



## GENDER INEQUALITY AND EMPOWERMENT OF WOMEN IN INDIA – A STUDY

### KEYWORDS

P. Sivathas

Assistant Professor, Government Law College, Coimbatore -46

### Introduction

Man and woman are both equal and both plays a vital role in the creation and development of their families in particular and the society in general. The struggle for legal equality has been one of the major concerns of the women's movement throughout the world. Women were considered as an oppressed section of the society in India, and they were neglected for a long time. The difference in sex and the physical form denotes no difference in status. The sense of insecurity, humiliation and helplessness always keep a women mum. "You can tell the condition of a nation by looking at the status of women".

### Women are superior

Biological superiority of men over women has made her a feeling-less person. Women have one natural and extra ordinary right to give birth to child, which is given by nature. Since having an extra efficiency than a man, she was neither inferior nor equal but always superior.

### Gender bias and inequality

Gender bias in simple terms means the gender stratification or making difference between a girl and a boy i.e. a male or a female. In making biasness among the gender our country stands in the tenth rank out of 128 countries, which is shameful for us. Even though the government has banned the pre-natal sex examination, the problem is on increasing. Gender inequality is not one homogenous phenomenon, but a collection of disparate and interlinked problems. This issue is one which has been publicly reverberating through the society for decades. Gender inequality refers to unequal treatment or perceptions of individuals based on their gender. It arises from differences in socially constructed gender roles as well as hormonal differences

The term 'sex' and 'gender' are often used interchangeably. The term 'sex' is applied to those distinctions which are based on biological differences, commonly termed as male and female. The term 'gender' is applied to cultural aspects, which can be termed as masculine and feminine roles. Some studies states that women are often discouraged to seek education in Indian villages. But recent studies documented remarkable success in efforts to improve girls' primary education. However, when it comes to secondary education, girls are still disadvantaged. Moreover, women's employment rates are still low and seem to have further declined in recent years.

### Types of gender inequalities

**Natality inequality:** A preference is given for boys over girls in many male dominated societies.

Statement 16

Sex ratio (female per 1000 male) at birth by residence, India and bigger States, 2008-2010

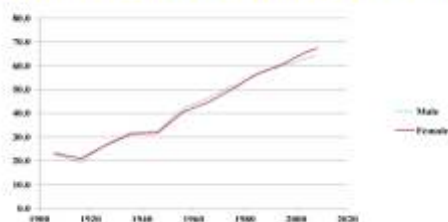
India and bigger States	Total	Rural	Urban
<b>India</b>	<b>905</b>	<b>907</b>	<b>898</b>
Andhra Pradesh	920	921	919
Assam	928	933	889
Bihar	912	914	890
Chhattisgarh	985	995	922
Delhi	884	879	883
Gujarat	903	920	873
Haryana	848	853	836
Himachal Pradesh	942	944	915
Jammu & Kashmir	873	870	888
Jharkhand	919	932	851
Karnataka	943	948	934
Kerala	966	963	974
Madhya Pradesh	921	920	927
Maharashtra	895	888	906
Odisha	938	940	918
Punjab	832	822	852
Rajasthan	877	884	850
Tamil Nadu	927	930	923
Uttar Pradesh	870	869	878
West Bengal	938	935	951

Source: <http://www.censusindia.gov.in/vital statistics/srs/Chap 3- 2010.pdf>  
<http://www.censusindia.gov.in/vital statistics/srs/Chap 3- 2010.pdf>  
<http://www.censusindia.gov.in/vital statistics/srs/Chap 3- 2010.pdf>

It manifest itself in the form of the parents wanting the new born to be a boy rather than a girl. For India as a whole, the female-male ratio of the population under age six has fallen from 94.5 girls for 100 boys in 1991 to 92.7 girls for 100 boys in 2001. The Statement 16 below presents sex ratio at birth during the period 2008-10. The sex ratio at birth for the country for the period 2008-10 (3-years average) has been estimated as 90.5 girls for 100 boys.

### b. Life expectancy:

#### Trends in life expectancy, 1901-2010



Source: Kulkarni.P.M., Article on "Demographic Transition in India", CSRD, SSS, J.N. Univeristy, 4<sup>th</sup> December 2014.

While hardly any sex differential is seen in the IMR, the 'Under 05 years Mortality Rate' (U5MR) has consistently been higher for girls than for boys. Female neglect seems to operate especially at young ages.

**a. Professional or employment inequality:** Women often face great handicap than men in employment. India may be quite egalitarian in matters in demography or basic facilities, yet progress to be elevated to levels of employment seems to be much more problematic for women than for men.

**b. Ownership inequality:** Basic assets such as home and land may be very asymmetrically shared. It makes it harder for women to enter and flourish in commercial, economic and even some social activities.

**c. Household inequality:** It is quite common, while men will work outside the home, women could do it with various incapable and unequally shared household duties.

**d. Wage discrimination:** It exists when workers are equally qualified and performed the same work but women are paid lower than men.

**e. Glass ceiling effect:** The term glass ceiling implies that an invisible or artificial barrier exists which prevent women from advancing with their jobs or receiving promotion. These are more prevalent within high powered or high income occupation, with fewer women holding these types of occupations.

#### Micro inequity

According to Sandler, it refers to the ways in which individuals are "singled-out or overlooked, ignored or otherwise discounted", based on unchangeable characteristic such race or gender. It is suggested that the perceptions that cause the manifestation of micro inequities are deeply rooted and unconscious. The cumulative effect of micro inequities can impair a person's performance in the workplace or classroom, and may eventually lead to that person's withdrawal from the situation.

There is a difference between the concepts of 'inequality' and 'inequity'. An inequality implies there is some comparison being made for some example, if your boss does not listen attentively to you, which is micro inequity. However, if your boss listens to all of your co-workers, but not to you is micro inequality.

#### Judicial initiative on women's equality:

India's family law systems provide unequal gender rights in many aspects, which tensions constitutional commitments to promote gender equality. Although the Indian constitution included a directive to homogenize family law in the indefinite future, leading to a Uniform Civil Code (UCC), policy makers may have not followed this course.

The Hon'ble Supreme Court ruled out that reservation in service rules preferring women to the extent of 30% in recruitment to public employment is just and stated that "to say that under Article 15(3) job opportunities for women cannot be created would be act at the very root of the underlying inspirations behind this Article in Government of AP Vs Vijayakumar. P.B. The Hon'ble court also observed that the ground of financial incapability of management cannot be a ground to seek exemption from the Equal Remuneration Act 1976, and made it mandatory to pay equal remuneration to lady stenographers as their male counterparts.

After the amendment of Hindu Succession Act in September 2005, the right of a Hindu widow to get full share of her late husband in co-parcenary property continues, and now daughters

also have become coparceners. So these are some landmarks where the legislature and judiciary had performed a well job, i.e. by serving in favour of the decreased or victim in the way that the truth or right should not to fail. The decision ruled out by the Hon'ble Supreme Court in a famous case resulted in the enactment of 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013'.

A statutory body with a specific mandate to study and monitor all matters relating to the constitutional and legal safeguards provided for women, review the existing legislation to suggest amendments wherever necessary etc., Ministry of Human Resource Development provided a policy to bring about the advancement development and empowerment of women. When organizations like the UN development legislation to be applied in several countries, the local contexts are ignored. Particularly visible within the realm of human rights legislation the attempt to create a universal, 'one-size-fits-all' nation of all social justice leads to friction when the global vision for equality does not cohere perfectly with the already well established structure of an individual nation. India has also ratified various international conventions and human rights instruments committing to secure equal rights of women. Key among them is the ratification of the CEDAW.

#### Present Development

The NMEW was launched with the aim to strengthen overall processes that promote multitiered Development of Women. It aims to provide a single window service for all programmes run by the Government for Women under the guidance of various Central Ministries. In light with its mandate, the Mission has been named Mission 'Poorna Shakti', implying a vision for holistic empowerment of women.

At present, a rural woman (having a TFR of 2.8) at the National level would have about one child more than an urban woman (having a TFR of 1.9), on average. In case of about 61 percent live births, the mothers have received the medical attention at delivery either at Government hospital or at Private hospital in 2010 against the 58 percent in 2009.

#### Conclusion

Our society is Patriarchal in nature. Our institutions, our traditions, our everyday lives are filled with example of men in positions of authority over women. All are born to take father's surname. Man marries and tradition holds that a father gives away his daughter to become the wife of a man whose name she shall adopts. The unequal access to life for women in India is widespread and has cultural and economic roots, resulting in gender differentials. It speaks practices followed towards them at the time of birth or even before in this age of sex determination tests, during early childhood and after that. Women are agents of social justice and social change and without their full emancipation there would be no social progress. Due to the uneven development of law, what law promises on paper cannot carry through in reality. That is why law-as-legislations and law-in-practice are most of the time in contradiction with each other. The constitution of India safeguards woman's right by putting her at par with man, socially, politically and economically. Universal education has given her a new confidence. She has proved that she can man in all walks of life.

Apart from many enactments made by the parliament as per part III and IV of constitution, our constitution has also laid down that it shall be the duty of every citizen of India, to renounce practices derogatory to the dignity of women under Article 51(A)(e) of the Indian Constitution prohibits violence against women. When this duty is followed in all sectors, it shall be the day of gender equality and the society will not a Patriarchal one.

## REFERENCE

1. Merry, Sally Engle (2006), "Human Rights and Gender violence"; Chicago, University of Chicago Press: ISBN: 978-0-226-52073-5.
2. Burstein Paul, "Equal Employment Opportunity", Edison NJ, Aldine Transaction 1994.
3. Cotter David, Joan Hermesen, Seth Ovidia and Reeve Vanneman, "Social Forces": The Glass Ceiling Effect, Chapel Hill, NC; University of North Carolina Press, 2001.
4. Sandler, Bernice, "The Campus Climate Revisited; Chilly for Women Faculty, Administrators and Graduate Students", Association of American Colleges, 1986.
5. Kulkarni.P.M., Article on "Demographic Transition in India", CSRD, SSS, J.N. Univeristy, 4th December 2014.
6. Desai. S (2010), "Human Development in India, Challenges for a society in Transition New Delhi", Oxford University Press.
7. Malik & Raval; (2000), "Law and social Transformation in India", Allahabad Law Agency Page.157.
8. Pandit Jawarhalal Nehru, then Prime Minister of India.
9. Malik & Raval; (2000), "Law and social Transformation in India", Allahabad Law Agency Page.157.
10. Wood Julia, Gendered Lives, 6th Belmont, CA; Wadsworth / Thomson Learning, 2005.
11. Desai. S (2010), 'Human Development in India, Challenges for a society in Transition New Delhi', Oxford University Press.
12. National Sample Survey office (2011), Employment and Unemployment situation in India 2009-2010, New Delhi, National Statistical Organization.
13. [http://www.censusindia.gov.in/vital\\_statistics/srs/Chap-3-2010.pdf](http://www.censusindia.gov.in/vital_statistics/srs/Chap-3-2010.pdf), surfed on 20.12.2015.
14. Kulkarni.P.M., Article on "Demographic Transition in India", CSRD, SSS, J.N. Univeristy, 4th December 2014. (<http://www.censusindia.gov.in/2011Census/Presentation/Demographic-Transition-in-India.pdf>)
15. Burstein Paul, "Equal employment Opportunity, Edison NJ, Aldine Transaction 1994.
16. Cotter David, Joan Hermesen, Seth Ovidia and Reeve Vanneman, "Social Forces": The Glass Ceiling Effect, Chapel Hill, NC; University of North Carolina Press, 2001.
17. Sandler, Bernice, "The Campus Climate Revisited; Chilly for Women Faculty, Administrators and Graduate Students", Association of American Colleges, 1986.
18. <http://www.magazine.org/content/files/microinequities.pdf>.
19. AIR 1995 Sc 1648; (1995) AIR SCW 2586.
20. Mackinnann Mackenzie & Co. Ltd., Vs Audrey D' Costa.
21. Vishaka Vs State of Rajasthan, AIR 1997 Sc 3011; (1997) 6 SCC 241.
22. National Commission for Women in India, January 1992.
23. National Policy for the empowerment of Women, 2001.
24. Merry, Sally Engle (2006), 'Human Rights and Gender violence'; Chicago, University of Chicago Press: ISBN: 978-0-226-52073-5.
25. Convention on the Elimination of Discrimination Against Women. (International UN Treaty 1979).
26. National Mission for Empowerment of Women, launched by the Government of India, on International Women's Day in 2010.
27. Total Fertility Rate.
28. Sample Registration System, [http://www.censusindia.gov.in/vital\\_statistics/srs/Executive\\_Summary\\_2010.pdf](http://www.censusindia.gov.in/vital_statistics/srs/Executive_Summary_2010.pdf)