



Gender Discrimination in India: Anthropological perception

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"You can tell the condition of a Nation by looking at the status of its Women." Jawaharlal Nehru, Leader of India's Independence movement, and India's first Prime Minister. So, how is women's status in India? Today's India offers a lot of opportunities to women, with women having a voice in everyday life, the business world as well as in political life. Nevertheless India is still a male dominated society, where women are often seen as subordinate and inferior to men. India is known for its cultural diversity and plurality of language, ethnicity and religion, which are in fact rooted in the interplay of its geography and the historical forces. India is a cultural complex where the different racial groups have mingled to produce a composite culture and a variety of complex social formations.

It is interesting to note that apart from the rural urban disparities being very sharp, there are intra-rural disparities as between larger village settlements and smaller isolated habitations in remote areas. Besides, socio-economic and political considerations, the geography_ecology_culture formations have historically determined the gender based division of labour and resources in each of the settings and thus impinge on the educational and social participation of girls and women. On the one hand is the urban elite middle class section of population where girls are doing better than boys, in secondary/higher secondary examinations and gender discrimination is low, on the other hand, are poverty groups where being girls is an additional handicap, although even boys belonging to these groups of population also have very low participation and survival rates in education.

However India is moving away from the male dominated culture, discrimination is still highly visible in rural as well as in urban areas, throughout all strata of society. While women are guaranteed equality under the constitution, legal protection has a limited effect, where patriarchal traditions prevail.

The status of women in India has been subject to many great changes over the past few millennia. From equal status with men in ancient times^[6] through the low points of the medieval period to the promotion of equal rights by many reformers, the history of women in India has been eventful. In modern India, women have held high offices in India including that of the President, Prime Minister, Speaker of the Lok Sabha and Leader of the Opposition. As of 2011, the Speaker of the Lok Sabha and the Leader of the Opposition in the Lok Sabha (Lower House of the parliament) were women. However, women in India continue to face atrocities such as rape, acid throwing, dowry killings, forced prostitution of young girls. Discrimination is the prejudicial treatment of an individual based on their actual or perceived membership in a certain group or category, "in a way that is worse than the way people are usually treated."^[1] It involves the group's initial reaction or interaction,

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influencing the individual's actual behavior towards the group or the group leader, restricting members of one group from opportunities or privileges that are available to another group, leading to the exclusion of the individual or entities based on logical or irrational decisionmaking.

Discriminatory traditions, policies, ideas, practices, and laws exist in many countries and institutions in every part of the world, even in ones where discrimination is generally looked down upon. In some places, controversial attempts such as quotas or affirmative action have been used to benefit those believed to be current or past victims of discrimination – but have sometimes been called reverse discrimination themselves. Though gender discrimination and sexism refers to beliefs and attitudes in relation to the gender of a person, such beliefs and attitudes are of a social nature and do not, normally, carry any legal consequences. Sex discrimination, on the other hand, may have legal consequences.

Current condition of Women

Trust Law, a news service run by Thomson Reuters, has ranked India as the worst G20 country in which to be a woman. This is the country where the leader of the ruling party, the speaker of the lower house of parliament, at least three chief ministers, and a number of sports and business icons are women. It is also a country where a generation of newly empowered young women are going out to work in larger numbers than ever before. But crimes against women are rising too. People have called her Braveheart, Fearless and India's Daughter, among other things, and sent up a billion prayers for a speedy recovery.

When the unidentified woman died in a Singapore hospital early on Saturday, the victim of a savage rape on a moving bus in the capital, Delhi, it was time again, many said, to ask: why does India treat its women so badly? Female fetuses are aborted and baby girls killed after birth, leading to an appallingly skewed sex ratio. Many of those who survive face discrimination, prejudice, violence and neglect all their lives, as single or married women.

With more than 24,000 reported cases in 2011, rape registered a 9.2% rise over the previous year. More than half (54.7%) of the victims were aged between 18 and 30. Most disturbingly, according to police records, the offenders were known to their victims in more than 94% of the cases. Neighbours accounted for a third of the offenders, while parents and other relatives were also involved. Delhi accounted for over 17% of the total number of rape cases in the country.

And it is not rape alone. Police records from 2011 show kidnappings and abductions of women were up 19.4%, women being killed in disputes over dowry payments by 2.7%, torture by 5.4%, molestation by 5.8% and trafficking by an alarming 122% over the previous year. The Nobel Prize-winning economist Amartya Sen has estimated that more than 100 m women are "missing" worldwide-women who would have been around had they received similar healthcare, medicine and nutrition as men. New research by economists Siwan Anderson and Debraj Ray estimates that in India, more than 2m women are missing in a given year. The economists found that roughly 12% of the missing women disappear at birth, 25% die in childhood, 18% at the reproductive ages, and 45% at older ages. They found that women died more from "injuries" in a given year than while giving birth - injuries, they say, "appear to be indicator of violence against women".

Deaths from fire-related incidents, they say, is a major cause - each year more than 100,000 women are killed by fires in India. The researchers say many cases could be linked to demands over a dowry leading to women being set on fire. Research also found a large number of women died of heart diseases. These findings point to life-long neglect of women in India. It also proves that a strong preference for sons over daughters - leading to sex selective abortions - is just part of the story.

Clearly, many Indian women face threats to life at every stage-violence, inadequate healthcare, inequality, neglect, bad diet, lack of attention to personal health and well-being. Analysts say deep-rooted changes in social attitudes are needed to make India's women more accepted and secure. There is deeply entrenched patriarchy and widespread misogyny in vast swathes of the country, especially in the north. And the state has been found wanting in its protection of women. Angry citizens believe that politicians, including Prime Minister Manmohan Singh, are being disingenuous when they promise to toughen laws and speed up the prosecution of rapists and perpetrators of crime against women. How else, they ask, can political parties in the last five years have fielded candidates for state elections that included 27 candidates who declared they had been charged with rape? How, they say, can politicians be believed when there are six elected state legislators who have charges of rape against them. But the renewed protests in Delhi after the woman's death hold out some hope. Has her death come as an inflexion point in India's history, which will force the government to enact tougher laws and people to begin seriously thinking about the neglect of women.

Impact of Discrimination

Discrimination at infancy- Although women and men are important for reproduction. The cultural construct of Indian society which reinforces gender bias against men and women, with varying degrees and variable contexts against the opposite sex has led to the continuation of India's strong preference for male children. Female infanticide, a sex-selective abortion, is adopted and strongly reflects the low status of Indian women. Census 2011 shows decline of girl population (as a percentage to total population) under the age of seven, with activists estimating that eight million female fetuses may have been aborted in the past decade. The 2005 census shows infant mortality figures for females and males are 61 and 56, respectively, out of 1000 live births, with females more likely to be aborted than males due to biased attitudes. A decline in the child sex ratio (0- 6 years) was observed with India's 2011 census reporting that it stands at 914 females against 1,000 males, dropping from 927 in 2001 - the lowest since India's independence. The demand for sons among wealthy parents is being satisfied by the medical community through the provision of illegal service of fetal sex-determination and sex-selective abortion. The financial incentive for physicians to undertake this illegal activity seems to be far greater than the penalties associated with breaking the law.

Domestic Violence- Domestic violence was common and a serious problem. In a survey by the National Family Health Survey released in 2002, 56 percent of the women said that domestic violence was justified. These sentiments led to underreporting and, combined with ineffective prosecution, made progress against domestic violence difficult. According to the National Crime Records Bureau (NCRB), there were 49,170 cases of domestic violence reported in the country from 1998-2001.

Rape- The issue of rape received increased political and social attention during the year. The majority of rapes are never reported to the authorities. The NCRB reported that there were only 16,075 cases of rape from 1998-2001. However, the Home Ministry reported in February that, in 2001, there was a 16.5 percent increase in reported rape cases as compared to 2000. The press consistently reported that violence against women was increasing, although local women's organizations claimed that there simply had been increased reporting. Only 10 percent of rape cases were adjudicated fully by the courts, and police typically failed to arrest rapists, thus fostering a climate of impunity. Mass rapes often formed part of the tactics of intimidation used by upper caste gangs against lower castes, and gang rapes often were committed as a punishment for alleged adultery or as a means of coercion or revenge in rural property disputes. The number of reported rape cases and the extent of prosecution varied from state to state. In Assam, 30 percent of rape cases involved girls below 18 years of age. Most of the victims were maidservants, some as young as 6 years old. For example, in

October, a 17-year-old girl allegedly was gang-raped by Presidential Body Guards in New Delhi. There was no action taken by the authorities in this case at year's end.

Dowry- Dowry disputes also are a serious problem. Although providing or taking dowry is illegal under the Dowry Prohibition Act, dowry was practiced widely. In the typical dowry dispute, a groom's family members harassed a new wife whom they believed had not provided a sufficient dowry. This harassment sometimes ended in the woman's death, which family members often tried to portray as a suicide or accident. According to NGOs, approximately 7,000 deaths each year in the country are from dowry-related burnings. Although most dowry deaths involved lower and middle-class families, the phenomenon crossed both caste and religious lines. According to the NCRB, between 1998-2001, there were 6,851 reported dowry-related deaths in the country. In August, the Government announced that defendants under the Anti-Dowry Act would be able to be released on bail.

Women usually at a disadvantage in dowry disputes, began to speak out against dowry demands. For example, in August, Nisha Sharma filed a complaint with the police when her father was asked for more dowry minutes before she was to be married. The potential groom was detained for 14 days while formal charges were filed for violating the country's laws against dowries.

Under the Penal Code, courts must presume that the husband or the wife's in-laws were responsible for every unnatural death of a woman in the first 7 years of marriage-- provided that harassment was proven. In such cases, police procedures required that an officer of deputy superintendent rank or above conduct the investigation and that a team of two or more doctors perform the postmortem procedures. According to human rights monitors, in practice police did not follow these procedures consistently. Sati, the practice of burning widows on the funeral pyres of their husbands, was banned, but continued to be practiced in some areas. There were no developments in the arrest of 15 persons in connection with the 2002 sati incident in Madhya Pradesh. Honor Killing- "Honor killings" are also a problem. Human Rights organizations estimated that up to 10 percent of all killings in the northern states of Punjab and Haryana were so-called honor killings; however, many more women are believed to be affected by this crime. In Muzaffarnagar, 13 cases of honor killings were reported during the first 9 months of the year, up from 10 in 2002.

Traditional practices- Several traditional practices that were harmful to women continued during the year. In March, 100 women in Tamil Nadu were walked on by a Hindu priest with nails in his shoes in a ritual intended to cure them of physical and mental illnesses; the state's human rights commission issued a request to investigate the incident. There were no developments in the 2002 cases of a tribal woman in Madhya Pradesh forced to bathe in urine and the woman in Indore forced to engage in the practice of "agnipariksha". In remote villages, witchcraft accusations and punishments still occurred. Societal violence against women was a serious problem. In January, the National Commission for Women reported that it was dissatisfied with the Gujarat government's handling of rape cases stemming from the 2002 riots, noting that there were no convictions during the year. Numerous laws exist to protect women's rights, including the Equal Remuneration Act, the Prevention of Immoral Traffic Act, the Sati (Widow Burning) Prevention Act, and the Dowry Prohibition Act. However, the Government often was unable to enforce these laws, especially in rural areas in which traditions were deeply rooted. According to press reports, the rate of acquittal in dowry death cases was high, and due to court backlogs, it took an average of six to seven years to conclude such cases.

Prostitution- Prostitution is being common. According to UNICEF, the country contained half of the one million children worldwide who enter the sex trade each year. Many indigenous tribal women were forced into sexual exploitation (see Section 6.c.). In recent

years, prostitutes began to demand legal rights, licenses, and reemployment training, especially in Mumbai, New Delhi, and Calcutta. In 2002, the Government signed the South Asian Association for Regional Cooperation (SAARC) Convention on Prevention and Combating Trafficking in Women and Children for Prostitution. The country is a significant source, transit point, and destination for many thousands of trafficked women

Sexual harassment was common, with a vast majority of cases unreported to authorities. Sexual harassment of women in the workplace became a subject of NHRC consideration during the year. The NHRC instituted a committee to investigate harassment of women in the legal profession and asked universities to establish complaint committees immediately. The commission suggested the creation of a telephone hot line for complaints, initially starting in New Delhi, and gave advice to the media on reporting incidents of harassment against women. During the year, women joined the National Security Guard for the first time as a result of an internal change in policy which had previously prohibited women from this organization.

Discrimination at workplace- The law prohibits discrimination in the workplace, but enforcement was inadequate. In both rural and urban areas, women were paid less than men for the same job. Women experienced economic discrimination in access to employment and credit, which acted as an impediment to women owning a business. The promotion of women to managerial positions within businesses often was slower than that of males. State governments supported micro credit programs for women that began to have an impact in many rural districts. The Government continued to review legislation on marriage; it passed the Indian Divorce (Amendment) Act during 2001; the act widely had been criticized as biased against women. The Act placed limitations on interfaith marriages and specified penalties, such as 10 years' imprisonment, for clergymen who contravened its provisions.

Law and property rights are also enforced inefficiently and inheritance is usually the sole right of sons and not the daughters. Even though laws are now enforced for the rights of women on parental property, not many people are aware of it and the social structure is such that daughters do not usually insist on their property rights. Society favors men and gives them higher authority and this makes women vulnerable to crimes like rapes, eve teasing, sexual abuse etc. Though the number of women officers is growing, yet the number is not comparable with men holding higher ranks. The discrimination against women is not only hampering the growth of women at social, economic and personal level but also significantly lower female-to-male ratios impact the growth in both agriculture and industrial sectors. Thus, gender discrimination also impedes the country's growth. While women are the most common sufferers and remain suppressed due to social pressure, there are some disadvantages that men have over women as laws favor women in certain cases. For instance, in case of adultery husband can be jailed for his unfaithfulness towards wife.

Conclusion

Females of our country have faced the discrimination for ages now and still continue to exist in various forms. Any denial of equality, gender and opportunity on the basis of gender is gender discrimination. Nature doesn't discriminate men from women. But women worldwide have been the victim of inequality not only in terms of social and political rights but also on grounds of employment opportunities. The male dominant society of India makes its women habitual of this discrimination. As a result, most women fail to understand their own rights and freedom. Having looked at the status of women in India, we come back to the previously quoted statement from Jawaharlal Nehru "You can tell the condition of a Nation by looking at the status of its Women." The concluding questions are: which nation can claim to be a free and prosperous society, where half of its population is being oppressed? And which striving nation can *afford* to oppress half of its population? Obviously,

the answer to that question is: nothing! Sustainable and long-term development is not possible without the participation and empowerment of women, only if they participate in the economic and societal development, the full potential of a society of *India's* society will be unfolded.

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