

“Gender Bias in the Society”

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“The fight is not for women's status but for human worth. The claim is not to end inequality of women but to restore universal justice. The bid is not for loaves and fishes for the forsaken gender but for cosmic harmony, which never comes till woman comes”

-Dr. Bir Pal Singh, National Law Institute University, Bhopal, India

The fight for gender equality has been a global cry to restore the basic and natural rights that women have as fellow human beings. Sexist notions have been woven in the political and cultural fabric of our society. Decades of scientific testing have revealed that the few behavioural and psychological differences that are observed among men and women are heavily shaped by our culture and not biology. Evidence of such cultural biases can be observed throughout the pages of history. For a large chunk of history, women have been considered as intellectually inferior to their male counterparts, thus stripping them of their basic right to vote. After the civil war, women started protesting for their right to vote. It was only in 1893 that New Zealand became the first self-governing country to grant women the right to vote and in the 1920s the constitutional amendment in the United states i.e nineteenth amendment declared voting right for all the citizens.

The women's suffrage movement regained its momentum in the 1960's as women opposed the gender and social construct to join the workforces post World War II. Rightly termed as the women's liberation movement, this period saw the struggle for women towards demanding equal rights and opportunities and economic, psychological, and social freedom.

This struggle favoured the enactment of the Equal Pay Act in 1963 by the congress, which prohibited the discrimination on the basis of sex.

Even after 40 years after the passing of this act we are stuck in the same battle ground, fighting against sexual discrimination and redefining the role of women in mainstream society. In modern society conscious gender biasness exists in the workplace where the manner of work is binned according to the sex. This problem of sexism begins during the initial stages of hiring and lasts till the stage of promoting women. With the same amount of qualification and work experience men hold 62% of managerial positions whereas women hold only 32% of the same. This number even falls drastically in cases of women of colour.

The father of evolution, Charles Darwin had himself thought that women were inferior, claiming not only that they were less intelligent than men but that they would always remain so throughout the course of evolution. Granting such a physical, intellectual and physiologically higher status to men through such important theories has planted the seed of

men being the superior race in the society. Repurcussions of this can be seen in workplace where the deep-seated idea of male hierarchy has led to an increase in workplace sexual harassment. In the prominent Vishaka vs the State of Rajasthan case, Bhanwari Devi who tried to oppose child marriage was brutally gang raped by guujer mens. Bhanwari Devi's fight for justice led to the formation of the Vishakha guidelines. The court in the aftermath of this case has proposed the "International Conventions and norms are significant for the purpose of interpretation of the guarantee of gender equality, right to work with human dignity in Articles 14, 15 19(1)(g) and 21 of the Constitution and the safeguards against sexual harassment implicit therein". After this amendment the supreme court defined the guidelines to prevent sexual harassment which led to the enactment of the Sexual harassment of women act, 2013. The goal of this act was to prohibit and prevent uninvited physical contacts or sexual remarks and demand for sexual favours or sexually coloured remarks. In Spite of such preventive measures by the government the workplace environment is still insecure for women. There is a lack of safe environment for women to address their grievances without the fear of judgement. There is also a requirement to sensitize men about the treatment of women in the workplace.

However, the problem faced by women in the workplace gets amplified for women with children. Achieving a balance between work life and family life is a myth in cases of working moms. Companies refrain from hiring women who are planning to conceive a child on the grounds that focused and efficient work can't be expected from a pregnant employee. Most pregnant women are asked to quit their job and are withhold from promotions. The Maternity Benefit Act, 2017 has been a recent revolution in India, which was enacted to provide pregnant, adoptive and commissioning mothers increased paid maternity leave, work from home options and added creche facilities.

This problem of gender biasness starts at the grassroot level during adolescence. Adolescence is a critical period during which mental growth occurs and the gender beliefs of a person is shaped. These socially moulded gender norms have implications on both boys and girls. From a young age household chores, behaviour, career goals and even toys are labelled as "blue" and "pink". Girls are stereotyped as home-makers, forcing them to quit their education at a young age to engage in household activities. This compartmentalization is mirrored in the 2011 census data, where it has been seen that the effective literacy rates (age 7 and above) were 82.14% for men and 65.46% for women.

This social restriction can also be seen in the field of education. Social expectations force women to be inclined towards subjects like humanities. Such cliches prevail in India, where choosing career options like engineering and technology is still considered as a taboo. It has been seen that the top 50 universities in India have awarded engineering degrees to only 20% girls. This carrer disengagement is due to the lack of support and mentorship since childhood and also the absence of work opportunities.

These problems push women to take jobs in male dominated industrial arena. Women are also often restricted to desk, teaching and hospitality jobs and jobs in the army, navy, police force, fire-fighting and scientific research field lies beyond the clutches of women. Women in military face unique challenges like sexual trauma, gender discrimination and studies have confirmed that married and pregnant women leave military jobs.

As firefighters, women are not accepted in the higher ranking roles. Roles in emergency services which are often given to the male counterparts. Other problems are ill equipped materials for women, difficulty in maintaining a home and work life balance. Restrictions are imposed at the level of hiring where only unmarried men are hired in the navy and the job prospects of women in the navy lies confined to clerical ranks. Such jobs have been dominated with masculine energy since times immemorial.

For girl child who do not get the opportunity of education, their future is more grim. They are chained to childhood marriage leading to unwanted childhood pregnancy, poor health and depression. They are victims of both physical and verbal domestic abuse. Domestic violence is a global issue. It has been seen that countries with lesser gender equality are likely to have greater numbers of domestic violence. This has caused huge strain on the psychological aspects of women leading to physical injury and suicide. Marital rape is also a chronic form of violence. This aspect of marital rape was recognized late in the 19th century during the feminist movement in United States, as women activist had shed light on the matters of right of men having forced or coerced sex with wives .

National Union of Women's Suffrage Societies including Elizabeth Stanton and Lucy Stone "singled out a woman's right to control marital intercourse as the core component of equality."

After this revolutionary wave of movement on December 1993, the United Nations High Commissioner for Human Rights published the *Declaration on the Elimination of Violence Against Women*. This established marital rape as a human rights violation.

It is a shame that India has no legislation regarding marital rape. Marital rape has been normalized in India and it is not illegal for women over the age of 18. Obscene as it sounds until 2017 men married to women under the age of 15 to 18 were not convicted of any form of rape. Its has been such a disgrace to women-hood that aspect of marital rape has been a non-criminalized aspect.

It is strange how women were upheld in the medieval era, it is quite contradictory that women were given education in ancient India but not modern times. This essence of education is seen from the references of Mahabharata where we get a diminutive perspective that Krishna receiving handwritten love letters from Rukmani, portrays that basic reading and writing skills were achieved during that period. We see that there was a freedom of education as we see that women participated in philosophical readings. With Lopamudra and Aditi

writing vedas, Lilabati was a famous mathematician in those days, depicts how women in the medieval era were treated differently than today .

The hindu society as a whole soon became biased towards women's education. Also the fear was engraved in the society and among the hindu women , that they will become a widow if received education. Thus at the beginning of the 19th century we see there is a steep decline of education and soon more than 99% of women were illiterate. With lack of education brought in greater hurdles in society for women, heinous tortures, crime and violence became more prevalent.

It was quite paradoxical and ironic to see that the arrival of Britishers made a greater impact on the status of women. They wanted equality both among men and women, therefore several legislation was passed during this time acts like Act of Sati (abolish) 1829, The Hindu Widow Remarriage Act, 1856, Female infantic-ide act 1870 , Age of Consent Act 1891, The Child Restriction Act, 1929, The Woman Property Right Act, 1937, The Hindu Marriage Act, 1955, The Hindu Adoptions and Maintenance Act, 1956, The Dowry Prohibition Act of 1961 etc.

Despite the inbuilt law in our society still in the 20th century there are many scholars who still argue that there is an existential gender parity. The aspect of gender biasness is so deep seated among people that since birth a female child is shunned over male child. Differences can be made in such a biased society only if the preconceived prejudices of both women and men can be changed. The fight for women's rights is still an unfinished battle and the collective effort of government, activist and the society as a whole can bring about radical changes and finally grant women the rights of being a human.