

# **GENDER EQUALITY**

## **Empower Women by Disempowering Men**

This Study Paper on Gender Equality is issued within the framework of **MyNation Foundation** (MNF) research area. Any opinions expressed here are those of the author(s), Members and not those of the Foundation. Study disseminated by MNF may include views on policies of government of India and Its citizens.

The MyNation Foundation (MNF) is a local and virtual international Support and research center for Human and Men Rights.

MyNation Foundation is an independent, nonprofit Organization, Which having members all Over the world.

In Gender Equality India ranks 122 among 138 countries for which the gender inequality measure has been calculated. Pakistan is at 116, and Bangladesh is a notch higher at 112. India is worse than Pakistan/Bangladesh on gender equality

Ref: <http://timesofindia.indiatimes.com/india/India-is-worse-than-Pakistan-on-gender-equality/articleshow/6872894.cms>

The Constitution of India, Article 14 confers equal rights and opportunities on men and women, and ensures gender equality in its preamble as a fundamental right. India has also ratified various international conventions and human rights forums to secure equal rights of women, such as ratification of Convention on elimination of all forms of discrimination against women in 1993. Women have been finding place in local governance structures, overcoming gender biases. Over one million women have been elected to local panchayats as a result of 1993 amendment to the Indian Constitution requiring that 1/3 rd of the elected seats to the local governing bodies be reserved for women.

The passing of Pre-natal Diagnostic Tech Act in 1994 also is a step in removing gender discrimination. This Act seeks to end sex-determination tests and female foeticide and prohibits doctors from conducting such procedures for the specific purpose of determining the sex of the fetus. The Government also announced the National policy for empowerment of women in 2001 to bring out advancement, development and empowerment of women. The Government has also drawn up a draft National policy for the empowerment of women which is a policy statement outlining the state's response to problems of gender discrimination.

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The Constitution not only grants equality to women, but also empowers the state to adopt measures of positive discrimination in favor of women. The 73rd and 74th Amendments (1993) to the Constitution of India provided for reservation of seats (at least one-third) in the local bodies of Panchayats and Municipalities for women. Another Constitutional Amendment (84th Constitutional Amendment Act 1998) reserving 33 per cent seats in Parliament and State Legislatures is in the pipeline.

The Indian Government has passed various legislations to safeguard Constitutional rights to women. These legislative measures include, the Hindu Marriage Act (1955), The Hindu Succession Act (1956), Dowry Prohibition Act (1961), Medical Termination of Pregnancy Act (1971), Equal Remuneration Act (1976), Child Marriage Restraint Act (1976), Immoral Trafficking (Prevention) Act.(1986) and finally Pre-natal Diagnostic Technique (Regulation and Prevention of Measure) Act (1994) etc.

Apart from these, various welfare measures have been taken up by the Government from time to time to empower to the women. They are the support to Training for - Employment Programme (1987), Mahila Samridhi Yojana (1993), the Rashtriya Mahila Kosh (1992-93), Indira Mahila Yojana (1995), DWACRA Plan (1997) and Balika Samridhi Yojana (1997). On 12th July, 2001, the Mahila Samridhi Yojana and Indira Mahila Yojana have been merged into the integrated self-help group programme i.e. Swayam Siddha.

The Government of India in 1953 established a Central Social Welfare Board with a nation-wide programme for grants-in-aid for women, children and under-privileged group. A separate department of women and child development was set up at the Centre in 1985 to give a distinct identity and provide a nodal point on matters relating to women's development. National Commission on women was created by an Act of Parliament in 1992.

Besides these, India has also ratified various international conventions and human rights instruments committing to secure equal rights of women. Key among them is the ratification of the Convention of Elimination of All Forms of Discrimination Against Women (CEDAW) in 1993.

Other than this 30% local government seats are reserved for women. In a Karnataka survey, nearly 1,000 women who were holding posts in the gram sabhas, In certain districts in Karnataka, more than 60% of the women who have emerged into elected positions, taking block, zila and district together, are not only young — between 20 and 40 years — but include strong ratios of SC/ST or OBC women among the elected in all three tiers, with some even becoming the presidents of zila parishads. Last but not least in many States Women are holding Chief minister posts and current president of Congress is a women. Lastly no need to mention President of India is also a Woman.

Year 2001 as 'Women's Empowerment Year', Ninth Plan witnessed many national policies like the National Health Policy, (2001) National Population Policy (2000), National Policy for Empowerment of Women (2001) etc. More significant is the first National Agricultural Policy (July 2000)

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According to the **WEF** (World Economic Forum), this is “the first study to cover the world's largest employers in 20 countries and benchmark them against the gender equality policies”

At the industry level, the survey reveals that the services sector employs the greatest percentage of women. Within this sector, the financial services and insurance (with 60 per cent), professional services (56 per cent) and media and entertainment (42 per cent) industries employ the highest percentage of women.

### **Education:**

World Bank Indicators - **India** - Participation

This Section includes the data for Ratio of girls to boys in primary and secondary education (%) in India. Ratio of girls to boys in primary and secondary education is the percentage of girls to boys enrolled at primary and secondary levels.

Children out of school; primary; female in India 3781495.0

Children out of school; primary; male in India 1782326.0

Ratio of female to male primary enrollment (%) in India 96.8

Ratio of female to male secondary enrollment (%) in India 85.8

School enrollment; preprimary; female (% gross) in India 47.7

School enrollment; preprimary; male (% gross) in India 46.5

School enrollment; primary; male (% gross) in India 114.8

School enrollment; primary; female (% gross) in India 111.2

Total enrollment; primary; female (% net) in India 93.6

Total enrollment; primary; male (% net) in India 97.3

Source: <http://www.tradingeconomics.com/india/ratio-of-girls-to-boys-in-primary-and-secondary-education-percent-wb-data.html>

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## **LIST OF SOME Laws Specially designed for WOMEN**

### **DIVORCE OR DISSOLUTION OF MARRIAGE LAW IN FAVOR OF WOMEN** (Courtesy Indian Government)

When husband may petition for dissolution

Any husband may present a petition praying that his marriage may be dissolved on the ground that his wife has, guilty of adultery. Indian Divorce Act discriminates against men because it prescribes different requirements for obtaining a divorce based on sex. Whereas a woman may obtain a divorce based upon proof of adultery alone, a man needs another cause in addition to adultery, such as cruelty, bigamy, or desertion, in order to obtain a divorce, Indian Judiciary think women can't harass men, even women beat men.

Recently one Man produced Video tape of his wife beating him, only then Court granted him Divorce. One word of women is enough for Indian judiciary but for poor Indian man he has to produce proof for his every word.

When wife may petition for dissolution

Any wife may present a petition praying that her marriage may be dissolved on the ground that, her husband has exchanged his Religion to other religion, and gone through a form of marriage with another woman;

Or has been guilty of incestuous adultery,

Or of bigamy with adultery,

Or of marriage with another woman with adultery,

Or of rape, sodomy, bestiality or impotent

Or of adultery coupled with such cruelty

As without adultery would have entitled her to a divorce a Mensa et Toro, or of adultery coupled with desertion, without reasonable excuse, for two years or upwards, or false case of Domestic Violence or Dowry demand, and even before these cases are decided.

See for more details Divorce based on Religion here <http://mynation.net/divorce.htm>

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## **MISCARRIAGE**

Causing Miscarriage 312 IPC Non Cognizable 3 to 7 yrs.

Causing Miscarriage without consent 313 IPC Cognizable. Life or 10 yrs.

Death caused while causing miscarriage without Woman's Consent 314 IPC Cognizable. 10 yrs. or Life

Act done to prevent child being born alive or to cause it to be after birth 315 IPC Cognizable 10 yrs.

**Note:** Causing a miscarriage or aborting the child is an offence under criminal law. But if a woman does it herself it's not crime.

## **KIDNAPPING**

Kidnapping 363 IPC Cognizable. 7 yrs.

Kidnapping women to compel marriage, seduced to illicit inter course, etc. 366 IPC Cognizable. 10 yrs.

Procuration of minor girl under 18 years 366-A IPC Cognizable. 10 yrs.

Importation of girl 366-B IPC Cognizable. 10 yrs.

**Note:** If Mature girl runaway with underage boy that's not crime in India.

## **SEXUAL ASSAULT**

Punishment for Rape or Life time - 376 IPC Cognizable 7 to 10 yrs.

Intercourse by a man with him during Separation - 376-A IPC Cognizable 2 yrs. & Fine

Intercourse by public servant with woman in his custody - 376-B IPC Cognizable 5 yrs. & Fine

Intercourse by Superintendent of jail, remand home, etc. - 376-C IPC Cognizable 5 yrs. & Fine

Intercourse by any member of the management or staff of a hospital with any woman in that hospital - 376-D IPC Cognizable 5 yrs. & Fine

Unnatural Offences-carnal intercourse - 377 IPC Cognizable Life or 10 yrs.

**Note:** As per Gujarat high court married women has right to enjoy outside marriage, If she is involved in adultery her husband can sue her paramour only, but not his wife.

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## **MARRIAGE**

Cohabitation caused by deceitfully inducing her under belief of lawful marriage - 493 IPC Non-Cognizable 10 yrs.

Marrying again during life time of wife (away for 7 yrs.) - 494 IPC Cognizable 7 yrs.

Going through unlawful marriage ceremony - 496 IPC Cognizable 7 yrs.

Enticing, detaining a during women with criminal intention - 498 IPC Cognizable 2 yrs.

**Note:** If a Woman withdraws marriage after engagement that's Valid but if Man withdraws that's crime, Parents of girls, seeking compensation for broken engagements too.

## **CRUELTY**

Abetment of suicide - 306 IPC Cognizable 10 yrs. & Fine

Cruelty by Husband or Relatives-Mental or physical - 498 A IPC Cognizable 3 yrs.

Uses indecent language or behaves in a disorderly committed in manner in a public Cognizable if Fine of Rs.100

Uses in any street abusive or insulting words or affixes or exhibits any indecent, threatening abusive or insulting paper or drawing with intent to provoke

Domestic Violence 3 years and Fine

## **MODESTY**

Outraging modesty, use of criminal force with intention to outrage her modesty - 354 IPC Cognizable 2 yrs.

Outraging modesty by Uttering gesture, sound - 509 IPC Cognizable 1 yrs.

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## **DOWRY HARASMENT**

Dowry Death: - 304-B-IPC Cognizable 7 yrs. to Life

A woman is caused by otherwise than normal circumstances within 7 years of her marriage and it is shown that soon before the death she was subjected to cruelty or harassment by her husband or relative for, or in connection with, any demand for dowry)

Penalty for giving or taking Dowry (D.P.Act) 3 Dry.Pro.Act. Cognizable 5 yrs. & Fine

Penalty for demanding Dowry (D.P.Act) Dry.Pro.Act. Cognizable 6 months to 2 yrs. & Fine.

**Note:** Giving dowry is crime under D.P.Act but none of the girls Family so far convicted in the History of India. Funny thing is no women Family report Dowry given or demanded at the time of marriage, they report only when marriage is on the brink of Divorce. Some even report after 12/15 years of marriage and Police take such complaint even after 15 years, but if man reports any crime even after few months Indian Police will not register any case.

If a married women dies in whatever reason within 7 years of Marriage that is termed as Dowry Death by default, and man is guilty till he prove himself Innocent.

## **IMMORAL TRAFFIC**

Punishment for living on the earnings of prostitution, Immoral Traffic (Prevention) Act Cognizable 2 yrs. or Fine or Both

Procuring inducing or taking woman or girl for the sake of prostitution Immoral Traffic (Prevent) Action Cognizable 3 to 7 yrs. & Fine

Detaining a woman or girl in premises where Action prostitution is carried on. Immoral Traffic (Prevent) Cognizable to 10 yrs. & Fine

Seduction of a woman or girl in custody Immoral Traffic (Prevent) Action Cognizable 7 yrs. or Life. & Fines

## **CHILD CUSTODY**

Under THE GUARDIANS AND WARDS ACT, 1890 it states Father is a natural Guardian of the Child but in majority of the cases, the mother is granted physical custody. Indian Judiciary Term it as "best interests

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of the child(ren)." just to fool Father, and give custody to Mother Always, as per our Findings less than 1% Fathers granted Custody of Child(ren)

In India, Father can't ask Custody till child attain age of 5. If a Father ask for Custody / visitation even mother abandon the child and go abroad Lower court dismiss the case without any relief after dragging it for 5 years or more, at that time Child will be 10 years age and if still Father goes to High court, Indian Legal system ask the Father for so many years he has no contact with Child so they also dismiss his Petition, Indian Biased Law Force Father to keep away for decades and later ask why he was away from Child. We have Proof on the Statement, if anyone want you can check with Author of this Article by sending email to admin @ mynation.net OR Visiting <http://mynation.net/abio/deny/>

We also have Examples where Women got Custody even she is convicted Criminal, Law misuser and Prostitute.

### **Succession or Share in Ancestor Property**

The Hindu law on Succession was very complicated to begin, with. Different parts of the country subscribed to the views held out by different schools of Hindu Law. For example while the Dayabagha law prevailed in Assam and West Bengal, the Aliyasanthana law prevailed in Kerala. The rest of the country more or less subscribed to the views of the Mitakshara School. After amendment of 2005 in Hindu Succession Act in 1956 and Indian Succession Act, 1925 Women has right of equal share in Ancestor Property.

### **Matrimonial Property (Rights of Women upon Marriage) Bill**

The first draft of Matrimonial Property (Rights of Women upon Marriage) bill – 2012, prepared by Maharashtra Government's Women and Child Development department in association with women's organisation Majlis, seeks to give women rights of an equal partner in husband's property.

As per the draft law, matrimonial property includes movable and immovable items, including husband's share of joint family's land or business. It also includes provident fund, gratuity amount, etc.

Sources in the WCD department said the present matrimonial laws do not recognise 'non-economic contribution' of the wife to the household, and she is entitled to only a maintenance if the marriage breaks down.

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The draft bill aims to secure economic rights of women and provide them dignity. It also introduces a concept where consent of the wife will be required for taking any decision of sale or borrowing with regard to the property. Dealings without her written consent will be deemed null and void.

Indian Feminists are after men for decades with so many Gender Biased laws. Now after this Property. With Matrimonial Property (Rights of Women upon Marriage) bill.

No wonder as soon as this Bill is passed Every woman will Plan to divorce immediately, as she get marry, coz she will hit the Jackpot with Divorce and make man Bankrupt; for no reason.

India Should Thankful to these Family Breaking Feminists, WCD/NCD for wonderful ideas to create more Divorces. No woman will be ready to cook and do daily chores, when she get FREE money/Property with Divorce.

### **THE PROHIBITION OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE BILL, 2010**

A Bill conferring upon women the right to protection against sexual harassment and towards that end for the prevention and redressal of sexual harassment of women. Whereas Sexual Harassment infringes the fundamental right of a woman to gender equality under Articles 14 and 15 of the Constitution of India and her right to life and live with dignity under Article 21 of the Constitution which includes a right to a safe environment free from sexual harassment.

There is not a Single civilized Country in the world has such gender biased law as India. Which think only Women are sexually harassed. After terrorizing every household of India with various laws like Dowry harassment and Domestic violence now these Feminists Women Organizations try to make new laws to terrorize only men at Work Place too.

Men employees too are sexually manipulated at work place by his Female managers and other Men who has higher post than him, as well as women are harassed by Female managers who are lesbian. as same sex is not taboo any more in India.

### **Salary to House wives.**

No need to explain, what it meant. This is another Proposed law by Feminists to Break Family and degrade Status of Beloved Better half to Slave or Worker of the House. So far Men termed their wife as "**Ardhangini**" or *Missing rib* but if this law is enacted Men will elevate as Land lords or Owner of his Wife

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and he has right to Fire / Terminate from work or he will find other laborer to do his work for less without strings attached.

All this done as per The Constitution of India for empowerment of women only at the cost of Men. All these laws and Acts are made, with one thing in mind, divide family and control men.

There are So many Laws designed only for women, we can call it biased Laws, cause none of these Laws comes under gender equality. There are thousands of Women organizations already, but everyday many thousands popup just like mushrooms coz they get Financial support from Government as well from UNO and International bodies

In India, Women have Their own Ministry, Which strongly support Whatever Modern women do in India, They encourage women to File Dowry case (498A) and domestic Violence case on her husband for silly reason and they produce these case statistics to government and International bodies to get Grant, These ministries only support women who file 498A/DVA on men, but they will not support Mothers and sisters of Husband, as per then having male child is crime and no hope for such women.

So these ministries goal is clear; ***To dominate, control and destroy a man`s finance, mental health, self-esteem and any hope for happiness.***

We have ample example on this, if a women desert her husband without valid reason siting cruelty (these cases are filled with one word of women and without any investigation or enquiry as explained above) court direct man to pay her, even he is unemployed and recently such men are jailed in Gujarat and Utter Pradesh.

As per National Family Health Survey (**NFHS**) Gender equality and women`s empowerment are two sides of the same coin; Since gender inequality and women`s disempowerment occur in all the different domains in which women and men interact and function, both concepts are multi-dimensional; consequently, they give rise to a large number of potential indicators. Indicators of gender equality/inequality are typically designed to compare the status of women and men on particular characteristics of interest; whereas, by definition, indicators of empowerment/disempowerment tend not to be relative. Instead, indicators of empowerment are designed to measure roles, attitudes, and rights of women and sometimes men.

NFHS admits there should be different role and function for men and women in society and we all very well know women can`t perform in some fields as men, still they want equal rights and status for women, that`s shows Women want reap where they don`t sow. In India as per todays situation no one stopped women from doing anything; Even there are High Court Judgments 18+ girls can do and stay

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anywhere as she likes, without any permission from her parents/Husband. [Ref: <http://mynation.net/docs/2446-2010/> ]

As President of India is a women, and many other Women, hold powerful posts in many other fields; still women need reservations in every fields against men even in Local buses, instead, first comes first serve; or senior citizens. It shows eMpower women by disempowering whole Society.

Gender involves differences in power, both "power to" and "power over". The concept of power to encompasses legal and informal rights, access to resources, and pursuit of knowledge and personal goals, and cuts across most domains of human functioning, including familial, cultural, and institutional domains. Power over refers to control over societal and household resources and decisions, cultural and religious ideology, and one's own and others' bodies. Importantly, men tend to have greater power than women, and, in some domains, even have power over women. -- NFHS; but it really means not "power to" and "power over" but **OVERPOWER** men.

### **Empower Women by Disempowering Men.**

So far we all seen how many support / Laws women have. In Gender Equality India ranks 122 among 138 countries; this is not counted on status of women but men, who has no laws supporting their rights.

Here we do not give false reports of crime or Laws as Women organizations do, to get Funds from government. It's up to reader to decide; here is the list of All Laws and Acts [ <http://mynation.net/docs/acts-list> ] of India; and find how many Laws to support men and their rights, Women Favoring biased laws listed in this article.

In India Animals and Women have their own ministry but men do not have none.

Women have reservation in Parliament / Jobs and even in Local bus but men do not have none; Mostly women fight for reservation comfortable / Money making jobs and Posts only but they do not fight for reservation in armed forces to go border or high risk jobs.

There are many schemes to girl child but boys do not have any, even in some states of India, State governments deposit money in the name of girl child only. As per NFHS data show that more educated women are having disproportionately more sons than daughters. so it's a mistake of Indian Government and Blame men for their OWN fault saying birthrate Male vs. girls [ 1000/910 - NFHS-3(2000-2004)] is less compare to men and by giving Education to women they bigot male only.

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Women has rights in her ancestor property as well as husband property too, now they are proposing wife has rights in Husband ancestor property too, it means what is hers is hers and husbands property too why not vise versa ?

If a woman file a case on husband, he is guilty till he prove himself innocent, that show how gender bias these laws are. In other civilized society every crime has to be proved by appellant but in India its reverse.

In India if a women wish to walk out of marriage she can file any false case of Dowry or Domestic violence in support of her Divorce, based on these false complaint even before they proved, she get Divorce and maintenance too. Similar trends in Child custody too.

Women get **FREE** Legal service, even if she file a false case.

Over 125,017 Indians either committed suicide in India during 2008; While suicides accounted for 14 deaths every hour OR one death every 5 minutes.

Statistics compiled by the National Crime Records Bureau (NCRB) for 2008 reported an increase of 1.9 per cent over the previous year suicide figure of 122,637 in different age groups mainly due to family problems, illness, bankruptcy and poverty.

The eastern Indian state of West Bengal led the suicide tally with 11.9 per cent in 2008, the southern state of Karnataka accounted for 9.8 per cent.

India's Silicon Valley and capital of Karnataka state, Bangalore, had the highest number of suicides in any major Indian city accounting for 2,396 deaths. Other cities that led the chart included Chennai (1,309), Mumbai (1,111), Delhi (1,1107) and Hyderabad 743.

Of the total suicides, 82 per cent committed suicide due to family problems, seven per cent due to illness, 10 per cent due to love affairs, 8 due to poverty and six per cent due to students failing in exams.

NCRB statistics observed that while social and economic causes led most suicides amongst men, it was emotional and personal causes for women.

The statistics show that the overall male : female ratio for suicides for the year 2008 was **64** for men and 36 for women. That's almost double of woman, still Indian men do not have anyone or any Ministry to tell their Problems.

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## **What is Gender equality?**

Gender equality means that women and men have equal Status/Rights/Laws/conditions for realizing their full human rights and potential to contribute to national political, economic, social and cultural development and benefit equally from the results.

### **How to Achieve Gender Equality:**

a) Scrap National commission for women (NCW) and Women and Child Development (WCD) ministry; and setup Ministry work for Family if they can't scrap NCW/WCD then setup ministry for men too.

b) Girls Family should give half of the expenses of the marriage and setup/start new family/home and that should not be considered as Dowry

c) For Divorce, reasons should be same for both genders

d) There should be 498A IPC and domestic Violence Act for men too; only after all pending cases settled (if any) then only couple should be allowed to file Divorce with mutual agreement only. Those who file False case, if he or she is unable to prove or withdraw by default Accuser should be punished for not less than 3 years and Damage not less than 10 Lakhs and False case should be valid reason for Divorce.

e) Working Women should pay half of the domestic expenses by default.

f) Tax exempt for men on the money they pay for maintenance and Child support and Tax on women who get such money.

g) Men should get paternity leave so they can take care of mother and child.

h) Custody should be given to both parents till child is 12 years old and both parents should take care of the child with mutual understanding, Child should not be kept away from other parent for more than a week, nor any parent should not have any right to deny anything to other parent.

i) In divorce there should be equal partition of the property acquired after the marriage, if other spouse helped to acquire, whatever property they have .

j) If Women are a housewife then she should get monthly money as per contract at the time of marriage, and same amount to be continued if divorced with clause (i); that's will reduce long legal battle and reduce load on Judiciary.

h) Anyone found misusing Laws or file false case and withdraw cases later or turn hostile, to be punished with jail term not less than 3 years and pay damage.

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- i) Lawyers should not be allowed to handle matrimonial cases.
- j) Divorce cases should be settled within 6 months.
- k) Government should make laws in favor of family only, not gender based Laws.
- l) There should be valid pre-nuptial agreement at the time of marriage with all details of both spouses; and on Divorce, spouse is alleageable for same status in maintenance.
- m) Divorce appeal to be filled only at the place where couple stayed together.
- n) Denial of marital happiness or ignoring spouse / parent responsibility to be valid reason for divorce
- o) Adultery law should be same for all Genders.
- p) Breastfeed to be made compulsory for 2 years, Child should be with mother till she breast feed, and Father has to pay actual, half child expenses, on weekend child should be with Father(vise versa)
- q) There should be legal agreement at the time of marriage, and clearly drafted copy of Dowry given or taken, Stridhan list, Terms and condition both parties agreed after marriage life and terms for Divorce.
- r) Old aged Parents of Men, should stay with their son Family by law, as there are so many reports men abandon their old parents because of their wives. To safe guard senior citizen's rights, those who oppose or not ready to look after them should be penalized.

Anyone deny these Gender neutral Clauses...?

Our motive is to Achieve **EQUALITY, JUSTICE** and **HARMONY**. Not divide and rule the family as Feminists demand.

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