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GENDER EQUALITY AND INDIAN CONSTITUTION

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ABSTRACT

Equality is the cornerstone of every democratic society and plays a vital role to ensure social justice and human rights. Access to education, work, wages, credit, assets, participation in production and economic decision making etc by both men and women is vital to achieve equality. The differential access and control over the resources, gender norms and stereotypes lead to gender inequalities. Universal Declaration of Human Rights recognises that all human beings are born free and equal in dignity and rights. The principle of gender equality is enshrined in the Indian constitution in its preamble, Fundamental Rights, Fundamental Duties and Directive Principles. Inspite of these legal interventions women still suffer from acts of discrimination due to the deep rooted beliefs, customs and traditional practices.

Key words: Gender, Equality, Constitution, Rights

Introduction

Man and woman are born equal and both play important roles in the creation and development of their families in particular and the society in general. Woman is not only a bread distributor but also a bread winner. The history of the mankind reveals that the woman is and has been the foundation stone of a family in particular and the society in general. She is spiritual and direct agent of life forces and if the foundation is not properly maintained, the whole building of the human life is bound to crack down. The position of women in society is exactly what it should be. In the social and cultural fields, they have gradually lost their position. In the economic sphere of activity, though they play a role their contribution is not recognised, and as a class they continue to occupy a secondary position.

Unfortunately, their helplessness in different walks of life, has led to their exploitation at almost every step. A lot of women in society are subjected to cruelty and exploitation. What is degrading for women is they are not only being neglected in the social milieu but are subjected to harsh cruelties and atrocities. These atrocities are of many types ranging from physical to psychological assaults which so often results in murder or suicide. Every day we are observing the incidents like Rape, Kidnap, Suicide, Dowry death etc., in print and Electronic media.

The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles of state policy. The Indian Constitution not only grants equality to women but also empowers States to adopt measures in favour of women. Various developmental policies, laws, plans and programmes are envisaged for the advancement of women in different spheres. India has also ratified the various International conventions on Human Rights committing to secure equal Rights of women. Inspite of Legal interventions women still suffer from acts of discrimination due to deep rooted beliefs, customs and traditional practices.

The Indian Constitution is a fundamental social document designed to achieve planned social change. Political participation, the Right to elect, the Right to be elected, Right to hold public office is guaranteed irrespective of Gender, Creed, Caste or Race, Religion. The achievement of social and Economic Resolutions was planned through part-III Fundamental Rights and IV Directive Principles of Sate Policy which are considered to be the Core and conscience of the Constitution. It may be noted that at the time of adoption of Constitution, India inherited two Primary social evils namely, discrimination based on Caste and Gender. The Constitution makers sought to remove these injustices through various provisions of the Constitution.

The goals and values of the Indian Constitution are highlighted in the preamble of the Indian Constitution. The Preamble states:

"We the people of India, having solemnly resolved to Constitute India into a Sovereign, Socialist, Secular, Democratic Republic and to secure to all its Citizens,

Justice - Social, Economic and Political,

Liberty - of thought, expression, belief, faith and worship

Equality - of Status and of opportunity; and to promote among them all

Fraternity - Assuring the dignity of the individual and the Unity and Integrity of the Nation"

Social Justice, Economic Justice and Political justice are the prime goals of the Constitution. Equality, yet another goal of the Constitution, an aspect of Justice is expected to be achieved with reference to status and opportunity. Liberty of thought, expression, belief, faith and worship is considered valuable in the realisation of full potentialities, both physical and intellectual. Inequalities arise if a person is in a position to dominate others by virtue of their property, power or social standing. In Indian society inequalities arise out of Caste, Hierarchy, undue economic domination and gender discrimination. Thus heterogeneity becomes a threat to equality.

The provisions relating to equality mentioned from Article 14 to 18 have been made keeping in view the above requirements. Article14 embodies the principle to equality before Law and equal protection by the Law to all people. Article15 prohibits discrimination based upon Sex etc., Article16 assures equal opportunity for all and Article 18 abolishes titles other than the military and academic. Article14 declares that "the state shall not deny to any person Equality before Law or equal protection by the Laws within the territory of India".

Equality:

The Universal Declaration of Human Rights states that:

"All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood".

Equality should not be confused with sameness. Each sex has distinct attributes. Healthy and positive relations are possible only with equality. Equality means that the contributions made in the family or in Society are valued equally. The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) recommends that the social norms, cultural values, family practices, division of labour within the household and mutual relationships need to be redefined in terms of gender equality. Within the family daughters should be taught to be more independent and assertive and sons should be taught to be more respectable and treat women as equal partners. Both genders should realise that family life and social life becomes happier and healthier only when equal treatment of genders prevails. Gender equality facilitates the progress of Society.

Equality in Education:

Education is one of the critical areas for the empowerment and equality of women. Education enables men and women to exercise choice over the kind of life they want to lead. An educated woman will be equipped with skill, information and self-confidence that is necessary to discharge the responsibilities as a better parent, a better employee at the work place and be enable to lead a dignified life. Inequality in education is an impediment to social and economic development.

In India focus was laid on girls educaton for the first time in 1986 National Policy on Education, and the 1992 Programme of Action, followed by the SarvaSikshaAbhiyaan(SSA) programme launched in 2001, National Curriculam Frame Work in 2005and the National Curriculam Frame Work for teacher education in 2010. In 2015 the Union Government of India started "BetiBachao, BetiPadao" (BBBP)programme for promoting survival, protection and education of the girl child. Likewise, there is also a huge gender gap in various levels of education i.e., Primary, Secondary, College, Technical and Professional Education where girls and women lag behind. This problem limits their achievements in the fields of employment, Training and Utilisation of economic resources.

Equality in employment:

Article 13, Clause (3) of the Indian constitution has made special provisions for equality in employment. In spite of these provisions, there is an enormous gender gap in terms of employment of women and discrimination with regards to the type of work they are engaged in. This is mainly due to the societal belief that the home is the safest place for women. Societal constraints result in inequalities and therefore more women settle down in the informal sector with limited wages and greater job security. In urban areas, where education and income levels are high, most women give up

their jobs after marriage and when they have children. Growing concerns about women's safety is also a deterrent to women's employment.

Further, there is inequality in the wages paid to men and women. In agriculture women are paid 50 to 75 percent lower than men. Women software employees earn 29 percent less than their male counterparts. After a great deal of struggle, the principle of equal pay for equal work is now practiced in government employment. Constitutional provisions of reservations in education and employment have now largely enabled women to secure regular and well-paid jobs in the government sector.

Equality in Property Issues:

There is no unified body of property rights of Indian women. The property rights of Indian women get determined according to the Religion and Religious belief she follows and depends on whether she is married or unmarried, which part of India she comes from, if she is a Tribal or Non-Tribal. Ironically, what unifies Indian women is the fact that across all these divisions, the property rights of Indian women are immune from protection of the constitution, not withstanding the Constitutional guarantee of, equality of all, the property rights are in various ways, discriminatory and arbitrary.

Equality in Health:

The health of Indian women is intrinsically linked to their status in society. Women suffer from severe nutritional problems and ill health. Particularly reproductive Health Care and Health Infrastructure is still inaccessible to certain areas and results in high maternal mortality rates (MMR). Many women in India are under-nourished and experienced Surgical Interventions during deliveries. Further, men in many families insist upon female sterilization operations for Birth Control. According to the Economic Survey, Government of India, 2014-15, Tubectomy or Laproscopic Sterilizations account for 97.4 percent of the total sterilization operations performed in 2012-13, while male vasectomy operations account for only 2.5 percent.

Challenges to Equality: The International Community, Civil society Organisations, Constitutions of respective countries and United Nations are relentlessly striving to achieve Gender equality in their respective spheres. Public opinion is mobilised against gender inequalities and the attitudes, thinking patterns, cultural practices and social norms are being transformed with an objective to achieve greater gender equality. Inspite of these efforts and hardwork, many societies in the world are witnessing certain challenges to gender equality. Indian society experiences these challenges in different forms. At times these challenges threaten the very survival of women with dignity and self-respect. The process of development, advancement in Science and Technology, and economic progress have reinforced gender inequalities instead of reducing them. Some of the important contemporary challenges include the following.

Domestic violence, Eve teasing and Sexual harassment.

Violence in the form of dowry deaths, bride burning, Rape, sexual harassment, Honour Killings and Molestation are most rampant in contemporary society that seriously hinder the process of Gender Equality. There are also incidents of Acid attacks against women in many places.

Commodification and Objectification:

Gender equality seriously threatened by vulgar and obscene representation of women by Cinema, media and Advertising agencies. Beauty pageants set standards for women's beauty. Many women's organisations, Rights groups and political parties oppose these trends of Commodification and objectification of Women.

Under representation in Politics:

The representation of women in legislative bodies is far from fair or equal. The 73 and 74 Constitutional Amendments have provided for reservation for women in Panchayat Raj Institutions and urban Local Government bodies.

Measures to promote gender equality:

- The United Nations Development Programme that prepares the Human Development Index (HDI) in 187 countries also calculates the Gender Development Index (GDI) based on certain basic parameters such as Health, Education and Command over Economic Resources.
- The Gender Inequality Index (GII), also prepared by UNDP, reveals the extent to which gender inequality persists in National achievements of Health, Empowerment and Work Participation between genders. India ranks at 130 out of 155 countries.
- The Gender Parity Index (GPI) is formulated and prepared by the UNESCO. It measures the ratio and relative access to Education between men and women.
- Gender Gap Report (GGP) 2016 prepared by World Economic Forum, India is ranked 87 among 144 countries which means that there is a wide Gender Gap in the Country.

National Policy for Empowerment of Women, 2001

Government of India had adopted the National Policy for Empowerment of Women in 2001 with the objective of bringing about the advancement, development and Empowerment of women and to eliminate all forms of discrimination against women. It was directed towards achieving inclusive growth with special focus on women.

National Policy for Women, 2016

In 2016, the Union Government of India has unveiled the Draft National Policy for women aimed at "re-scripting" women's empowerment by following a "Socially Inclusive Rights-based Approach". It was released by the Ministry of Women and child Development (MWCD).

The policy envisions a society in which women attain their full potential are able to participate as equal partners in all spheres of life. It also emphasizes the role of an effective framework to enable the process of developing policies, programmes and practices which will ensure equal rights and opportunities for women.

Health including Food Security and Nutrition: There are 18 points under Health, Food Security and nutrition which include Maternal and reproductive Health, Geriatric Care, Adolescent Sexual and Reproductive Health and Menopausal Health Care.

Education: This section suggests Gender Sensitisation of curriculam and faculty and the use of Gender Champions to promote gender sensitization.

Economy: The policy envisions for women the roles that they are in swayamshikshanprayog's projects. It also fags gender differentials in wages and gender sensitive social security.

Governance and Decision making: This policy mentions the increasing women's participation in the political arena, in administration, in civil services as well as the skill development of women in new and emerging areas.

Violence against women: The draft policy addresses all forms of violence against women through a life cycle approach and strict implementation of guidelines, standard operating procedures and protocols.

Enabling environment:This policy mentions gender perspective in housing and infrastructure, ensuring safe water and sanitation, concerted efforts towards strengthening social security and support services for all women.

Environment and climate change: The policy talks about addressing gender concerns during distress migration and displacement in times of natural calamities due to climate change and environmental degradation.

Constitutional provisions for women's equality in India

1. Article 14 provides for equality before law for women.

2. Article15(1) provides the state not to discriminate against any citizen on grounds only of Religion, Race, Sex, Caste, Place of Birth or any of them.

3. Article15(3) provides the state to make any special provision in favour of women and children.

4. Article16 provides for the equality of opportunity for all citizens in matters relating to Employment or appointment to any office under the state.

5. The state to direct its policy towards securing for men and women equally the right to an adequate means of livelihood. (Article 39 (a)): and equal pay for equal work for both men and women (Article39 (d)).

6. Article 39 A promotes justice, on the basis of equal opportunities and to provide free legal aid by suitable legislation or scheme or in any other way to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

7. Article 42 provides the State to make provision for securing just and humane conditions of work and for maternity relief.

8. Article 46 provides the state to promote with special care the educational and economic interests of the weaker sections of the people and to protect them from social injustice and all forms of exploitation.

9. Article 47 provides that the State to raise the level of nutrition and the standard of living of it's people

10. Article51 (A)(e) promotes harmony and the spirit of common brotherhood amongst all the people of India and to renounce participate derogatory to the dignity of women.

11. Article 243D (3)provides that not less than one third (including the number of seats reserved for women belonging to the SC&ST) of the total number of seats to be filled by direct elections in every panchayat to be reserved for women and such seats to be allotted by rotation to different constituencies in a Panchayat.

12. Article 243D (4) provides not less than one-third of total number of offices of Chairpersons in the Panchayats at each level to be reserved for women.

13. Article 243T(3) provides that not less than one third (including the number of seats reserved for women belonging to SC & STs) of the total number of seats to be filled by direct elections in every Municipality to be reserved for women and such seats to be allotted by rotation to different constituencies in a Municipality.

14. Article 243T (4) provides for reservation of offices of Chairpersons in Municipalities for the SC's, the ST's and Women in such manner as the Legislature of a State may by Law provide.

These efforts at the International, National and Regional levels have successfully brought gender issues to debate and offered a concrete action plan on gender equality. Implementation machinery at all levels should work efficiently and effectively. In addition these efforts the attitudinal change from the grassroots of the society is very important. Then only the gender equality is possible in a biggest democratic country like India. However various limitations such as illiteracy, patriarchy, Apathy of the Bureaucracy and so on still hinder the realisation of gender equality.

References:

1. Durga Das Basu"Introduction to the Constitution of India", 16th Edition, Printice Hall of India, 1994, New Delhi.
2. Dr.I.Subramanyam "Empowerment of Women and Protection of their Rights", Human Rights changing perspectives, Kalpaz Publications, 2012, Delhi.
3. Dr.I.Subramanyam"Women's Empowerment today", South Asia Politics, Volume.14, No: 10, February, 2016, New Delhi.
4. Dr.I.Subramanyam" Domestic Violence and Remedies", South Asia Politics, Volume.15, No: 8, December, 2016, New Delhi.
5. Dr.I.Subramanyam" Women and Human Rights in India", South Asia Politics, Volume.16, No: 5, September, 2017, New Delhi.
6. Dr.I.Subramanyam"Empowerment of Women and Human Rights", South Asia Politics, Volume.18, No: 7, November,2019, New Delhi.

7. "Gender Sensitisation", Dr.B.R.Ambedkar Open University, 2018, Hyderabad.
8. "Women Empowerment", Yojana, Volume:62, Publications Division, GOI, October,2018, New Delhi
9. "Sociology – Indian society", Dr.B.R.Ambedkar Open University, 2011, Hyderabad.