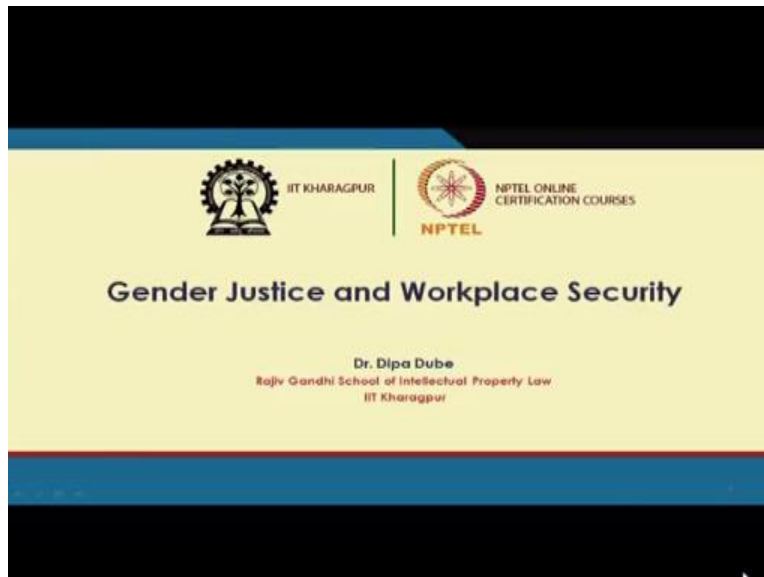


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Course
on
Gender Justice and Workplace Security
by
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IIT Kharagpur
Lecture 01: Introduction to Gender Justice

Hello dear students.

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I welcome you all to the course on gender justice and workplace security. I am doctor Dipa Dube associate professor at the Rajiv Gandhi School of intellectual property law IIT Kharagpur. Today we will start with the introductory module of this course and in this module we will try to

understand the concepts of gender justice and the key goals which are to be achieved in the process.

To understand that we will first try to introduce certain concepts such as sex, gender, gender socialization, gender stereotypes, patriarchy then we will try to look into the status of women in Indian society, we will try to visit some of the statistics in present times with regard to the position of women. And then we will try to have a holistic understanding of what the notion of gender justice stands for.

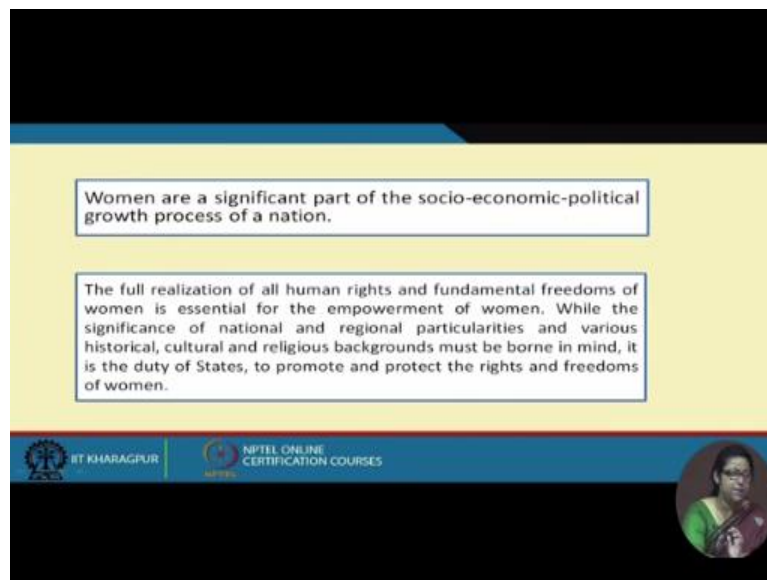
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In a society we all are living together men, women and presently what we call as the third gender. Now when we are living together in society it is but natural that we understand that all are equal when it comes to the dignity and rights of individuals. We all have an integral role in the making of the society and to seeing that the society moves towards development. It is therefore said that if we want to understand the progress of a civilization one has to see the position of women and children in that society and the treatment which is meted out to them.

Because though we believe that all should be equal in terms of dignity and rights in most of the situations what you see that it is far from reality, women are yet to achieve the position of equality and freedom which is expected of her she still remains to be of secondary status, secondary to men who are the preferred people and therefore her rights, her issues, her freedom are never the subject matter of concern.

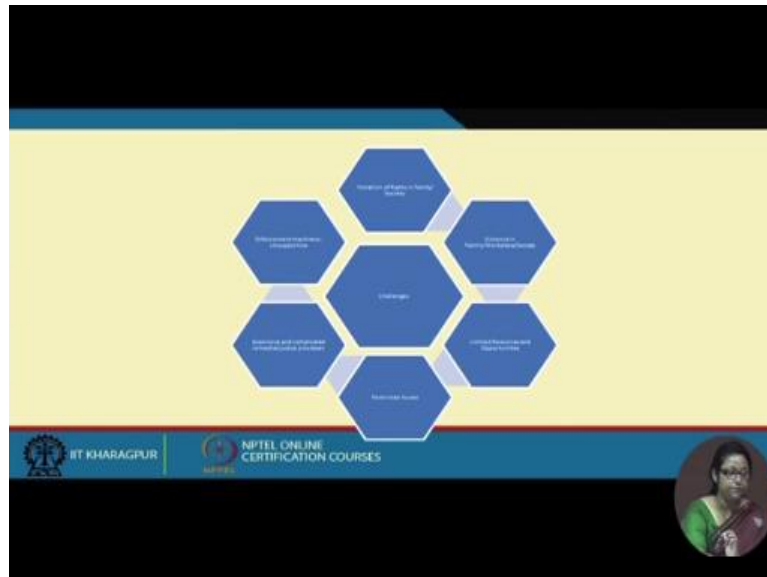
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When such is the situation it is but natural that the progress of a nation is likely to be hindered, because the realization of human rights and fundamental freedoms of all including women or especially women is essential for their empowerment, while the significance of national and regional peculiarities and various historical, cultural, and religious backgrounds must be borne in mind.

It is the duty of this state to promote and protect the rights and freedoms of women. So it is essential that if the society has to progress the human rights and fundamental freedoms of women must be protected and the state has a unique responsibility towards that effect.

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Now what are the challenges towards the issue when we say women have a secondary status in society what are the basic issues which face her. Now if we look around us we often come across situations where we find that the woman or the girl child in the family is being neglected, is being ad abused, and is being discriminated against. Now these situations are ample around us just to highlight few of the challenges and issues which confront women first the issue we may look into is the issue of limited resources and opportunities for women.

If we look into maybe a poor a family one can come across a situation where one sees that as compared to a male child the female child is being discriminated against, she may not be put to school if there are limited financial resources for the parents, she may be denied of her childhood in terms of maybe playing with her friends in terms of pursuing her interests and would be more of the most of the times insisted on assisting the mother or the females in the family with regards to cookie.

Many times her ambitions etc are denied by the family and she may be discouraged from pursuing her ambitions maybe in terms of courses that she wants to pursue in terms of a carrier that she wants to take up. So in most of the situation's there are very, very limited opportunities

and resources which are made available to the girl child. Then there is the problem of restricted access it is very important that people have access to the resources, access to the system in order to establish themselves in order to realize their rights, their freedoms which they are entitled to. But in terms of access to women the rights which they are entitled to and even the system of justice which can help them to establish those rights there are limited access.

In most of the situation's the woman, the girl is under the control of the family, she has very little education for herself, very little knowledge as to the institution's take places which she must move to in order to secure her rights. In other situations what we see is that these are most of the times intertwined with the problem of violations in the family itself, restriction of rights in the family, and definitely in the society at large, and also the issue of violence in the family, and the workplace, and the society.

When we speak of the violation of rights and violence in the family and society we often know of the issue often highlighted in newspapers with regards to let us say female feticide where a female child is conceived by the mother, there is a pressure on the mother to abort that child for the simple reason that it is a female fetus. So the sins from the birth or even before the birth of a child the basis of discrimination starts somewhere people or society are adverse to the idea of having a girl child because they feel that it is more of a burden for the family.

Whereas in case of a male child he is more than welcome because he is expected to look after the family, to bear their financial expenses, and there are many other things to look forward to with the male child along with the fact that the name of this family will also be extended with the continuance of such male child. That is more of a myth but that is what is a belief once a child is there in the family in many situations what is seen is the child is basically neglected in the family.

Whether with regard to education, whether with regard to health, nutrition, in all aspects as compared to the male child the female child is constantly discriminated against. Somewhere the parents the immediate family play a key role because somewhere it is the perception that the

main child needs to be looked into, cared for, nurtured in a much better manner than the female child.

So she may be denied adequate nutrition and food in the family. As I said earlier she may be denied her chance to enjoy her childhood and she may be required from a very early age to assist the mother and other females in the family with regards to household course. So that is how it starts and it continues throughout life early marriage is a evil which exists in the society. So the parents feel that the only thing that a girl needs is to be married off and therefore at her early age they want to fulfill their burden, and to see that the child is made to go to her matrimonial home with whatever dowry etcetera that needs to be given.

So it is not uncommon to have situations where maybe a child as young as 10 years, 12 years, 13 years being married off to a man who is much older to her in terms of age and with regard to whom she does not have any knowledge, she does not have any choice, but to end up in the matrimonial home along with that comes the evil of dowry which in Indian society is largely existent with families insisting on large amounts of money being paid to the family of the groom in order to marry off or take the girl from the other family.

Situations of violence or violations in order to coerce the girl to agree to larger demands subsequent to marriage are also not unknown. In many situations the girl is put to severe trauma, is put to physical violence, and is coerced to bring property as well as other wealth from her own family to the families where she is married. On the issue of bearing children again she has very little voice, but it is the family, the husband who has the final word in this respect.

And when it moves to old age again there is the issue of neglect with regard to the health of the woman, and there are many recorded instances where in the absence of adequate medical care etcetera, the female mortality somewhere seems to be higher. So if one sees from the very inception of life till the end, there are whole lots of instances where the woman has to bear with the violation of her rights and the infliction of violence on herself.

When it comes to the society at large these takes different forms where maybe in the educational sphere, in the sphere of her employment she may be subjected to different forms of harassment, different forms of violence, there are issues of humiliation and demeaning women, denying them promotions as well as greater forms of violence in the form of sexual abuse, physical abuse, etcetera to which women become victims.

So these are some very big issues which face women apart from that there is the system where we have a very complicated and a very expensive justice process. This is when we speak of access one of the very important and significant aspects which come there in is access to justice, every person must be able to access the justice system in order to ensure that the rights are established and any violations are remedied.

However the system that we have in place makes it expensive as well as complicated especially for women to take recourse to in situations where they so require. If one wants to move the court it is somewhere a rigorous process where one must know the people, she has to approach, she must have enough financial capabilities of her own whereby she can approach the people, and the justice process is also a very lengthy process which makes it even more difficult for women to have recourse too.

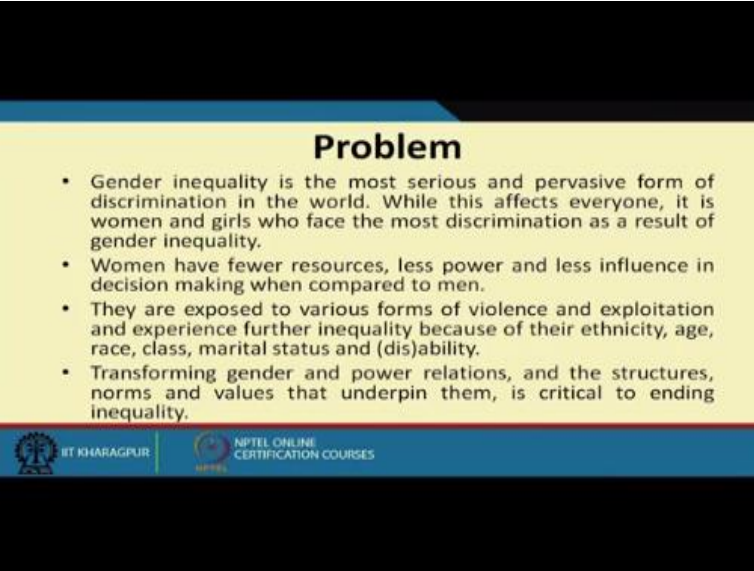
And on top of that the whole system which is in place is somewhere very uncooperative or unsupportive of the course of women. There are different values, cultures, traditions, morals which govern the people and those who man the system specially speaking of the system of justice are not away from all these beliefs or the prejudices which are there. So somewhere in the entire process one confronts a system which does not really serve the cause of women.

Just to take an example, one may refer to a policeman we often come across several newspaper reports which speaks of the policeman, these are his behavior with a victim, whenever a victim who is a woman approaches the police station with a certain complaint whether with regards to rape, or with regard to any other form of sexual violence or even a matrimonial violence the first impression or the first behavior that she comes across is one of disregarding the basic cause or trauma of that woman.

So it starts with a situation of disbelief the woman must be lying, if it moves further then the woman is asked tough questions, uncomfortable questions, and she has to confront a very a worst system where at each moment in each situation she has to fight for her rights for her dignity. So therefore when we said that everybody in society every individual in society has a significant place has every right to live and to live with dignity the reality is somewhere very different, speaking specifically with regard to women once we see the challenges which are around her at every phase of life in every situation, it is a big struggle.

Because somehow in the development of the society, in the making of this society over generations and over centuries the subordinate position of women have come to have a hold on the psyche of an individual where people find it very difficult to accord equal status and position to women in society. Now once therefore we understand the difficulties, the challenges which confront women.

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Problem

- Gender inequality is the most serious and pervasive form of discrimination in the world. While this affects everyone, it is women and girls who face the most discrimination as a result of gender inequality.
- Women have fewer resources, less power and less influence in decision making when compared to men.
- They are exposed to various forms of violence and exploitation and experience further inequality because of their ethnicity, age, race, class, marital status and (dis)ability.
- Transforming gender and power relations, and the structures, norms and values that underpin them, is critical to ending inequality.

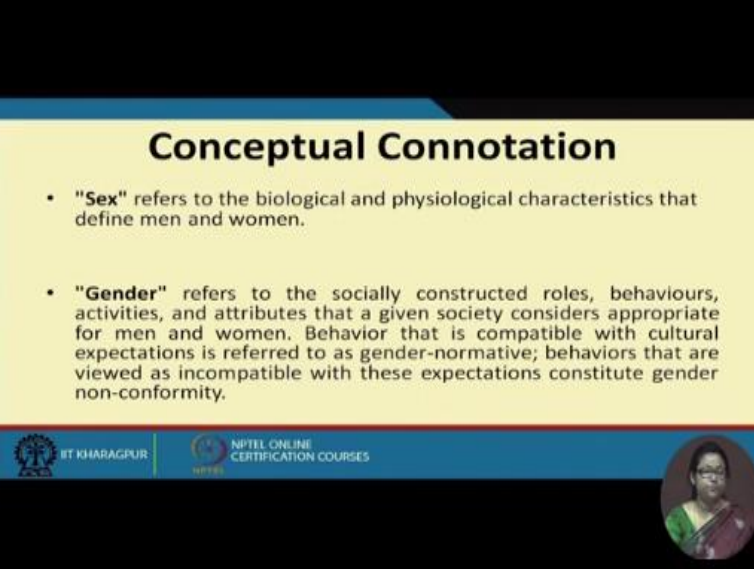
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We understand that therefore there the concept of equality virtually is a myth. The biggest problem which confronts women today is the issue of gender inequality. It is the most serious

and pervasive form of discrimination which exists in present times. It is more so because we find that women have very few resources, very less power and very less influence in the decision making process when compared to men. They are exposed to different forms of violence and exploitation, and they experience further inequality because of their ethnicity, age, race, class, marital status, and sometimes issues of disability.

So what is very important when we are speaking of gender justice is the structuring of the norms and values in a way which ends the inequality which faces women. So it is very important that the entire power structure which exists in society to see to it that there is a balancing in that power structure and power relations and the known's and values which lie within that there must be somewhere our transformation of those norms and values, and that can go a long way in ending the gender inequality which faces women in present times.


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Conceptual Connotation

- **"Sex"** refers to the biological and physiological characteristics that define men and women.
- **"Gender"** refers to the socially constructed roles, behaviours, activities, and attributes that a given society considers appropriate for men and women. Behavior that is compatible with cultural expectations is referred to as gender-normative; behaviors that are viewed as incompatible with these expectations constitute gender non-conformity.

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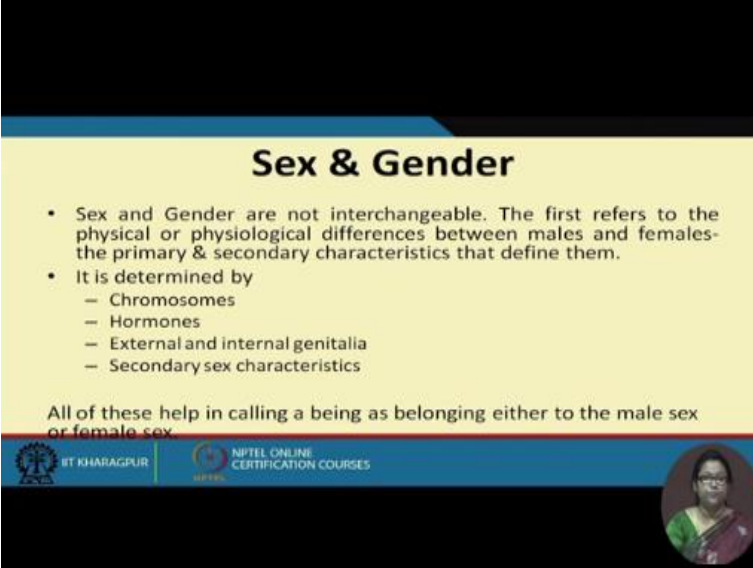
Now we are often using the term gender. Now many times we try to address the term or use the term synonymously with the term sex. Now so the question is, is there any difference between these two terminologies which are there. Now to understand that sex when we refer to that basically refers to the biological and physiological characteristics that define men and women.

Gender on the other hand refers to these socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for men and women.

So what is very important is these are socially constructed roles, behaviors, and activities. The next important thing is that the society considers appropriate for men and women, behavior that is compatible with the cultural expectations is referred to as gender normative, behaviors that are viewed as incompatible with these expectations constitute gender nonconformity. So generally when we speak of these genders as being men or women there are certain behaviors we expect of them.

Now when these behaviors are in conformity with the expectations then we can say that they are compatible and gender normative. Whatever the norms have fakes, the norms which are established by society whatever norms have laid down for that gender and the person exhibits or behaves in tune with the behaviors expected of them, then we call it as being compatible. If it is somewhere that the expectations and the behavior somewhere are different then we understand that there is gender nonconformity.

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Sex & Gender

- Sex and Gender are not interchangeable. The first refers to the physical or physiological differences between males and females- the primary & secondary characteristics that define them.
- It is determined by
 - Chromosomes
 - Hormones
 - External and internal genitalia
 - Secondary sex characteristics

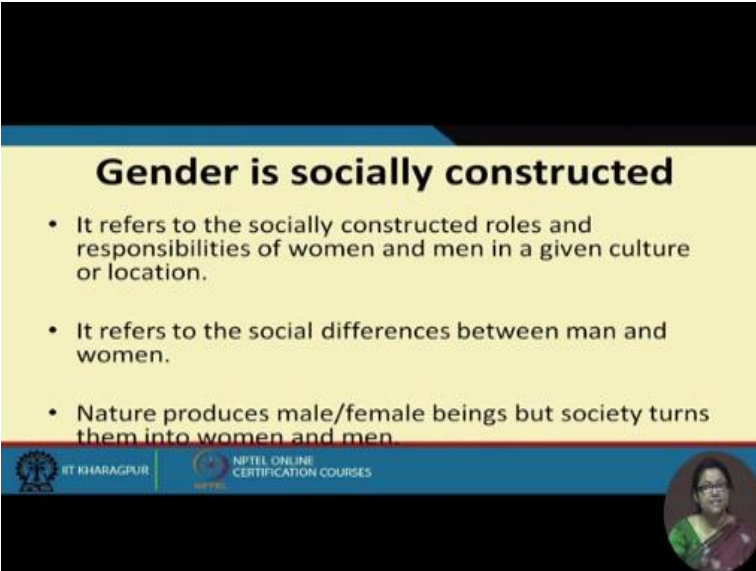
All of these help in calling a being as belonging either to the male sex or female sex.

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These terms may further be explained in the following manner. When we speak therefore of sex as we said little before it refers to the biological characteristics. Now we know that in terms of the physical make there are certain physical characteristics primary and secondary which go on to determine the man and the woman. So that may be determined by chromosomes, by hormones, by external and internal genitalia, or secondary sex characteristics. So these are physical, natural, so there is very little one can do about it, it is just the physiological or the physical make of a person and on that basis our difference being made between the male sex and the female sex.


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Gender is socially constructed

- It refers to the socially constructed roles and responsibilities of women and men in a given culture or location.
- It refers to the social differences between man and women.
- Nature produces male/female beings but society turns them into women and men.

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But does gender reflect the same concept as we understood from the explanation of gender which we just said that it is socially constructed. Socially constructed means that these society lays down the roles and the responsibilities of women and men in a given culture or a location. It has nothing to do with the natural difference which is there, but it is a difference which we can say has been artificially constructed. So therefore when we say man, when we say women in terms of gender there is a gender expectation which is there of these two groups with regard to the roles, the behaviors, the attitudes, which are to be expected of them.

So what we can say is nature produces male, female beings, but when we speak of gender it is the product of society. It is the society which differentiates between men and women and views them in terms of certain compartments or segregates them into different compartments and there are certain expectations which are put on them with regard to how they must conduct themselves, how they must behave, and that normativity set by society may differ from place to place, from culture to culture, from religion to religion, do not largely on a broader scale we may find some similarities in that.