



## **Gender Discrimination in Access to Social Justice in Guwahati City, India: a Social Geographic Analysis**

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### **ABSTRACT :**

In the country like India, where the urban population is increasing so rapidly that the resulting problems, especially in the big metropolises and cities including Guwahati City, are reaching alarming proportion. The prevalence of social justice is very high among the affluent sections of the society. It is also necessary where the violation of constitutional or legal rights of a large number of the people including the poor, ignorant, illiteracy or socially or economically disadvantaged takes place. Further due to legislative insecurity and lack of appropriate action taken by the administration or authorities in time, people suffer from social justice in a variety ways and at the same time the people of all ladders, i.e., from the higher to the bottom socio-economic levels cannot fight equally for having social justice, when such an occasion arises. Since women are the backbone of the society and the heart of the family. But till date women are given the least recognition and respect, even their fundamental human rights and basic freedom. The status of women is a key factor for determining the development of any society. But this status is often attacked by the male counterpart through its dominance. Social crimes like rape, kidnapping, eve-teasing and indecent exposure can be grouped as crimes against women. Rape is the worst crime against women after murder and the maximum punishment under the Indian Penal Code, 1860 (IPC) is life imprisonment. The Constitution of India guarantees equality of sexes and in fact grants special favour to women. These include the right to equality that provides that every citizen is equal before the law. In this paper an attempt has been made to throw the light on the gender discrimination in access to social justice in Guwahati city, as the state govt machinery has completely failed to ensure to this group of people in the city of Guwahati both spatially and socially. The paper has been prepared on the basis of both primary and secondary data.

**Keywords:** : *social justice, social status, social crimes, gender-discrimination*

### **I. Introduction:**

The call of Indian Constitution enunciated by its preamble is to secure to the people of India “Justice-Social, Economic and Political; Liberty of Thought,



Expression, Belief, Faith and Worship; and Equality of Status and of Opportunity.” The Constitution has clearly demarcated with adequate checks and balances, role of the three branches of the Government (a) The legislature is to pass the laws, (b) The executive is to administer it, and lastly (c) The judiciary has the power to review their validity and enforce the laws touching upon and regulating activity in the social, economic, educational and health spheres, etc, indeed all activities touching the lives of the citizens, in particular the weaker and vulnerable sections.

Social Justice is to end the class difference by removing inequalities and affording equal opportunities to all citizens in both social and economic spheres; social requirement has to push the individual rights aside and judiciary has to administer social justice by way of balancing individual rights and social needs. Social Justice is thus a democratic polity which stresses to act as a safeguard against abuse or misuse or excess of power on the part of the executive and to protect the citizens against the governmental lawlessness and the level of quality of public administration. In other words, it denotes a judiciary which discharges its functions in a decisive and vigorous manner to achieve dispensing justice with a view to righting wrongs or fashioning remedies where the rule of law is threatened. More specifically, the quest for justice, i.e. social justice and relief of human suffering are the paramount motivation for judicial activism.

In the country like India, where the urban population is increasing so rapidly that the resulting problems, especially in the big metropolises and cities including Guwahati City, are reaching alarming proportion The prevalence of social justice is very high among the affluent sections of the society. It is also necessary where the violation of constitutional or legal rights of a large number of the people including the poor, ignorant, illiteracy or socially or economically disadvantaged



takes place. Further due to legislative insecurity and lack of appropriate action taken by the administration or authorities in time, people suffer from social justice in a variety ways and at the same time the people of all ladders, i.e., from the higher to the bottom socio - economic levels cannot fight equally for having social justice, when such an occasion arises. Here arises the need to protect the people from having social justice and therefore, the role of educational level is highly crucial for delivering justice to the deprived. Without education one cannot stand to fight for protection of their rights although they may be aware of them. Education is the strongest agency by which the people can be made conscious about their existence. Education can play a very effective role in making the people aware of their rights. Education is the tool to break the pattern of gender discrimination. It may take many more years to bring out a change in people's mindsets. Education in democracy can perform creative functions by modifying the behavior of the young and by developing suitable habits in them in order to enable them to be useful citizens in future. Backwardness is a handicap in the process of engaging human rights.

## **II. Objectives of the Study:**

The main objectives of this study are-

- (i) to study the role of education in access to social justice among the city dwellers of Guwahati city;
- (ii) to assess the role of in respect to access to social justice in spatio-social contexts in the city;
- (iii) to assess especially the emerging trends in access to social justice in the city.



### **III. Methodology:**

The study has been carried out systematically on the basis of both secondary and primary data collected from various sources. Secondary data have been collected from sources like books, journals, articles, reports and internet. Information and data so collected have been processed and analyzed in order to arrive at meaningful conclusions. A simple quantitative technique has been applied for analyzing the data collected for the work. The primary data have been collected from different sample areas in the city with the help of a survey questionnaire.

### **IV. Study Area:**

Guwhati city is called “The Gateway of North East” where people belonging to diverse ethno-linguistic and religious groups occupying different positions in the social set-up and falling under different economic categories have come and settled here during different periods of time.

The city of Guwahati is fast developing and new areas are coming into existence every other day. At present the Guwahati city with sixty municipal wards has expanded to Dharapur in the west, Chandrapur in the east, North Guwahati in the north and Ninth Mile (Jorabat–Meghalaya border) in the south-east. The city has been experiencing a heavy influx of people from both rural and urban areas. The migration of illiterate and unskilled poor mainly from the remote rural areas has led to the formation of the urban poor in the city. The condition of the roads, public transport facilities, shopping centres, offices, educational institutions, market places, civic amenities, health condition, housing, sanitation, drainage, etc have not developed uniformly across the city. As a result, the city has become breeding ground for many anti-social activities like black-marketing, smuggling, income-tax evasion, food and drug adulteration, cheating, corruption, bribing, gambling, immoral trafficking, etc. which have led to the



causes of access to social justice. These problems of socio–economic disparities of diverse nature are well reflected in gender education inequities ranging from low level to higher level of socio-economic development.

The Guwhati city, like many other cities of the country, is differentiated both spatially and socially. Guwahati, the capital city of Assam is located in Kamrup Metropolitan District of Assam and it is covered with an undulating plain in the central and western portion occasionally encroached upon by a large number of hills, viz. Nilachal, Narakasur, Fatashil, Navagraha, Sarania, Kalapahar, Japorigog, Khanapara, etc. in and around them and varying degrees of accessibility prevailing in them, especially from the high hilly areas to their plain counterparts, areas of different land use pattern, distance zones from centre to periphery and also from slum to advanced localities. It is also highly socially differentiated in terms of various religious groups, language groups, general population with various castes and creeds, scheduled castes and scheduled tribes population throughout its length and breadth. Naturally, in such a geographical background access to social justice varies in degree and kind as the above factors greatly influence the delivery or access to the justice system. Apart from these, the political and administrative system, social malfunctioning including corruption at various levels and the nature of judicial functioning greatly affect the access to social justice by people.

## **V. Result and Discussion:**

### **Educational level from legal point of perspective in access to social justice**

The right to development of every human being and nation is impossible without the recognition of the right to education. Article 21 of the Indian constitution provides that the right to life ensures minimum conditions of living with human dignity. The Supreme Court held that right to life includes the right



to live with basic human dignity and all that goes along with it namely the bare necessities of life such as adequate nutrition, clothing and shelter over the head and facilities for reading, writing and expressing oneself in diverse forms.

The Right to Education Act, 2009 provides for education without discrimination. Our society is made up of different layers stratified into illiteracy, poverty, backwardness and different cultural diversity. The enactment of Right to Education (RTE) Act in 2009 (Published in the Gazette of India, August 27, 2009), is a landmark event in the history of independent India. The objective of the Act is to provide free and compulsory education to all children of age 6 (six) to 14 (fourteen) in a neighborhood school. For carrying out the provisions of the Act, the Government and the local authority shall establish within such area to limit of neighborhood, as many be prescribe, a school, within a period of three year from the commencement of the Act. The central Government and the state Government shall have concurrent responsibility for providing funds for carrying out the provisions of the Act. The central Government shall provide to the state Government as grants-in-aid of revenue from time to time, in consultation with State Governments. It is hope that when in April 2010 the Right to Education Act came into force, a ray of hope for those of underprivileged children destined to be engulfed in the darkness of illiteracy. This Act gives children the fundamental right to have access to quality education. It is to be said that if implemented properly, the Act would ensure that all children in the age group six to 14 complete elementary education within five years, thus making it achieving the goal.

That, if a child by his/her parents/guardians in a school other than a school established, owned, controlled, or substantially financed by fund provided directly or indirectly by the appropriate government or by local authority, such



child or his/her parents/guardian as the case may be, shall not be entitled to make a claim for reimbursement of expenditure incurred on elementary education of child in such other school. A child belonging to weaker section and the child belonging to disadvantaged group are not to be discriminated against and prevented from pursuing and completing elementary education on any grounds. To provide early child care and education for all children until they complete the age of six years, the appropriate government may take necessary arrangement for providing free preschool education for such children. No child shall be liable to pay any kind of fee or charge or expenses which may prevent him/her from pursuing and completing the elementary education. If a child above six years of age not been admitted in any school or though admitted could not complete his/her elementary education, he/she shall be admitted in a class appropriate to his/her age. For the purpose of admission to elementary education, the age of a child shall be determined on the basis of the birth certificate issued in accordance with the provisions of the Birth, Death and Marriage Registration Act, 1886.

It is significant that the National Commission for Protection of Child Right (NCPCR) constitutes under the protection of Child Right Act, 2005, shall examine and review the safeguards for the right provide by the RTE Act, 2009 and recommend measures for their effective implementation. Mandated to monitor the implementation of the Act the NCPCR is planning social monitoring of historic law. This is the first time that the law separates the implementing agency from the monitoring one. The basic premise of social monitoring is public participation in the planning implementing and evolution of programmed.

It is a herculean task to the state government for eradication of illiteracy for achieving the goals within a few years; there have been too many stumbling blocks. Poverty is the main cause for bringing children of the marginalized



sections into the ambit of education is not easy. The urban poor families in the study areas considered their children bread-earner to the families and compel them to work as soon as they are able to use their hands and legs. The children also realize that going to the school would spell doom both for themselves and the families which depend on them. The recent changes in the child labour law are a positive step which will certainly bring relief too many of these children. The revised law allows them to work in domestic business after school hours thus giving them the chance to work as well as learn and saving them from the hazards of factory labour.

Illustrate parents are the big hurdle, who see their children as an extra hand to earn cannot see the utility of education and so it remains a vicious cycle of illiteracy leading to illiteracy. Now that the new law allows children to work after school hours in domestic business, convincing these parents would be a little easier. There needs to be many more awareness campaigns by the government agencies and NGOs. Adult education has to be reinforced with greater zeal and on a large scale.

Discrimination against the girl child is so deep-rooted in our society that allowing girls to go to school is unacceptable to the poorer sectors both in the urban and rural areas. It is pathetic that fathers do not consider girls to be asserts to the family or society. Girls across the developing world are facing gender discrimination from the age of just seven. They say they are unhappy at school because they are girls. Sharva Shiksha Mission report says that 80% of girls drop out of school before they reach Class V. A combination of extreme poverty and deep bias against women creates a remorseless cycle of discrimination that prevents girls from getting educated.



Discrimination in household works segmentation of labour based in gender discrimination is still practice in the society. Women are still over burdened with house hold works. The necessity of the poor women and educated women as like to work outside home compound their trouble more compared to male. It is found that economic compulsion including extra labour from women and girl child on many instances debar them from attending schools

The state administrative machinery has failed to implement it at the ground level by gearing up too many loopholes and that far away many children's are still out of school. The student-teacher ratio is not being adhered to because of the shortage of teachers. In the Assam, lack of sufficient teachers is a major issue. The number of single teacher schools is alarming. When the Teacher Eligibility Tests (TET) were conducted in Assam, many hopeful aspirants teaching in small private schools on meager salaries thought this to be a golden opportunity to improve their lot. Unfortunately many are yet to be appointed. Teachers need incentives to work in remote areas. Incentives are a far cry, getting regular salaries is a basic need not being fulfilled. There is also mismanagement of appointments based on political convenience.

School infrastructure: survey made in the late 80s found that more than 50% of primary and secondary institutions in the country lacked basic infrastructure facilities like separate toilets for girls students, drinking water, even black board and libraries. As a result of implementation of education programmes like literary mission and sharva sikha abhiyan in Assam most of the primary middle and secondary schools have been infrastructural upgraded but the suggestion made by the early educations like Radha Krishna Committee, Kothari Commission to provide hostel facilities to girls students from far away places and to increase the ratio of women teachers to male have not been adhered



The infrastructural growth of school campus is very pathetic. Leaving aside other requirements, the basic need of safe drinking water and toilets for girls has not been provided. In some places, girls go to school without breakfast to avoid the need of using the toilet. In places there is inadequate financing, in others there is misappropriation and mismanagement of funds. There is hardly any accountability with the biggest disease of alleged corruption at all levels. There is no transparency and no redressal mechanisms in place because of lack of coordination and lethargic response to problems. In addition, there is absenteeism at will and weak school management committees.

It is an irony that most of the students studying in the schools of the State are not getting the exposure which is needed for all round development. Many of them are not even aware about the important place of historical interest and the leading educational institution of the state. Lack of proper exposure in turn exposure which had eluded them for so long students their confidence levels. In this context the State Government has launched “Gyanjyoti Scheme” if implemented properly can go a long way in the providing the students from the different areas the much needed . Under the scheme the student from rural areas are given the opportunity to visit Guwahati. The Regional Science Museum, State Zoo and Srimanta Sankardeva Kalashetra. During their visit to premier educational institution like the IIT, Cotton College, Gauhati University, lecturers are delivered to the student by the experienced faculties covering various aspects of higher studies to help them in their career planning and inculcate competitiveness among them. The scheme has been launched with a view to create awareness among the students of rural areas about the various urban development activities and also to make them aware of the premier educational, cultural and religious institutions that exist in Guwahati. The scheme besides



giving exposure to the rural students, also aims at improving their mental faculties.

The Government should instead of confining the visits to Guwahati alone, widen the ambit of the Gyanjyoti Scheme. It would help the student to know more about the state if they are taken to place like Kaziranga National Park, Historical Place in Sivsagar, Digboi, Majuli...Along with the Gyanjyoti Scheme. The government must take prompt steps to improve the education scene in the state. Except assurances from the authorities, there are hardly any positive aspects in the elementary education scene of the state. A number of maladies are affecting the Government-run elementary schools like lack of proper infrastructure inadequate teaching staff, untrained teachers, shortage of textbooks etc. The condition of the elementary schools in the rural areas can easily be visualized if one take into account the plight of several schools in and around Guwahati. The quality of education imparted in such schools can never be up to the mark and the students suffer for no fault of theirs. Significantly, most of the students in such schools are from poor families and they have to endure a hopeless learning to improve the education sector in the state will cease to have any meaning unless they are implemented in true letter and spirit.

## **6. Socio-spatial pattern in educational level in access to social justice in the Guwahati city**

Literacy is considered as a basic criterion for calculating HDI (Human Development Index) by the United Nations. Literacy and education are very essential for social, economic and political development of a region or a country. Illiteracy on the contrary, indicates ignorance and mental isolation, a higher rate of which is a hampering factor for a country's growth. Hence adult illiteracy is an



important component of Human Poverty index of UNDP (United Nation Development Programme). Illiteracy also has significant implications on demographic attributes like fertility, mortality, mobility, occupation, etc (Hussain, 1999). Illiteracy acts as a contributing factor in a number of related social problems. Literacy and level of education level and social justice of city dwellers and other issues like basic amenities, health, homeless etc have been remains in focus in different works in the study area. Studies have already revealed that as a result of migration, the level of educational attainment falls in areas of origin as well as in areas of destination as the level of education of migrants is higher than that of the native-born non-migrants but lower than the city born population to which they migrate (Desai, 1995).

The different pattern of educational level and social justice associated problems with the city dwellers. The various geographical factors are responsible for healthy existence, performance, growth and better upliftment of a society. To evaluate each of the problems with the city dwellers, certain indicators have been selected. Here, the core issues in order to evaluate illiteracy and level of education, male and female illiteracy etc are examined. Although Guwahti City has a considerably higher literacy rate of 91.11 percent (2011 census) with 92.89 percent for males and 89.16 percent for females (2011 census), the situation is dismal for the city dwellers who are mostly from rural migrants. The total pattern of illiteracy and low level of education in physical and geographic character in sampled hilly area of male illiteracy is 45.21 percent and female illiteracy is 54.79 percent. The variation of male and female illiteracy in hilly areas is 9.58 percent. In the sampled plain areas the male illiteracy is 48.01 percent and female illiteracy is 51.99 percent. The variation of male and female illiteracy in plain areas is 3.98 percent.



On the basis locational accessibility in different areas. The total pattern of illiteracy and low level of education in sampled inner zone area of male illiteracy is 46.2 percent and female illiteracy is 53.1 percent. The variation of male and female illiteracy in inner zone areas is 7.0 percent. In the sampled intermediate zone areas the male illiteracy is 47.65 percent and female illiteracy is 52.35 percent. The variation of male and female illiteracy in intermediate zone areas is 4.7 percent. In the outer zone, the percentage of male illiteracy is 49.36 percent and female illiteracy is 50.64 percent. The variation of male and female illiteracy in outer zone areas is 1.28 percent.

On the basis community wise in different areas. The total pattern of illiteracy and low level of education in sampled scheduled caste area of male illiteracy is 44.65 percent and female illiteracy is 55.35 percent. The variation of male and female illiteracy in scheduled caste areas is 10.07 percent. In the sampled scheduled tribe areas the male illiteracy is 48.75 percent and female illiteracy is 51.25 percent. The variation of male and female illiteracy in intermediate zone areas is 2.5 percent.

## **Conclusion:**

From the above discussion, it can be concluded that Illiteracy may be considered as a serious social problem for the urban poor in Guwahati. Illiteracy is very high in areas in the sampled hilly areas and in the outer zone of the study area. The level of education among the urban poor is very low as an average 65 percent of total literates have education limited to primary level only, which make up only 35 percent of the total urban poor population aged seven years and above. The percentage of population having only primary level of education in different sampled areas varies from as low as 2 percent to 51 percent in some



areas. The percentage of population having education of high school level and more is 19 percent.

The right to development of every human being and nation is impossible without the recognition of the right to education. Article 21 of the Indian Constitution provides that the right to life ensures minimum conditions of living with human dignity. The Supreme Court held that the right to life includes the right to live with basic human dignity and all that goes along with it namely the bare necessities of life such as adequate nutrition, clothing and shelter over the head and facilities for reading, writing and expressing oneself in diverse forms. The hindrance of development in a place is a negative impact in the society. The rights contained in the political framework are of no use to poor people as they are also inflicted by ignorance. They are neither aware of modern laws nor their own rights and cannot enjoy even the basic rights. Further, they do not get the advantage of literacy and education. Education is a natural requirement for harmonious and progressive development of man's innate power remains beyond the means of people who are backward.

These city dwellers are not aware of their necessity of education, their rights, health care, and recreation, nor there any governmental or private institution to provide them their basic amenities/facilities. It is a matter of concern and surprise that even after more than six decades of independence, some dwellers of our country living in such remote areas are still in total ignorance of their rights and duties and succumb to poverty, deprivation, exploitation and superstition. It has been found that they do not have awareness of their legal rights, nor even the minimum education for all family members. They are simply living from hand to mouth without any prospect and development. It is seen that even the children up to 15 years are not going to



school and the parents are not serious about their education. Without education it is very difficult to place their problems before the agencies and it is their fundamental right to get free education up to 14 years.

Indian Constitution also gives recognition to the rights in the Directive Principles of State Policy and the Supreme Court acknowledges it as a fundamental right. In fact, literacy rate is very poor and women in majority are among the illiterates. Illiteracy has a direct bearing upon exploding population and mortality rate among infants and their mothers. The dwellers of this area are mostly illiterate and they are not aware of the right conferred upon them by law. There is lack of legal awareness amongst them. These people are somehow surviving without any knowledge of their constitutional and legal rights, as the outside world is unknown to them. In an age where people are talking of internet, cyber laws, and intellectual property rights and ever changing models of fast cars, these people are in content just to be alive without enjoying minimum basic amenities, not to talk of the modern amenities.

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