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Gender Equality and Equal Opportunity for Social Economic Developments

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ABSTRACT

Gender parity means the equality given to the genders in the society, where they are given equal opportunities to enhance their skills and it also includes the participation in decision making process. Here gender not only means male and female but also the third gender i.e. transgenders should also be treated as other genders of the society. Transgenders are two million in our country so they should also be treated as other minorities and economic help shall be provided to them as well. Gender equality must be in such a way that better utilisation of the resources shall be done, every individual shall be given the work in which they are fully efficient. When they will be given work according to their skills it will result in better productivity and also socio-economic development of the country. Men are always seen as caregivers and shelter providers to the women, this stereotype thought process can be improved only through the path of equality. In the present era women are no less than a man if are given equal chances as men. Women are gaining success in every field either in education, sports, politics or at borders. Men on the other hand shall be taught, how to treat other human being as equal no more or less. Women doesn't want sympathy instead they want respect. Women empowerment shall be in such a way that it must help the women to grow on their own and not with anyone's help. And fake feminism must be kept out of the way of the path of gender equality.

“A gender equal society would be the one where the word ‘gender’ does not exist: where everyone can be themselves”.

-Gloria Steinem

I. INTRODUCTION

Gender equivalence is a wide term which includes fiscal, edifying and societal extents. According to many pragmatic studies which shows that how a country's development is dependent upon a extensive series of factors. Equal breaks for both male and female means

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equal involvement of both men and women in all domains of private and public sectors. To understand the gender discrimination better, it could be said that gender based discrimination is any distinction, segregation or restriction on the grounds of gender, achievements or exercising the human rights and the fundamental independences on the basis of parity of men and women in democracy, financial, societal, civil and other spheres irrespective of their race, caste skin colour, religious beliefs, educational background, gender, mental and physical strength or other grounds. In simpler words it could be stated that if any person is or has been treated worse than the other person in similar situation is said to be the ground of gender discrimination. In a nation like India where men are given priority over women, instead of having Right to Equality as the basic right under Article 14- 18 of Indian Constitution, 1950, there are many sectors where women face barriers on the basis of their sex.

II. WHY GENDER EQUALITY?

Gender equality is basically linked with socio-economic development and its main objective is that where both the genders enjoy the same rights and opportunities in all spheres of life. In the concept of equality there is a requirement of justness. The meaning of equality in law nearly is derivative from Aristotle's maxim where parity means 'treating likes alike, unlike unlike'.

In India, the right to equality guaranteed under constitution of India is totally opposite to the society's reality. The scuffle for women's equality began in 20th century during the war against independence. Women were encouraged to fight against Britishers by influentials like B.R. Ambedkar, Raja Ram Mohan Roy, Savitribai Phule and Mahatma Gandhi and so that women should come out of their homes and also join the public domains for independence from Britishers. Indian morals, nationalism and cultural legacy were overvalued by the representation of Mother India. The inclusion of women in public spheres-imposed citizenship rights and change in the laws such as eradication of sati and polygamy, right to education, inheritance rights and also remarriage of widow.

In present time too women are taught by the habit of mind that they are not fully human by virtue of their gender. The rape and dowry culture have been observed as a feature of gender difference. Even when there is strict law for the protection of women, law always remain on sidelines when it comes to abusing, exploiting and violating a woman in the range of rape, domestic violence, sexual harassment, prostitution. It has always been a stereotype that women will always have to be responsible either in their households or at work places but still they are not given the respect which is required. Following are some of the reasons why gender equality is important-

- Firstly, a shift in the attitude is necessary for women to be considered as equal in their homes as well as in the society.
- For India to sustain its spot as a global growth leader, more efforts are required to be taken on national levels and private sectors also need to bring women to parallel to men.
- Educating children from an initial age about the gender equality could be a eloquent start in the direction of growth. When a boy or men will start seeing girls as their equal there will be less problems of gender inequality.
- Women are more educated but are not employed, this is because men are preferred over women because it is believed that women are less efficient than men. Both women and men if would be educated there will be less chances of poverty. Both will be empowered.
- As we talk about India, society prefers that a woman should stay at home and should learn the household works to be a good housemaker after marriage. One of the main reasons here is that there is no safety assured to a woman, most of the time there is always a fear of getting raped, abused or harassed at the work place.
- There are problems like human trafficking, where men are also victims of human trafficking. Women and girls are in mainstream. A safe and better environment is to be made where there is not fear of trafficking.
- With income equal to men, women can give education, healthcare and healthier food like facilities to their kids. Stats shows that children who are raised in gender equality environments perform better than those raised within inequality².
- One in every three women experiences physical or sexual violence. When gender equality will be there women would be able to raise voice for them against crime.

III. GENDER EQUALITY AND SOCIO-ECONOMIC DEVELOPMENT

To accelerate socio-economic development empowering women and promoting gender is the most basic and crucial step which is needed to be taken. While the OECD (The Organisation for Economic Co-operation and Development) (2008) revealed that sustainable economic growth at the national and global levels depends on the involvement of women as workers and the full use of their qualifications and skills. Ending all forms of discrimination against womankind is not a basic human right but has also multiple effects in development areas. In

² *Ten reasons why gender equality is important*, Human Rights Careers, <https://www.humanrightscareers.com/issues/10-reasons-why-gender-equality-is-important/> (last visited on May 28, 2020)

the past few decades a change has been seen, more girls are now in schools compared to past fifteen years. Women now make up to 41 percent of paid workers other than agriculture as compared to 35 percent in 1990. The main goal of socio-economic development is to build triumphs and to ensure that there is an end to discrimination on the basis of gender. Most of the huge problem here arises is sexual exploitation and violation and the substantial gaps between men and women in the labour market. Following are some of the changes which are brought in few years to provide equal opportunities for socio-economic development-

- **Strict criminal laws-** Judicially women are being protected with strict criminal laws. Where after the Nirbhaya gang rape case new guidelines were made and laws were amended. After that brutal gang rape in New Delhi new sections were inserted in the Indian Penal code, 1860 regarding sexual offences. Few of the newly recognised crimes by the Criminal Law Amendment Act, 2013 were defined under Indian Penal Code, 1860 through amendments were acid attacks (S.326A), sexual harassment (S.354A), intentional disrobing of women (S.354B), voyeurism (S.354C) and stalking(S.354D).

Likewise, in the case of *Laxmi v. Union of India*³, the Supreme Court's ruling banned the counter sale of acids. It was also explained that traders can only sell the acid only if the purchaser provides a valid identity proof and states the requirement of buying. It is required for the seller to submit the details of sale within 3 days to the police. Selling acid to a person below 18 years was also made illegal.

- **POSH (Prevention, Prohibition and Redressal) Act, 2013** - India adopted its foremost regulation addressing the issue of sexual harassment of women at workplace POSH Act, 2013 which was passed by the department of women and child growth. Because of sensual pestering at workplace a women's essential right i.e. Right to Equality and Right to Life guaranteed under Articles 14, 15 and 21 of Constitution of India, 1950 is getting violated. The main objectives of Prevention, Prohibition and Redressal Act, 2013 was to prevention and protection of women against sexual annoyance at workplace⁴.

In the leading judgement of *Vishaka and others v. State of Rajasthan*⁵, the Supreme Court gave the Vishaka guidelines that defined sexual harassment and put the obligation on the employers to provide a safe working atmosphere to the women employed.

³ *Laxmi v. Union of India* 2014 SCC (4) 427

⁴ Ashima Obhan & Vrinda Ptodia, *India: women centric changes in Indian law*, Obhan & Associates, <https://www.mondaq.com/india/human-rights/795312/women-centric-changes-in-indian-law> (Last visited on May 31, 2020)

⁵ *Vishaka and others v. State of Rajasthan* AIR 1997 SC 3011

- **Gender biasness** - In India there are different religions and different beliefs. One thing which is legal in a particular personal law is illegal in another personal law. Because of which chaos is created in society.

For example, In the case of *Indian Young Lawyers Association & Ors. v. The State of Kerala & Ors.*⁶, where women of menstruating age were banned to enter inside the temple. Supreme Court in its judgement allowed the entrance of woman of all age groups to the Sabrimala temple, holding that, 'devoutness cannot be imperilled to gender biasness'.

- **Women's reservation bill**- Women's reservation bill is a proposed bill in India which proposes an amendment in Constitution of India as to reserve thirty three percent of Lok Sabha seats for women. The seats are required to be set aside in rotations and those will be chosen by drawing of lots, and the allotment should be in such a way that a seat is set aside only once in 3 uninterrupted votes. The bill has been passed by Rajya Sabha in 2010. Thus, if bill is passed by both the houses than it will help the women to enter in politics like men.

- **Maternity benefits**- Maternity benefit is given to a woman who is expecting a child where she can be on paid leaves. With this a woman can take care of the child properly and also without getting worried about the work. Maternity Benefit Act, 2017 gives a woman a relief of maternity leave to the female employees with not more than two kids from the 12-26 weeks. A woman employee can take maximum leave for eight weeks before the estimated delivery date and rest after giving birth. Woman expecting a third child can also take the maternity leave for twelve weeks, six before childbirth and six after. After the amendment in 2017 in the act mothers who adopt a child below three months of age can also take 12 weeks motherhood leave from the date of getting the child. After the completion of the period an employee could also work from home as per their work profiles and employees consent. And in any organisation where there are more than fifty employees there must be a creche and woman employees are given a right to go to the creche 4 times a day.

- **Claims on inheritable property**- Woman are considered to be the property of her in-laws. Where she will get married and will go to her husband's home where her husband's property will be hers. But girls were not given any right in her father's property after her marriage. All the property is given to the sons or grandsons. This is the main inequality which was being faced. To solve this problem laws are amended and woman is given the right of inheriting the property of her father.

⁶ *Indian Young Lawyers Association & ors. v. The State of Kerala & ors.* Writ petition (Civil) no. 373 of 2006
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In the case of *Mary Roy v. State of Kerala*⁷, where a woman was being prevented from inheriting property of her father. The Supreme Court gave a judgement in which it was held that a woman has equal right to get an equal share in her father's possessions.

- **Custody of child-** A child is said to be more attached to her mother than his father. But when it comes to separation of parents a child becomes a property where both the parents want the child. Here is also a problem when it is girl child, fathers do not prefer to keep her with them. But when it is a boy child father wants to have the child because it is believed that boy will show him the path to heaven. Woman is now given a right where she can fight for the custody of the child and could also demand for maintenance form her husband for both of them.

*Roxann Sharma v. Arun Sharma*⁸, in this case the apex court of law pronounced judgement regarding the custody of the children stuck in the legal battle amongst parents. Court ruled that when separated parents are involved in a scrimmage over the custody of a child who is the age of five years or below five years, the custody of the child will be given to the mother⁹.

- **Equal right to life for transgenders-** Transgenders being the third gender have also equal right to life as other two genders and also equal opportunities to develop and also to attain their potential, regardless of caste, belief or gender. Government also needs to treat them like other minorities who are officially categorised as socially and economically backward and to enable them in getting jobs and education through quotas.

In *National Legal Services Authority v. Union of India*¹⁰, the court declared transgenders are individuals who are distinct from binary genders, and are to be treated as the 'Third Gender' under the Indian Constitution and for the purpose of legislatures enacted by the parliament and state.

Transgenders are given the rights like right to education, equal employment opportunities, proper healthcare services, right to purchase any property, opportunities to stand for or hold public office etc.

IV. STRATEGIES FOR GENDER EQUALITY AND GROWTH

The vision for the country is that where both men and women have equal socio-economic status and where they both are given equal rights and chances and access to economy and assets.

⁷ *Mary Roy v. State of Kerala* 1986 SCC (2) 209

⁸ *Roxann Sharma v. Arun Sharma* 2015 SCC (8) 318

⁹ Milan George, 8 landmark judgements that changed the course for women in India, <https://yourstoru.com/2018/01/8-landmark-judgements-that-changed-the-course-for-women-in-india> (last visited June 01, 2020)

¹⁰ *National Legal Services Authority v. Union of India*, AIR 2014 SC 1863

Where both should begin and run businesses, contribute fully and effectively in decision making process and should also have equivalent and secured access to all public services and shared resources. Addressing the main inequalities between men and women it will lead to a better functioning market economies and more comprehensive societies. More opportunities will support the promotion of gender equality. A ultimate reason which is not being achieved in every dominion is that women and girls voices are being omitted from universal and nationwide decision making. When women are kept out of framing the programmes and policies it will lead to a fail. Following are some of the strategies which shall be made for growth and development-

- **Quality Education-** The right to education shall be availed to every individual. If men or women are discriminated access to education, then the human wealth of our society will not be cherished. Education helps in making a person's thinking broader otherwise the stereotypes will always hinder the growth of a country.

- **Work opportunities-** Women are believed to be good at household chores only. But if they are educated then equal work opportunities will be available for them where they should be given equal pay and remuneration as other work force.

- **Equal work and pay-** Women in labour work are not paid as same as men. It directly reflects the divergent conditions and environment where both women and men live. Women are always believed to be lower than men. When gender equality will be present in labour market, work will be dispersed according to the persons aptitude and skill. This will lead to better economic outcome.

- **Empowerment-** Empowering the women is the most important strategy for socio-economic development. Women are required to be treated equally than to be low or above. Empowerment will help them to avail new business opportunities for themselves and for their families. Empowering women will lead to a rational society where both men and women will support each other.

V. CONCLUSION

Gender equality has an integral role in the socio-economic growth of the country. The role and status of a woman is always ignored in the development of any country. There is a need of continuous efforts to empower women so that the gender equality can be rationalised. Feminism shall also not be a weapon to degrade men in the society. Both the gender shall treat the other with equal respect. Women should not use their gender to defame another person. And men on the other hand should not show the superiority complex in the society. Both men

and women are the wheels of a cart where if both will support each other than only the society will grow and will also become a better place to live.
