

“Gender Bias”

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“It is time that we all see gender as a spectrum instead of two sets of opposing ideals”, Emma Watson. “Gender” is a social construct and “bias” is a strong result of patriarchal influence. The onset of gender bias can be traced to the most ancient periods where women were erased from history and men created their identities in opposition to women. They ‘othered’ the women and claimed to be everything that they presume women cannot be. The fight for gender equality has been long and while the world acknowledges the fact that all genders should be treated equally, there persists gender inequality.

An anonymous quote reads, *“A hand that rocks the cradle, the procreator, the mother of tomorrow. A woman shapes the destiny of tomorrow. Such is a tragic irony of fate, that a beautiful creation such a girl child is today one of the concerns facing humanity”*. Gender-bias begins at home when the gender of the foetus is a girl and is subsequently killed in the womb of her mother. The notion of having a male child who is destined to take the responsibility of the family and have a prosperous life is deep-rooted in society. As it is said, “lucky are those parents who have been blessed with a girl child”, quite truly only those parents know the true value of a girl child, who have one. In a conservative household, the discrimination between male and female is very common, wherein, the girl might be asked to drop her education and learn the responsibilities which limit her to household chores only, whereas, the boy is encouraged to pursue higher studies.

A woman’s journey towards pursuing her dreams and ambitions consists of several bumps of societal bias. There have been several sectors which had its gates open for ‘Men only’. One such example has been the TATA Motors Limited which had a ‘Men only’ policy, until a bright engineer, Sudha Murthy, wrote to the Chairman of the organization complaining about the policy. She was granted a special interview and hired immediately, making her the first women engineer in the organization. The first human to go to space was a man by the name of Yuri Gagarin, in the year 1961. Two years later, a woman, who started as a textile worker and then joined the Air Force as a commissioned officer, was marked as a qualified candidate to be a Cosmonaut. Valentina Tereshkova became the first woman to go to space to date remains the only woman to have been on a solo space mission. Back in the 90’s when women were considered physically weak and confined to homely jobs, there was prevalent gender bias in the Army, a letter to then Army Chief Sunith Francis Rodrigues by Priya Jhingan allowing her to join the Indian Army in 1993 has changed the norms ever since. Still, there are some sectors where women's representations are far less compared to other sectors. The

absence of women in board rooms calls our attention to breaking the glass ceiling for women to enter the corporate sectors, and while we have women who have already shattered that glass ceiling, we need more. The women have helped and led many revolutions in the world of politics, and yet the representation of women is far less compared to that of men. Indira Gandhi was the first woman Prime Minister of India and we had Pratibha Patil as the first woman President of India and yet Indian women are still fighting for 33% representation. Women should be taught that they can and should be leaders and that they should have an equal voice in politics.

Education has played a very important role in shaping our lives. One of the basic human rights to bridge the gap of gender bias in education. Former First Lady of the United State of America Michelle Obama quotes, *“When girls are educated, their countries become stronger and prosperous”*. Unfortunately, women have experienced discrimination for receiving education too. Education is known as the misogynist system for favouring men over women and to break this glass ceiling women's education has become more and more important. Malala Yousafzai who won the prestigious Noble Peace Prize for rights to children's education braved the barbaric Taliban doctrine which forbade the girls from attending school by taking a bullet to her head and has inspired countless girls and children in a similar predicament. In her own words, *“One child, one teacher, one book and one pen can change the world”*. India also has tried to implement compulsory education for all without any gender discrimination. The 86th Amendment to the Constitution of India in the year 2002, has inserted 'Right to Education' as a Fundamental Right in Article 21A and clause (f) in Article 51A making it a Fundamental Duty on parents to ensure education to their children/ward. In the case of **Election Commission of India vs. St. Mary's School**¹, Supreme Court noted, *“In a democratic society, a right to education is indispensable in the interpretation of the right to development as a human right. Thus, the right to development of a child is also considered to be a basic human right.”*

Women constitute almost 50% of the world population and to maintain a proper balance in the society, deserve equal treatment. The United Nations with this regard adopted '**The Convention on Elimination of All Forms of Discrimination Against Women**' (CEDAW) in 1979. The purpose behind adopting the charter is for the welfare of countries irrespective of their ideas, cultures, and governance. There should not be any bias because of the gender of a person. Although such conventions exist at an international level, women are still unsafe on several levels. While a home is supposed to be a safe zone for all, women are subjected to child marriage, domestic violence, sexual harassment, marital rape and dowry death, within this very 'safe zone'. Old norms of considering women as 'a liability' by her family and 'a property' by her husband, has never really ceased to exist even in the 21st Century. Women fighting for their rights are popularly known as 'feminist'. The concept of feminism was simple when it started, that is to fight for equality for women. Women have by-far achieved great success in their journey.

¹ Election Commission of India vs. St. Mary's School 2008 [(2) SCC 390 (402)]

‘Gender-bias’ does not only limit to women, it includes the ‘Third Gender’ i.e., trans men/women. In a world wherein a recognized gender is discriminated against the plight of the transgender community must be unimaginable. The Preamble of our Indian Constitution starts with the words, “We the people of India”, which includes every single human born and/or existing within the territory of India. The people from the transgender community have been discriminated everywhere around the world, they have been deprived of social justice and are treated differently. The root of this discrimination starts with the schooling of the transgender people, most of them are deprived, bullied, and forced to take up prostitution and begging to make living. In many countries including India, the transgender community has been accepted as “the third gender”. Ed Murray quotes, “*Transgender community deserves respect and dignity, that most people take for granted*”, the Lok Sabha in India introduced a bill of the name of **Transgender Persons (Protection of Rights) Bill in 2018**. The Bill defined the ‘transgender’ person and laid down provision regarding the recognition of their identity and prohibited discrimination against a transgender person in an educational institute, workplace, and health care establishment, it further made begging a criminal offense. The very fact that such a bill was introduced after 72 years of India’s independence is very appalling.

In this war of gender discrimination, the world has forgotten the man’s plight. Men are considered to be bread-winners of the family, but when he opts for jobs that are considered to be women-oriented, they are criticized. Similarly, when a man chooses to be a stay-at-home father, he is subjected to bias from his peers, parents, and friends and surprisingly other women. Stereotypes which requires men to be strong results in stifling their emotions. Men are also often, victims of fake sexual harassment, dowry, and cruelty cases; this is because women misuse the laws which were meant to protect her. Section 498A of the Indian Penal Code is defined as, “*A husband or a relative of husband of women subjecting her to cruelty*”, this law was brought in force with a very noble intention, it intended to protect married women from cruelty by hands of the husband or his relative, but down the line now this law is assumed to be the most abused law in the history of legal jurisprudence. Supreme of India in *Sushil Kumar Vs. Union of India*² observed that “*Merely because the provision is constitutional and intra vires, does not give a license to unscrupulous persons to wreck personal vendetta or unleash harassment. It may, therefore, become necessary for the legislature to find out ways how the makers of frivolous complaints or allegations can be appropriately dealt with. Till then the Courts have to take care of the situation within the existing framework. As noted, the object is to strike at the roots of dowry menace. But by misuse of the provision, new legal terrorism can be unleashed. The provision is intended to be used as a shield and not assassins’ weapon. If the cry of “wolf” is made too often as a*

² Sushil Kumar Vs. Union of India [(2005) 6 SCC 281]

prank assistance and protection may not be available when the actual “wolf” appears”. This observation was made after making a critical analysis of how laws that are made to protect women are being abused by women herself. The injustices against men are rarely highlighted, to an extent where there are no laws that will protect a man from cruelty in any form in the 21st century.

To achieve gender equality, we must first tackle our unconscious biases. Gender-bias is often spoken and addressed from a woman’s point of view, however, we have established that even men and transgenders also face the bias.

The mainstream media such as social media, news, movies, plays should start to highlight these effectively through equal representation of the gender bias ills. For far too long, we have had in most cases showcased the woman facing gender-bias and this has unfortunately given rise to a patriarchal mindset. We are visual and audio race and what we see and hear has a profound impact on what one perceives and internalizes. We have to showcase in our movies and play the real impact of gender-bias and get the viewer to think and change the mindset instead of preaching and taking the moral high ground. We know our men cannot be macho all the time and not all women need to be feminists always and all transgenders are not to add the necessary twist. We, humans, are very layered irrespective of gender and thus, this stereotyping has to change. That despite being the evolved race, there is a resistance to accepting the transgender person. We need to create an inclusive society for transgender persons. It is a person’s job to respect another person.

Also, education is indeed the way forward, education is the only medium perhaps which will hopefully lay the foundation for children. This will go a long way in curbing the gender-bias which forms an integral part of our adult life. Even after living almost 20 years in the 21st century all children in the world do not yet have access to quality education. This is a very sorry state of affairs and things have to change, as one child, one teacher will indeed be the change the world so desperately needs.

And even before education, the concept must start in the womb. All women should be encouraged to give birth whatever the sex of the baby and bring an individual into this world and make her/him a kind, loving, and nurturing human being.