Varun Khadayate

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Gender-Based Discrimination Laws

Gender discrimination has been one of the most primitive forms of discrimination in most civilizations. Though globally most societies are moving towards reform, there is also a realization that there is too much to be changed and women’s rights have been suppressed for too long a time. In matters such as property rights, the treatment extended to women is atrocious, to say the least. This scenario is not confined to India, but women’s rights in, access to, and control over land, housing, and other property continue to be limited all over the world. Gender-biased laws, traditional attitudes toward women, and male-dominated social hierarchies pose obstacles to women attaining equal and just rights. The situation tends to be worse in war-torn societies. Absent property rights, a cross-section of war-affected women—refugees, internally displaced, and heads of households—tend to live in dire poverty and deprivation. Everywhere, women without property rights find it more difficult to gain access to credit that allows them to invest in agriculture or micro-enterprises. In many societies, the ownership of property can also be very unequal. Even basic assets such as homes and land may be very asymmetrically shared. The absence of claims to property can not only reduce the voice of women but also make it harder for women to enter and flourish in commercial, economic, and even some social activities.2 This type of inequality has existed in most parts of the world, though there are also local variations.

So what is **Gender Biasness**? Gender bias is a behavior that shows being favorable towards one gender over another. Most frequently, gender bias is that the act of favoring men over women. To define gender bias completely, we first must make a distinction between the terms gender and sex. Once we use the term “gender”, we mean socially constructed expectations and roles for women, men, and transgender also. Speaking about the rights of the transgender puts the issue in a position where difficulties indulge themselves more and more. By “sex”, we mean biological differences assigned to females, males, and the transgender. Universally, women are underrepresented in corporate sectors, and the allocation of women diminishes with each progression up the corporate hierarchy or the social scale. Women experience numerous hindrances to headway into corporate authority positions, and these obstacles incorporate gender-based discrimination just as oblivious gender bias. The name society gives to this social order is Patriarchy.

Alright, so about **Patriarchy**, this social order establishes sex as a means to assign specific activities, functions, relationships, and powers to each person. This structured network of powers, hierarchies, and values puts forward some models of masculinity and femininity that are universal and opposed to each other.

The root cause of gender inequality in Indian society lies in its patriarchy system. Women’s exploitation is an age-old cultural phenomenon of Indian society. The system of patriarchy finds its validity and sanction in our religious beliefs, whether it is Hindu, Muslim, or any other religion. For instance, as per ancient Hindu lawgiver Manu: “Women are supposed to be in the custody of their father when they are children, they must be under the custody of their husband when married and under the custody of her son in old age or as widows. In no circumstances, she should be allowed to assert herself independently”. In Muslims also the situation is the same and there too sanction for discrimination or subordination is provided by religious texts and Islamic traditions. Similarly, in other religious beliefs also women are being discriminated against in one way or another. The unfortunate part of gender inequality in our society is that women too. Here is some socio-cultural conditioning, that has accepted their subordinate position to men. And they are also part and parcel of the same patriarchal system.:

1. Wages: Women are not only getting unequal pay for equal or more work but also, they are being offered only low skill jobs for which lower wages are paid.
2. Property rights: Women have always been on a disadvantage when it comes to owning properties
3. Entrepreneurship: Almost 50% of the Indian population consists of women, yet fewer than 5% of businesses are owned by women.
4. Military service: Women were not allowed to have combat roles in the armed forces since recently. Women are starting to play important roles in the army and the previous defense minister was a woman. There are some of the statements of the Supreme Court.

Education inequalities

In India, girls continue to be less educated than boys. Recently, many studies have investigated underlying factors that contribute to greater or less educational attainment by girls in different regions of India. One thing that also can be noticed that during schooling females tend to perform better than males. But still, the majority of top positions in companies are occupied by males. The main reason might be the non-supporting environment where the women live in. Women are always expected to stay at home and do the day-to-day household courses.

The year 2005 saw major attempts to end the trail of discriminatory and retrograde inheritance laws. The Hindu Succession (Amendment) Act, 2005 intends to obliterate most of the inequalities. The amendment brings in equal inheritance rights for men in agricultural land as men. Daughters, even married ones will be coparceners in the joint family property.

The only way out of the rut of discrimination when it comes to property rights is by a reformed analysis of rights, which will look beyond who holds legal title. For land, we need to look at complex bundles of rights held by different people, rather than a single “owner” of any given resource unit. The rights to access, withdraw, manage, exclude others from the resource, and to transmit or alienate rights all must be considered. Men and women often have rights to use the resource in different ways, say when it comes to agricultural rights: for different crops, grazing, and gathering on land; for irrigating, washing, watering animals, or other enterprises using water; for timber, fruits, leaves, firewood, shade, or other products from trees. Land rights have received the greatest amount of attention. As a fixed and (generally) enduring asset, it is easier to define the boundaries of the resource unit.

In a nutshell, to get rid of this so-called gender discrimination the Government of India should implement a good socioeconomic design to change the property rights of women and their status, in general, requires understanding the production systems, resource base, distribution of labor, and bargaining power of men and women of different classes. Care should be taken to understand local norms for equity and how resources are distributed in the larger web of production activities and access to benefits. It is also important to determine how effective those norms and practices are for sustaining de facto equity. However, these elements are not static; policy interventions should be expected to change these patterns. Analysis of the rules that govern resource distribution and production systems may help in anticipating how they will change, but there is no mechanistic determination.