

“Gender Bias in the Society (Crimes, Laws, Ethical issues, Gender Bias at Workplace)”

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“The measure of any society is how it treats its women and girls”

When one traces the steps back in history, to the time, where at the outset, we started with hunting and gathering society. The pedestal on which women stood is a bit contrasting to what we see in the contemporary world. Historically, we come across several ecstatic instances which manifests that women were no less than men. Compelling examples are of Rani Durgavati and Chandbibi who fought ferociously against the mighty Mughal forces and rejuvenated that they are not Muppets who would give their kingdoms easily. Chenamma, Abbakka along with Rani Laxmibai fought lion heartedly and vociferously spoke their heart out that they are not mere pushovers for Britishers. They had insatiable desire to rule the roost despite odds stacked against them.

It is quite enthralling to know how culture and society have evolved over a period of time. When it comes to society, it is quite a captivating transformation from hunting and gathering society to horticultural society then moving to pastoral society then trudging to agrarian society and finally surging towards industrial society. It is testimony to the fact that transformation has been perennial. Similarly, the role of women also changed over the course of time and the society became more Patriarchal. Women are subjected to cruelty, harassment and discrimination. That's why United Nations (UN) declared 1975 as the *International women's year*. From that year onwards 8th March has been declared as the *International women's day*. UN believes that gender division is a form of hierarchical social division which tends to be understood as natural and unchangeable based on stereotype feelings and social expectations of chauvinism which needs a massive overhaul.

Every issue that our society faces is connected like a chain. Every aspect is related and connected in one form or the other. The mother of all issues is gender biasness which gives birth to many distinct issues like poverty, illiteracy, female foeticide, infanticide and many more. In India, due to patriarchal society, women are facing discrimination, disadvantages, and oppression in various fields:

A). Literacy rate: - The literacy rate is pivotal in determining the socio-economic progress of the country. Literacy of girls is essential to make them understand that the basic amenities like food, cloth and shelter are crucial for one's survival but overall betterment and enhancement is more important for social transformation of the society. High literacy rate leads to more productivity, development, awareness and empowerment of women. India, which is known as the land of Vedas, has the literacy rate of 65.46% among females and 82.14% among males.

B). Poverty: Poverty is the main reason for the crippled Indian economy. Poverty is the biggest impediment to peace in the world. In rural areas, women are the scapegoats as they

are the ones who bear most of the brunt. They are malnourished and are denied access to educational opportunities. Girls are considered as burden as they don't receive same facilities as their male counterparts. People have this preconceived notion that "*Raising a daughter is like watering your neighbour's garden.*" The reason is lucid because after marriage, the woman moves to her husband's house, and it is futile to invest in her as woman don't live with her parents for eternity. The deeply rooted culture and patriarchal society is the main cause why they are subjected to domestic violence.

C). Female Infanticide: It means terminating the girl child by wilfully killing her within one year of birth either by giving her poisonous substances or deliberately not feeding her. According to a report, in Time¹, approximately 2,39,000 girls are killed every year in India. It is quite disheartening that parents also look at her as a liability. It is deeply rooted in a society which is attributed to cultural, social and economic factors. Initially, Dowry, Sati, Purdah system hindered the growth of women, and now economic dependence is curbing the growth of women. The form may have superficially changed, but the discrimination and the neglect of girl child are still prevalent and go hand in hand.

D). Women and Political Participation: Women constitute half of the world's population. Everyone has the right to know and participate in the policies, rules and regulations laid down by the government. It is enshrined in Article 19(1)(a) of the Indian constitution that "everyone has the right to raise their opinion without any interference and can promulgate information and ideas through media". The number of women voters have increased quite a bit, but the number of women in politics is still meagre. In Lok Sabha the representation of women is 11%, and in Rajya Sabha, it drops merely to 10.6%. Politics is still one of the unexplored areas for women.

INDIA'S PROXIMITY AT GLOBAL LEVEL

One can judge oneself when compared with peers. Similar is the case with India as there are various indexes available via which India can compare itself with other countries. Human Development Index (HDI), is released by the United Nations Development Program (UNDP). India's rank in HDI² was 129th out of 189 countries. While Gender Inequality Gap Index³ is released by World Economic Forum in which India dwindled from 108th spot to 112th out of 153 countries. All these world-renowned organisations rank a country on various aspects like health, education, per capita income and life expectancy. It is testimony to the fact that India still has a long way to go as women are still not allowed to participate actively in the political

¹ "**Gender Bias Results in 239,000 Girls' Deaths in India Each Year**"(15th May ,2018) available at <https://time.com/5277510/india-gender-discrimination-kills-girls/>.

² "**India Rises One Rank To 129 In Human Development Index**" ,The Hindu (9th December, 2019) available at <https://www.thehindubusinessline.com/economy/india-moves-up-one-rank-129-in-human-development-index/article30249584.ece#:~:text=India%20inched%20up%20one%20spot,be%20high%20in%20the%20country.>

³ "**India slips to 112th rank on gender index**", Business Today (17th December,2019) available at <https://www.businesstoday.in/current/economy-politics/india-slips-to-112th-rank-on-gender-gap-index-bottom-5-health-economic-fronts/story/392184.html>

and economic spectrum which inevitably harms the national income and growth of the country.

GENDER BIASNESS AND LAWS

Indian judiciary weighs great importance to constitutional morality as it is one of the pivotal pillars of Indian democracy. India has the longest written constitution in the world, and is also the largest democracy of the world. Adherence to the constitutional structure is of primary importance. When the Indian Penal Code (IPC) came into existence in 1860 at that time the society had a patriarchal influence. Women were considered weaker as compared to their male counterparts. Now the tide has turned, and the constitution of India treats every person equally. Some provisions of the IPC are a bit gender-biased and are yet to be amended according to the dynamics of society. Women indeed feel the heat most of the time, but some provisions favour women more and this leads to gender biasness.

SECTION 375(RAPE)

Section 375 talks about rape committed by a man. The section doesn't mention anything about the rape committed by a woman on a man. A man is charged with rape if he has sexual intercourse with a minor girl, but what if a major woman sexually assaults a minor man, the section is silent in this regard. In the landmark case of Independent thought vs Union of India, the supreme court held that if a man has sexual intercourse with a minor girl between the age of 15 to 18 and even with her wilful consent, then also it will come under the purview of rape. Nothing is mentioned if the same happens with a minor man. It's a myth that because of masculinity, a male cannot be the victim of rape. Thus, this leads to disparity on the basis of gender.

SECTION 304B (DOWRY DEATH)

This Section of IPC deals with dowry deaths. It says that when a woman dies because of burns or bodily injuries within seven years of marriage, it means that she was subjected to harassment and cruelty by her husband or by her in laws for the demand of dowry. Then husband and in-laws are made guilty for the death of woman and are slapped with seven years of imprisonment. In addition to that, Section 113B of the Indian Evidence Act gives liberty to courts to presume that if the woman dies because of bodily injuries or burns, then either husband or in-laws or both are liable. In the case of Sushil Kumar Sharma vs Union of India, the apex court stated that this section should be used as a "*Shield*" and not as a "*Weapon*" by women.

SECTION 498A (HUSBAND OR HUSBAND'S RELATIVES SUBJECTING WOMAN TO CRUELTY)

This Section of IPC talks about the cruelty inflicted on a woman by husband or relatives. The central lacuna of this section is that men are not protected, and this leads to the exploitation of this provision. In the famous case of Preeti Gupta vs State of Jharkhand, the court said that there are numerous occasions via which we can infer that the case was filed by woman to

take revenge on husband's family. According to NCB, nearly 50,000 women are arrested for filing the case on concocted grounds. This shows that women have misused the law.

As there are two sides of a coin. Similarly, there are laws which favour men a bit.

NO RIGHT IN HUSBAND'S PROPERTY AFTER DIVORCE

After divorce woman's right in the husband's property gets forfeited. She doesn't have any right on the assets like property or house purchased in her husband's name. All she can claim is alimony under Section 25 of the Hindu Marriage Act, 1955, which depends on the salary or financial capacity of the husband.

AGE OF MARRIAGE

The minimum age of marriage for a boy is 21 years, whereas for a girl it is 18 years. It again has a patriarchal influence because why the age of male should be more than female. Is it explicitly mentioned in any law as to why it is practised, the answer is No.

PROHIBITION OF CHILD MARRIAGE ACT

If a child gets married before the age of 21 or 18 for boy and girl respectively, then also the marriage is not termed as illegal. The married couple has the right to declare marriage as void. The woman can render marriage as void until she turns 20 whereas in the case of a man, he can render it void till the age of 23. Number of years a man has in comparison to female is three years more which leads to gender biasness.

Thus, laws should be gender neutral as it violates Article 14(Right to equality) of the Indian constitution, which says everyone should be treated equally. Discrimination on the basis of sex defeats the purpose of law.

GENDER BIASNESS AT WORKPLACE

One faces differences in distinct facets of life, be it society, culture, politics, workplace or family. Unfortunately, gender biasness at workplace has existed for a very long time, and the coherent reason for this is ignorance because an individual feels a sense of insecurity, when he or she answers this question. A cogent and accurate answer can have serious repercussions or can wreak havoc at the work place. The reasons may be sexual harassment or unequal pay. Movement like *Me too* which was started in 2006 by Tarana Burke, is a testimony to the fact that sexual harassment has existed for a long time. Me too movement grabbed many eyeballs in a span of year and a half, when women from different parts of the world broke the ice regarding the harassment, they faced from the people who are placed at higher positions. Irrespective of qualification or job, women are paid less than men. It's a no brainer that women have taken giant steps in the last few decades, meanwhile, they have explored jobs in tertiary sector, which was previously dominated by men and have leapfrogged them in various fields. When a person recruits someone, the first thing, which is looked into is the efficiency and effectiveness of that person. Gender should not be the impediment to judge someone.

It is imperative for India to have a motto "*Each one teaches one*". Higher awareness will enable people to think prudently because poverty is the root cause of all the problems. If this segment is adequately dealt with, then most of the issues will fade away. Subsequently, India will transfigure itself from a developing country to a developed country.

VIVE LA INDIA