

## **THE IMPACT OF RELIGION IN GENDER DISCRIMINATION IN INDIAN SOCIETY**

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### **ABSTRACT**

*Gender has been pivotal when it comes to religious beliefs and practices. Subsequently, religions have a high influence in segregating gendered roles. A study conducted by Darwin shows numerous reasons for such influence. The urge to ascertain the correlation between gender and religion has been a subject of many researchers' interest areas. As a result, various approaches have been developed. Even, just looking at a few of the most common religious practices of popular religions, clearly indicates the difference in gender roles. Subsequently, created a strict bifurcation of gender roles in society. In addition to this, religion has paved a patriarchal society, where it has successfully penetrated some of the religious norms, and corrupted it. Many scholars believe religious scriptures are not responsible for gender discrimination but rather for human beliefs and interference. The impact of such interference is evidently felt even in the contemporary world where progressive people are in favor of gender equality. However, meddling with religion has given rise to a patriarchal culture where women of different religions are fighting battles to break such stereotypes every day. The recent outrage over the compulsion to wear a 'hijab' in Iran, and the issue of wearing a 'hijab' in Karnataka, are incidents showcasing how easily the freedom and rights of women can be curtailed as per the convenience of society. Thus, different religions have established a variety of gendered systems.*

**Keywords:** Women, Gender, Religion, Society etc.

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## I. INTRODUCTION

Religion plays a complex role in Indian society, and while it is important to note that not all religious practices contribute to gender discrimination, however, there are instances where certain interpretations and cultural practices within religions can perpetuate or aid gender inequality. It is essential to approach this topic with sensitivity, recognizing that religious beliefs and practices vary among individuals and communities.<sup>1</sup>

## II. PATRIARCHAL INTERPRETATIONS

In some instances, patriarchal interpretations of religious texts and scriptures have been used to justify and perpetuate gender discrimination. Certain religious traditions and norms prescribe strict gender roles and restrict women's autonomy, reinforcing traditional hierarchies and inequalities. Patriarchal practices and gender discrimination are deeply ingrained in many societies around the world, including in India. Patriarchy refers to a social system where power and authority are primarily held by men, and it often results in the subordination and unequal treatment of women.

Patriarchal practices contribute to gender discrimination in various ways:

*Gender Roles and Expectations:* Patriarchy assigns rigid gender roles and expectations to men and women, reinforcing stereotypes and hierarchies. Women are often expected to conform to traditional roles as caregivers, homemakers, and subordinate to men, while men are expected to be the primary breadwinners and decision-makers. Such roles limit opportunities and reinforce unequal power dynamics.<sup>2</sup>

*Limited Access to Education and Employment:* Patriarchal norms may restrict women's access to education and employment opportunities. Discrimination and bias can limit educational opportunities for girls, leading to lower literacy rates and limited career prospects. Gender-based occupational segregation and pay gaps persist, preventing women from achieving equal economic empowerment.

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<sup>1</sup> Barak-Erez, D. (2017). Law and religion under the status quo model: Between past compromises and constant change. In *Law and Religion, An Overview* (pp. 343-355). Routledge.

<sup>2</sup> Mahmood, T. (2017). Religion, law, and judiciary in modern India. In *Law and Religion, An Overview* (pp. 321-341). Routledge.

*Violence and Gender-Based Abuse:* Patriarchal societies often tolerate or condone violence against women. Gender-based violence, including domestic violence, sexual harassment, and dowry-related abuse, is a significant manifestation of gender discrimination. These acts perpetuate power imbalances and restrict women's freedom and safety.<sup>3</sup>

*Restrictions on Autonomy and Decision-Making:* Patriarchy can restrict women's autonomy and decision-making power, particularly in matters related to their own bodies, marriages, and reproductive choices. Forced marriages, child marriages, and limitations on women's rights to inherit and own property are examples of patriarchal practices that perpetuate gender discrimination.<sup>4</sup>

*Cultural Norms and Social Expectations:* Patriarchal norms are reinforced through cultural practices and social expectations. These norms dictate how women should behave, dress, and express themselves, often leading to the policing of women's choices and limiting their individuality and self-expression.

Addressing patriarchal practices and gender discrimination requires concerted efforts across various fronts. This includes implementing and enforcing laws that protect women's rights, promoting gender-sensitive education, challenging societal norms and stereotypes, and encouraging men's active participation in gender equality efforts. Empowering women economically, and providing access to education, healthcare, and legal support are also essential for dismantling patriarchal structures and creating a more equitable society.<sup>5</sup>

### III. RESTRICTIVE RELIGIOUS PRACTICES

Some religious practices and rituals may restrict the rights and freedoms of women. For example, in certain communities, women may face restrictions on entering religious spaces, participating in religious ceremonies, or holding leadership positions within religious institutions. These practices can limit women's agency and contribute to gender disparities.<sup>6</sup>

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<sup>3</sup> Tomalin, E. (2023). Spiritual Abuse and Gender-Based Violence. In *Gender-Based Violence: A Comprehensive Guide* (pp. 323-334). Cham: Springer International Publishing.

<sup>4</sup> Rao, B. (2004). Religion, law, and minorities in India: Problems with judicial regulation. In *Regulating Religion: Case Studies from Around the Globe* (pp. 381-413). Boston, MA: Springer US.

<sup>5</sup> Suchday, S., Santoro, A. F., Ramanayake, N., Lewin, H., & Almeida, M. (2018). Religion, spirituality, globalization reflected in life beliefs among urban Asian Indian youth. *Psychology of Religion and Spirituality*, 10(2), 146.

<sup>6</sup> Abeyratne, R. A. (2018). Privileging the powerful: Religion and constitutional law in India. *Asian Journal of Comparative Law*, 13(2), 307-331.

*Inheritance and Property Rights:* In several religious communities, inheritance and property rights are governed by religious laws and customs that discriminate against women. These laws often favor male heirs, which can lead to unequal distribution of assets and economic disparities between genders.

Restrictive religious practices can contribute to gender discrimination by imposing limitations, inequalities, and barriers to women's rights and freedoms. While it is important to note that not all religious practices are inherently discriminatory, certain interpretations and customs within religious traditions can perpetuate gender inequality.

Here are some ways in which restrictive religious practices can contribute to gender discrimination:

*Access to Religious Spaces and Leadership Roles:* Some religious practices restrict women's access to sacred spaces, and places of worship, or exclude them from participating in certain religious rituals and ceremonies. Additionally, in many religious institutions, women are often excluded from holding leadership positions or playing influential roles within religious hierarchies, reinforcing gender disparities and limiting women's agency in religious matters.

*Modesty and Dress Codes:* Certain religious traditions enforce strict dress codes and concepts of modesty that predominantly apply to women. These codes often place the burden on women to conform to specific clothing requirements, restricting their freedom of expression and reinforcing the notion that their worth is primarily tied to their appearance.

*Marriage and Divorce Laws:* Religious personal laws in India, which govern matters of marriage and divorce, differ across religious communities. Some of these laws contain provisions that are perceived as discriminatory against women. For instance, certain religious practices may allow for child marriages, polygamy, or unequal divorce rights, where women face more significant challenges and limitations compared to men.

*Inheritance and Property Rights:* In some religious traditions, inheritance and property rights are governed by customs and religious laws that discriminate against women. These practices often favor male heirs, leading to unequal distribution of assets and economic disparities between genders.

*Ritual Impurity and Menstruation:* Some religious practices consider menstruation as impure, leading to restrictions or exclusion of women from participating in religious activities during their menstrual cycles. These beliefs reinforce taboos and stigmatization around menstruation, marginalizing women and limiting their engagement in religious practices.

It is important to recognize that religious practices and interpretations vary within and across different religious communities. Many individuals and religious groups are actively challenging and reinterpreting these practices to promote gender equality and inclusivity. Promoting dialogue, and education, and fostering a nuanced understanding of religious teachings can help challenge restrictive practices and promote gender equity within religious contexts. It is crucial to strike a balance between respecting religious freedom and ensuring that religious practices do not perpetuate discrimination or hinder women's rights and empowerment.<sup>7</sup>

#### IV. DISCRIMINATION IN MARRIAGE AND FAMILY LAWS

Religious personal laws in India, which govern matters such as marriage, divorce, and custody, differ across religious communities. Some of these laws have been criticized for perpetuating gender inequality, such as unequal divorce rights, limited autonomy in marriage decisions, and discriminatory practices like triple talaq in Muslim personal law.

Discrimination in marriage and family laws can contribute to gender discrimination by perpetuating unequal power dynamics, limiting women's rights, and reinforcing traditional gender roles. Such discriminatory practices are found in various legal systems around the world, including in India. Here are some aspects where discrimination can be observed:

*Divorce Laws:* In some cases, divorce laws may place heavier burdens and restrictions on women compared to men. For example, certain religious personal laws in India have provisions that grant men greater ease in initiating the divorce, such as through practices like triple talaq, while placing more significant hurdles and challenges for women seeking a divorce.

*Marriage Age:* Discrimination can be seen in the minimum age of marriage. In certain religious personal laws, the minimum age for marriage is lower for girls than for boys. Early marriages

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<sup>7</sup> Seetahul, S. (2018). Where Does the Stigma Lie?: Exploring the Roles of Gender, Religion and Caste in the Indian Labor Market (Doctoral dissertation, Bordeaux).

can have severe consequences for girls, including curtailed education, limited opportunities, and increased vulnerability to various health and social risks.

*Polygamy:* Polygamy, the practice of having multiple spouses, can reinforce gender inequality by disproportionately affecting women. While polygamy is not prevalent in all communities, certain religious personal laws in India permit it, for instance, Mohammedan Law, where men are permitted to have 4 wives at a time. Although the reasoning behind such practice was noble, which is to protect the widows of men who died in wars, or rebellions. However, in modern times, it has become a tool to exploit women and such practice leads to the unequal treatment of wives and exacerbates issues related to financial security, emotional well-being, and marital rights.

*Inheritance Laws:* Discrimination can exist in inheritance laws, particularly in relation to women's entitlements to property and assets. Some religious personal laws may grant women limited shares or exclude them from inheritance altogether. These discriminatory practices contribute to economic disparities and limit women's ability to access and control resources.

*Custody and Guardianship:* Laws regarding child custody and guardianship can also perpetuate gender discrimination. In some cases, women face significant challenges in obtaining custody of their children after divorce, particularly when they remarry or choose a different faith. This can restrict their rights as parents and impact their relationship with their children.

Addressing discrimination in marriage and family laws requires comprehensive legal reforms, social awareness, and a shift in cultural attitudes. It is crucial to promote laws that ensure gender equality, protect women's rights, and challenge discriminatory practices. Engaging in dialogue, encouraging women's empowerment, and advocating for legal reforms are important steps toward achieving gender equality in marriage and family laws.

## V. STIGMA AND SOCIAL EXCLUSION

Religious norms and practices can contribute to the stigmatization and social exclusion of women, particularly those who challenge traditional gender roles. Women who deviate from

prescribed norms may face social backlash, ostracism, and discrimination within their religious communities.<sup>8</sup>

It is important to note that religion is a complex and multifaceted aspect of Indian society. While certain religious practices may contribute to gender discrimination, it is not an inherent characteristic of all religions. There are also progressive interpretations and efforts within religious communities to challenge gender discrimination and promote equality.<sup>9</sup>

Addressing gender discrimination requires a comprehensive approach that encompasses legal reforms, education, social awareness, and challenging patriarchal interpretations. It is crucial to engage with religious leaders, scholars, and communities in constructive dialogue to promote gender equality while respecting religious diversity and freedom of belief.

Stigma and social exclusion are significant contributors to gender discrimination, as they marginalize and devalue individuals based on their gender, perpetuating inequalities and restricting opportunities for women. Here are some ways in which stigma and social exclusion contribute to gender discrimination:

*Cultural Norms and Stereotypes:* Stigma and social exclusion stem from deep-rooted cultural norms and stereotypes that prescribe strict gender roles and expectations. These norms dictate how women should behave, dress, and express themselves, often limiting their choices and opportunities. Deviating from these prescribed norms can lead to social stigma, judgment, and exclusion.<sup>10</sup>

*Limited Access to Education and Employment:* Stigmatization and social exclusion can impede women's access to education and employment. Cultural beliefs that devalue women's capabilities and prioritize their domestic roles can result in limited educational opportunities for girls. Discrimination and bias in the workplace can hinder women's career advancements and perpetuate gender-based occupational segregation.

*Violence and Harassment:* Stigma and social exclusion can contribute to a culture of violence and harassment against women. The fear of stigma, victim-blaming, and social isolation often

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<sup>8</sup> Jaspal, R. (2011). Caste, social stigma and identity processes. *Psychology and Developing Societies*, 23(1), 27-62.

<sup>9</sup> Judge, P. S. (Ed.). (2014). *Mapping social exclusion in India: Caste, religion and borderlands*. Cambridge University Press.

<sup>10</sup> Verma, N. M. P., & Srivastava, A. (Eds.). (2020). *The Routledge handbook of exclusion, inequality and stigma in India*. Taylor & Francis.

prevent women from reporting incidents of violence or seeking help. Stigmatizing attitudes towards survivors of gender-based violence can perpetuate a cycle of discrimination and silence.

*Limited Political Participation and Representation:* Social exclusion can marginalize women from political participation and decision-making processes. Gender stereotypes and societal expectations often discourage women from engaging in politics or holding leadership positions. As a result, women's voices and perspectives are underrepresented in political and public spheres.

*Stigmatization of LGBTQ+ individuals:* Stigma and social exclusion also affect individuals who do not conform to traditional gender norms, including those who identify as LGBTQ+. Discrimination and social exclusion based on sexual orientation or gender identity further exacerbate gender inequalities and restrict individuals' rights and opportunities.

## VI. CONCLUSION

Addressing stigma and social exclusion requires challenging societal norms, promoting inclusivity, and fostering a culture of respect and equality. Education, awareness campaigns, and initiatives that challenge stereotypes, promote gender sensitivity, and empower women are essential. Additionally, creating safe spaces, implementing anti-discrimination laws, and fostering supportive environments that respect and embrace diversity are crucial steps toward eliminating gender discrimination and promoting inclusivity for all.<sup>11</sup>

The relationship between gender and religion has been a topic of ongoing debate and discussion. While religion can serve as a source of comfort, guidance, and community for individuals, it has also been critiqued for its potential to perpetuate gender inequalities and discrimination. Here are some key points that contribute to the debate:

*Patriarchal Interpretations:* Critics argue that patriarchal interpretations of religious texts and traditions have resulted in the marginalization and subordination of women. Certain religious doctrines and practices may reinforce gender roles and restrict women's rights and autonomy, contributing to gender discrimination.

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<sup>11</sup> Lakhani, S., Sacks, A., & Heltberg, R. (2014). "They are Not like us": Understanding Social Exclusion. The World Bank.



*Gender-Egalitarian Interpretations:* Supporters contend that religions themselves may contain principles and teachings that promote gender equality and justice. They argue that patriarchal interpretations do not align with the true essence of religious teachings, which emphasize principles such as love, compassion, and respect for all individuals regardless of gender.

*Women's Agency and Choice:* Some argue that women's active participation in religious practices and leadership roles can challenge traditional gender roles and pave the way for greater gender equality. They assert that women's agency and choice within religious contexts can bring about positive change and inclusivity.

*Intersectionality:* The intersectionality of gender and religion adds complexity to the debate. Different religious communities have varying cultural and social norms, which interact with gender dynamics in unique ways. The experiences and challenges faced by women within different religious traditions may differ significantly.

*Religious Reforms:* Many proponents of gender equality within religious contexts advocate for reforming religious interpretations and practices. They argue for the need to reinterpret religious texts and traditions to ensure they are compatible with principles of equality, justice, and human rights.<sup>12</sup>

*Faith and Empowerment:* Supporters highlight the role of religion in providing individuals, including women, with a sense of empowerment, spirituality, and purpose. They argue that faith can be a source of strength and can motivate individuals to work towards social justice and equality.

It is important to approach this debate with nuance and respect for diverse perspectives. Not all religious traditions and interpretations are inherently discriminatory, and there are progressive movements within various faith communities that actively challenge gender inequalities. Engaging in respectful dialogue, promoting critical thinking, and working towards inclusive interpretations of religious teachings can foster greater understanding and progress in addressing gender-related issues within religious contexts.

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<sup>12</sup> Kumar, S. (2016). Contribution of socio-religious reform movement to attain the social justice in Indian society. International journal of advances in social sciences, 4(2), 107-110.

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