

GENDER INEQUALITY IN INDIA



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Abstract:

The present conceptual paper on gender inequality in India not only concerned with socio-economic aspects like what is gender inequality, how it is exist in India, the types of gender inequalities and what are the reasons behind the gender inequalities but also critically analyzing the various laws that increase gender inequality in India like Hindu laws of inheritance, Age of consent, The Goa Law on polygamy etc. The paper also draw a light on the programs launched by the Indian government to overcome the gender inequality from the country. The paper gives attention towards the challenges which hindrance in removing gender inequality and also provides the ways how these waterlogs can be removed.

Keywords: *Gender, Inequality, Problem, Rights, India*

Gender equality is achieved when women and men enjoy the same rights and opportunities across all the sectors of society, including economic participation and decision-making, and when the different behaviors, aspirations and needs of women and men are equally valued and favored. But in India it is not easy to bring gender equality because in India the society is controlled by men. It is clear from the fact that rejoice in celebrations when a boy is born, and if it is a girl, a muted or no celebrations is the norm. Love for a male child is so much that from the times immemorial we are killing our daughters at birth or before birth, and if, fortunately, she is not killed we find various ways to discriminate against her throughout her life. Though our religious beliefs make women a goddess but we fail to recognize her as a human being first; we worship goddesses but we exploit girls. In India we are a society of people with double-standards as far as our attitude towards women is concerned; our thoughts and preaching are different than our actions.

1. Definition and Concept of Gender Inequality

‘Gender’ is a socio-cultural term referring socially defined roles and behaviors assigned to ‘males’ and ‘females’ in a given society; whereas, the term ‘sex’ is a biological and physiological phenomenon which defines man and woman. Therefore, gender may be understood as a man-made concept, while ‘sex’ is natural or biological characteristics of human beings.

Gender Inequality, in simple words, may be defined as discrimination against women based on their sex. Women are traditionally considered by the society as weaker sex. She has been accorded a subordinate position to men. She is exploited, degraded, violated and discriminated both in our homes and in outside world. This peculiar type of discrimination against women is prevalent everywhere in the world and more so in Indian society.



UN Secretary General Kofi Annan has stated, "Gender equality is more than a goal in itself. It is a precondition for meeting the challenge of reducing poverty, promoting sustainable development and building good governance.

According to me “gender inequality is a worst situation in which we make girls deprived of their rights and force them to do what we expect that they should do”

1. Reasons for gender inequalities

- a. **Patriarchal society--- Patriarchy** is a social system of privilege in which men are the primary authority figures, occupying roles of political leadership, moral authority, control of property, and authority over women and children.
- b. **Son preference---** A key factor driving gender inequality is the preference for sons, as they are deemed more useful than girls. Boys are given the exclusive rights to inherit the family name and properties and they are viewed as additional status for their family.
- c. **Discrimination against girls-----** While women express a strong preference for having at least one son, the evidence of discrimination against girls after they are born is mixed. A study of 1990s survey data by scholars found less evidence of systematic discrimination in feeding practices between young boys and girls, or gender based nutritional discrimination in India.
- d. **Dowry-----** in India, dowry is the payment in cash or some kind of gifts given to bridegroom's family along with the bride. The practice is widespread across geographic region, class and religions.
- e. **Poverty:** In India of the total 30 percent people who are below poverty line, 70 percent are women. Women's poverty in India is directly related to the absence of economic opportunities and autonomy, lack of access to economic

resources including credit , land ownership and inheritance, lack of access to education and support services and their minimal participation in the decision making process.

f. Lack of Employment

Facilities:Women are not able to resolve the conflict between new economic and old domestic roles. In both rural and urban India, women spend a large proportion of time on unpaid home sustaining work. Women are not able to respond to new opportunities and shift to new occupations because their mobility tends to be low due to intra-house hold allocation of responsibilities.

2. Nine laws in India that make women less equal than men

- a. **Hindu laws of inheritance---** according to the Hindu inheritance law, the property of a woman who dies without a will is handled differently from that of a man. In the absence of spouse and children, the husband's heirs inherit the woman's estate.
- b. **Parsi laws of inheritance---** Despite decreasing numbers in the Parsi community, those who marry outside the community are penalized. A non-parsi woman who is either a wife or a widow of a Parsi man cannot inherit. However, their children can. But again, a Parsi woman marrying a non-Parsi man cannot be considered a part of the Parsi community.
- c. **Prohibition of Child Marriage Act:** The law only prohibits the marriages of children; it does not render them illegal once they actually happen. The married children, however, have the right to declare it void. A woman can call off a marriage until she turns 20, whereas a man has till age 23.
- d. **Age of consent:**Sexual intercourse with a girl below the age of 18 is considered rape. But since child marriages are not illegal, a man can legally have sex with his wife even if



she is a minor, as long as she is above the age of 15. Further, marital rape is still not criminalized in India.

- e. **Marriageable age:** The minimum age for marriage for a boy is 21, but 18 for a girl. This is a legal extension of the patriarchal mindset that believes that a wife should always be younger than the man.
- f. **Rape of a separated wife:** The rape of a separated wife carries lesser punishment than the rape of any other woman.
- g. **The Goa Law on polygamy:** A law recognizes the second marriage of a "Gentile Hindu" man of Goa if his previous wife does not have any children before the age of 25 or if she does not have a male child by 30.
- h. **No right to marital property:** Upon separation or divorce, an Indian woman is entitled only to maintenance from her husband. She has no right to the assets, such as house or commercial property, bought in her husband's name during the marriage.
- i. **Hindu Minority and Guardianship Act:** Women are still not equal guardians of their children. A father is considered the "natural guardian" of a child, although the custody of offspring under the age of 5 will ordinarily be awarded to the mother.

3. Political and legal reforms

Since its independence, India has made significant strides in addressing gender inequalities, especially in the areas of political participation, education, and legal rights. Policies and legal reforms to address gender inequalities have been pursued by the government of India. For instance, the Constitution of India contains a clause guaranteeing the right of equality and freedom from sexual discrimination.

India is also signatory to the Convention for the Elimination of All Forms of Discrimination against Women, or CEDAW.

A listing of specific reforms is presented below:

1. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
 2. Prenatal Diagnostic Testing Ban
 3. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
 4. Hindu Succession Act, 1956 (Amended in 2005; Gives equal inheritance rights to daughters and sons - applies to Hindus, Buddhists, Jains and Sikhs)
 5. Muslim Personal Law (Shariat) Application Act of 1937,
- 4. Challenges for India according to UNDP**

India ranks 130 out of 155 countries in the Gender Inequality Index (GII) for 2014, way behind Bangladesh and Pakistan that rank 111 and 121 respectively, according to data in the United National Development Programme's latest Human Development Report (HDR) 2015.

Among South Asian countries, India fares better than only Afghanistan which is at 152.

The index captures inequalities in gender-specific indicators: reproductive health measured by maternal mortality ratio and adolescent birth rates, empowerment quantified by share of parliamentary seats and attainment in education, and economic activity measured by labour market participation rate. They list down some challenges that face by India to get to the gender equality.

- A. Persistent Inequality**---- Persistent inequality is reflected in the low human development attainments of the country's most marginalized groups including scheduled castes, tribal and rural populations, women, transgender, people living with HIV and migrants.



B. Gender Inequality despite Economic Growth---- Gender inequality in India persists despite high rates of economic growth, and is particularly apparent among marginalized groups.

C. Implementation Challenges of Rights-based Schemes---- The effectiveness of rights-based legislations such as the Mahatma Gandhi National Rural Employment Guarantee Act, the Forest Rights Act and Panchayat Extension to Scheduled areas has been hampered by lack of implementation.

D. Feminization of the HIV epidemic--- An estimated 2.08 million people live with HIV in India, and are among the most visible of sexual minority groups, transgender remain largely invisible, isolated and subject to stereotypes.

5. Suggestions to remove 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. The women needs to get themselves independent if they want really want to live their lives equally with the men. Some of the suggestions are disussed as follows

1. The women have been provided with the financial resources because when the women having the funds that means they are bring into economy and they are now no more dependent on the male counterpart.
2. The women have been provided the education so that the women is capable

of serving the society and earn some respect for themselves.

3. The 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.
4. The laws has needs to be made transparent and strict if anything goes unattainable against women then the person who find guilty has been given strong punishment to them .
5. **The parents needs to give their support not only to boy child they needs to give equal importance towards both child's.**
6. The schools also needs to teach value education to the children this will remove gender inequality.

I personally feel that we should need to do this.

6. Summary

1. The Constitution of India ensures gender equality in its preamble as a fundamental right but also empowers the state to adopt measures of positive discrimination in favor of women by ways of legislation and policies. India has also ratified various international conventions and human rights forums to secure equal rights of women, such as ratification of Convention on elimination of all forms of discrimination against women in 1993.
2. The passing of Pre-natal Diagnostic Tech Act in 1994 also is a step in removing gender discrimination. This Act seeks to end sex-determination tests and female feticide and prohibits doctors from conducting such procedures for the specific purpose of determining the sex of the fetus.
3. The Government also announced the National policy for empowerment of women in 2001 to bring out advancement, development and empowerment of women



4. As persistent gender inequalities continue we need to rethink concepts and strategies for promoting women's dignity and rights. *UN Secretary General Kofi Annan has stated, "Gender equality is more than a goal in itself. It is a precondition for meeting the challenge of reducing poverty, promoting sustainable development and building good governance."*
5. There is a need for new kinds of institutions, incorporating new norms and rules that support equal and just relations between women and men. Today women are organizing themselves to meet the challenges that are hampering their development.
6. 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 and go out in the world fearless; where they can snatch their rights from the clutches of men and they don't have to ask for them; where women have good education, good career, ownership of property and above all where they have freedom of choice and also the freedom to make their own decisions without the bondages of age old saying of Manu.

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