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## A Study on Discrimination Faced By the Women in India

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### Abstract:

In a world where brutality against women is considered just to show the patriarchal value and it is in society, these ideals of men pose the utmost challenge in cutting sexual harassment. This is not a problem that happens only in India, every country in all over the world is facing this issue today. The level of confidence and security is lacking in them. Even though we have certain developments in laws of countries all over the world to protect women from sexual harassment and molestation at home, educational institutions, working places and at public places etc. But the main problem with Indian legislature is that, they are not preventive in nature. They bring up some laws only after the happening of some incidents. The best example is the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 which came into existence only after the landmark judgment of **Visakha V/s. State of Rajasthan**. Therefore, the main intention of this paper is to scrutinize the gender discrimination in India in demographic social, economic and political context. The chances given for men and women to access to decision-making in organizations are not always equal. There is a definite division of labour between men and women, with each assigning certain chores to the other. This study examines discrimination faced by women in India, including its different manifestations and causes. This study also discusses the importance of women in development, legislations that improved the status of women, and some suggestions to such problems etc.

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**Key Words:** Gender discrimination, Education, Legislations improved the status of women, employment, economic independence, empowerment, decision making and confidence.

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### Introduction:

The definition and legalization of equal rights is a crucial weapon for combating India's high level of gender disparity. Gender impartiality is a constitutional constraint, and numerous legislations have been implemented to ameliorate women's traditionally lower social and economic status. This legal reform benefits only a few privileged women. Equal pay, maternity benefits, property ownership or inheritance, the opportunity to terminate undesired pregnancies, and protection against spouse mistreatment through divorce or judicial separation are all examples of legal reform.

The fairy story that Indian women have a lofty standing in Indian culture has been maintained by these legislative developments. However, the bulk of women's lives have not been better as a result of legislation. Around 90% of workers who get paid a low wage are women, highly unfettered sectors of the economy. 85% women have no personal property or what they have is little compared to her male siblings. Women in India continue to be at the bottom of society in economics, social status, and political power.

The poor and inadequate application of existing legislation is frequently blamed for women's low status in India. Whereas this is

a problem, the key aspect is the interrelationship between the existing legislation and treatment of women: although the constitutional assurance of equality, many gender biased legislative provisions keep on to reinforce traditional feudal attitudes toward property rights of women and fail to endow with women with equal admittance to economic assets. To understand why legislation reinforces women's economic dependent on men, the attention must be turned to the basis of discriminatory legislative measures.

**Concept Of Gender Discrimination:**

Here at India, we still face gender inequality everywhere. According to Indian society, taking birth as a woman means, she has to face discrimination throughout her life. Here, females should live a life in kitchen by doing all house chores, raising and looking after husband and children, caring for her husband's families, regardless of her educational qualification and talents. Women have very few job opportunities than men and even for working, they are paid less than men. Gender Discrimination means treating a person in a different way / unfair way just because they belong to a particular gender. Here in our society, women are the ones who get discriminated always.

In India, the literacy rates based on gender exhibit a large disproportion between men and women, and it was (age 7 and up) were 82.14 percent for men and 65.46 percent for women, according to census 2011<sup>1</sup>. Parents are diffident to spend for daughters' education because they believe that educating women is futile because they will only serve their spouses and in-laws in the future. Our Indian constitution guarantees men and women equal rights, but still ¾ of the women in India do not have access to these rights and opportunities.

**Discrimination In Our Society At Different Fronts:**

**Economic Front:** Gender inequality has had a significant impact on India's population. According to the Population and Family Planning's General office, "the number of new-born boys and girls are unequal due to gender-based discrimination." The mentality of some families to have a boy

child, results in an imbalance in the society. The Ministry of Public Health report says that "even after taking all the efforts to lessen the gap between the birth of boys and girls, as per 2020 report, still there are 4.3 million men than women, which might have major ramifications."<sup>2</sup>

**Education:** The percentage of youngsters who have received a letter varies by gender. The female literacy rate in India is currently 65.46 percent and the literacy rate of women is above 80 percent.

**Employment:** The labor force participation by women clearly demonstrates gender discrimination in the workplace. In 2018, women's labor force participation was 26% which got reduced from 36.7% (2005), compared to 76.16 percent for men. The Women's representation in experienced, directing, and administration of government roles has grown, only a very little compared to men. Women or females are commonly typecast in advertising for perfume, tumble dryers, kitchenware, soaps, and cosmetic items, among other things<sup>3</sup>.

**Politics:** In Indian politics, women persist to exist in the shadows of men." In India, gender disparity is highly visible in women's political participation. The participation of women in Indian politics is not very remarkable. India has a disproportionately low number of female politicians. In the 2014 Parliamentary general elections, there were only 65.63% votes by women and it was 65.63 % of men.<sup>4</sup>

**Statistical Data Showing Discrimination In Society:**

1. According to a recent study and survey, just six of the 250 CEOs of companies in FY20 are women. From 3.6 percent in March 2019 to 2.4 percent in 2020, the percentage of female CEOs/MD has decreased.
2. According to a recent Public Labour Force Survey, the overall proportion of women in India's labour force, which includes both rural and urban regions, is 18.6 percent, while the total percentage of

<sup>2</sup>[Gender Discrimination in India | International Journal of Advanced Legal Research \(ijalr.in\)](#)

<sup>3</sup>[\(PDF\) Gender Discrimination and Women's Development in India \(researchgate.net\)](#)

<sup>4</sup>Changing Indian Society and Status of Women, Shakil Anjum, Globus Press Publishers, Edition, 1, 2012

<sup>1</sup> GOVERNMENT OF INDIA, SHRAMSAKTHI, REPORT OF THE NATIONAL COMMISSION ON SELFEMPLOYED WOMEN 28 (1988)

males in the labour force is 55.6 percent. Only around a quarter of Indian women work.

3. In India, just 17% of working women reach the management level; the remainders abandon their employment for a variety of reasons.<sup>5</sup>
4. In April-June 2018, males in paid jobs earned an average of \$17,697.78 per month. Women earned an average of \$13,890.27 per month over the same time period.
5. According to a World Economic Forum research, women plays only 14% leadership roles and when it comes to professional and other technical roles, its just 30%.
6. Women now account for nearly a third of board positions in the UK's top 350 companies; nearly a third of board positions in the FTSE 100 are held by women.
7. India, as a workplace for working women, is lagging behind in the struggle to keep women at the top at any level of management. In the last five years, the number of women directors at FTSE (The Financial Times Stock Exchange) 100 companies has increased by 50%.<sup>6</sup>
8. The Annual Gender Parity report of World Economic Forum's 2021 says that, political engagement remains the greatest worldwide gap, worsening since the report's last edition in 2019<sup>7</sup>.

#### **Legislations Relating To Women In India:**

According to our Indian Constitution, gender equality is enshrined not only in its preamble, but also as a core part of fundamental Rights, Fundamental duties, Directive Principles of state Policy. Gender quality is well protected under our constitution as a two -sided coin; on the one side, it guarantees equal rights to women along with men and on the other side, it authorizes our government to take special legislations for women and for the protection of their rights. For this purpose, India has ratified a number of International Instruments like, Convention on the

<sup>5</sup>[Discrimination Against Women In Modern India | jpl.org](https://www.jpl.org)

<sup>6</sup>The Status of Women in India: From Antiquity to Modernity, Biswas Manjari, Book ID: 36382, New Delhi, 2010

<sup>7</sup>[Gender discrimination at the Top-level in India – An IJNM Publication](#)

Elimination of All Forms of Discrimination against Women (CEDAW)<sup>8</sup>.

#### **Constitutional Provisions and Privileges:**

The Indian Constitution on the one side, guarantees women's equality, and on the other side, it authorizes the government to find solutions and solve the existing discrimination issues faced by women in our society. There are some constitutional provisions which stand in favor of women in India. They are mentioned below;

1. Under Art 14, Women have equality with men under law, ie; before law, both women and men are equal.
2. Under art. 15(i), Discrimination of women by the government on the basis of caste, sex, creed, religion and birthplace are prohibited.
3. Under art. 15(3), the state can make special provisions for the welfare of Women and Children.
4. According art. 16, all citizens of India irrespective of their gender should be given equal opportunity in the matter of employment to any state office.
5. As per art. 39 (d), it's the responsibility of state to make policies for to ensure that both men and women are paid equally without any kind of discrimination in remuneration for the same work.
6. Under Art. 42, the state can make special provisions for to provide just and humane conditions for the working women and this article talks about providing maternity leave to working women with payment.
7. According to Art. 46, the state should promote the weaker section by providing more care to them in economic and educational interests and also should protect them from exploitation by other sects. The word weaker section under this article incudes woman also.
8. Under Art. 47, the state should take all necessary steps to increase the nutrition level of standard of living of the people.
9. As per Art. 51(A) (e), it's a directive principle of state's policy that to provide provisions which can abandon all those

<sup>8</sup>Gender and Discrimination ; Health, Nutritional Status and Role of Indian Women, Manoranjan Pal, Premanandha Bharati, T.S.Vasulu, Oxford University Press, December 21, 2011.

derogatory practices which effect the dignity of women.

10. According to Art. 243 D, minimum 1/3 of the total number of chairperson position should be holded by women in every Panchayaths.
11. As per Art. 243 T (4), the state legislature through legislation should ensure that reservation is given to women, scheduled class and scheduled tribe to the ports of chairmanships in Municipalities.

#### **Special Initiatives for women:**

1. **National Commission for Women:** This was established 1992 by our government to study and monitor everything related to the constitutional and legal matters and issues related to women. Apart from this, it looks into the matter of existing legislations which stands for to safeguard women and their rights and suggests any modifications in need to meet the need of society.
2. **Reservation for Women in Local Self-Government:** This was brought into action under the 73rd Constitutional Amendment Act, which was approved by Parliament in 1992. This particular Act made it mandatory to provide minimum one-third participation of women of total seats in all elected posts in local authorities, which is applicable to both rural and urban areas.
3. **The National Plan of Action for the Girl Child (1991-2000):** This was brought out with a vision of bringing an Action Plan to assure the female child's endurance, safety, and development, with a final goal of constructing a brighter future for her.
4. **National Policy for the Empowerment of Women, 2001:** It was in 2001, the Ministry of Human Resource Development's Department of Women & Child Development drafted a "National Policy for the Empowerment of Women" with an aim to promote women's growth, empowerment and their enhancement in working.<sup>9</sup>

#### **Latest legislations which improved the status of Women in India:**

1. **The Special Marriage Act, 1954:** This Act fixed the minimum age for females as

16 and men as 21 and also provides equal rights to women in the matters of Arranged marriage, Love marriage and Inter- caste marriage. In 2021, the bill for to raise the marriage age of girls to 21 is moved to Parliament for consideration.

2. **The Hindu Marriage Act, 1955:** Polygyny, polyandry, and the concept of child marriage are prohibited under this Act and women have equal rights to divorce and remarry.
3. **The Hindu Succession Act, 1956:** This Act provides equal parental property rights to both Son and Daughter and also provides equal rights over the property of a deceased husband to his widow and children.
4. **The Hindu Adoption and Maintenance Act, 1956:** Under this Act, a childless woman can go for an adoption and claim maintenance from the husband in case she is divorced.
5. **The Dowry Prohibition Act, 1961:** Under this Act, asking and taking dowry from a woman is unlawful and the exploitation of women for this is also held to be a crime.
6. **The Maternity Benefit Act, 1961:** Under this Act, every women employer is entitled to get 3 months leaves along with salary to the married during her pregnancy stage.
7. **Indian Divorce Act, 1969:** Under this Act, as like men, even women have equal rights to seek divorce.
8. **The Equal Remuneration Act 1976:** This Act provides equal wage to both men and women for equal work.
9. **The Factories Amendment Act 1976:** According to this Act, every factory have to establish crèches for children of working women, separate toilets to women staffs and limited the maximum hours of work of women to 9 hours.
10. **Sexual Harassment of Women at Workplace Act, 2013:** This Act provides safety to women at her work place. Here sexual Harassment includes, use of abusive language, Innuendoes. Touches without permission etc.
11. **The Prohibition of Child Marriage (Amendment) Bill, 2021:** This bill is proposed to Parliament with an aim to reduce the marriage age of girls from 18 to 21.

<sup>9</sup>Changing Status of Women in India, Kiran Devendra, Vikas Publishing House, Third Edition, December 1, 1994.



## 12. The Medical Termination of Pregnancy (Amendment) Bill, 2021:

This bill enhances the reproductive rights of women. This bill permits abortion upto 20 weeks on the opinion of just one medical practitioner.

### Remedies:

1. The litany of laws and sorts of discrimination or disparities may continue to exist in our society, but a real change will happen only when the people themselves change their mentalities. For that, the other sects of our society have to start consider women as equal as them and shouldn't consider women as subordinates/ inferior to them. Actually this change should start from women themselves via cultural indoctrination, and start to raise their voice against patriarchal exploitation.
2. Women's empowerment movements are needed so that women may become financially independent and self-sufficient, so that they can face all the problems fearlessly and start to live an independent life.
3. Higher literacy, more formal education, and more work opportunities should be strategies for women's growth. In education, female children's primary and secondary school dropout rates must be reduced.
4. There must be a reserve, spending, or supply of services or specific provisions in job chances. All rights and legal measures should be accessible to protect and assist women in governance. Human rights education, understanding how to take charge of their situation, assisting them in achieving their own goals, boosting their quality of life, and pushing them to lobby or advocate are also facilitators for their growth.

### Conclusion:

To find a solution to the problem of gender discrimination, all what we want is equal amount of efforts from both men and women towards gender neutrality and women empowerment. These are the best ways to reduce the existing gender disparity in our society. This kind of change should be brought not only to our human mentalities but also into action or real. Existences of such kind of disparities are the reason for India's lowest position in various world indexes. Gender based inequality must be eliminated from India as soon as possible.

Because, what our society demands now is a neutral society where all sects are equal and can live peacefully without facing any kind of discrimination. Despite the existence of several regulations, women continue to live in a state of tension and pressure. We still have a long way to go in ensuring equality of status for our women.

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