

Gender Inequality and Women in India

Dr.S.Saravanakumar

*Assistant Professor in Political Science, Department of Political Science, Gobi Arts & Science College,
Gobichettipalayam-638 453, Tamil Nadu*

I. INTRODUCTION

In India, since long, women were considered as an oppressed section of the society and they were neglected for centuries. During national struggle for independence, Mahatma Gandhi gave a call of emancipation of women. Men and women are both equal and both play vital role in the creation and development of their families in particular and society in general. Indeed the struggle for legal equality has been one of the major concerns of the women's movement. Thus the first task in post independent India was to provide a constitution to the people, which would not make any distinction on the basis of sex. The preamble of the constitution promises to secure to all citizens Justice- social, economic and political. It is really important to note that though the constitution of India is working since more than sixty years, the raising status of women to one of equality, freedom and dignity is still a question mark.

Talking of any religious community, be it Hindu, Muslim, Christianity or Parsi, each have their personal laws and all such laws reflect that the women in these communities have fewer rights than those corresponding to their counterparts in the same situations. This is nothing but "Gender Inequality". As a concept, "gender inequality" refers to the obvious or hidden disparities among individuals based on the performance of the gender. This problem in simple terms is known as Gender Biasness, which means gender stratification or making difference between a male and a female. India stands at 10th Position among 128 countries all over the world, in gender biasness. This is indeed shameful for us.

Gender inequality is not one homogenous phenomenon, but a collection of disparate and interlinked problems. The issue of gender inequality is one of which has been publicly reverberating

through society for decades. The problems of inequality in employment being one of the most pressing issue of today.

Gender disparity can be described as:

- **Natality 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 this manifests in the form of parents wanting their newborn to be a boy rather than a girl. With the availability of modern techniques to determine the gender of foetus, sex selective abortions has become common in India.
- **Employment inequality:** in terms of employment as well as promotion at work women often face greater handicap than men. This is clearly exemplified as men getting priorities in getting better work opportunities and pay scale than their female counterparts.
- **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.
- **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.

This stratification of society on sex lines has brought inequality among men and women in their status position, which has resulted in an inferior ranking of women vis-à-vis their male counterparts. "Gender" normally refers to the traits and behavior socially designated as 'masculine' and 'feminine' in a particular culture. Gender differences are the variations in social positions, roles and behavior, attitudes and personalities of men and women in a society. Sociologists believe that gender identity and

behavior are heavily influenced by social factors. The major status difference is not caused solely by biological difference and it is reinforced through gender role socialization. Indian society, where the gender bias had been so strong, relegated inferior status to the women in society. The sages during the middle ages, evangelized the male superiority and advocated subjugation of the females.

Education and economic independence are visualized as chief emancipators of Indian women from the gender bias, which kept on a status gulf between the males and the females. Active participation of women in freedom movement, the dawn of independence and the subsequent recognition of women as weaker section, the heavy investment in formal and non-formal education for women have contributed towards deliverance of women from ignorance and exploitation. Education has not only opened eyes of women to the fruits of knowledge but also brought awareness of their own plight. The path for deliverance was laid strongly in the independent India through provision of equality of opportunity in education and in employment. The women's liberation movement in the west had its reverberations in Indian sub-continent too. During the International year of women and the decade that followed it, Indian women raised their voices against the male domination and the gender biasness. Ever since that there has been a visible transformation on the Indian social fabric, with women taking up the economically productive roles at par with men. They have come to realize that they have personalities of their own as human beings, that their lives have wider interests even outside their homes. They do not want division from female roles and feel that employment affords a sense of achievement and satisfaction.

What is not clear from the existing literature is that whether the stereotype of Indian women as passive partners in the family is altered in sequel to their taking up economically productive roles? Whether there is a change in the gender bias of men, which kept women in passive roles? This paper seeks to probe these issues among the middle class women who are employed in different sectors. The objective of the present paper is to examine the extent of changes among the middle class women playing the stereotypes, consequent to their taking up economically productive roles and to examine

whether the gender bias of men has undergone any change.

The decade of 70s (1970-1980) witnessed and heard the quest for identity and the cry for equality from women folk all over the world. Many years have gone by, after the International year for women and an examination is needed as to know whether the call for women's liberation and their cry for equality, and the removal of gender bias had been a bang in getting proper reforms or did they die down as whimper, particularly in a traditional society like ours? In today's India, girls are obviously no more nutritionally deprived at the time of birth than boys are, but this situation changes as society's unequal treatment takes over from nature's nondiscrimination. Often enough, the difference may particularly arise from the neglect of healthcare of girls compared to what boys get. In India many children are born clinically under-weight. The neglect of care of the girl child and of women in general and the underlying gender bias that they reflect would tend to yield more maternal under-nourishment and through that more fetal deprivation and distress, under-weight babies and child under-nourishment.

While there is something to cheer in the development I have just been discussing, and there is considerable evidence of a weakened hold of gender disparity in several fields in India, there is also, alas, some evidence of a movement in the contrary direction, at least in one aspect of gender inequality namely Natality inequality. This has been brought out particularly sharply by the early results of the 2001 decennial national census of India, which are now available. Early results indicate that even though the overall female to male ratio has improved slightly for the country as a whole, the female-male ratio of the population under age of 6 has fallen from 94.5 girls for 100 boys in 1991 to 92.7 girls per 100 boys in 2001. While there has been no such decline in some parts of the country (most notably in Kerala), it has fallen very sharply in other parts, such as Punjab, Haryana, Gujarat and Maharashtra, which are among the richer Indian states. Taking together all the evidence that exists, it is clear that this change reflects not a rise in female child mortality, but a female birth vis-à-vis male births, and is almost certainly connected with increased availability and use of gender determination of foetus. Fearing that sex-selective abortions might occur in India, the

Indian Parliament banned the use of sex-determination techniques for foetus, except when it is a by-product of other necessary medical investigation. But it appears that the enforcement of this law has been comprehensively neglected. This face of gender inequality cannot be removed, at least in short run, by the enhancement of women's empowerment and agency, since that agency is itself an integral part of the cause of natality inequality. Policy initiatives have to take adequate note of the fact that the pattern of gender inequality seems to be shifting in India, right at this time from Mortality inequality to Natality inequality. There is clear evidence that the traditional routes of changing gender inequality through public policy to influence female education and economic participation may not serve as a path to the removal of natality inequality. However, there are more grounds for concerns that may be suggested by the current all over India average. First, there are substantial variations with in India, and the all India average hides the fact that there are states in India where the female-male ratio is much lower than the total Indian average. Second, it has to be asked whether with the spread of sex-selective abortions India may catch up with and perhaps may even go beyond Korea and China.

Solution to the gender inequality:

Every problem has its own solution somewhere. In lieu of this gender inequality, the simplest solution lies at certain changes that can and should be made at the District level mechanism. A clearly demarcated administrative functionary should head the district level machinery that has the responsibilities to monitor and review the incidence of inequality against women. This district level machinery under the guidance of District Magistrate should comprise of police officials, representatives of prosecution machinery, judiciary and prominent individuals of Women's organizations in the district. This committee should review progress of investigation and prosecution. At least one special cell should be created at the district level for ensuring better registration and progress of investigation and monitoring of crime against gender inequality. This special cell should network with community groups and women's organization and help to create an atmosphere in which people should feel encouraged to freely report the cases of gender injustice. At

present the most non-reporting of the cases is due to lack of confidence in enforcement machinery.

Similar to this district level machinery, there has to be State level machinery for cases that require prompt action. This state level committee shall control the district level functionary to ensure no corruption and fraud against the weaker section of the society. Historically, the development of law has been an uneven one. To simplify, more than not what law promises on paper cannot carry through in reality. That is why; law as legislation and law in practice are most of the time in contradiction with each other. To cite an example, the Indian constitution explicitly enshrines formal equality for women. However, the lives and experiences of Indian women relentlessly continue to be characterized by substantive inequality, inequity and discrimination. In Indian constitution, there are several laws and clauses that can be put to discussion when it comes to employment inequality but such laws neglect the major population of India that constitutes of the agricultural labour. For this work force there is no defined pay structure or compensation that can relieve them and their families of this discrimination against the unskilled labour class. Not only the remuneration but the quota system in jobs does not allow them to grow and understand the importance of gender indiscriminate. Under the equal protection clause in India, the courts have used the 'minimal scrutiny' test to challenge government legislation. However, in cases arising under Article 15 & 16 of Indian constitution, courts seem to use 'strict scrutiny' test, which makes it easier for complainants to challenge laws and regulations.

The Equal Remuneration Act does not protect civil service employees. 'Equal pay for equal work' laws have been enacted but both exempt agricultural population, the population that consists of 80% of the work force in India. Article 16 provides for quota system on the basis of caste- the reservation of government jobs- only for those born under backward classes. But what about the quota system on the discrimination of sex? There can be a combination of religious and sex discrimination, if not in government jobs but in private sector? What does the legislation do in such a case?

The protective laws that have been enacted in Indian constitution restrict employment opportunities for women. There are several weaknesses in the

remedies provided in Indian law. The Equal remuneration Act only outlaws sex discrimination in hiring and pay, protecting industrial employees only. Article 16 protects government employees only and the proceedings under this law are time-consuming and expensive, out of reach from those who suffer the most on the basis of sex discrimination. The procedural requirements under Industrial Disputes Act make it difficult for an individual grievant to use it. The only blessing under disguise lies in the fact that the court decisions have generally favored women who have been wrongly dismissed. But the absence of laws and the need for administrative agencies is very much evident in Indian situation.

India needs a federal law prohibiting sex discrimination in advertising, recruitment, hiring, promotion, classification, wages, benefits, assignments, use of facilities, training, and apprenticeship and all other conditions or privileges of employment. The proposed law should cover private and public employees, contractors, employment agencies and the union. This coverage should also extend to the agricultural employees. A federal anti-sex discrimination law in India should override the existing protective law which restricts

The most significant factor in continued use of law to enforce patriarchal privilege is that men still control not only the legal process and the interpretation of laws, but also the subject matter and vantage point of law. If the subject matter of law is male concerned and if the perspective employed within the legal process are those of men, then women should actually have no reason to expect that mere reform of existing law will materially improve the condition of women.

The issue of the discrimination boils down to the role of women in India. Should they continue to play an inferior role and be treated as second class citizens? The final answer depends upon Indian women themselves. Fight or face injustice!

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