

GENDER DISCRIMINATION AND POLICIES IN INDIA

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ABSTRACT

The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. The Constitution not only grants equality to women, but also empowers the State to adopt measures of positive discrimination in favour of women.

Any kind of discrimination among the fellow human being is the worst kind of mental torture and subjecting this cruelty to half of our population is unbecoming of a nation. After independence constitution gave right to equality to all its citizens. But it remain on paper and even now after seventy three years gender discrimination is still part of our society ,our work place and even the judicial system. Women representation in our law makers is so feeble that they can hardly make any difference in real terms.

So many steps were taken and policies were drawn in earlier years by the parliament to change the bias. It affected the representation at local governance like panchayats and urban governance but their presence at state assemblies and parliament remained merely a token representation. Woman reservation alone has not been found adequate because elected women leadership have been obstructed by variety of the socio-economic and political factors. The women who got leadership position, through reservation still have been working merely on directive of their family's men folk with minor exceptions. Strong laws were made to make the work places gender sensitive and some success is achieved but there is still a long road ahead. Women reservation bill which is struck in parliament for almost two decades is very much a progressive step to achieve equality.

The paradigm of government performance, political development, democratic Growth and government capabilities largely depend upon the leadership at various levels of the

governance. Our is a democratic system of governance in which elected political leadership has to operate in different structures of the government at various levels and have to perform various functions in a responsible manner for a broad range of issues in various spheres. Then demands for greater representation of women in elected political structures was taken up, and a new democratic decentralised women inclusive institution of local governance was given shape through Constitutional recognition. There is a need for providing a women friendly political environment and by keeping the State Party System, ideologically committed towards women inclusive political parties' structures and to provide access to the network and resources to enable women to ascent the rank of party's hierarchy. There is an urgent need for eradication of gender inequality based on equity, which has led to deprivation of power among women, they have to be included, through a policy framework, in all decision making structures from the lower to the top layer of the policy making. It would help in translating the gender political equality from de-jure to de-facto.

There is a need for boosting women friendly political culture, both at micro and macro levels, aiming at providing more political space to the half of the humanity, the vision of transformative politics is urgently needed to be inculcated in our Party system at various levels to address the gender blindness of the existing Political ideologies, political culture and practices. The transformation politics and leadership should be based on new political Paradigm. It should be concerns much more than simply putting women in Political leadership positions of power. It should also denote to enhancing, Nurturing and revamping women leadership.

Lastly, but not least, if the State government and Political Party in power have Strong 'Political Will' to develop a equitable gender just political environment, Then, congenial and enabling socio-political environments, conducive to women would automatically emerge. Therefore, it requires transformative State political leadership for creating a women friendly political sphere and removing the gender discrimination.

INTRODUCTION

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STATUS OF WOMEN IN PRESENT INDIA POLITICS:

Women leadership and their empowerment means that their actual involvement in political decision making bodies of governance at various levels through the democratic process of becoming elected representatives, thus, women leadership in broader perspective includes all those political activities, directly or indirectly, during the various processes of party system, electoral decision making processes. Women have been the enfranchised member of the political empire of India and have imparted equal political rights, at par with the men for enhancing their political participation and empowerment, so that they can lead for political leadership's positions. But it is disheartening to find that their participation in political leadership role has presented a grim scenario. Their participation in elected political leadership remained below double figure in Indian Parliament since first general elections.

The presence of women leadership in Indian States' Legislative Assemblies have also not been found encouraging and even some States have zero representation of women in their Legislative Assemblies, the States like Nagaland, Mizoram and UT (Pondicherry). The trends of women leadership in Indian politics indicate an appalling insufficient women representation of half of the human resource of the country. Contrary to this in some States women leadership have demonstrated a healthy trend and their strong presence in State political leadership, like West Bengal and Tamilnadu etc. This makes to observe that women can be effective political leader in male dominated political environment.

The gender political inequality, leading to deprivation of political power among women, has been continued a political reality in India and Indian States till date. The wide spread patriarchal societal and gender related prejudices have put a large number of women in a disadvantageous position in almost all strata's of life. Women have to face various problems and constraints at personal and social level which has led their lethargic political participation

Women's leadership and their effective participation in decision-making are very much essential for women interests to be incorporated into governance. It has widely been experienced that government structures which do not provide for adequate participation of women in political leadership, often suffer from State's interventions which are neither inclusive nor democratic

JOURNEY OF WOMEN INCLUSIVE INSTITUTIONS

Quotas for women were actually considered as early as in 1930, in the context of the constitutional reforms of British India. But since then on until the 1980s, the option of special provisions to ensure women's political representation was rejected three times. In 1939, the "Women Sub Committee", within the National Planning Committee formed by Nehru and S.C. Boss to evolve the future economic policy of Independent India, rejected the option of women's quotas.³ The Constitution of India adopted in 1950 indeed suppressed reserved seats for women and proclaimed the equality between men and women as one of the fundamental rights. Reservations, however, were adopted for SCs and STs in the higher level representative bodies, as well as in educational and governmental institutions. A third

category was mentioned in the Constitution as having a right to special help i.e. to positive discrimination from the state: that of the socially and educationally backward classes, later called OBCs.

It was in 1953, a NBCC was nominated under the chairmanship of Kaka Kalelkar with the mission of identifying those groups qualifying as OBCs. In his report, Kalelker wrote about women: “the position of women in India is peculiar. We have also felt that they have lived under a great social handicapped and must, therefore, as a class be regarded as backward. But since they do not form a separate committee it has not been possible for us to list them away BCs.” It was remarkable for NBCC as it considered women as a class - a conception central to the second wave of the Indian women’s movement, which was to emerge in the 1970s. But Kalelker had pointed out very clearly the major obstacle to this conception: women did not form a community for they couldn’t be isolated from men.

The similar argument was given by the Committee on the Status of Women in India (CSWI), in its report, towards equality, published in 1974 as part of the preparation for the women in decade (1975-1985) proclaimed by UN. Towards equality then represented the most ambitious survey even on every aspect of Indian women’s lives. The said report clearly highlighted the glaring discrepancy between the Indian constitutional provisions and the reality, it was highlighted that the right to political equality has not enabled women to play their roles as partners and constituents in the political process. It has presented an illusion of equality and powers which was frequently been used as an argument to resist special protective and acceleratory measures to enable women to achieve their just and equal position in society. Yet, after listing the argument in favour of reservations for women in political assemblies, this option was finally rejected.

In order to encourage a greater participation by women into the political processes, it was desired from the political parties to increase the proportionate on women among their candidates, so that in time to come the representation of women in legitimate bodies has been relationship to their position in the total population of the country or state. The CSWI recommendations had fade to have had any significant impact. But it revealed that women were not treated as a group from political arena. At the end of the 1984, there was a revival

of the notion of women's quotas as a way to force the invisible barriers that denies them access to politics.

Later on, under Rajiv Gandhi government in 1986, A National Perspective Plan for Women, had recommended that (i) 33 percent of seats in all elected assemblies, from the village to the union level, be reserved for women, and that (ii) political parties promote women's electoral participation by giving at least 33 percent of their tickets to women candidates.⁷ It was in 1989; Rajiv Gandhi government introduced a decentralization bill which had ultimately become the 73rd and 74th CAA, providing 30 percent local elected bodies in 1992.

The 73rd and 74th CAA were, thus, prepared for India by a reflection spanning six decades over the feasibility of women's quotas, as well as by the few local experiments. In many countries, other than India, affirmative action policies were designed, during the 1990's so as to break the "glass ceiling" which seemed to restrict women's however, in India, the quotas provisions for women, SC's and STs, were hardly discussed prior to the passing of the 73rd and 74th CAA.

The Fourth United Nations Conference on Women which took place in Beijing in 1995, to take stock of the condition of women worldwide and define actions to be taken, testified to this growing consensus. One of the twelve Strategic Objectives identified in the Beijing Platform for Action, was indeed to take measures to ensure women's equal access and full participation in power structures and decision-making (UN 1995).

In September 1996, a private member's bill was moved, introducing reservations for women, a day before the closing of the monsoon session. However it was this move that subsequently led to the introduction of the present Women's Reservation Bill. The motion for consideration was mooted on May 16, 1997, but it lapsed, following the dissolution of the 11th Lok Sabha. The Bill was again brought before the House during the 12th Lok Sabha on July 14, 1998, as the Constitution (84th Amendment) Bill, 1998, when the Union minister sought leave of the House to introduce the Bill. Permission for this was granted only on December 14, 1998. The Bill did not reach the consideration stage and therefore lapsed, following the dissolution of the 12th Lok Sabha. Then, the Constitution (85th Amendment)

Bill, 1999, popularly known as Women's Reservation Bill was introduced on December 23, 1999. On December 22nd, 2000, it was once again shelved.

On May 5, 2003, during the Budget Session of Lok Sabha that the Women's Reservation Bill was last resisted amidst loud protests from many opposition parties and some sections of the ruling NDA alliance. The house was forced to adjourn and when it returned after an hour and a half, the speaker of the Lok Sabha announced that he would call for an all-party meeting to generate unanimity/consensus on the Bill in order that the house may agree to its smooth passage. And till date that consensus has not reached. In national policy on woman 2001 government laid out below policy action.

All Central and State Ministries will draw up time bound Action Plans for translating the Policy into a set of concrete actions, through a participatory process of consultation with Centre/State Departments of Women and Child Development and National /State Commissions for Women. The Plans will specifically including the following: -

- i) Measurable goals to be achieved by 2010.
- ii) Identification and commitment of resources.
- iii) Responsibilities for implementation of action points.
- iv) Structures and mechanisms to ensure efficient monitoring, review and gender impact assessment of action points and policies.

Though their actual impact is still not visible on large section of society.

Where we are Lacking

To make gender sensitive policy formulation we need strong women leader among law makers. The lessons can be learnt from the developed societies where removing the gender bias resulted in great economic progress as well as better law and order situation. Another important area is to make our education system gender sensitive thus removing this bias from the roots itself. Our police stations and justice system should be gender sanitized so the women can come forward and register their complaints. We need to understand no nation can grow

by keeping their half population chained. To enable elected women leaders to effectively participate and play their leadership role effectively, There is urgent need for providing a women friendly, social and political environment and by keeping the existing party system ideologically committed towards women inclusive political structures. There is also needed for boosting women friendly political culture, both at micro and macro levels aiming at providing more political space to the half of the humanity, this necessitate the need of transformative politics. The vision of the transformative politics is urgently needed to be inculcated in our party system at various levels to address the gender blindness of the existing political ideology, political culture and practices.

Women Leadership in Politics for Women Empowerment

Women leadership in any political system may be termed as the democratic elected representatives through the existing constitutional and legal framework of the government system. Women empowerment in all walks of life is critical for their overall development and their advancement in field of politics and decision making bodies. The political empowerment means to provide them equal political rights and opportunities based on equity through their enlisting participation for making them capable to influence decision making processes, planning, implementation and integrating them into the political system by providing an adequate political space.

Women Inclusive Local Planning

Municipal Corporations in the State have to provide the provisions of basic civic services as well as have to work for socio-economic development and justice including gender justice and equality.

Correcting the Missing Gender Balance

Gender Balance refers to numerically equality between women and men. It is qualitative participation of women and men but does not necessarily employ their quantitative participation. In context of the promoting gender balance the concrete efforts have to be made in various democratic public structures at all levels.

Improving the Unjust Gender Relations

Gender relations are hierarchical relation of the power between men and women. The gender relations are socially determined and culturally based relations. The gender relations, which manifest and institutionalized male domination on the women and family, as well as, extension of male domination over women in society in general. Thus, when a man holds in all the important institutions of the society then women are deprived of access to such power.

Missing Gender Sensitive Social Environment

Gender sensitive social environment refers to the gender sensitive social behaviour and realization of gender equality by the society. Gender insensitivity leads to gender discrimination and gender inequality which has resulted in violence against

women to a great extent it has been observed that gender sensitive social environment is missing and obstructive the women participation in public sphere including politics

Missing Gender Responsive Budgeting

A gender responsive budget ensures that the need and interest of the individual from different social groups are adequately addressed in public expenditure and revenue politics. The gender responsive budget not a separate budget for women and men, it is budget any provision made to monitor the inputs and outputs with gender perspective.

Portrait of Women in Media is not Up to Mark

Media is now playing an important role in contemporary society. It is not only provide a perspective of existing social realities but also shape the people's perception towards the women, so, media have an important role in mobilizing the women power and translating it into women leadership development in the society.

Improving the Hostile Urban Environment

Social environment presently has been influenced by the political culture prevailing in the urban society. The growing joblessness among youth has also led to their deviation and involvement in various political activities sponsored by different political parties. The religious and caste organizations have also been playing dominating role in mobilization of the youth towards caste ridden and religious based groups and political parties. The self centered urban societies have further been polluting the local social environment. The existing social environment in cities is not congenial and conducive for women.

CONCLUSIONS AND SUGGESTIONS

The paradigm of government performance, political development, democratic Growth and government capabilities largely depend upon the leadership at various levels of the governance. Our is a democratic system of governance in which elected political leadership has to operate in different structures of the government at various levels and have to perform various functions in a responsible manner for a broad range of issues in various spheres. Then demands for greater representation of women in elected political structures was taken up, and a new democratic decentralised women inclusive institution of local governance was given shape through Constitutional recognition.

- There is a need for providing a women friendly political environment and by keeping the State Party System, ideologically committed towards women inclusive political parties' structures and to provide access to the network and resources to enable women to ascent the rank of party's hierarchy.
- There is an urgent need for eradication of gender inequality based on equity, which has led to deprivation of power among women, they have to be included, through a policy framework, in all decision making structures from the lower to the top layer of the policy making. It would help in translating the gender political equality from de-jure to de-facto.
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THE RING: An Interdisciplinary International Journal

ISSN: 0035-5429 2083-3520 UGC CARE 1 Journal

Vol. 42 Issue 01, Dec 2020, Impact Factor: 9.985

<https://mbsresearch.com/index.php/thering> Email: mbsresearchp@gmail.com

Double-Blind, Peer Reviewed, Refereed & Open Access International Journal

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