

## Gender Equality: A Historical Perspective and Current Situation

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*“Unfortunately, it is true that a woman has even in her own home given a rather subordinate role to play. Her major concern is expected to be catering to the comfort of the family as a dutiful daughter, loving mother, obedient daughter-in-law and faithful and submissive wife. She is perhaps everything except a human being on par with her counterpart-the Man”*

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### **Abstract**

*In pre-independent era, women were denied equal status with men. Women were never treated well even at home or at work. Many reformists and social workers fought for the redressal of their grievances. An age long agitation against gender inequality has been continued by parliamentarians, by common men and women, by organisations and by the societies. Gender inequality persists in every country. Hence various International Conventions promoting Gender Equality were promoted at global level. At national level, the framers of our Indian Constitution were aware of the fact that women have been given unequal position in every sphere of life; hence they incorporated various provisions promoting Gender Equality for women. Preamble of the Constitution and Article 14, 15, 16, 21, 21A, 23, 39, 42, 44, 51A, 243D, 243T deserves special mention in this regard. To uphold the Constitutional mandate various laws relating to gender Equality were enacted. Today we can see the change in the position and image of Indian women. But at the same time crime against women like rape and murder, female foeticide, female infanticide, honour killing, sexual harassment at work place, domestic violence at home, Eve teasing, Acid throwing, Fraudulent Marriage etc are daily routine news. This depicts the mentality of Indian society towards women and towards gender equality. Through this paper the author makes an analysis of ‘gender equality’ right from vedic period to present era in light of various international and national instruments. The author*

also highlights the current situation along with some suggestion so that women may get their equal share of rights and duties in the overall development of the country.

**Keywords:** *Status of Women, Gender Equality, International Conventions, Constitution.*

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## **Introduction:**

Man and women are the two pillars of any society. Their role, duties and rights are complementary and supplementary towards each other. If one pillar is weak, the other pillar cannot bear the burden of society and whole structure of society will demolish. Man shouldn't exploit the women. But ironically it has happened and it is happening. The present society is under age old dogma that women are inferior to men. Wrong customs which are derogatory to the position of women are still followed. Taking advantage of above factors man has created a very strong position to himself over the women in all spheres of life, including social, cultural, political, economical etc. This has in turn led to 'Gender Inequality' issue which is one of the burning topics all around the globe.

## **Status of Women in Historical Perspective:**

### **Women in Vedic Period:**

In vedic period, the women enjoyed equal status with men. They were respected and honoured. People considered man and women represent the two aspects of one person ( Lord Shiva – *Ardhanareeshwara*). Women were considered more powerful than man and treated as goddess of 'shakti'. Woman along with man participated in all activities equally and hence she was considered as '*Saha Dharma Charini*'. In vedic period education of women was looked upon as so important that the *Atharvanaveda* asserted, "the success of women in her married life depends upon her proper training during *Brahmcharya*". According to *Sarvanu Karmanika* there were twenty and more women who composed the hymns of Rig Veda. *Purdah* was not there in vedic period. In selecting life partner in marriage women had equal rights. The position of women was, on the whole, free.

### **Women in Post Vedic Period :**

The role of women got restricted to four wall of their home due to various restrictions imposed by Manu. Various customs derogative to women dignity were followed. The traditions brought the woman into slavery by fixing her duties to serve like *dasi* (servant), to feed like mother, to give advice like a minister, and give conjugal satisfaction like *Rambha* of heaven. At the same time women were considered to be under the protection of father during childhood, under protection of husband during youth and under protection of son during the old age. Women lost her right to property and lost her independence.

### **Women in Medieval Period:**

The medieval period saw the women being oppressed in the feudal social order and patriarchal families. Women lost the right of education and they could worship only through priest. Dowry system was prevalent in the society.

### **Women in Mughal and British Period:**

The Status of women did improve in Mughal era also. *Purdah* system was introduced. During British period practice of killing baby girls, Child marriage, restraints on widow remarriage, polygamy by man, and religious prostitution, Devadasis system, Sati Pratha prevailed in different parts of India.

18<sup>th</sup> Century brought a new era and crucial role was played by some outstanding women like Annie Besant, Sister Nivedeta, Sarojini Naidu, Kasturba Gandhi, Vijayalaxmi Pandit etc. In 1927, the formation of “All India Women Conference” was a milestone event on the way of achieving gender equality.

### **Gender Equality: Meaning and Need**

Gender equality or sexual equality is the state when all human being can have easy and equal access to all the opportunities, resources, etc., in spite of their biological differences. It means equality for both men and women in every aspect of life, politically, economically, in health, education etc.

Persistent inequality between men and women constrains a society’s productivity and ultimately slows its rate of economic growth. Gender equality is a precondition for meeting the

challenge of reducing poverty, promoting sustainable development and building good governance. Hence gender equality is prerequisite for the development of any nation.

### **International Events and Treaties Promoting Gender Equality:**

To resolve the issue of gender inequality following steps were taken at international level.

- ❖ Charter of United Nation 1945 – It was the first international tool setting the principle of equality between man and woman.
- ❖ In 1946 Commission on Status of Women was established.
- ❖ Then came The Universal Declaration of Human Rights in 1948. It contained total 30 Articles. Art. 2 to 21 dealt with Civil and Political Rights and Art. 22 to 27 dealt with different Socio and Economic rights.
- ❖ In 1949, The UN General Assembly adopted the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution by Others. It calls for punishment for white slavery.
- ❖ The International Convention on the Political Rights of Women was adopted in 1952
- ❖ The Convention on the Nationality of Married Women came in 1957
- ❖ In 1960 ,the UNESCO's Convention against Discrimination in Education initiated equal opportunities for girls and women
- ❖ In 1962, Convention on the Political Rights of Women obliged the country-members to ensure voting rights for women and their representation in public organizations on equal with men basis.
- ❖ In 1962 ,UN Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages sets that marriage cannot take effect without consent of the both parties
- ❖ Convention concerning Equality of Treatment of Nationals and Non-Nationals in Social Security took effect in the year 1964
- ❖ In 1966 International Covenant on Civil and Political Rights came. Art 2,3,4,23, 24,26 of the said convention deals with gender Equality
- ❖ International Covenant on Economic, Social and Cultural Rights 1966. Art 2, 3, 7 of the said convention refers to gender Equality.
- ❖ Then came The Declaration on the Elimination of All Forms of Discrimination against Women in 1967

- ❖ In 1972, UN General Assembly proclaimed the year 1975 as the International Year of Women
- ❖ Declaration on the Protection of Women and Children in Emergency and Armed Conflict
- ❖ Then came the The Declaration of Mexico on the Equality of Women 1975
- ❖ UN General Assembly proclaims the decade of 1976-1985 as Women's Decade
- ❖ UN General Assembly approved a decision of ESC to establish the International Research and Training Institute for the Advancement of Women (UN-INSTRAW) 1976
- ❖ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW): Vienna Declaration. 1979: Art 1, 2, 3,5,6,7,8,10,11,12,13,15,16 etc of the said convention promotes Gender Equality.
- ❖ In 1980, the UN Second World Conference for Women was held in Copenhagen.
- ❖ In 1984, The UN Voluntary Fund for the International Research and Training Institute for the Advancement of Women has become an autonomous body within the framework of the UN Development Program and was renamed into the United Nations Development Fund for Women (UNIFEM)
- ❖ In 1985 the Third World Conference for Women was held in Nairobi.
- ❖ Convention on the Rights of the Child was adopted in 1989
- ❖ In 1993, The UN World Conference on Human Rights was held in Vienna, Austria.  
The UN General Assembly adopted the Declaration on the Elimination of Violence against Women.
- ❖ In 1995, The Fourth World Conference for Women held in Beijing . It was reaffirmed that gender equality is a fundamental pre-requisite for social justice.
- ❖ In 2000,UN Commission on Human Rights adopted the Resolution on Land Ownership – for the first time, the resolution on women's rights was adopted within an agenda of the UN Commission on Human Rights
- ❖ UN General Assembly's Resolution 55/2 approved the Millennium Declaration, which obliged the Governments to advance gender equity as an effective way for the eradication of poverty, feminine and diseases.
- ❖ In the same year, Twenty Third UN General Assembly Special Session was held on gender equality
- ❖ In 2001, UN's Asian-Pacific Symposium was held on integration of gender approaches. Etc.

#### **ILO Conventions Protecting Women Workers:**

- 1) Maternity Protection Convention 1919
- 2) Maternity Protection Convention (Revised), 1952
- 3) Maternity Protection Convention 2000.
- 4) Night work (Women) Convention, 1919
- 5) Night work (Women) Convention (Revised), 1934
- 6) Protocol to Night work (Women) Convention (Revised), 1948
- 7) Underground Work (Women) Convention 1935
- 8) Equal Remuneration Convention 1951
- 9) Equality of Treatment (Social Security) Convention 1962
- 10) Workers with Family Responsibilities Convention, 1981
- 11) Convention on Employment Promotion and Protection against Unemployment .1988

### **Gender Equality at National Level.**

Throughout every point of their life, women face gender inequality. Hence, the Indian Constitution through the Preamble, Fundamental Rights, Fundamental Duties and Directive Principles of the State Policy provides for provisions to combat Gender Inequality.

Preamble :

The Preamble itself secures to all its citizen social, economical and political justice and equality of status and opportunity and to promote among them all beyond any discrimination on bases of the sex.

Apart from Preamble following Articles of the Constitution too promotes Gender Equality.

- (i) Equality before law and Equal Protection of law for women (Article 14)
- (ii) The State not to discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them (Article 15 (i))
- (iii) The State to make any special provision in favour of women and children (Article 15 (3))
- (iv) Equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State (Article 16)
- (v) Protection of certain rights regarding freedom of speech, etc ( Article 19)
- (vi) Protection of life and personal liberty (Article 21)
- (vii) Right to Education (Article 21A)
- (viii) Prohibition of traffic in human beings and forced labour. (Article 23)

- (ix) Prohibition of employment of children in factories, etc. (Article 24)
- (x) The State to direct its policy towards securing for men and women equally the right to an adequate means of livelihood (Article 39) Clause (a) says that the citizen, men and women equally, have the right to an adequate means of livelihood. Clause (d) mandates that there is equal pay for equal work for, both men and women. Clause (e) states that the health and strength of workers, men and women and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocation unsuited to their age or strength.
- (xi) To promote justice, on a basis of equal opportunity and to provide free legal aid by suitable legislation or scheme or in any other way to ensure that opportunities for securing (Article 39A)
- (xii) The State shall make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want. (Article 41)
- (xiii) The State to secure just and humane conditions of work and for maternity relief. (Article 42)
- (xiv) The State shall endeavour to secure for the citizens a Uniform Civil Code throughout the territory of India. (Article 44)
- (xv) The State to promote with special care the educational and economic interests of the weaker sections of the people and to protect them from social injustice and all forms of exploitation (Article 46)
- (xvi) The State to raise the level of nutrition and the standard of living of its people (Article 47)
- (xvii) To promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of women (Article 51(A) (e))
- (xviii) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) 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 (Article 243 D(3))
- (xix) Not less than one- third of the total number of offices of Chairpersons in the Panchayats at each level to be reserved for women (Article 243 D (4))
- (xx) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct

election in every Municipality to be reserved for women and such seats to be allotted by rotation to different constituencies in a Municipality (Article 243 T (3))

- (xxi) Reservation of offices of Chairpersons in Municipalities for the Scheduled Castes, the Scheduled Tribes and women in such manner as the legislature of a State may by law provide (Article 243 T (4))
- (xxii) No person to be ineligible for inclusion in, or to claim to be included in a special, electoral roll on grounds of religion, race, caste or sex . (Article 325)

### **Some Legislative Acts promoting Gender Equality**

To uphold the Constitutional mandate, the State has enacted various legislative measures intended to ensure Gender equality. Following are some of them:

- (i) The Employees State Insurance Act, 1948
- (ii) The Family Courts Act, 1954
- (iii) The Special Marriage Act, 1954
- (iv) The Hindu Marriage Act, 1955
- (v) The Hindu Succession Act, 1956
- (vi) Immoral Traffic (Prevention) Act, 1956
- (vii) The Maternity Benefit Act, 1961
- (viii) Dowry Prohibition Act, 1961
- (ix) The Medical Termination of Pregnancy Act, 1971
- (x) The Equal Remuneration Act, 1976
- (xi) Indecent Representation of Women (Prohibition) Act, 1986
- (xii) Commission of Sati (Prevention) Act, 1987
- (xiii) The Protection of Women from Domestic Violence Act, 2005 etc.
- (xiv) The Prohibition of Child Marriage Act, 2006 etc.
- (xv) The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

### **Current Scenario.**



A lot of work has been done to battle gender inequality in our society. For example, India launched the National Mission for Empowerment of Women (NMEW) in 2010, mandated to facilitate the coordination of all programmes related to women's welfare and their socio-economic development across all ministries and departments.

The European Institute for Gender Equality (EIGE) was opened by the European Union in Vilnius, Lithuania in the year 2010 just to canvass for gender equality and also to battle sex discrimination. The European Union also published a paper called the Gender Action Plan 2016-2020 in the year 2015. The Great Britain and some other countries in Europe have added gender equality as part of their curriculum. Also, the president of the republic of Kazakhstan made a presidential decree to create a strategy for gender equality. UNICEF India's 2018-2022 Country Programme has been developed in response to the identification of deprivations that Indian children face, including gender based deprivations. Each programmatic outcome is committed to a gender priority that is noted explicitly in its programme, budget and results. These include Health, Nutrition, Education, Child protection, Social policy, Disaster risk reduction etc.

Although our spiritual beliefs consider females as a deity, we fail to identify her as a human first; hence despite various international, national instruments and statues laws promoting Gender equality, it is still one of the agenda of every political party till date. In 2018, India has topped in the Unsafe Countries for Women list. Crime against women are on rise .Female feticides, Trafficking and Prostitution, Domestic Violence, Eve teasing, Acid throwing, Fraudulent Marriage, Rape, Murder, Dowry, exploitation at work place are the common examples of it. The root cause for discrimination is that most of the women are ignorant of their rights. Hence there is need to promote gender Jurisprudence. Gender jurisprudence is new ordering of society to emancipate and liberate women from the shackles of ancient law, traditions and customs whereby the new claims, interests and needs of the women are promoted and readjusted through law with men folk on a footing of equality, dignity and non exploitation.

### **Conclusion & Suggestions:**

Though the various international conventions and the Indian Constitution provide equality of status and opportunity to women, discrimination is persisting in one or the other form. The Constitutional mission of equalization between men and women could not be achieved fully due to such reason as general ignorance of law, indifferent and hostile attitude of the law enforcing agency, economic backwardness, and lack of community support for women seeking justice against discrimination and ignoring the socio-economic implication of law.

### **Suggestions:**

- 1) Women must be made aware of their legal rights and responsibilities. The State may do so by means, such as disseminating information through mass media, providing legal education in school and colleges, entrusting NGO's with awareness programme responsibilities etc.
- 2) Enlightened women should fight to bring awakening in other women regarding their Rights. Again the attitude of the society toward women must be changed. People must come forward to safeguard and protect women's right and help women empowerment.
- 3) There must be one uniform civil code governing all people in India, so that the laws themselves should not discriminate between women of one religion and women of another religion.
- 4) Improvement of Employment opportunities and earning power should be given the highest priority in order to release women from their dependent and unequal status.
- 5) Women should not discriminate between female and male children while nurturing. Equal rights and opportunities must be given to both male and female child.
- 6) Attitudinal change among men and women could eliminate gender bias in society.

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