
GENDER EQUALITY: TIME HAS CHANGED NOW

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Abstract

We proud Indians of 21st century enjoy in celebrations when a boy is born, and if it is a girl, a muted or no celebrations is the Home. Love for a male child is so much so that from the times immemorial we are killing our daughters at the time of birth or before birth, and if, fortunately, she is not killed we find various ways to discriminate against girl child 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. We have such society of people with double-standards as far as our attitude towards women is concerned; our thoughts and preaching are different than our actions. Let's try to understand the phenomenon of gender inequality and search for some solutions. Gender inequality in India refers to health, education, economic and political inequalities between men and women in India. Various international gender inequality indices rank India differently on each of these factors, as well as on a composite basis, and these indices are controversial. Gender inequalities, and their social causes, impact India's sex ratio, women's health over their lifetimes, their educational attainment, and economic conditions. Gender inequality in India is a major issue that concerns men and women both. Some argue that various gender equality indices place men at a disadvantage. However, when India's population is examined as a whole, women are at a disadvantage in several important ways. In India, discriminatory attitudes towards either sex have existed for generations and affect the lives of both sexes. Although the constitution of India grants men and women equal rights, gender disparities remain. Research shows gender discrimination mostly in favour of men in many realms including the workplace. Discrimination affects many aspects in the lives of women from career development and progress to mental health disorders. While Indian laws on rape, dowry and adultery have women's safety at heart, these highly discriminatory practices are still taking place at an alarming rate, affecting the lives of many today.

Keywords: Gender.Male,Female,India, Economic inequalities, Property rights

Introduction

'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. In its social, historical and cultural aspects, gender is a function of power relationship between men and women where

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men are considered superior to women. 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.

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.¹ Moreover, the Directive Principles of State Policy also provides various provisions which are for the benefit of women and provides safeguards 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.² 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.³ 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 punishable with maximum punishment of life imprisonment. So there are varied legislative safeguards and protection mechanisms for women but the ground reality is very different.⁴ Despite all these provisions women are still being treated as second rate citizens in our country; men are treating them as an object to fulfill their carnal desires; crimes against women are at alarming stage; the practice of dowry is still widely prevalent; female infanticide is a norm in our homes.⁵

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. ⁶In 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.⁷ 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 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.⁸

Causes And Types Of Gender Inequality In India

The root cause of gender inequality in Indian society lies in its patriarchy system. According to the famous sociologists Sylvia Walby, patriarchy is “a system of social structure and practices in which men dominate, oppress and exploit women”. Women’s exploitation is an age old cultural phenomenon of Indian society. The system of patriarchy finds its validity and sanction in our religious beliefs, whether it is Hindu, Muslim or any other religion.⁹

For instance, as per ancient Hindu law giver Manu: “Women are supposed to be in the custody of their father when they are children, they must be under the custody of their husband when married and under the custody of her son in old age or as widows. In no circumstances she should be allowed to assert herself independently”.¹⁰

The above described position of women as per Manu is still the case in present modern day social structure. Barring few exceptions here and there, women have no power to take independent decisions either inside their homes or in outside world. In Muslims also the situation is same and there too sanction for discrimination or subordination is provided by religious texts and Islamic traditions. ¹¹Similarly in other religious beliefs also women are being discriminated against in one way or other. The unfortunate part of gender inequality in our society is that the women too, through, continued socio-cultural conditioning, have accepted their subordinate position to men. And they are also part and parcel of same patriarchal system.¹²

Extreme poverty and lack of education are also some of the reasons for women’s low status in society. Poverty and lack of education derives countless women to work in low paying domestic service, organized prostitution or as migrant laborers. Women are not only getting unequal pay for equal or more work but also they are being offered only low skill jobs for which lower wages are paid. This has become a major form of inequality on the basis of gender.¹³ Educating girl child is still seen as a bad investment because she is bound to get married and leave her paternal home one day. Thus, without having good education women are found lacking in present day’s demanding job skills; whereas, each year’s High School and 10+2 standard results show that girls are always doing better than boys.¹⁴ This shows that parents are not spending much after 10+2 standard on girl child and that’s why they lack in job market.¹⁵ Not only in education, in case of family food habits, it is the male child who gets all the nutritious and choicest foods while the girl child gets whatever is left behind after the male members have taken their meals or the food which is low in both quality and nutrition.¹⁶ And this becomes a major health issue in her later years. One of the main reasons for the high incidences of difficult births and anemia in women is the poor quality of food which a girl always gets either in her paternal home or in her in-laws as also is the excessive workload that they are made to bear from their early childhood.¹⁷

Economic Inequalities

LABOUR PARTICIPATION AND WAGES

The labour force participation rate of women was 80.7 in 2013. Nancy Lockwood of Society for Human Resource Management, the world's largest human resources association with members in 140 countries, in a 2009 report wrote that female labour participation is lower than men, but has been rapidly increasing since the 1990s. Out of India's 397 million workers in 2001, 124 million were women, states Lockwood.¹⁸

Over 50% of Indian labour is employed in agriculture. A majority of rural men work as cultivators, while a majority of women work in livestock maintenance, egg and milk production. Rao¹ states that about 78 percent of rural women are engaged in agriculture, compared to 63 percent of men. About 37% of women are cultivators, but they are more active in the irrigation, weeding, winnowing, transplanting, and harvesting stages of agriculture.¹⁹ About 70 percent of farm work was performed by women in India in 2004. Women's labour participation rate is about 47% in India's tea plantations, 46% in cotton cultivation, 45% growing oil seeds and 39% in horticulture.²⁰

There is wage inequality between men and women in India. The largest wage gap was in manual ploughing operations in 2009, where men were paid ₹ 103 per day, while women were paid ₹ 55, a wage gap ratio of 1.87. For sowing the wage gap ratio reduced to 1.38 and for weeding 1.18.^[29] For other agriculture operations such as winnowing, threshing and transplanting, the men to female wage ratio varied from 1.16 to 1.28. For sweeping, the 2009 wages were statistically same for men and women in all states of India.²¹

ACCESS TO CREDIT

Although laws are supportive of lending to women and microcredit programs targeted to women are prolific, women often lack collateral for bank loans due to low levels of property ownership and microcredit schemes have come under scrutiny for coercive lending practices. Although many microcredit programs have been successful and prompted community-based women's self-help groups, a 2012 review of microcredit practices found that women are contacted by multiple lenders and as a result, take on too many loans and overextend their credit.²³ The report found that financial incentives for the recruiters of these programs were not in the best interest of the women they purported to serve. The result was a spate of suicides by women who were unable to pay their debts.²⁴

PROPERTY RIGHTS

Women have equal rights under the law to own property and receive equal inheritance rights, but in practice, women are at a disadvantage.²⁵ This is evidenced in the fact that 70% of rural land is owned by men. Laws, such as the Married Women Property Rights Act of 1974 protect women, but few seek legal redress. Although the Hindu Succession Act of 2005 provides equal inheritance rights to ancestral and jointly owned property, the law is weakly enforced, especially in Northern India.²⁶

Reasons For Gender Inequalities

Gender inequality has been a historic worldwide phenomena, a human invention and based on gender assumptions. It is linked to kinship rules rooted in cultures and gender norms that organizes human social life, human relations, as well as promotes subordination of women in a form of social strata.²⁷ Amartya Sen highlighted the need to consider the socio-cultural influences that promote gender inequalities In India, cultural influences

favour the preference for sons for reasons related to kinship, lineage, inheritance, identity, status, and economic security.²⁸ This preference cuts across class and caste lines, and it discriminates against girls. In extreme cases, the discrimination takes the form of honour killings where families kill daughters or daughters-in-law who fail to conform to gender expectations about marriage and sexuality. When a woman does not conform to expected gender norms she is shamed and humiliated because it impacts both her and her family's honor, and perhaps her ability to marry. The causes of gender inequalities are complex, but a number of cultural factors in India can explain how son preference, a key driver of daughter neglect, is so prevalent.²⁹

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. Most of India, with some exceptions, has strong patriarchal and patrilineal customs, where men hold authority over female family members and inherit family property and title.³⁰ Examples of patriarchy in India include prevailing customs where inheritance passes from father to son, women move in with the husband and his family upon marriage, and marriages include a bride price or dowry. This 'inter-generational contract' provides strong social and economic incentives for raising sons and disincentives for raising daughters. The parents of the woman essentially lose all they have invested in their daughter to her husband's family, which is a disincentive for investing in their girls during youth. Furthermore, sons are expected to support their parents in old age and women have very limited ability to assist their own parents.

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. In a survey-based study of 1990s data, scholars found that sons are believed to have a higher economic utility as they can provide additional labour in agriculture. Another factor is that of religious practices, which can only be performed by males for their parents' afterlife. All these factors make sons more desirable. Moreover, the prospect of parents 'losing' daughters to the husband's family and expensive dowry of daughters further discourages parents from having daughters. Additionally, sons are often the only person entitled to performing funeral rights for their parents. Thus, a combination of factors has shaped the imbalanced view of sexes in India. A 2005 study in Madurai, India, found that old age security, economic motivation, and to a lesser extent, religious obligations, continuation of the family name, and help in business or farm, were key reasons for son preference. In turn, emotional support and old age security were main reasons for daughter preference. The study underscored a strong belief that a daughter is a liability.³¹

Dowry death rates per 100,000 people map for Indian States and Union Territories in 2012.

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. In impoverished

families, these scholars found that daughters face discrimination in the medical treatment of illnesses and in the administration of vaccinations against serious childhood diseases. These practices were a cause of health and survival inequality for girls. While gender discrimination is a universal phenomena in poor nations, a 2005 UN study found that social norms-based gender discrimination leads to gender inequality in India.³²

DOWRY

In India, dowry is the payment in cash or some kind of gifts given to bridegroom's family along with the bride.³³ The practice is widespread across geographic region, class and religions. The dowry system in India contributes to gender inequalities by influencing the perception that girls are a burden on families. Such beliefs limit the resources invested by parents in their girls and limits her bargaining power within the family.³⁴ The payment of a dowry has been prohibited under The 1961 Dowry Prohibition Act in Indian civil law and subsequently by Sections 304B and 498a of the Indian Penal Code (IPC). Several studies show that while attitudes of people are changing about dowry, the institution has changed very little, and even continues to prevail.³⁵

MARRIAGE LAWS

Men and women have equal rights within marriage under Indian law, with the exception of all men who are allowed to unilaterally divorce their wife. The legal minimum age for marriage is 18 for women and 21 for men, except for those Indians whose religion is Islam for whom child marriage remains legal under India's Mohammedan personal laws. Child marriage is one of the detriments to empowerment of women.³⁶

Conclusion

Some men's advocacy groups have complained that the government discriminates against men through the use of overly aggressive laws designed to protect women. Although socially women have been at a disadvantage, Indian laws highly favor women. If a husband commits adultery he will be jailed, but a woman cannot be jailed for adultery and neither will she be punished by the courts. There is no recognition of sexual molestation of men and rarely the police stations lodge a First Information Report (FIR); men are considered the culprit by default even if it was the woman that committed sexual abuse against men. Women can jail husband's family for dowry related cases by just filing an FIR. The law IPC 498A demands that the husband's family be considered guilty by default, unless proven otherwise, in other words it implements the doctrine of 'guilty unless proven innocent' defying the universally practiced doctrine of 'innocent until proven guilty'. According to one source, this provision is much abused as only four percent of the cases go to the court and the final conviction rate is as low as two percent. has found that women are filing false cases under the law IPC 498A and it is ruining the marriages. Some parents state, "discrimination against girls is no longer rampant and education of their child is really important for them be it a girl or a boy." The Men's rights movement in India call for gender neutral laws, especially in regards to child custody, divorce, sexual harassment, and adultery laws. Men's rights activists state that husbands don't report being attacked by their wives with household utensils because of their ego. These activist petition that there is no evidence to prove that the domestic violence faced by men is less than that faced by women. Different states and union territories of India, in cooperation with the central government, have initiated a number of region-specific programs targeted at women to

help reduce gender inequality over the 1989-2013 period. Some of these programs include Swarnajayanti Gram Swarozgar Yojana, Sampoorna Gramin Rozgar Yojana, Awareness Generation Projects for Rural and Poor women, Condensed Course of Education for Adult Women, Kishori Shakti Yojana, Swayamsidha Mahila Mandal Programme, Rashtriya Mahila Kosh, Support to Training and Employment Programme for Women, Swawalamban Programme, Swashakti Project, Swayamsidha Scheme, Mahila Samakhya Programme, Integrated Child Development Services, Balika Samridhi Yojana, National Programme of Nutritional Support to Primary Education (to encourage rural girls to attend primary school daily), National Programme for Education of Girls at Elementary Level, Sarva Shiksha Abhiyan, Ladli Laxmi Yojana, Delhi Ladli Scheme and others. Bombay High Court, recently in March 2016 has ruled out a judgement that "Married daughters are also obligated to take care of their parents". This is a very bold step towards breaking the traditional norms of the defined roles in the society. Also this shall also motivate women to be more independent not only for themselves but also for their parents

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