

NPTEL
NPTEL ONLINE CERTIFICATION COURSE

**Course
on
Gender Justice and Workplace Security**

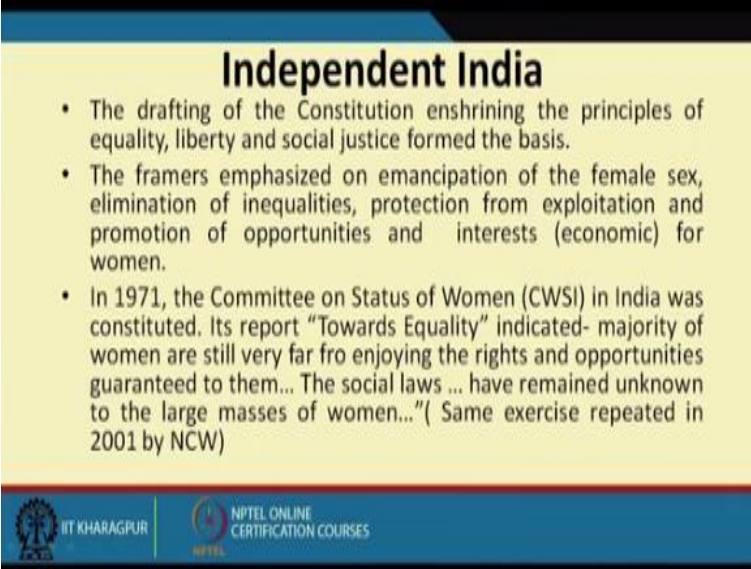
**by
Prof. Dipa Dube**

**Rajib Gandhi School of Intellectual Property Law
IIT Kharagpur**

Lecture 04: Introduction to Gender Justice (Cont.)


Hello dear students we are discussing the concept of gender justice and in this process we are trying to understand what has been the status and position of women in Indian society over the years.


(Refer Slide Time: 00:41)



Independent India

- The drafting of the Constitution enshrining the principles of equality, liberty and social justice formed the basis.
- The framers emphasized on emancipation of the female sex, elimination of inequalities, protection from exploitation and promotion of opportunities and interests (economic) for women.
- In 1971, the Committee on Status of Women (CWSI) in India was constituted. Its report "Towards Equality" indicated- majority of women are still very far from enjoying the rights and opportunities guaranteed to them... The social laws ... have remained unknown to the large masses of women..." (Same exercise repeated in 2001 by NCW)

 IIT KHARAGPUR

 NPTEL ONLINE CERTIFICATION COURSES

What we said previously is that, if one looks from the early Vedic period onwards there one sees a shift in the position of women were initially it started with the perception of equality of the sexes with the later Vedic period and specially the medieval period the rights of women were suffered its greatest setback with different types of ifs or evils entering into the system and women being victims of the same.

So therefore different evils in the form of parda, in the form of sati, in the form of child marriage, in the form of female Foeticide in the form of Devadasi system entered into the Indian society and in all of these women became the victims of the entire process, Men continued to enjoy the position of security, the position of superiority and dominance and they went on to exercise their control and hold over the women class by subjugating them and by exposing them to different types of violations in the society.

The position somewhat underwent a change with the coming of the British and in newer forms the concept of equality Liberty came to be came to be laid down or spread across the society and many of the British laws are try to end the various types of evils which the society was exposed to and the basis of change was initiated, once India became independent he situation was somewhere different with our own set of laws which came to have an old and which came to establish the premise on which the rights were to be secured to the people of the country.

So we had the we have the Indian Constitution which enshrined the principles of equality liberty and social justice, so the Constitution tries to lay down the framework on which equality of the sexes could be emphasized upon elimination of all forms of discrimination against women providing opportunities for women and ensuring that their interests are well protected by the law. So there was this Committee on status of women which was set up in 1971 and which looked into the position of women in society.

And concluded that even though they are the rights and opportunities have been guaranteed by the Constitution it is a far from reality in terms of the achievements that we have and much remains to be done in the entire process.

(Refer Slide Time: 04:27)

Women- Facts & Figures (Census)			
	Males	Females	
Gender Composition	1000	933	
Literacy Rate	75.3%	53.7%	
Economic Participation	51%	25%	
Main workers	76.7%	23.3%	Majority in rural areas employed predominantly in cultivation & agricultural labour
Health	39	42	Infant Mortality Rate(IMR)
		178 (2010-12)	Maternal Mortality Rate

Now this status of women over the years have been constantly studied and analyzed and we in every situation we have tried to understand what is actually the position of women, so therefore we may look into some of the facts and figures which are there these facts and figures may vary to some extent but these are largely some of the sensors and NSSO figures which are there and which go to show where does the women stand as of now.

So with regard to sex ratio or gender composition we have 933 males as against 1th of 933 females as against thousand males with regards to literacy rates it is 53.7% females as against 75.3% males with regards to economic participation it is 25% females with rigged as against 51% males if one sees in that regard the main workers you will find that mainly it is 76.7% males as against 23.3% females and where it is the females.

The majority employment is it rural areas in the cultivation and in cultural labor sector, in terms of health if one looks into infant mortality it is 39 for females and 42 for males and in the maternal mortality rate is 178 in 2010 and 2012.

(Refer Slide Time: 06:35)

	Males (Rural)	Females	Males (Urban)	Females
Daily Wages (Regular/Salaried)	322.28	201.56	469.87	366.15
Casual	149.32	103.28	182.04	110.62
Political Participation		62 (elected in Lok Sabha) 11.4%		11.9% (Rajya Sabha)
		8% in State Assemblies		4% in State Councils
Participation in Judiciary		2 out of 30 judges (SC)		58 out of 609 judges in HCs

IIIT KHARAGPUR | NPTEL ONLINE CERTIFICATION COURSES

similarly one can look into the daily wages with males and females in the rural sector as well as urban sector so there also one sees our difference it is 322 as against 201 in the rural sector it is 469 as against 366 in the urban sector in the for casual workers also there is a great difference both in the rural sector as well as in the urban sector just to have an understanding of the participation of women in decision-making process especially in the politics you have 62 female elected in Lok Sabha which makes it 11.4% merely 11.4 % and in the Rajya Sabha it is 11.9% females, 8% is in state assemblies and 4% in State Council's, in terms of participation in the judiciary 2 out of 30 judges in the Supreme Court 58 out of 609 judges in the High Court.

Now if one looks into these parameters one can understand that whether equality is still a myth with when it concerns women, so if one sees the gender composition there is a difference with regard to 933 females as against 1000 males there is a difference which exists there and that can probably be traced to the preference for the male child which has a lot to do with regards to the number of females VISA V males who are born in the society.

A year ago there was a news report with regards to one village in a state in North India where for probably for two decades or more not a single girl child has been born this has nothing to do with

the natural process but is more of a artificial process where intentionally and willfully the girl child is made to die even before birth and therefore it affects the gender composition in society, with regard to literacy rates where it has a reflection on the education and the educational opportunities given to males and females.

There is a difference that we see some 73% as against 53% so therefore the number of males who are educated are much more than when it comes to females and there is a difference which exist, in the economic employment opportunities number of male workers are much higher than when it comes to female workers and even if we have female workers which is very low most of them are in the agricultural sector.

So it is the it is the family and the land of the family which the woman is employed in and she ends up in agricultural work in her own land other than that in most of the situations she is a house worker and housework is not really considered when it comes to considering the economic statistics with regard to women's work so that is an area which is absolutely neglected. Now with regard to wages which are given to males and females we probably all know that there is an equal remuneration Act which speaks of equal remuneration to both men and women.

There cannot be any difference or discrimination in this regard but if one goes to you know view across sectors one will find in every situation there is a difference which is dear in the salary structure which exists for a man and a woman so somewhere a man is paid much more than a woman and this statistics shows with regard to the casual workers and other workers that a difference does exist not only at the rural level but also at the urban level.

And to further emphasize on the position of inequality between men and women one can look into the political participation and another arena is the number of women in the judicial setup which shows that how many women are there in positions of difference and specifically in the political arena we there are very, very few number of women legislators as compared to male legislators whether it is the Lok Sabha or it is the Raja Sabha the number is very poor with regard to the place of women which is theirs.

And the representation of women in the judicial setup is equally pathetic in terms of very, very few judges over the last more than 50 years who have been women and the other one so it is just 2 out of 30 or 58 out of 609 so these are some of these statistics which go on to show the inferior position of women and in society and therefore you know establishes the fact that even after independence and 1950 when we had the Indian constitution which established the principles of equality justice even after so many years the concept of equality is still a far-fetched dream.

And even though everyday a strive is being made towards that effect a much needs to be done in order to bring the figures at the, at par for both the males and the females.

(Refer Slide Time: 13:59)



Crimes	2010	2011	2012	2013	2014
Rape	22172	24206	24903	33707	36735
Kidnapping /abduction of women	29795	35565	38262	51881	57311
Dowry Deaths	8391	8618	8233	8083	8455
Cruelty	94041	99135	106527	118866	122877
Assault	40613	42968	45351	70739	82235

Now another area through which one can actually understand the status of women is on the issue of violence and in this issue of violence I have just taken up for example few offenses which are perpetrated against women and in this issue the few offenses which have been taken are rape, kidnapping abduction of women, dowry death, cruelty and assault these are all offenses which find mention in the Indian Penal Code 1860.

And these are offenses which are specifically against women and in each of these offenses over the years one thing which strikes is the increasing numbers in spite of several laws several judicial decisions and several initiatives taken by the government to somewhere contain the rising violence against women in society unfortunately the numbers have only increased over the years and today a woman whether at home or in the workplace or in the roads or in you know some other place is not safe.


In a sense at every place she may become a victim of certain types of violence so in last few years we have had numerous instances of rape being perpetrated kidnapping and abduction of women of several women being sexually assaulted who were workers of BPOs and IT companies so at each point of time she is subjected to various types of violence and this is a reflection of the position of women in society that what the society or the state is unable to ensure the safety of women whether at home or outside.

So if we see the changing figures the offense of rape over the years it is just figures of five years from 2010 to 2014 has increased from somewhere 22, 000 to 36, 000 these are statistics of the National Crime Records Bureau and therefore they go to show that the instances have only increased across the country similarly kidnapping and abduction of women has increased from 29, 000 to as high as 57, 000 instances dowry gets somewhere there are very stringent laws which are inexistence.

But even in spite of that some 8300 cases to 84000 cases in 2014 the issue of cruelty against women has again become a very, very significant issue with regard to domestic violence being perpetrated against women instances as high as 94, 000 in 2010 to 2014 in it wins 1, 22, 000 and similarly cases of assault of women from 40,000 to 82,000 so therefore it is a case of rising crimes against women and situation which shows that not only with regards to other aspects whether with regard to health or with regard to education etc.


Where the girl child or the woman is a victim but with regards to the society perpetrating a gender specific violence against women there also women become major victims.

(Refer Slide Time: 18:27)



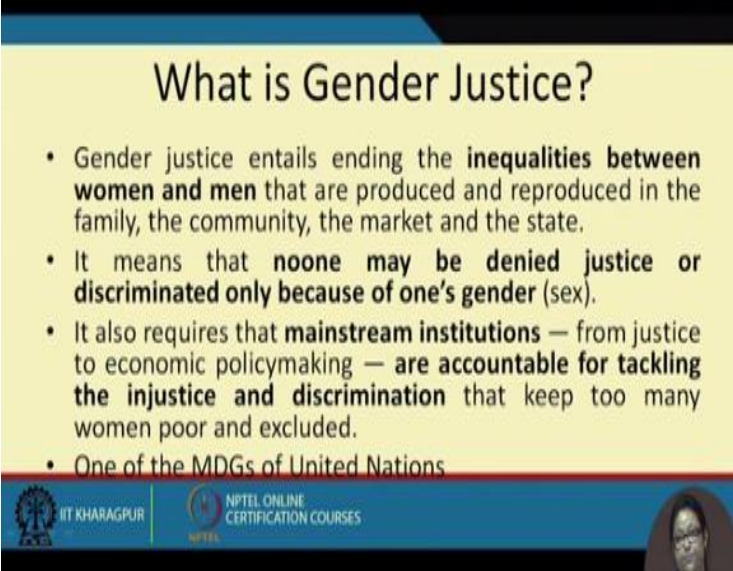
- Sex selection at birth
- Early child marriages
- Neglect, abuse of women
- Bias and discriminatory practices
- Lack of autonomy in matters of education, health and nutrition, reproductive health, marriage, employment

Logo of IIT KHARAGPUR and NPTEL ONLINE CERTIFICATION COURSES






And therefore of the various issues which exist sex selection and birth, early marriages, neglect abuse of women, bias and discriminatory practices, lack of autonomy in matters of education, health nutrition, reproductive health, marriage employment in all spheres what can one can find is a serious issue of gender discrimination and they are consequent gender inequality which exists in society.

(Refer Slide Time: 19:03)



What is Gender Justice?

- Gender justice entails ending the **inequalities between women and men** that are produced and reproduced in the family, the community, the market and the state.
- It means that **no one may be denied justice or discriminated only because of one's gender (sex)**.
- It also requires that **mainstream institutions** — from justice to economic policymaking — **are accountable for tackling the injustice and discrimination** that keep too many women poor and excluded.
- One of the MDGs of United Nations

 IIT KHARAGPUR  NPTEL ONLINE CERTIFICATION COURSES 

So therefore once we have understood this aspect of the existing inequalities and discriminatory practices which are existent in society we can understand or now embark on an understanding of what is gender justice, now it is very difficult to give a definition for that matter of the concept of gender justice but what it basically stands for what does the notion of gender justice stands for as we understand justice somewhere indicates equality fairness absence of bias as absence of discrimination.

So gender justice basically attempts to end the inequalities which exist between men and women and then these inequalities are at every stage of the society at every level it is produced and reproduced whether in the family, the community, the marketplace or the state so at whatever level that one sees one finds that there are different strains of inequality which are existing and the concept of gender justice exactly attempts to address that inequality which is existing in this society.

It means also that no one may be denied justice or discriminated only because of one's gender here gender referring to the sex of a person so when we speak of gender justice it means that there should be not only an equality but there should not be any sort of a discrimination any sort

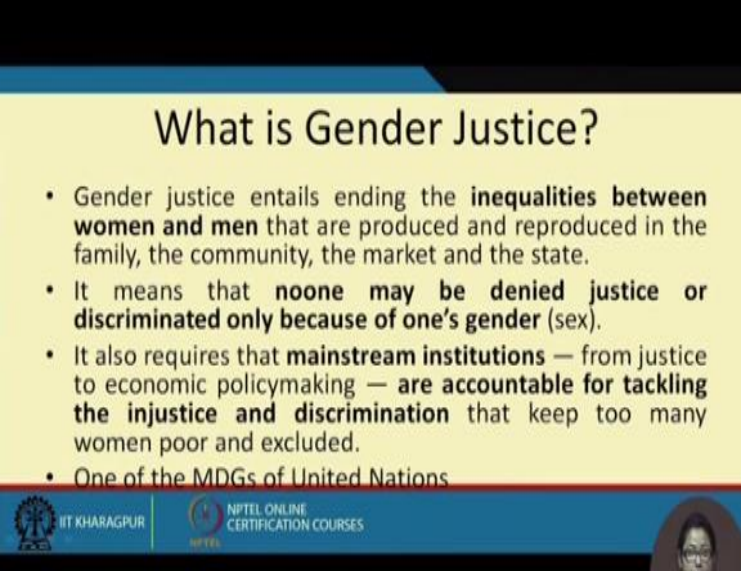
of a denial of rights of a person and such denial such discrimination being based on the sex of a person just because somebody is a woman one cannot be denied certain thing so therefore the concept of gender justice tries to hint or tries to establish this notion that such denial or such discrimination is bad and it cannot be allowed in society, now it also requires that mainstream institutions from justice to economic policy making are accountable for tackling the injustice and discrimination.

That keep too many people or too many women poor and excluded now therefore this responsibility of ending the inequality or ending this discriminatory practices which are existing in society the responsibility is with the state and all institutions of this state must be able to tackle this problem which is there and they must see that more and more women are a part of the process and they are able to be influence decision-making and they are able to make impact in the rights domain when it comes to women.

So therefore women who are excluded from the various institutional bodies which are their decision-making processes which are their women should be a part of it and they are to be integrated in the system whereby the existing injustice in the existing inequalities existing discriminatory practices can be done away with, so therefore gender justice is a sort of a notion which has developed in present times.

Which tries to address this issue of inequality which is existent in society and tries to do away what may be the means to do away with the inequalities and the discriminatory practices which are there, now this gender justice was identified as one of the Millennium Development Goals of the United Nations.

(Refer Slide Time: 23:37)



What is Gender Justice?

- Gender justice entails ending the **inequalities between women and men** that are produced and reproduced in the family, the community, the market and the state.
- It means that **noone may be denied justice or discriminated only because of one's gender (sex)**.
- It also requires that **mainstream institutions** — from justice to economic policymaking — **are accountable for tackling the injustice and discrimination** that keep too many women poor and excluded.
- One of the MDGs of United Nations

BIT KHARAGPUR | NPTEL ONLINE CERTIFICATION COURSES

Which has set up the key to achieving gender justice what has to be done to achieve gender justice, now it is more easily said than done that the inequality or the discriminatory practices are to be done away with there should be no denial of Rights or justice to women simply because or only on grounds of sex it is something which over the years the state is only you know endeavors to fight against and it has made some progress though not entirely.

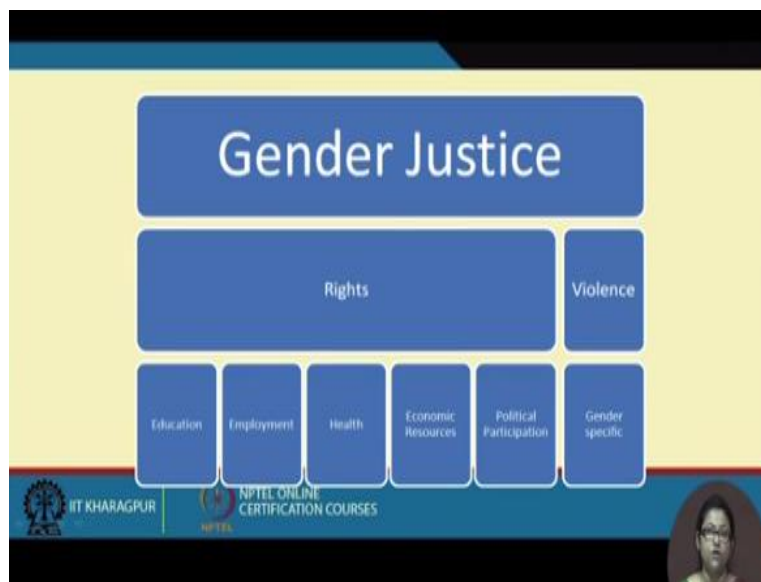
So in what manner how can we achieve gender justice what is the key as laid down by the United Nations, now what is to be understood that the in the entire process women has to be a made part of this entire process she must be key in the decision-making process and be is it is the responsibility of the state to ensure that the rights of women are achieved and to ensure that violence against women are somewhere stopped.

So therefore some of the some of the issues laid down by the United Nation involves expanding women-friendly public services, now that means to meet women and girls rights to education health and food next guaranteeing land and jobs for women ensuring the right to decent livelihood through access to economic assets increasing women's voice indecision-making, full participation of women in society starting from autonomy in the household to voice in all

political processes at community national and international levels and ending violence against women and girls too many women and girls face such violence in daily life which affects their opportunities and their mobility and denies them their rights, so therefore it is essential that the rights of women with regard to the key necessities of education health and food must be upheld their right to decent livelihood must be upheld they must be made a part of the decision-making process.

Whereby their voices are heard in entire in the entire process their issues are perfectly addressed and lastly are the issues of violence against women and girls must be addressed.

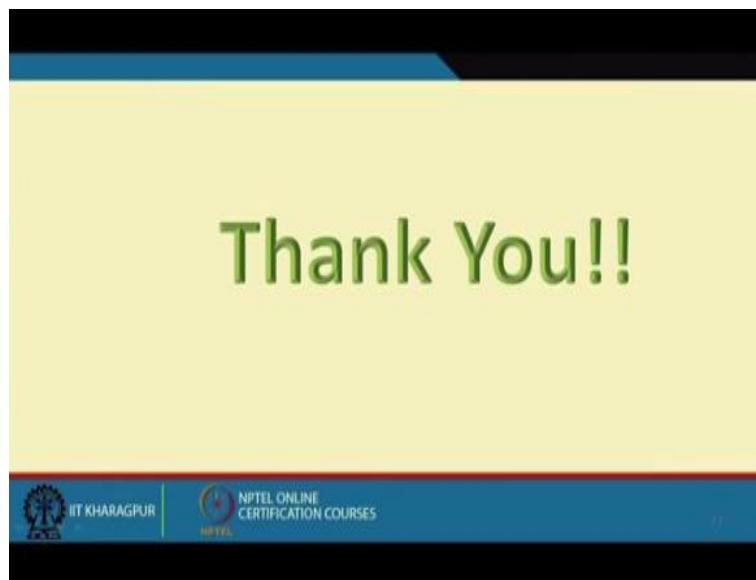
(Refer Slide Time: 26:49)



So therefore gender justice when we speak of there are two aspects of it the right aspect and the aspect of violence against women when we speak of rights the rights with regard to education rights with regard to employment with regard to health with regards to economic resources and with regard to political participation or participation at all levels in decision-making process all these rights must be ensured with regards to women and when it comes to violence gender specific violence somewhere must be curbed.

Or it is seen that women and girl children do not become increasingly victims of such violence so in the achievement of gender justice it is essential to protect women against such violations which happen in the families which happen in the society with regard to the rights as well as to protect women against different forms of violence which are perpetrated in society as a result of the existing societal norms or societal beliefs and values which are there.

(Refer Slide Time: 28:11)



So it is very important that all of it must be broken down the barriers must be broken down the capabilities of women should not be judged on the existing societal norms, societal beliefs but there should be a appropriate value and recognition of her place in society whereby she's seen as equal to man in all respects and matters. So therefore that is the concept of gender equality which we are trying to bring about and where there are lot of challenges entailed theory.