



EARLY SHADOWS: THE SILENT SCARS OF GENDER DISCRIMINATION

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ABSTRACT

Gender inequality can be defined as the discrimination between individuals based on their sex. It impacts not only the present and young generations but also the young future generations, impacting their mindset and overall growth. This disparity is rooted in the childhood of every individual, where one gets enough of everything and always prefers the other over the other, irrespective of better abilities and capabilities. This article delves into all the visible and invisible biases that arise even before the birth of an unborn girl child and continues and ends with her life. With the mythological narratives, it also covers the traditional and inhumane practices such as the sati system and female feticide.

It explores the patriarchal norms and the gender expectations, and how it impacts the health and rights of a girl child, including their compromise on their wants with long-term psychological and physical consequences. Subsequently, as they reach their adolescence, how the societal expectations and conditions influence their self-worth and ambitions, which curtail their freedom in a way that, thereby leads to the aspirational gap on the basis of gender, also leading to economic inequality. It also discusses the other way, in what way a male can face discrimination and do a male. Later, it talks about the constitutional and legal safeguards while emphasizing on the need for a transformative change in it, and finally concludes with the way to look forward to tackle the situation and get an end to this discrimination where the gender of a particular person will not become a hurdle for his or her destiny.

Keywords: Gender Inequality, Discrimination, Female Foeticide, Economic Inequality.

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INTRODUCTION

Gender disparity, which is also known as gender inequality, or gender injustice, which everyone has experienced once in their entire lifespan, in any or the other way where the person would've been treated unequally based on gender. It is a deeply unshakeable social issue that is often hidden in the fabric of one's life and especially for girls. This disparity begins at the start of their existence and lasts till the lifetime reveals in very obvious forms. These silent incidents deeply impact on girl's life.

On one hand, if we talk about mythology, where females were treated as the Goddess and the better-half of males who is the source of energy in their life and give the sense of completeness in the life of the man and the woman both, however on the other hand, if we talk about the present time, even in the childhood which is often called as a time of innocence and equal opportunity but in reality that is the beginning of the formation of disparity, which is also a root cause for this for this injustice in a girl's life, and a foundational period where values are formed, roles are internalized and the societal norms are passed down in girl's lifetime and the following generations. Here, it begins with the discrimination in access to nutrition, education, emotional support and basic freedoms, which begins subtly but at the same time powerfully sets the stage for lifelong disadvantages.

But, this gender bias at that early age is often normalised, ignored or sometimes even disguised as tradition and culture. Unlike the overt forms of discrimination, such hidden inequalities are unnoticeable and escape the fate of millions of girls, which affects their health, aspirations and economic opportunities. That's where the unseen equality is said to begin based on their gender, i.e. just because of them being females, in their life, which later traces its journey from sometimes, in worst cases for females, from pre-birth biases to adolescent conditioning till the adulthood while evaluating the legal and societal framework to address them.

A GLANCE AT MYTHOLOGY

According to the Hindu mythology, it is the cultural and moral bedrock of many societies, which offers the stories of incidents and events that shape collective identities and norms of the society. In that mythological world, women were considered as the 'ardhangini' of their husband, and men were considered as the 'ardhang' of their wife, which means better-half of each other, which completes each other's life and helps each other to achieve the goal of their

personal and matrimonial lives. This enhances their roles as women in society, and also in the lives of their husbands, unlike in the present era.

Even goddesses are categorised with their important and powerful role as a mother, a companion, or a destroyer, outside the framework of male-centric narratives, where their roles are considered equal to that of males, and everyone is considered as equals. Talking about their roles: Lord Brahma, who is the creator of the universe, need knowledge in order to perform his function, and for the same, his wife is Goddess Saraswati, who is the goddess of knowledge and enlightenment, wherein she is important in his life as the source of energy to have knowledge for the creation of the universe for the performance of his functions and on the same place he is important in her life to give direction to her energy i.e. knowledge, in order to fulfill the purpose of her life; Lord Vishnu, who is the considered as the nurturer, preserver or the maintainer of the universe created by Lord Brahma, need wealth in order to perform his function, and for the same, his wife is Goddess Shri, also known as Goddess Lakshmi, who is the goddess of wealth, fortune, prosperity and beauty, wherein she is important in his life as the source of energy to have wealth to nurture this universe as to for the performance of his functions and on the same place he is important in her life to give direction to her energy i.e. wealth, in order to fulfill the purpose of her life; and Lord Shiv, who is the destroyer, transformer and regenerator of this universe, need power or energy, need energy in order to perform his function, and for the same his wife is Goddess Shakti, also known as Goddess Parvati, who is the Goddess of power, wherein she is important in his life as the source of energy to have power for the performance of his functions of regeneration of this universe and destroying the evils of this universe and on the same place he is important in her life to give directions of her energy i.e. power, in order to fulfill the purpose of her life.

Also, the goddesses were not only supposed to be the energy and important for the performance of functions of their husbands, but also perform these functions by themselves or through their incarnations. Therefore, it cannot be said that there existed even a bit of discrimination and disparity between males and boys. Both were raised at par and with equal opportunity, and hence, it is only in today's world where such an injustice exists.

FROM THE BEGINNING: INHUMANE PRACTICES

Gender disparity in India is rooted deeper than social conditioning and entangled in brutal practices, which question the very right of a girl to exist. There exist some very inhumane practices that have historically marked the beginning of and even now, at present, as gender.

In India, gender disparity not only begins at birth, but also begins before birth. The starting point of gender discrimination is called female foeticide. It is the practice of killing or deliberate abortion of the female foetus, which is detected by a medical procedure, solely based on its sex, and even at present, despite the legal prohibitions, the practice continues to exist. This practice is solely driven by the deep-seated societal preferences for male children, as males were considered to be the assets as to carry the lineage of the family, whereas the females were considered as the liabilities of the family, from which the family want to get rid off as soon as possible by either killing them or getting them married at the youngest possible age, and if they got married, then in the worst scenarios, were kept in the home for the household chores and to deliver kids. The preference for sons is not a recent phenomenon but embedded in centuries-old customs that devalued women's lives. Many times, women just lose their lives while delivering the child for their Nth child in want of a male child. At worst, apart from facing the family pressure for the preference of male child, most of the time when a female foeticide is being committed, it takes place with the consent of the mother of that child, who, being a female, is consenting to kill her female unborn child in want of a male child.

This has led to the skewed sex ratio across several states, where girls were being systematically eliminated before getting a chance to live their lives and fulfil their dreams. According to census data, the child sex ratio by 8 in 2011, from 927 in 2001, which indicated a silent demographic crisis rooted in gender bias.¹

The other most brutal practice was Sati. The practice of sati is the immolation of a widow on her husband's funeral pyre, instead of allowing her to remarry or even to live her life on her terms after the death of her husband. The practice had a profound and negative impact on women's lives and society in general, which symbolises an extreme form of patriarchal control where a woman's identity and was tied solely to her husband and represented the erasure of a women's autonomy but also her existence beyond marital life and status of wife of someone.

¹ Press Information Bureau, Government of India, 'Child Sex Ratio Census 2011' (19 May 2015) <https://pib.gov.in/newsite/printrelease.aspx?relid=103437> accessed 22 April 2025.

Whereas, on the other hand, in case of a husband, he is allowed to remarry or live his life at his terms, which depicts the society controlling the life of a woman as to live according to the conditions of the society instead of living at her whims and fantasies, and freeing a man to live according to his whims and fantasies.

Such inhumane practices, though, are different in form and time and are at the individual and systematic level devaluing the life of a female and, like this, the very existence of a female's life is marked by a societal rejection or conditional acceptance forms and laid down the lifelong inequality in their life.

CHILDHOOD: THE ROOT OF DISCRIMINATION

Childhood, which can be said as the critical stage of life where a person learns the basics of life from the surroundings at home or school. These two become the primary teachers in a person's life at that early stage. At this stage, gender roles are planted, nurtured and normalised and mostly without question, as at that early stage, whatever is taught and observed from their surroundings is absorbed by them. However, discrimination, as discussed earlier, begins at the earliest of a girl's life, and sometimes even before the birth of a girl child, traces its journey even in the childhood of a girl's life, even in classrooms, at home, or even on playgrounds.

In most Indian households, boys and girls are raised differently with different expectations and are provided with different teachings. On the one hand, boys are raised and encouraged to be active, bold, assertive, independent, strong, and dominant, whereas, on the other hand, girls are raised to be obedient, nurturing, quiet, sacrificing, and followers. These characteristics may seem benign, but have far-reaching consequences and impact the self-perception of their own life which leading to have them insecurities, lack of confidence at a young age, which continues to impact their life of till the end. Especially girls, when grown up with these characteristics, have lack of confidence and a lot of insecurities about themselves and their life, which bars them to lead their own life in their way and subsequently, such girls, instead of them living their own life as an independent person, becomes underconfident who is bound by others' decision.

The core institutions of socialisation, such as families and media, also play a decisive role in reinforcing such gender stereotypes. In families, where their primary growth takes place also unknowingly or unknowingly impose biases as discussed earlier through their language, exceptions and even praises, where girls are being asked to act passively and quietly, whereas

boys are pushed to make decisions and be dominant. Meanwhile, media also glorifies hyper-masculinity and idealized femininity, for example Instagram reels as of now where it shows that how a girl should be, what feminine characteristics she should hold and how a boy should be and about his masculine characteristics, it keeps on feeding their young minds with such gender discriminatory content as a real and ideal boy and girl which shaped their thinking with such harmful stereotypes which can leave a long-lasting imprint on their mindset and growth.

This discrimination is most evidently visible in the basic, unnoticeable choices such as toys, clothes and chores. On one hand when a boy gets cars, action toys, business games, chess and science kits, on the other hand girls are handed over with dolls and miniature kitchen sets, which represent the mindset and thought before those gifts where a boy is encouraged with such toys to lead an independent life and to be strong, whereas such gifts to girls subtly steer them towards having a future in domestic life. Similarly, pink, frills and light-colored clothes are chosen for girls and blue, bold prints and colored clothes are chosen for boys, which further compartmentalise their identities in opposite ways. Even household and other chores and tasks are divided among them in such a way that cooking, cleaning, and the works to be performed inside are given to girls for which they rarely get praised for, while boys are assigned with the work outside which gives them a sense of confidence to go out and talk to others, and can enjoy leisure or are often praised for minimum help and performance in household chores.

These are not impactful at first instance, but can deeply impact a girl's life and her future, where she can feel so underconfident and even unable to lead her own life. They shape a child's understanding of self-worth, opportunity and power, where boys grow as a decisive, strong and independent person leading their own lives, and girls grow as underconfident, low self-esteem people unable to make her decisions by her own decisions. And that is what makes childhood the true root of gender discrimination.

IMPACT ON EDUCATION AND HEALTH

Gender disparity also impacts a girl's education, physical health and mental health. When we talk about education and health, these are the most fundamental to one's life and twin pillars, irrespective of their gender, which have a great impact on everyone's life, and therefore cannot be ignored. Boys are often prioritized when it comes to education and girls face dropouts, restrictions to enrolment, regular attendance and continued schooling due to financial constraints because they consider educating boys as an investment on assets and daughter as a

future burden and that's why girls are pulled out of schools forcefully to help with the domestic chores, to care for the younger siblings to get prepared for early marriages to get rid of the burden as soon as possible. Even in schools, most of the teachers are male, and even that discourages the girls as well as the parents from getting enrolled in the schools.

Simultaneously, if we talk about health, there is not much awareness about the health of girls, and mental health is the most ignored issue among them. Also, while talking about physical health, malnutrition, poor hygiene, excessive labour, limited access to medical facilities and lack of good medical facilities. Even for adult and married females, there is a lack of awareness and facilities for pregnancy and related issues, and even that weaken their physical health and cognitive development. Especially at the onset of and during menstruation, which is surrounded by stigma, silence, lack of awareness, and lack of hygiene, and where menstrual hygiene products and in rural areas, even talking about them is a shame. Therefore, this unavailability, thereby causing health inequalities, restricts a girl's ability to grow and have opportunities.

When these two individual issues are combined, they become a vicious cycle of the disruption of education and neglect of health, where poor health leads to missing opportunities, which are already limited, and a lack of education reduces awareness of health rights and resources. And to ensure gender justice in such a scenario, both of these issues must be tackled and addressed simultaneously, as not allowing them to dismantle the discrimination faced by girls at the earliest stages of life.

MINDSET AS AN ADOLESCENT AND ADULT

Adolescence is a transitional phase of life and the stage between childhood and adulthood, which is characterised by significant physical, psychological and cognitive changes and develop oneself. It is the onset of puberty where the person experiences new emotions and feelings about themselves and others. At this stage, the adolescent becomes more influenced by peers and develops stronger social bonds. However, even this significant stage of life is marked by gender inequality, which directly impacts the mental health of such a person, thereby affecting entire and overall growth.

As a female child moves into the stage of adolescence, these silent imprints of this discrimination, which was being suffered from their childhood begin to become increasingly evident and leave lasting impacts and this psychological impact of years of being treated and grown in such environment impacts deeply on their mental health, self-worth and their identity.

Often, adolescent girls suffer anxiety, lower self-esteem, and depressive tendencies, which are shaped by the societal messages which is covered with a sense of discrimination. And as much as this unequal and discriminatory treatment continues in their surroundings, it forces them to expect less from themselves and the world around them, and it limits their ability to assert themselves and to imagine a bold future for themselves.

As a result, their confidence is eroded even before it is fully formed, and girls start believing in their faults every time, even if they are caused by external factors, and that is why, instead of questioning and speaking about it, they just blame themselves for not being enough or unworthy. And such patterns, if left unaddressed and unanswered, continued to affect their adulthood, career choices, relationship and even their autonomy.

Adult women who grew up facing such discrimination in their surroundings and kept under such gender bias often struggle with themselves, indecisiveness and dependency, even though they are capable of leading their own lives in their own way. And such mental and emotional scars of childhood discrimination do not begin to fade its effects, but instead grow which limits the true potential of a woman and lead to live a life on terms of another where someone else is taking control of her life and she is taught to be obligatory to the person, which at the end destroys her world.

FEARS AND ASPIRATIONAL GAP

This deep-rooted gender disparity and treatment limit the aspirations, and also inculcate deep-rooted fears which shape a girl's mindset about her safety, freedom and ambitions. When from the childhood, girls were made to do and handle the roles for the traditional customs and practices such as housework, caring, preparing for marriage in all possible way, and at the same place the boys are prepared to be strong and encouraged to decisive for them and their families, explore every possible area, compete, and to dream big for themselves. Women are assigned with the household chores and a man is assigned with the work outside to earn a living family which is presumed to be a bigger role traditionally, and that's why, unpaid labour became a normalised concept for girls, and therefore, society starts believing in consuming their energy in preparation of marriage and teaching them how to be an ideal mother, instead of investing in education and growth for them.

The other reason for the aspirational gap and this inequality between girls and boys is early child marriage. It is driven by social custom and poverty, where many girls were married off

to any man irrespective of his age, by their parents in a very early age even before they could get a chance to complete their studies, which even hindered their chance of study further and to aspire for anything in their life. It further led to the abrupt end of their childhood, which then locks them into constant dependency and economic hardships, thereby leads to obstructing them and their way to empowerment, sufficiency, building a future of their own, and getting opportunities for the same. In India, if we talk about our grandmother, she was married off at the age of twelve or even before, due to poverty or just the social custom, and since then living the same life without getting the opportunity to study, take her own decisions, and even without being heard anyone or ignorance of her resistance by her family. And with time, she accepts it as her life to be a good wife, good mother, and her life just remains in this circle till her last breath.

This practice is not so common for boys, as they were considered as assets of the family by the parents, so they were provided with the opportunity to study, build a future for their own and their family. They were taught to be bold and strong and given the opportunity to make decisions for their own. The most common and the ever-present fear which girls carry with them every moment of their life, and which the boys rarely thought of or are forced to carry, was the fear of the opposite gender. Talking about a girl's safety in her own country, and sometimes even in her own home, is a shame. But such a fear exists, the fear of sexual harassment, eve-teasing, and violence, especially after dark, which restricts her mobility and even her confidence. And because of this fear of the opposite gender, which is beyond their control and fault, it limits their freedom and movement. Girls are taught to dress cautiously and to always remain vigilant, also they by themselves put certain limits and restrictions upon them to be safe as in this patriarchal world, only girls will be the one to be blamed even if the harm is caused to them, so they have to live with such anxiety for their entire life, whereas boys were never taught to create a safe environment for others, and never even made to understand such issues. Henceforth, this ingrained fear becomes a silent companion of the girls, which influences their ambitions and forces them to put their dreams conditional to these fears are addressed, which shapes the landscape of gender inequality even before their adulthood.

NATIONAL AND INTERNATIONAL LEGAL FRAMEWORK

The legal framework which issues regarding the governance of gender inequality and works in favour of gender justice is shaped by both national and international standards and aims at ensuring the protection and equality of all children and adults, irrespective of their gender. In

India, the national legal framework includes Article 14, 15, and 21 of the Constitution of India, which ensures equality before law for everyone, prohibition of discrimination on the ground of sex, and the right to life and personal liberty which also includes the right to live with dignity, without discrimination, respectively.^{2,3,4}

The other national legal frameworks include the Right to Education (RTE) Act, 2009,⁵ The Protection of Children from Sexual Offences (POCSO) Act, 2012,⁶ establishment of the National Commission for Women,⁷ Anti-trafficking laws,⁸ Article 39 (d), which emphasises Equal pay for Equal work,⁹ women's reservation for education and employment, and certain other legislations regarding the prevention of child marriage,¹⁰ female genital mutilation and the prohibition of dowry,¹¹ which aims to address every issue, focusing on vulnerabilities faced by girls and can restrict and limit them from having a future. Also, certain schemes like Beti Bachao Beti Padhao¹² were initiated by the central and state governments to address this long-lasting discrimination, specifically in rural areas, for promoting health, education and protection of the future of these girl children.

The role of the judiciary is pivotal in advancing gender justice. The judiciary, with the developing reformatory society, with its progressive judgements, tries to deal with such issues and is unable to keep laws from becoming obsolete so that it can deal with the newly arising situations. Through the landmark judgements, the courts have reinforced the importance of gender-sensitive approaches in child welfare and holds for the accountability of the state

² Constitution of India art 14, 15, and 21 available at <https://indiankanoon.org/doc/367586/> accessed 22 April 2025.

³ Constitution of India art 21, available at <https://indiankanoon.org/doc/609295/> accessed 22 April 2025.

⁴ Ibid

⁵ Right of Children to Free and Compulsory Education Act 2009 (India), available at <https://indiankanoon.org/doc/1297546/> accessed 22 April 2025.

⁶ Protection of Children from Sexual Offences Act 2012 (India), available at <https://www.indiacode.nic.in/bitstream/123456789/2079/1/AA2012-32.pdf> accessed 22 April 2025.

⁷ National Commission for Women, 'About the Commission' <https://www.ncw.gov.in/about-us/about-the-commission/> accessed 27 April 2025.

⁸ Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018 (India), available at <https://www.indiacode.nic.in/bitstream/123456789/2079/1/AA2012-32.pdf> accessed 22 April 2025.

⁹ Constitution of India art 39(d), available at <https://indiankanoon.org/doc/555882/> accessed 22 April 2025.

¹⁰ Prohibition of Child Marriage Act, 2006 (India), available at https://www.indiacode.nic.in/bitstream/123456789/15943/1/the_prohibition_of_child_marriage_act%2C_2006.pdf accessed 22 April 2025.

¹¹ The Dowry Prohibition Act, 1961 (India), available at https://www.indiacode.nic.in/bitstream/123456789/5556/1/dowry_prohibition.pdf accessed 22 April 2025.

¹² Bajaj Finserv, 'Beti Bachao Beti Padhao (BBBP) Scheme' <https://www.bajajfinserv.in/investments/beti-bachao-beti-padhao-~:text=The%20Beti%20Bachao%20Beti%20Padhao,eliminating%20harmful%20practices%20against%20girls.> accessed 23 April 2025.

accountable for failing to safeguard the rights of children. With these progressive judgements, the judiciary's role in shaping policies and enforcing legal protection has been crucial in ensuring that gender inequality is addressed at a systematic level.

Among the international frameworks, the foremost international framework for addressing gender injustice is the Convention on the Elimination of All Forms of Discrimination Against Women, which is called the International Bill of Rights for Women¹³ which sets standards for eliminating discrimination and promoting equality in all areas of life, and the others include the United Nations Declaration of Human Rights.¹⁴ United Nations Charter, Beijing Declaration, certain Security Council Resolutions, United Nations Women.¹⁵ All these simultaneously focus on one or the other areas of gender vulnerabilities and aim to eliminate these gender disparities and differences.

However, despite these progressive laws and initiatives, there is still a significant gap in their implementation and enforcement. Because of socio-economic factors like lack of infrastructure, ancient cultural norms which undermine the effectiveness of the legal measures and initiatives, which further leave girls exposed to educational disadvantages, health risks and even violence sometimes. Therefore, this also highlights the challenges in bridging the gap between the law and reality, as its implementation, especially for the girls holding deep scars of gender discrimination.

DO MALES FACE DISCRIMINATION?

The gender disparity and injustice as an issue are often discussed and talked about in the context and in favour of women, about their barriers and limitations. But, gender discrimination in some aspect, is not a gender specific issue but a gender-neutral issue, and therefore, it is also important to recognize that men too, can experience forms of gender inequality, and these forms often remain underreported and misunderstood and that is the reason why they are less visible or not widely recognized. The gender inequality should be approached with the understanding

¹³ United Nations, Convention on the Elimination of All Forms of Discrimination against Women (1979) <https://www.un.org/womenwatch/daw/cedaw/> accessed 23 April 2025.

¹⁴ United Nations, Universal Declaration of Human Rights (1948), available at <https://www.un.org/en/about-us/universal-declaration-of-human-rights> accessed 23 April 2025.

¹⁵ UN Women, 'Laws and Policies' <https://www.unwomen.org/en/how-we-work/gender-parity-in-the-united-nations/laws-and-policies> accessed 23 April 2025.

that both men and women can face challenges based on gender norms, stereotypes and expectations, and both of them should be allowed to be heard.

One of the major fields where men can be subject to gender bias and gender discrimination is the gender-biased offences. For example, in offences such as domestic violence or sexual harassment. Men are often subjected to the societal stereotypes and expectations of being strong and dominant, which make it difficult for male victims of their masculinity to come forward, seek help and speak for themselves against the evils and for society to believe a girl can become dominant and commit such acts. Both society and laws intend to protect women from domestic violence, but do not recognise the other way round, for the protection of men who face such issues and are then pressurised by such stigma, leaving them helpless.

The other one is the reservation policies. In countries like India, reservation aims to address the historical discrimination which is being faced by women face concerning education, employment, freedom and opportunities and are treated as marginalised communities. These reservations are often regarded as important to promote gender equality and uplift the oppressed section of society. It is also argued that such a policy inclined towards the empowerment of women often leaves men with a lack of support in certain fields, which can inadvertently cause a disadvantageous state. For example, for the promotion of women representation in education and teaching sector was always regarded as an issue and that's why the policies of women reservation came into effect and because of this, the issue of underrepresentation in teaching as well as some other sector like nursing sector came into existence in the present era, which are often being overlooked.

This societal pressure upon men as the ideal form of masculinity can leave a deep scar of psychological harm on them. The societal expectation for men to be the primary or sole breadwinners of the family, suppress emotions, refrain from showing vulnerabilities, taught to be strong and bold, all can result in mental health issues. And that is why, when they can't speak up for themselves about such issues and are taught to suppress, they often take self-harming steps to escape from such situations, as they know, no one will listen, believe, or even trust them.

Therefore, being a gender-neutral issue in the present era, the discrimination faced by men should also not be overlooked and ignored; instead, it should be acknowledged as a struggle

for the particular gender. And a safe space should be created for both men and women to ensure equality in platforms in order to achieve gender equality in the truest sense.

DISCRIMINATION FACED BY THE THIRD GENDER COMMUNITY

The third gender community or often regarded as the LGBTQIA+ community, where the individuals are not identified as strictly male or female, but are regarded as hijras, transgender people, has always been subjected to significant marginalisation. They faced severe discrimination in various facets of life, such as education, employment and even at home, which is not only rooted in gender but also intersects with caste and class, which multiply these challenges.

From the beginning, they were regarded as unnatural and abnormal because of which they had been pushed and kept on the margins of the society and were not included in any social activity and were also subject to verbal abuse and physical violence, making it harder for them to establish personal relationships, gain social acceptance and live with dignity.

Earlier, as per the legal frameworks of India, under the criminal laws, as per section 377 of the Indian Penal Code, 1860, which criminalises the carnal intercourse regarding it as against the order of nature, and it also includes consensual homosexual acts. Therefore, the individuals belonging to the LGBTQ+ community faced legal risks and societal stigma just because of their gender and sexual orientation.

In 2018, in the landmark case of *Navtej Singh Johar vs. Union of India*, the Hon'ble Supreme Court decriminalised consensual homosexual acts between adults. This decision significantly impacted the LGBTQ+ rights in India by striking down the portions of section 377 of the Indian Penal Code 1860, which had criminalised such acts. The court reasoned that this provision, which decriminalised consensual acts between two homosexual adults, is violative of fundamental rights to equality, privacy, and personal liberty of an adult person, which are provided to every citizen of the country.¹⁶

However, the community still struggle to get the legal recognition and to access their basic legal documents, and without which they are often denied access to essential services, which leads to a sense of indivisibility and enhances this discrimination. It is now that some states

¹⁶ *Navtej Singh Johar v. Union of India* (2018) 10 SCC 1, available at <https://indiankanoon.org/doc/168671544/>.

have initiated the reservation policies in employment for this community to get rid of this gender inequality.

The third gender community continues to face this deep-rooted discrimination, which impacts their social, legal, economic and overall well-being. Little progress has been made in favour of them, but it is still not enough and requires a lot of recognition, societal change and development concerning the equal access to opportunities, protection and dignity in order to address this issue of gender disparity leading to injustice.

THE WAY FORWARD

These silent scars of gender discrimination, which are faced by girls in a wide range, boys and by third gender community, require a bold and comprehensive strategy beginning from childhood. It should start with the parenting, where it all starts, parenting should be gender neutral, and then education. Children, irrespective of their gender, must be raised without the burden of outdated gender roles, without the constant efforts of schools and families that consciously foster inclusive narratives and introduce diverse role models to achieve equality from an early stage and remove the roots of gender inequality.

Community-driven initiatives with grassroots awareness campaigns should challenge the traditional biases in order to make people think the other way. Local leaders, educators, and youth groups must be provided with a role in reshaping mindsets and with policy formulations that must include stronger enforcement of the existing laws, mandatory gender sensitivity training, and creating safe reporting systems for individuals who face discrimination irrespective of their gender.

Legal reforms with their proper and strict implementation are needed to close the loopholes so that the judiciary responds swiftly to cases involving child gender injustice. And for the proper implementation of the schemes and initiatives, better monitoring mechanisms must be instituted. Laws and frameworks must be gender neutral to get equality and justice in the complete and truest sense.

In essence, the invisible injustices that are etched from their childhood need to be visible by speaking out for themselves and making themselves heard at any age of realisation, before the scars bleed into their adult lives. A systematic and cultural transformation, including investment in education and awareness in order to make them capable, is necessary and urgent.

True gender justice must begin taking its steps from childhood, when the minds of the children are the most vulnerable and can be easily influenced.

As it is visible that the discrimination is not an isolated phenomenon, but instead, it is a cultural phenomenon embedded deeply in the roots of everyone and their family structures, social practices and even in religious narratives. And to dismantle this invisible architecture of inequality, we must not approach gender justice as a women's issue alone, but as a human rights imperative which demands attention from every individual, irrespective of gender, being a gender-neutral issue, and from every corner of society. Only by healing these early wounds and rebuilding foundations based on respect, inclusion and dignity, can we envision a future where gender is not a barrier but a badge of strength, diversity, and shared humanity.

CONCLUSION

Gender discrimination and disparity are not just something that is born in adulthood but embedded and rooted in childhood and the early stages of life, which grows silently, and it is shaped by centuries of culture, myths and systemic bias. From the ancient hierarchies reinforced by narratives in mythology where the question of gender inequality never arose, to the inhumane practices like female foeticide, child marriage and sati system, the society has long conditioned children into unequal roles, with childhood as the root from where discrimination begin to take place and birth and get subtly embedded in how boys and girls are raised, educated, cared for and made to be, with devastating impacts on their health, identity, and future aspirations.

Gradually, with time as these children grow, their thought process and mindset are shaped by the childhood experiences of inequalities, which even hardens their adolescence, adulthood with diminished confidence, self-worth and lost opportunities. Fear, restrictions and persistent aspirational gap between boys and girls reveal a society which is still struggling to uphold its promise of equality and especially on the ground of gender. While national and international laws provide certain critical legal frameworks for protection, the persistent gaps in the implementation of these frameworks showcase that the legislations and these frameworks alone cannot heal centuries of cultural bias. It is also equally important to recognise that gender discrimination not only touches and impacts women but also the boys and the third gender community, which demands a more inclusive and intersectional approach.

Ultimately, breaking up these silent scars of gender discrimination, inequality, disparity, injustice, and bias requires us to begin at the source, which is childhood itself. However, to bring a change in this patriarchal system, it must at first come through gender-neutral parenting itself, then inclusive education, stronger policies, legal reforms, and a collective cultural shift that values, treats, and encourages every child equally. The early shadows of discrimination will fade only when we refuse to let these myths and discriminatory practices, and mindset shape the lives of future generations. Therefore, the journey towards true gender justice, in the truest and most systematic form, irrespective of gender, must start when it is most needed, which is from the beginning, childhood, to aspire to the future goals.