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GENDER STEREOTYPING VIS-A-VIS GENDER EQUALITY

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ABSTRACT

Gender stereotyping is a practice whereby the society has certain perceptions about how a person is supposed to behave and even live according to their gender. These preconceptions are generally taught to a child from his childhood which is termed to be gender socialising. This will change gradually, and this change is inevitable, but it is a slow process. The concept of gender stereotyping is in opposition to the concept of gender equality. When a person is expected to act in a particular manner because he is of a particular gender, it creates discrimination. This article discusses the visibility of gender stereotyping in the advertisements, Indian school textbooks and even judgments and the need for its change to enable gender equality.

I. INTRODUCTION

According to OHCHR (Office of the High Commissioner for Human Rights), gender stereotyping refers to the practice of ascribing to an individual woman or man specific attributes, characteristics, or roles by reason only of her or his membership in the social group of women or men. Hence, it means the practice of specifying a woman or man certain specific attributes or roles by reason that he is a man or she is a woman. Gender stereotyping becomes wrongful when it results in a violation of human rights and fundamental freedoms.¹ For example not criminalising marital rape, presumption that women are the sexual property of men; and failing to investigate, prosecute and sentence sexual violence against women, believing that victims of sexual violence agreed to sexual acts because they were not dressing and behaving modestly.

Wrongful gender stereotyping is an act which results discrimination against women. It is a contributing factor to violations on a vast array of rights including the right to health, adequate standard of living, education, work, marriage and family relations, freedom of expression, political participation and representation, freedom of movement, effective remedy, and freedom from gender-based violence.

There are two international human rights treaties that contain express obligations concerning harmful stereotypes as well as wrongful stereotyping:

[Convention on the Elimination of All Forms of Discrimination against Women](#)ⁱⁱ

Article 5:

States Parties shall take all appropriate measures... to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

[Convention on the Rights of Persons with Disabilities](#)ⁱⁱⁱ

Article 8(1) (b):

States Parties undertake to adopt immediate, effective and appropriate measures to combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life.

The right to non-discrimination and equality provided under other international human rights treaties, such as the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child, have also been interpreted to include discrimination and inequality that are rooted in stereotypes, including gender stereotypes.

II. TYPES OF GENDER STEREOTYPES

Gender stereotype is the prenotion regarding a person's behaviours, characteristics and responsibilities by the society because that person is of a particular gender. We know that women are considered to be taking care of the family should do the household work whereas men are supposed to be working outside and earn income for the family. Gender roles vary from culture to culture, country to country and society to society, and may also develop over time.

The gender stereotypes can be mainly classified into the following:

Physical appearance: A person's appearance is judged by society in accordance with that person's gender. Society considers a woman as always beautiful when they have a thin body and fair complexion. Whereas society considers men to be attractive if they are tall and have a muscular body. A person who does not have these features are usually oppressed and disrespected by society.

Profession: In certain regions, we can see that, still women are not allowed to study or pursue their careers. They are supposed to stay in the house and take care of their family and children and also

to perform the household chores. It can be noted that men are never prevented from pursuing their careers and are also given education. Society considers the role of men to take care of the financial responsibilities and work outside. When society started changing this kind of stereotyping, there came the existence of a new social norm. Hence, by this time, we can see that women started pursuing their careers. The new social norm was that women were attributed to certain kinds of jobs. They were considered to take a job as a nurse or babysitter or even house-help, but never as an entrepreneur or engineer or even as a lawyer. These jobs were classified for men.

Behaviour: With respect to behaviour, society expects women to be often soft spoken, quiet and calm. There exists a prenotation as to the way in which they should walk, sit, behave and even talk. When we look at the prenotation as to the behaviour expected from a man, we can see that they are expected to be confident, loud and even they can display any behaviour according to their wish.

Characteristics: When we look at the characteristics expected from a woman, we can see that they are expected not to raise their voice or argue or with the male members of the family.

III. GENDER DIFFERENCES VISIBLE IN CERTAIN SITUATIONS

Gender differences are clearly visible in certain circumstances. These includes:

Social situations: Society always considered the head of a family to always be a man. He is considered to be the breadwinner of the family. Women are usually seen as a nurturer, homemaker, and caregiver.

Political situations: The power sharing in politics also shows clear bias. Men are mostly seen to handle the higher level of politics as well as higher positions whereas, women are expected to be at the lower level.

Educational situations: In educational priority also we can see a clear and visible bias when the male members of the family are given resources for their higher education whereas females are expected to take less challenging academic fields.

Economic situations: Women are supposed to be homemakers clearly shows how they are excluded from taking a job and being a breadwinner. They are also discriminated against when it comes to credits and loans, land ownership policies, etc.^{iv}

IV. THE IMPACT OF GENDER STEREOTYPE UPON AN INDIVIDUAL

The stereotypes regarding gender roles have had a great impact on every individual who goes through and chooses to fight against them. These gender roles fixed by society have given men the power to have liberty upon women in the way they wish. People belonging to the indigenous areas are the most affected by these stereotypes. In these areas, girls are married off at a very young age as their parents cannot take care of them as they are considered to be a burden. These families are usually belonging to the low income level. Even the opinions regarding the likes and dislikes of these girls are never asked and also if they refuse to marry the person chosen by her family, they are brutally beaten and tortured by the male members of her family. Women are considered to be a personal property belonging to the man and he is given the liberty to use her the way he wants including forcing her for sexual relations without the consent of the woman.

These kinds of stereotypes result in unimaginable activities like domestic violence and acid attacks on women. Gender stereotypes also impact men in many ways. They might be forced to pursue a career in accordance with his family's desire and he may not be given a chance to pursue his dream. Like we had earlier discussed, men are expected to be muscular and slim to be attractive. Hence, a man who doesn't have these features is considered to be unattractive and undesirable by women.

V. GENDER SOCIALISING

Gender socialisation may be defined as a process by which a person is informed about the rules, norms, behaviour and expectations from that person because he belongs to a gender, and the person is informed regarding this mostly at that person's childhood age. When a child is being taught how he must behave during childhood plays an important role in how he turns out to be in his future. There are many examples to show gender socialisation and this includes when a woman is taught how she is expected to be quiet and poised and also men are taught to be strong. We are aware how a boy is always asked not to cry like a girl and to always play with toys meant for boys like a car. Girls are mostly given with dolls or kitchen sets to play with. These are some of the social norms that exist in the world, which is known as "gender socialisation."

VI. GENDER STEREOTYPING IN INDIA

The gender roles are usually influenced by cultural, political, economic, social, environmental and religious factors. Custom, class, ethnicity, law and individual or institutional bias are also factors that influence gender stereotyping.

In accordance with gender stereotypical perceptions women are supposed to be dependent, weak, incompetent, emotional, fearful, flexible, passive, modest, soft-spoken, gentle, care takers whereas men are supposed to be powerful, competent, important, logical, decision-makers, aggressive, focused, strong and assertive.

India being a country where patriarchy flourishes, male is considered to be carrying the family name forwards. There is a son preference system which is an age old gender bias. A son is supposed to take care of his parents and also perform their rites when they die.^v A Daughter is considered to be 'Parayadhan' that is. Someone else's wealth and hence, parents marry off their daughters with dowry considering them to be an economic liability.^{vi}

In India, an average of 2,39,000 female dies in each year under the age of five owing to neglect as a result of gender discrimination.^{vii} Even though in India we have the [Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994](#)^{viii} yet, we have the highest female foeticide rate in the world.^{ix}

Girls are taught from a young age that their husband's house is where she belongs and boys are taught that they are supposed to feed their parents when they are in old age and also it is the duty of a man to build a house and earn income so that he will get a beautiful woman to marry. Gender socialisation in India is a concept that one can not ignore. In family gatherings, females are supposed to serve food to men, while males should talk regarding the economy and are supposed to take important household decisions.

When a child sees his father abusing his mother, it sets an example for the child that men are meant to dominate women whereas females are bound to surrender to the man. When a child notices these types of behaviours from the family, he or she inculcates the same behaviour and continues the same behaviour into their lives in the same way. Children treat the other gender in the same way their family members were treated. Hence, in order to change this scenario, the discriminatory roles

should be interchanged.

However, as the generations are getting educated, these perceptions are changing. Women are engaged in the service sector more prominently. The male is becoming more accommodating towards women employees and even women family members. Women have started to raise their voice and break the age-old shackles of myths. Decision making in a family has changed to include the opinions of both male and female. An example of this is the stereotype associated with women as a poor driver was changed by a report given by Delhi traffic police authority. The report claims that women drivers cause less than 2% of fatal road accidents. Only 12 fatal accidents in Delhi were caused by women drivers where men have caused 724 accidents. Also, with the amendment of 2005 in The Hindu Succession Act, 1956 which gives equal rights to daughters to inherit her father's property, the women are given equal status to men, thereby empowering them. Although this amendment attracted a lot of criticism, still this was a way forward to gender equality in Indian society.

VII. CHANGING LAWS TO PROMOTE GENDER NEUTRALITY

Non discrimination on the basis of sex is a fundamental right guaranteed by the Constitution to every citizen in India. Gender stereotyping is a concept that is still deep-rooted in Indian society. In earlier times, women were not treated as human beings rather they were just treated as commodities. During the freedom fights, leaders like Mahatma Gandhi, B.R Ambedkar, Savitri Phule encouraged women to step out of the household and raise their voice for the freedom.

Empowerment of women in India was always a necessary area for legislation as far as the Indian lawmakers are concerned. Therefore, many of the Indian laws have kept women in a higher position and have given women more rights than men. Some of the examples for the legislations are: The Immoral Traffic (Prevention) Act, 1956; The Dowry Prohibition Act, 1961; The Maternity Benefit Act, 1961; The Medical Termination of Pregnancy Act, 1971; The Equal Remuneration Act, 1976; The Commission of Sati (Prevention) Act, 1987; The Pre-Conception & Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994; The Prohibition of Child Marriage Act, 2006.; The Sexual Harassment of Women at Work Place (Prevention, Protection and) Act, 2013, etc.

Section 497 of the Indian Penal Code, 1860 was decriminalised as this section enabled men to treat women as a property that he possessed. In this section, a man who had sexual intercourse with a married woman was charged with adultery if he had not received the consent of her husband. Also, this section failed to give women the right to sue her husband who had indulged in adultery. With the decriminalisation of adultery, this discrimination was eliminated and it now acts as a ground for divorce only but not as a crime.

The introduction of POCSO Act (The Protection of Children from Sexual Offences Act, 2012), was a crucial legislation which protects the child, whether male or female, against sexual offences. However, sexual offences on male is not criminalised for situations where the male is above the age of 18. In the case of *Sakshi v. Union of India*,^x the court made a suggestion that the legislature should make the sexual assault provision to be gender-neutral. With this, The 172nd Law Commission Report recommended for unbiased rape law. However, with the Nirbhaya case in 2013, all the gender neutrality went up in the air. Even though Justice Verma Committee suggested that Section 375 should not just be confined to penile-vaginal insertion, the government chose to continue the exclusion of male from the ambit of rape due to huge criticisms. This exclusion of both male as well as transgender from the ambit of a rape as a victim, only increases the gender stereotype in society, by depicting that only female could be the victim of such crimes.

Now the scenario is changed, many PIL have been filed in various High Courts and also in Supreme Court for making rape laws gender-neutral. In 2017, Sanjiv Kumar questioned the legality of existing rape laws which only consider men to be the perpetrator before the Hon'ble Delhi High Court. Central Government had submitted that the laws related to rape should not be altered as some sections are necessary to keep a check on the rising crime against women. Similarly, the Supreme Court dismissed a public interest litigation filed by Rishi Malhotra in order to make rape laws to be gender-neutral as there are no laws to protect males from sexual harassment.^{xi}

VIII. GENDER STEREOTYPING IN ADVERTISEMENTS

When an analysis was conducted of the Indian advertisements on television as well as on YouTube, it shows that girls and women have representation in terms of screen and speaking time, but their portrayal is problematic as they add to gender stereotypes. Women are mostly shown as married and depicted as caretakers and parents than male characters.

UNICEF and the Geena Davis Institute on Gender in Media (GDI) on its research titled “Gender Bias and Inclusion in Advertising In India” conducted a study on over 1000 television and YouTube advertisements that aired across India in 2019. The advertisements analysed were those that received the most reach.

The finding of the study was that female characters dominate screen time, but they are mostly depicted for selling cleaning supplies, food and beauty products to female consumers. Let us take the example of the detergent and food commercials, these advertisements usually depict a woman as caretaking for her family and who speaks directly to women viewers about caring for their families.

A greater percentage of female characters in these ads are depicted as married than the male characters. Female characters in ads are three times more likely to be shown as parents than the male characters. The male characters are more likely to be shown making decisions about their future than female characters, the latter are twice as likely to be shown making household decisions as male characters.

Two-thirds of female characters in Indian ads have light or medium-light skin tones. Female characters are nine times more likely to be depicted as “stunning or very attractive” than male characters. They are also depicted as invariably thin, but male characters appear with a variety of body sizes in Indian advertising.

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These misrepresentations and harmful stereotypes of women in advertising have a significant impact on society. Hence, we can conclude that when females dominate with respect to their

representation in Indian ads, they are still marginalised by their colour, hypersexualisation, and without careers or aspirations outside of the home.^{xii}

IX. GENDER STEREOTYPING IN SCHOOL TEXTBOOKS

Education is considered to be the centrepiece for the socio-cultural, political and economic empowerment of individuals and therefore, the schools become the foundation for many activities including gender socialisation. Education has the potential of shaping social change towards gender equality. Therefore, it becomes imperative to evaluate the role and performance of our education system in promoting equitable gender relations.^{xiii}

Several textbooks used by children in pre-primary and primary classes have patriarchal representations of women where they are represented as cleaning or cooking and performing work related to the kitchen. Where men are shown as doctors, women are shown as nurses.^{xiv}

Recently there has been a change to this. Gender equality is given preference over gender roles and the society is progressing as text books started showing men helping women in household works.

X. TRANSGENDER COMMUNITY AND GENDER STEREOTYPING

The transgender community is one of the most misrepresented community in India. Most transgenders are usually stereotyped as sex workers, beggars or criminals.

The stigma attached with being different, most of them have opted to live in a stealth mode in the past years, and unable to live the life they want. This has reduced their visibility and has pushed them even further into the fringes of society. As the Hijra community is the only one who has willingly and openly express themselves, they becomes the most visible form of Transgender identity in India and hence a lot of stereotyping begins from there.

In India as people have a lack of awareness regarding third gender, they are often called hijra. Even gays often have been called Hijra in India. It is wrong to stereotype all transgender people as Hijra and burden them with cultural identities that they does not identify with.

The Constitution of India has guaranteed the Fundamental Rights to men and women and these are also available to the third gender as well. The Supreme Court has legally recognised the third gender in both civil as well in criminal status. After the decriminalisation of Section 377 of IPC in the landmark judgement given by the Supreme Court in 2018 in the case of Navtej Singh Johar v. Union of India^{xv}, now they can consensual sex including homosexual sex.

XI. JUDICIAL DECISIONS

In the case *Rakesh B v. State of Karnataka*^{xvi}, while granting anticipatory bail to the accused in rape, the Court observed that it is “unbecoming of an Indian woman” to “fall asleep” after the rape and that it is not the way in which “our women should react” when they are “ravished”. The latter part of the problematic order was expunged after outrage from civil rights activists and lawyers. Justice Dixit went on to prejudicially state that having drinks and staying late at night with a person accused of rape cast doubt upon the reliability of the victim.

In the case of *Aparna Bhat v. State of Madhya Pradesh*^{xvii}, the Court had granted bail to a person accused of sexual assault on a patriarchal condition that the accused would get a ‘rakhi’ tied by the woman and gave her money as a part of the custom on the festival of Raksha Bandhan.

Judicial Stereotyping is the practice of the Judges whereby they perpetuate harmful stereotyping by ascribing specific attributes to a social group which acts as a barrier to justice. The continuing use of stereotypes by Indian courts in its judgments points towards lack of accountability in the Indian legal system to address stereotyping by judges.

The Mathura case^{xviii} was the first case in which the Indian court was questioned on its underlying misogyny. In this case, two policemen were acquitted of charges of rape by relying on the factors such as absence of ‘marks of injury’ and ‘habituation with sex’. After the judgment was pronounced, four law professors wrote to the Supreme Court questioning the concept of consent in the said judgment. This judgment was revolutionary and hence it acted as the turning point in the women’s rights movement in India.

Tarun Tejpal was acquitted in a sexual assault case. The court made an observation that the certain photos showed the victim to be cheerful after the assault where women are expected to be traumatised following the sexual assault.^{xix}

Despite the criminal law reforms, the court in *Mahmood Farooqui v. State of NCT of Delhi*^{xx}, stated regarding consent that a “feeble no may mean yes”.

The ‘anti-stereotyping principle’ was applied by the court for the first time in *Anuj Garg v. Hotel Association of India*^{xxi}, to sex discrimination claims. The Supreme Court stated that even if we assume that the victim is a sex worker, still it does not give the right to the accused to rape the victim.

Judicial stereotyping constitutes a violation of a woman’s right to privacy and dignity and is against

the judgment given by the Supreme Court in the case of *KS Puttaswamy v. Union of India*^{xxii}. Hence, looking onto a woman's character or doubting her testimony by drawing attention on her sexual life should be avoided.

XII. CONCLUSION

Gender stereotyping is an issue existing in society. The change should begin from the society as a law alone will not prevent gender stereotyping. Gender socialisation should be ended and children should be taught that both men and women are equal. Transgenders should be accepted as a part of the society and the stereotyping towards them should also be ended by providing proper education as to their orientation. This change will happen only gradually in a country like India as it is deep rooted in our system. Judicial stereotyping is a barrier to render justice and the importance of its removal is very much necessary to render justice. The concept of gender equality will only be achieved when the society changes its preconceived notion towards each gender and sees everyone as equals. Change in these concepts in textbooks plays a vital role as it helps to build up a generation that learns gender equality rather than gender stereotypes. Changes should also be brought in the field of advertisements as well to enable gender equality. Gender stereotyping is an evil practice which needs to be eradicated and for this educating the society is a remedy. The change will be a slow process and the law must enable it.

ⁱ <https://www.ohchr.org/en/women/gender-stereotyping#:~:text=Gender%20stereotyping%20refers%20to%20the,group%20of%20women%20or%20men.>

ⁱⁱ <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>

ⁱⁱⁱ <https://www.ohchr.org/en/hrbodies/crpd/pages/conventionrightspersonswithdisabilities.aspx>

^{iv} <https://www.mapsofindia.com/my-india/society/the-stereotypes-of-gender-role-in-the-society>

^v Adhikari Sharda, Media and Gender Stereotyping: The need for Media Literacy, Int. Res. J. Social Sci., Vol. 3(8), 43-49, August (2014).

^{vi} <https://timesofindia.indiatimes.com/readersblog/rightpath/female-foeticide-2780/>

^{vii} [https://www.thelancet.com/journals/langlo/article/PIIS2214-109X\(18\)30184-0/fulltext](https://www.thelancet.com/journals/langlo/article/PIIS2214-109X(18)30184-0/fulltext)

^{viii} http://chdsla.gov.in/right_menu/act/pdf/PNDT.pdf

^{ix} <https://www.downtoearth.org.in/news/health/india-witnesses-one-of-the-highest-female-infanticide-incidents-in-the-world-54803#:~:text=India%20has%20one%20of%20the,declined%20from%20945%20to%20914.>

^x (1999) 6 SCC 591.

^{xi} Rishi Malhotra v. Union of India, Writ Petition(s) (Criminal) No(s).145/2017.

^{xii} <https://www.thehindu.com/news/national/indian-ads-further-gender-stereotypes-shows-study/article34379148.ece>

^{xiii} <https://www.newindianexpress.com/opinions/columns/2021/aug/25/breaking-gender-stereotypes-in-textbooks-2349297.html>

^{xiv} https://timesofindia.indiatimes.com/india/women-under-represented-in-school-textbooks-shown-mostly-in-traditional-roles-unesco-report/articleshow/76686237.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst

^{xv} (2018) 10 SCC 1.

^{xvi} LQ/Kar HC/2020/388.

^{xvii} 2021 SCC OnLine SC 230.

^{xviii} Tuka Ram and Anr v. State of Maharashtra, 1979 AIR 185, 1979 SCR (1) 810.

^{xix} Taryn Tejpal v. State of Goa, CRIMINAL APPEAL NO. 1246 of 2019.

^{xx} CRL.A.944/2016.

^{xxi} AIR 2008 SC 663.

^{xxii} AIR 2017 SC 4161.

