equality in Indian society is neither difficult nor impossible. All the above mentioned schemes and policies administered by the central and state governments are indeed praiseworthy attempts. However, what is more important is the attitudinal change in people regarding the position of women and their readiness to accept the fact that women are no less than men in any field whatsoever. The positive efforts by the government combined with the change in people's mindset will definitely bring about the much needed change that India dreams of.

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