

GENDER INEQUALITY IN INDIAN SOCIETY

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Indian society is believed to be socially and culturally very vibrant. We associate nature with Gods and Goddesses and at the same time personify everything into man and woman. Traditionally, Indian culture accords immense respect and honor to women. In fact, in the Vedas and the Upanishads, women are held in extremely high regard and considered to be mothers and Goddesses. Manusmriti also declares that “women must be honored and adorned.” But this is only as long as we are taking only women into consideration, moment we bring men into play the entire scenario changes. From the very inception of it what we biologically refer to as sex i.e. male and female we enter into a complete different classification of this biological description and reach to what we call as ‘gender.’ What is this gender and why gender being unequal? When we talk of male and female on biological terms we know that there is certain task that nature has provided to both and accordingly they have been conditioned and structured to flourish in nature and also contribute to the growth and well-being of nature. One thing which is very clear from this classification is that when nature has decided certain roles for it creatures there can be no instance of inequality. Let us get into this discussion of gender inequality.

Gender is a man-made terminology referring to this it is a socio cultural term that defines the role and behavior of men and women in a given society. It is a function of power relationship between men and women. Similarly, when we talk of gender inequality we directly refer to the inequality prevailing in the society between the two genders on social and cultural patterns. The gender inequality exists among every region, social class and prevents the growth of Indian economy from improving the lives of Indian people. The reality of gender inequality in India is very complex and diversified, because it exists in every field like education, employment opportunities, income, health, cultural issues, social issues, economic issues etc. This man made inequality has created a wedge that requires to be filled in order to seek women empowerment and a more developed society. An attempt has been made in this paper to find out those factors which are responsible for this problem in India. So, this paper highlights the multi-dimensional context of gender inequalities prevalent in India. Overall, the study indicates the inequality in

economic, social, cultural and legal biasness which are of a great challenge for policy-makers and social scientists to establish proper equality in the entire social field. The paper tries to suggest some relevant strategies and policies implication for reducing this gender inequality and to promote the dignified position for Indian women.

Article Review

Sarkar, Lotika,(1998)The report examines the role of the Law Commission of India (LCI), assesses its contribution to women's equality and identifies ways of improving that contribution. Specialized agencies like the LCI were recommended by the UN Commission on the Status of Women to play a multiple role in eliminating women's inequality. The first chapter of the book deals with the genesis of the LCI and the second chapter with its composition, status and functioning. The report, deals with women specific reports of the LCI which includes topics like, married women's property, marital rape,etc. the latter part of the same chapter deals with family law related topics like Hindu Marriage Act. Finally, the report concludes with cautious recommendations like as per Indian laws a mother is continued to be treated as coming only after the father as a natural guardian of a minor child is against the recommendations of the UN

Indira Jaising (2000) is a Senior Advocate of the Supreme Court of India. She has been a fellow of the Institute of Advanced Legal Studies London and is Secretary of 'Lawyers Collective' which deals with socio legal issues of public interest. This essay traces the evolution of gender justice in the Supreme. Before taking up judicial decisions concerning issues that involve women's rights, the author draws attention to the composition of the judiciary and its starkly unrepresentative character. Through an analysis of cases dealing with property rights to women to cases of violence against women, the essay addresses the problem of formal equality and the evolution of equality jurisprudence in the Indian Supreme Court where sameness and similarity form the criteria for classification. One of the recent cases (Vishakha vs. State of Rajasthan) where the Supreme Court has considered provisions in CEDAW to address sexual harassment in the workplace is also discussed. While some recent decisions do indicate a positive step towards gender justice the unevenness in this development is attributed to a greater emphasis on criminal law as opposed to civil law, leading to a neglect of women's economic rights. Finally, the essay points to emerging issues concerning validity of personal laws, women's representation etc. which will engage the courts and it is felt that an increasing number of women in the judiciary will be able to perceive women as autonomous decision makers and active participants in public life.

Flavia Agnes, (1999) this book explores the issue of gender and law reform with reference to the politics and history on India. It also explores the strategies, which could safeguard the women's rights in a country like India, which has a typical social, cultural and political background. The book is divided in four parts. First part contains five

chapters and speaks about Pre-colonial and colonial Legal Structures. Second part comprises of three chapters, and explores the post-independence developments. Third part of the book which consists of two chapters explains the Developments in the personal laws of non-Muslim minorities. Forth and last part of this book contains the analysis of the current trends of the debate on the Uniform Civil Code.

Madhu Kishwar (1999) This volume depicts the role of marriage payments and dowry, unwanted daughters, denial of inheritance and land rights to women, love, sex and marriage, sexual harassment, identities, beauty contests etc. Many of these offer a critical appraisal of Madhu Kishwar's activism and engagement. The essays are an attempt to grapple with one of the most serious challenges to women in India: Why is it that in spite of all the high profile attention on women's issues many remain unresolved? Most of the work thus far has resulted only through symbolic actions such as passing of laws, which very often are inappropriate and not implemented. In most cases where laws are misused it contributes to increasing the vulnerability of women's lives. The volume also a deal with Madhu Kishwar's moving away of 'ism-driven' politics and orthodox feminist thinking. The essays reject statist interventions in social reform and appeal to people's consciences to bring about any meaningful changes in the position of women.

Dhruba Hazarika, (2011) expresses women empowerment as a debatable subject as in the earlier times they were having equal status with men, but faced some disparity and discrimination during post-Vedic and epic ages and were treated as slaves. The study elaborates the efforts made during early twentieth century, the national movement, during the British Raj, national leaders and by the framers of the Constitution of India. The research touches the point that although the modern women occupies some respectable positions in different walks of life, yet discrimination and harassment of women is still existing in the society, as the number of women able to establish their potentialities are very few. The research work emphasizes the need that each and every citizen should be careful and responsible to promote the equal status for women in modern Indian society.

Upasana Sarmah, (2012) describes that the role of women in labour market is crucial in the sense that the rapid industrialization has created general employment opportunities for them from which most of them have been benefited. It has a profound impact on the life of women employees working in the coal industry, as women from managerial position to the women engaged as workers in the collieries have witnessed a number of occupational hazards and professional challenges yet they are becoming economically independent. The study shows that though they are mostly employed at the lower levels and in unskilled occupations, the process of urbanization enabled their daughters and most of them also to get exposed to education, information, health care, drudgery reduction and employment opportunities. The paper analyzes the occupational hazards and other professional difficulties faced by working women in the industry and in the urban society with reference to the study area and focuses on their multiple roles; the impact of urbanization on their family life and their role in the labour market.

Research Objective:

Gender inequality is possibly one of the commonest forms of social evil that most of the females all over the world face at some point of time. The main aim of this paper is to find out the truth relating to this issue and discussion on it.

1. To identify the prevalence of gender inequality in Indian society.
2. To analyze and explore the impact of gender, inequality, towards the female gender and the outcome of the same in the form of social evils and crimes against them.
3. To study the Constitutional provisions to prevent gender injustice, inequality, bias and discrimination.
4. To analyze the role of state in achieving gender justice and gender equality by implementing the provisions enshrined in The Constitution of India for protecting the rights of the women.
5. To recommend and suggest various measures relating to prevention and elimination of gender inequality that can be implemented more effectively.

Hypotheses

1. Gender inequality is imbedded in our culture and facilitated by women themselves.
2. The legal machinery is not a sufficient tool to combat gender inequality.
3. Economic independence is the only Solution to evade gender inequality.
4. Until and unless the patriarchal form of society is uprooted gender equality cannot be achieved.
5. The great divide among the two genders facilitates the maintenance of equilibrium in meeting the domestic and professional necessities of family.

Research Methodology

The study is mainly doctrinal. Certain statistical evidences have been relied upon to understand the status of gender inequality in India. The study is based mainly on secondary data gathered from various sources such as books, journals, magazines, Newspapers and Law Reporters.

The study includes theoretical investigation to verify the hypotheses formulated. It covers the study of existing literature on gender inequality in the present Indian Society and its wide ramifications. The historical background vis-s-vis the position of Indian women is also discussed. This part includes the study of various causes and types which are responsible for gender inequality. The drastic social consequences of the custom and its control through the mechanism of law have also been covered. For the purpose of study the data have been collected mainly through the following sources:

1. Secondary Sources

1. Secondary Sources: Secondary data "regarding the subject of study have been acquired from the latest copies available at the time of collection of Census Reports, Statistical Hand Book, All India Police Data compiled by the National Crime Records Bureau (Government of India), and from various Journals, Magazines, Weeklies and Dailies.

Research Design:

In the light of the above discussion, the present study assumes significance for its comprehensiveness. It is no doubt that some useful studies have already been undertaken on the problem of Gender Inequality, but still considerable scope exists to study the problem in-depth. The present study, proposes to analyze the results of a socio-legal descriptive study relating to Domestic Violence.

Causes of Gender Inequality

Gender inequality is a pervasive issue in India, leaving an impact on Indian women and girls in a variety of ways. While there are many causes of gender inequality, some of the most common include:

Patriarchal Setup in our Indian Society: Since time immemorial, India has been an extremely patriarchal society. The patriarchal setup in Indian society contributed to the fundamental inequality between men and women. As women were considered a part of the household belonging to their father or husband, they were unable to get a say in any matters concerning their own development or that of the community at large.

Lack of Education or Illiteracy: The disparity between the literacy rates of men and women in India is a known issue. Some regional states have higher disparity, while some other states have better disparity. The problem is not that there are few literate women in India, but rather the problem is the lack of awareness among women to use their rights.

Lack of Awareness among Women: One of the major causes of gender inequality is the lack of awareness among women about their rights and their ability to achieve equality. This lack of awareness is often due to the prevailing cultural and social norms, which dictate that women should be subservient to men. It is important to break down these barriers and help women become more aware of their rights so that they can demand equality.

Social Customs, Beliefs and Practices: The views of society, customs and cultural practices play a big role in keeping women at lower places in the society – refusing them opportunities, which are generally provided to men, who are considered the dominant ones in India.

Types of Gender Inequality:

According to Nobel Laureate Prof. Amartya Sen (2001), there are seven types of gender inequalities at present in India. Here is a brief explanation of all the types of gender inequality. *First* is Mortality Inequality, in this there is Inequality between women and

men directly involves matters of life and death, and takes the brutal form of unusually high Gender Inequality in India. *Second* is Natalty Inequality; in this kind of inequality a preference is given to boys over girls. It is ardent in many of the male dominated societies and these manifests in the form of parents wanting their newborn to be a boy rather than a girl.

Third is Employment Inequality, in this in terms of employment as well as promotion at work women often facing greater handicap than men. This is clearly exemplified as men getting priorities in getting better work opportunities and pay scale than their female counterparts. *Fourth* is Ownership Inequality, in many societies ownership of property can also be very unequal. Since ages the traditional property rights have favored men in the most parts of India. The absence of claims to property can not only reduce the voice of women, but also make it harder for women to enter and flourish in commercial, economic and even some social activities. *Fifth* is Special Opportunity Inequality, even when there is little difference in basic facilities including schooling, the opportunities of higher education may be far fewer for young women than young men. Indeed, gender biasness in higher education and professional training can be observed in India. *Sixth* is Basic-Facility Inequality, even when demographic characteristics do not show much or any anti-female bias, there are other ways in which women can have less than a square deal. *Seventh* is Household inequality, the family arrangements can be quite unequal in terms of sharing the burden of housework and child care.

Studying the Secondary Data:

- Global Indices: Gender Inequality is also reflected in various global gender indices.
- **UNDP's Gender Inequality Index-2014:** India's ranking is 127 out of 152 countries in the List. This ranking is only above Afghanistan as far as SAARC countries are concerned.
- **World Economic Forum's Global Gender Gap Index- 2014:** India's ranks at 114 in the list of 142 countries of the world.
- This Index examines gender gap and India's position in four major areas:
- Economic participation and opportunity: 134th
- Educational achievements: 126th
- Health and life expectancy: 141th
- Political empowerment: 15th

These two important Global Indices show the sorry state of affairs in India as far as gender equality is concerned. Only in case of 'Political Empowerment' India is doing fine but other indices are very poor and a lot need to be done to improve the same.

Indicator of Gender Inequality

Gender inequality manifests in varied ways and as far as India is concerned the major indicators are as follows:

- Female Foeticide & Female Infanticide: The data shows that despite the law in place viz Prenatal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 sex selective abortion is still on the rise. One estimate done by MacPherson shows that more than 100000 illegal abortions are being performed every year in India mainly for the reason that the fetus is of girl child.
- Child (0 to 6 age group) Sex Ratio: Due to this, there is an alarming trend which has come to the notice in 2011 census report; the report shows Child Sex-Ratio (i.e sex-ratio of children between the age group 0 to 6) at 919 which is 8 points lesser than the 2001 data of 927. The data indicates that sexselective abortion is increasing in our country.
- Sex Ratio: As far as overall sex-ratio is concerned, it's 943 in 2011 report as compared to 933 of 2001 which is 10 points increase. Though it is a good sign that overall sex ratio is increasing but it's still tilted against females.
- Female literacy: Female literacy is at 65.46% in 2011 as against 82.14% of male literacy. This gap indicates a wide gender disparity in India that Indians do not give enough importance to the education of girls.
 - Maternal Mortality Rate: 178 deaths per 100000 live births. These above mentioned indicators are some of the important indices which show the status of women in our country.

Legal and Constitutional Safeguards against Gender Inequality:

Indian Constitution provides for positive efforts to eliminate gender inequality; the Preamble to the Constitution talks about goals of achieving social, economic and political justice to everyone and to provide equality of status and of opportunity to all its citizens. Further, women have equal right to vote in our political system. Article 15 of the Constitution provides for prohibition of discrimination on grounds of sex also apart from other grounds such as religion, race, caste or place of birth. Article 15(3) authorizes the State to make any special provision for women and children. Moreover, the Directive Principles of State Policy also provides various provisions which are for the benefit of women and provide safeguard against discrimination.

Other than these Constitutional safeguards, various protective Legislations have also been passed by the Parliament to eliminate exploitation of women and to give them equal status in society. For instance, the Sati (Prevention) Act, 1987 was enacted to abolish and make punishable the inhuman custom of Sati; the Dowry Prohibition Act, 1961 to eliminate the practice of dowry; the Special Marriage Act, 1954 to give rightful status to married couples who marry inter-caste or inter-religion; Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Bill (introduced in Parliament in 1991, passed in 1994 to stop female infanticide and many more such Acts. Furthermore, the Parliament time to time brings out amendments to existing laws in order to give protection to women according to the changing needs of the society, for instance, Section

304-B was added to the Indian Penal Code, 1860 to make dowry death or bride-burning a specific offence punished severely under law.

So there are varied legislative safeguards and protection mechanisms for women but the ground reality is very different. Despite all these provisions women are still being treated as second rate citizens in our country;

How we can Eliminate Gender Inequality The list of legislations as well as types of discriminations or inequalities may go on but the real change will only come when the mentality of men will change; when the male species of human beings would start treating women as equal and not subordinate or weaker to them. In fact not only men but women also need to change their mindset as through cultural conditioning they have also become part of the same exploitative system of patriarchy and are playing a supportive role in furthering men's agenda of dominating women.

Therefore, what is needed is the movement for Women's empowerment where women can become economically independent and self-reliant; where they can fight their own fears.

Findings

Thus from the above study it is clear that the situation relating to women will not change unless and until they themselves make effort for the same. Being in the mercy of so called the fairer sex is not going to provide solution to any of the issues that we plan to combat. The legal machinery is definitely not adequate machinery that we can rely upon to handle the given situation. It is very much known that laws operate when we wish them to operate else it would remain as nothing but a mere ornamental piece of legislation. To say that we will soon do away with patriarchal society or in case we do away with the patriarchal society this would change is a misnomer as this patriarchal scheme of society is spread in time and space i.e. we cannot trace in history that when it came into existence nor can we negate the fact that the whole world thrives on patriarchy. Rather than who will win on whom it always will a better option to have a mutual symbiotic stay in the society. What can really help is to provide economic independence to women and this economic independence shall not come as charity or inheritance but on availing opportunity to educate her, work in organized sector and stand on their own feet. This would be real empowerment. It will be wrong to say that the great divide among the two genders facilitates the maintenance of equilibrium in meeting the domestic and professional necessities of family. A proper balance cannot be made in difference, subjugation and secondary status to women rather by treating them at par with men.

Conclusion

The list of legislations as well as types of discriminations or inequalities may go on but the real change will only come when the mentality of men will change; when the male species of human beings would start treating women as equal and not subordinate or

weaker to them. In fact not only men but women also need to change their mindset as through cultural conditioning they have also become part of the same exploitative system of patriarchy and are playing a supportive role in furthering men's agenda of dominating women. Therefore, what is needed is the movement for Women's empowerment where women can become economically independent and self-reliant; where they can assume all the rights and go fearless, They would have good education and career, property ownership and most importantly the decision making power.

References:

2. B.N. Kirpal, Ashok H. Desai, Gopal Subramaniam, Rajeev Dhavan and Raju Ramachandran " *Gender Justice and The Supreme Court*" by Indira Jaising in **Supreme but not Infallible: Essays in Honour of the Supreme Court of India** (eds.) OUP, New Delhi 2000 (pages 29, words 199).
3. Madhu Kishwar, **Off the Beaten Track: Rethinking Gender Justice for Indian Women** OUP, New Delhi: 1999
4. Flavia Agnes ,**Law and Gender Inequality: The Politics of Women's Rights in India** , Oxford University Press, 1999,
5. Sarkar, Lotika, **National Specialised Agencies and women's equality**, Law Commission of India (CWDS), 1998
6. K.Shanthi **Empowerment of women**, 1998 (Ed.), Anmol Publications pvt.ltd. (Professor, Dept. of Econometrics & Co-ordinator, Centre for Gender Studies, University of Madras, Chennai)
7. Bhadra Mita, **Girl Child in Indian Society** , Rawat Publications,1999
8. M.V. Jaya Praksham Principal & Dr.P sai babu & Dr. M. Subba Rao, GJRA. Volume-6, Issue-9, Special Issue September-2017 • ISSN No 2277 - 8160
9. <https://www.careindia.org>
10. Dhruba Hazarika, " Women Empowerment in India: A Brief Discussion ", ISSN 2249-3093 Volume 1, Number 3 (2011), Pp. 199-202
11. Sarmah, Upasona. (2012). Women and their role in labour Market: a Case Study conducted at North Eastern Coal Fields, Margherita, Assam. IOSR Journal of Humanities and Social Science. 3. 47-51. 10.9790/0837-0354751.