

GENDER SENSITIZATION AND EQUALITY OF OPPORTUNITY IN INDIAN CONTEXT

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ABSTRACT

The study has been conducted in connection with the conditions of women in the society. The different cases have been mentioned in this study. Dr. B.R. Ambedkar's views have been discussed in detail about the conditions of women. What are the constitutional provisions regarding the position of women, have been described in detail in this write up.

INTRODUCTION

I measure the progress of a community by the degree of progress which women have achieved.

Dr. B.R. Ambedkar

Gender sensitization refers to the modification of behaviour by raising awareness of gender equality concerns. Gender sensitization theories claim that modification of the behavior of teachers and parents (etc.) towards children can have a causal effect on gender equality.

Gender sensitizing "is about changing behavior and instilling empathy into the views that we hold about our own and the other gender." It helps people in "examining their personal attitudes and beliefs and questioning the 'realities' they thought they know."

In ancient India, women enjoyed a very high position but gradually their position degenerated into merely objects of pleasure meant to serve certain purpose. They lost their individual identity and even their basic human right. Empowerment is a multi-faceted, multi-dimensional and multi-layered concept. Women's empowerment is a process in which women gain greater share of control over resources material, human and intellectual like knowledge, information, ideas and financial resources like money - and access to money and control over decision-making in the home, community, society and nation, and to gain 'power'. According to the Country Report of Government of India, "Empowerment means moving from a position of enforced powerless-

ness to one; of power". But, from time immemorial, the women in this land of ours were treated as a sort of thing. Her placing in the society was not at par with other human beings. She has no rights. She cannot move nor does anything at her will. In Hindu Shastras, she has been branded just like animals or some Objects of enjoyment. From the verses of Ramayana as written by Tulsi Das, Dhol, ganwar, shudra, pashu, naari - Ye sab tadan ke adhikari", In 'Manusmriti' the ancient Hindu Code-book, the status granted to women is quite visible and she was put to the lowest rugs of humanity as she was treated at par with the animals and slave by the proprietors of Hindu Dharma. Such was the placement earmarked to our mothers, sisters and even great grandmothers that humanity was ashamed of. That is why Dr. Ambedkar, the father and architect of Indian Constitution, was of the firm opinion that until and unless, we defy the Hindu Dharma-Shastras, nothing much can be changed. In the name of sanskaras, the Hindu women are tied to bondages of superstitions, which they carry till their death. They are also responsible for inculcating certain wrong notions learnt through baseless traditions and preaching of the Shastras, in the budding minds of their offspring.

GENDER EQUALITY IS THE RESPONSIBILITY OF ALL

Achieving gender equality is not a 'women's concern' but the responsibility of all in society. Empowering women and girls towards greater

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participation in development means working towards more balanced and equal power relations between the sexes. Sometimes a fear exists that advancing the position of women means that something is taken away from men. However, the promotion of gender equality does not imply giving more power to women and taking away power from men. The promotion of equality between women and men is empowering for all. It allows both men and women to take part fully in social and economic life and leads to a win-win situation for both. 'Power-over' which refers to a situation of subordination on the one hand and domination on the other, is unjust and detrimental to development because of the unequal exchange it entails. Gender equality needs to be addressed in all development programmes and at all stages of the programming cycle. It is sometimes thought that the promotion of equality between men and women is only relevant in the 'soft sectors' such as education, health, welfare and other care- and service-based jobs, and not in 'hard sectors' such as macro-economic policies, engineering, construction and other infrastructural development, or in decision making in politics. Gender equality is an issue which needs to be addressed in all development fields and at all stages of the programming cycle, in other words, at the planning and design, implementation, monitoring and evaluation stages. The advancement of women and girls is a necessary strategy whenever they are in a disadvantaged position as compared to men and boys. As current inequalities are often quite large, equal treatment of men and women from now on is therefore not sufficient because existing inequalities could remain or might even become larger. Gender-specific measures are usually needed to redress existing imbalances between the position of men and women until women can participate in, and benefit from, development on an equal footing with men.

Dr. B.R. Ambedkar Towards The Empowerment of Indian Women

The operations of caste both at the systemic level and at the functioning of patriarchy, the growing

caste / class divide in feminist political discourse makes Ambedkar's view on women's oppression, social democracy, caste and Hindu social order and philosophy, significant to modern Indian feminist thinking. Although Ambedkar proved, himself to be a genius and was known as a great thinker, philosopher, revolutionary, jurist par excellence, prolific writer, social activist and critic and strode like a colossus in the Indian sociopolitical scene unto his death, his thoughts never received adequate attention in the generality of Indian society just because he was born as an untouchable. However, the contemporary social realities warrant close examination of the wide range of his topics, the width of his vision, the depth of his analysis, and the rationality of his outlook and there essential humanity of his suggestions for practical action. Hence, for Indian women's movement Ambedkar provides a powerful source of inspiration to formulate a feminist political agenda which simultaneously addresses the issues of class, caste and gender in the contemporary socio-political set up, which still keeps conservative and reactionary values in many respects, particularly on gender relations. The writings and Speeches of Ambedkar show what values India should develop and how they would modernize its social and political institutions. Ambedkar saw women as the victims of the oppressive, caste-based and rigid hierarchical social system.

Dr. B.R. Ambedkar - The Champion of Women's Rights

Dr. Ambedkar championed the cause of women as well as the miserable plight of Schedule Castes and Scheduled Tribes throughout his career. He discussed a number of problems of Indian women and sought for their solutions in Bombay Legislative Council, in the Viceroy's Assembly as the chairman of the Drafting Committee and also in the Parliament as the first Law Minister of Independent India. Dr. Ambedkar was sworn in as a nominated members of the Bombay Legislative Council on 18th Feb., 1927. He advised Indians to participate in the world war on behalf of the British Government. His

arguments on the Maternity Benefit Bill and on Birth Critical were quite relevant to recognize the dignity of women. He vehemently supported the Maternity Bill.

His argument was "It is in the interest of the nation that the mother ought to get a certain amount of rest during the pre-natal period and also subsequently, and the principle of the Bill is based entirely on that principle".

"That being so Sir, I am bound to admit that the burden of this ought to be largely borne by the Government, I am prepared to admit this fact because of the conservation of the people's welfare is primary concern of the Government. And in every country, you will find that the Government has been subjected to a certain amount of charge with regard to maternity benefit."

Women started participating in satyagrahs and also launched women's associations for untouchable women for spreading education and awareness among them. In the Mahad Satyagraha for temple entry in 1927, even caste Hindues participated. Shandabai Shinde was one such participant. In the Satyagraha it was decided to burn the Manusmriti, which humiliated women, and shudras. In the demonstration after the bonfire of the Manusmriti more than fifty Women participated. Ambedkar addressed the meeting thereafter and advised women to change their style of wearing saress, wear lightweight ornaments, not to eat meat of dead animals. It was upper caste women like Tipnis who taught them proper way of wearing sarees.

At the All India Depressed Classes Women's Conference held at Nagpur on 20th July, 1940 Dr. Ambedkar emphasized that there could not be any progress without women. He spoke "I am a great believer in women's organization I know that what they can do to improve the condition of the society if they are convinced. They should educate their children and instill high ambition in them. Ambedkar made some memorable speeches in the Round Table conference. He placed the view point of the

depressed classes and pleaded for Dominion Status. His speeches created a good impression upon the British public. He served on a number of important sub-committees and prepared scheme of political safeguards far the protections of depressed classes in the future constitution of a self governing India. Ambedkar also advocated the immediate introduction of adult franchise.

When Ambedkar returned to India after attending the round table conference in 1932, hundards of women were present for the committee meetings. Since Amhedkar was well convinced about the status of women, as the Chairman of the Drafting Committee he tried and adequate inclusion of women's rights in the political vocabulary and constitution of India. Therefore, by considering women's equality both in formal and substantial senses he included special provisions for women's equality both in formal and sustainable senses he included special provisions for women while all other general provisions are applicable to them, as to men constitutional provisions. Hence, there are Articles like 15(3), 51(A), and so on. His key work in the preparation of Indian Constitution made it to be known as a New Charter of Human Rights. He looked upon law as the instrument of creating a sane social order in which the development of individual should be in harmony with the growth of society.

DR. B.R. AMBEDKAR'S IDEA OF EQUALITY

He incorporated the values of liberty, equality and fraternity in the Indian Constitution. Based on the belief that any scheme of franchise and constituency that fails to bring about representation of opinions as well representation of persons falls short of creating a popular government, he submitted the Constitution with a warning. He said in his speech delivered in the Constituent Assembly on 25th November 1949, "Political democracy cannot last unless there lies at the base of it social democracy." By social he means a way of life, which recognizes liberty, equality and fraternity as principal of life. He further said: "On 26th January 1950, we are

going to enter into a life of contradictions. In politics we will have equality and social and economic life we will have inequality. In politics we will be recognizing the principal of one man one vote and one vote one value. In our social and economic life, we shall, by reason of our social and economic structure, continue to deny the principal of one man one value. We must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the structure of political democracy which this Assembly has so laboriously built up."

Ambedkar believed primarily in the efficacy of law and legislation, and he struggled to evolve a constitutional mechanism to fashion India of his dreams, where equality, liberty and fraternity would have an unhindered play. In Ambedkar's vision of India, all citizens would be equal before law; they have equal civic rights, equal access to all institutions, conveniences and amenities maintained by or for the public; they possess equal opportunities to settle or reside in any part of India to hold any public office, or exercise any trade or calling, here all key and basic industries would be owned by the state. He pleaded for special privileges and safeguards for the Dalits as scheduled Castes. In short, he demanded equality, which would not only lead, to the redressal of the past wrongs but also provide sufficient leverage, may be by way of compensation, as a bid to ensure their leveling up. B.R. Ambedkar, his life, work and relevance.

CONSTITUTIONAL PROVISIONS

The Constitution of India contains various provisions, which provide for equal rights and opportunities for both men and women. The salient features are:-

1. Article 14 guarantees that the State shall not deny equality before the law and equal protection of the laws;
2. Article 15 prohibits discrimination against any citizen on the ground of sex;
3. Article 15 (3) empowers the State to make positive discrimination in favour of women and children;

4. Article 16 provides for Equality of Opportunity in matters of public employment;
5. Article 23 prohibits trafficking in human beings and forced labour;
6. Article 39 (a) and (d) enjoins the State to provide equal means of livelihood and equal pay for equal work;
7. Article 42 enjoins upon the State to make provisions for securing just and humane conditions of work, and for maternity relief;
8. Article 51A(e) imposes a Fundamental Duty on every citizen to renounce the practices derogatory to the dignity of women;
9. Article 243D (3) provides that not less than 1/3rd of the total number of seats to be filled by direct election in every Panchayat to be reserved for women, and such seats to be allotted by rotation to different constituencies in a Panchayat;
10. Article 243T(3) provides that not less than 1/3rd of the total number of seats to be filled by direct election in every Municipality shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Municipality;
11. Article 243T(4) provides reservation of offices of Chairperson in Municipalities for Sc, ST, Women in such manner as the legislature of a State, may by law provide;

In pursuance of the above Constitutional provisions, various legislative enactments have been framed to protect, safeguard and promote the interests of women. Many of these legislative enactments have been in the sphere of labour laws to ameliorate the working conditions of women labour.

LEGAL SYSTEM AND GENDER DISCRIMINATION IN INDIA

The role of constitution in ensuring gender justice is being recognized in modern times. It is most appropriate that the supreme law of the land should meaningfully address the woman question and respond to the challenges by stimulating the whole legal system towards a

greater concern for, and protection of women. But law cannot change a society overnight, but it can certainly ensure that the disadvantaged are not given a raw deal. However the courts can certainly go beyond mere legality insulating women against injustice suffered due to biological and sociological factors. Indian judiciary has been very sensitive to women and women related issues. The Apex Court of India took special interest in discharging its legal and constitutional obligations and safeguarding the interests of women in changing situation and societal demands. Article 14 of the Constitution of India ensures to Women the right to equality and Article 15(1) specifically prohibit discrimination on the basis of sex, and article 15(3) provides for affirmative and positive action in favour of women by empowering the state to make special provisions for them. Article 16 of the Constitution provides for equality of opportunity to all, in matters relating to public employment or appointment to any office and specifically forbids discrimination inter-alia on the ground of sex. These articles are all justiciable and form the basis of our legal-constitutional edifice.

Our natural obligation to renounce practices derogatory to the dignity of women has been elevated to the status of fundamental duty by Article 51-A. The directive principles of State policy contained in Part IV of the Constitution direct the State to protect human rights of women including right to equal pay for equal work, the right to health and work in hygienic conditions, right to maternity benefits, and respect for international conventions have significant value in building the corpus of constitutional feminism.. The Equal Remuneration Act, 1976, the Maternity Benefit Act, 1961, the Prenatal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994, the Dowry Prohibition Act, 1961 and the Immoral Traffic (Prevention) Act, 1956 are some of the enactments which owe their existence to those provisions of the Indian Constitution. Although these principles are strictly not justiciable, the Supreme Court of India, through its judicial

activism, has infused dynamism into these non-justiciable provisions and issued directions to the state to implement them. The 73rd and 74th Amendments (1993) to the Indian Constitution have served as a major breakthrough towards enhancing the women's participation in democratic process. The Supreme Court in *Muthamma v. Union of India* and *Air India v Nargesh Mirza* struck down discriminatory service conditions requiring female employees to obtain government permission before marriage and denying married and pregnant women the right to be employed. In *Vishaka v. State of Rajasthan*, the Supreme Court observed that Equality in employment can be seriously impaired when women are subjected to gender-specific violence, such as sexual harassment in the workplace. And therefore issued guidelines to ensure women have equal working conditions and are protected from sexual harassment. In *Mackinnon Mackenzie & Co. Ltd v. Audrey D'Costa* the Court observed that there was discrimination in payment of wages to lady stenographers and such discrimination was being perpetuated under the garb of a settlement between the employees and the employer. The Court finally not only made it mandatory to pay equal remuneration to lady stenographers as their male counterparts but also observed that the ground of financial incapability of the management cannot be a ground to seek exemption from the Equal Remuneration Act, 1976. Hindu Succession Amendment Act 2005 is a piece of central legislation that was brought into force in all our states. The Act confers equal rights of inheritance to Hindu women along with men, thus achieving the constitutional mandate of equality. Interpretation of the Guardianship law in the light of Article 15 by the Supreme Court in *Githal Hariharan v. Reserve Bank of India* could equate the position of mother to that of father in the matter of guardianship.

It is the education which is the right weapon to cut the social slavery and it is the education which will enlighten the downtrodden

masses to come up and gain social status, economic betterment and political freedom.

Dr. B.R. Ambedkar

CONCLUSION

It is beyond doubt that the gender discrimination is existence for long time. The education sector could certainly play a pivotal role in eliminating this gender inequality. It is very much essential to bring awareness among people about the benefit of gender equality. It is important to know that the inclusion of the concept of gender equality in the curriculum and making of laws to remove gender inequality have significant impact on the need to achieve constitutional goal of establishing egalitarian society. Ultimately, it is the change in social mindset and involvement of all sections of society is required to achieve the ends. Society is in a continuous process of evolution. It will take several decades for these imbalances to be rectified. Education of both men and women will lead to change in attitudes and perceptions. It is not easy to eradicate deep-seated cultural value, or alter tradition that perpetuates discrimination. Law can only be an instrument of changes that must be effectively used. The absence of effective law enforcement, results in low rates of conviction, which in turn emboldens the feeling that the accused can get away. It is necessary that deterrent punishments are provided in the statute, and are strictly enforced. A beginning has certainly been made in urban areas. Working women continue to remain primarily responsible for taking care of home and child rearing, in addition to their careers. Increased stress has made them more prone to heart and other stress related diseases. Hence, it is necessary to improve the Support System for working women. The march towards elimination of gender bias has to go on, so as to make it meaningful for the vast majority of women in this country. There is a greater representation now in the legislature, executive and judiciary. India is one of the few countries in the world, which has had a woman Prime Minister. Various States have from time to time, had women Chief Ministers. A woman Judge in the Supreme Court, and in the High

Courts, has today become the norm. Women have crossed many barriers, and head various departments in large multinationals today. A beginning has been made in the Army also, when women are being commissioned as SSC Officers.

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