



# “A STUDY ON DETRIMENTAL EFFECTS OF GENDER INEQUALITY ON WOMEN RIGHTS”

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## ABSTRACT

Gender inequality has a significant impact on women's rights, and a study has been conducted to explore this issue in depth. The study reveals that gender inequality negatively affects women's rights, leading to various challenges that hinder their progress in life. It is crucial to address this issue to ensure that women have equal opportunities and are not held back by gender biases. The study highlights the need for action to be taken to promote gender equality and empower women to achieve their full potential. The Gender Inequality Index (GII) is an inequality index. It measures gender inequalities in three important aspects of human development—reproductive health, measured by maternal mortality ratio and adolescent birth rates; empowerment, measured by the proportion of parliamentary seats occupied by females and proportion of adult females and males aged 25 years and older with at least some secondary education; and economic status, expressed as labor market participation and measured by labor force participation rate of female and male populations aged 15 years and older. India has a GII value of 0.524, ranking it 127 out of 160 countries in the 2017 index. In India, 11.6 percent of parliamentary seats are held by women, and 39.0 percent of adult women have reached at least a secondary level of education compared to 63.5 percent of their male counterparts.

**Keywords:** - Gender, Inequality, Human Development, Empowerment, Women's Rights.

## INTRODUCTION

"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." —Kofi A. Annan, Nobel Prize winner, 7th Secretary General of the United Nations. Women make up less than half of India's population. As per Census 2011, the population of India is 1210.19 million comprising 586.47 million (48.5%) females and 623.72 million (51.5%) males. Of the total population, about 16.6% are SC or Dalits and 8.6% are ST. India has been ranked 108th in the World Economic Forum (WEF) gender gap index, the same as in 2017 while recording improvement in wage equality for similar work and fully closing its tertiary

education gender gap for the first time. As per the WEF's Global Gender Gap Report 2023, India has many challenges as it ranks 127th out of 146 countries in the economic opportunity and participation sub-index, it also has a few achievements. The gender gap was measured across four key pillars economic opportunity, political empowerment, educational attainment, health, and survival. The **Gender Inequality Index (GII)** is an index for the measurement of gender disparity that was introduced in the 2010 Human Development Report 20th anniversary edition by the United Nations Development Programme (UNDP). According to the UNDP, this index is a composite measure to quantify the loss of achievement within a country due to gender inequality. It uses three dimensions to measure opportunity cost: reproductive health, empowerment, and labor market participation. India is ranked 131 of 189 countries listed in the United Nations Development Programme's latest Human Development Report 2016. Categorized as having achieved 'medium human development', India's HDI value has increased by 46 percent between 1990 and 2015. India is ranked better than most of its SAARC counterparts, including Bhutan (132), Bangladesh (139), Nepal (144), Pakistan (147), Afghanistan (169). On the other hand, Sri Lanka and Maldives fare better and are ranked 73 and 105 respectively, under the 'high human development' category. China is ranked at 90. According to Giddens (2006), sociologists define gender inequality as the difference in the status, power, and prestige women and men have in groups, collectivities, and societies.

### **Ancient Period**

In ancient India women were held in high esteem and the position of a woman in the Vedas and the Upanishads was that of a mother (maata) or goddess (Devi). In the Manusmriti, the woman was considered as a precious being, and in the early Vedic age, girls were looked after with care.

### **Vedic Period**

In the ancient Vedic period women enjoyed a very respectable place in Indian society. They were free and treated equally to men. They were given the same rights to education, marriage, wealth, and legacy. They were free to educate themselves. They could participate freely in the debate with men. They would get married at an adult age and with their consent. The practice of widow remarriage was also prevalent. Overall the status of women in this period was treated equally with men.

### **Smruthi Period**

After the Vedic period, the Smruthi period followed and women lost their equal status for which they are still struggling! This epic period can be termed the 'Dark Period' for women. The women were treated merely as objects and their role was only that of a manservant. Their right to Upanayana and education were withdrawn. They were confined to the house and could not go openly to public places. The custom of child marriage was started and women lost their marital rights. Women were abused in the name of religion and traditions. A lot of social and religious restrictions were imposed on women.

### **Concept of Gender Inequality**

Gender refers to the social characteristics attributed to men and women, which are distinct from biological sex. These characteristics vary depending on cultural, social, economic, and environmental factors, as well as personal circumstances such as growth and crisis. Gender inequality encompasses a wide range of

conditions that disadvantage women, including economic opportunities, political standing, legal status, personal freedom, familial obligations, access to education, and cultural representation. Therefore, gender inequality denotes the difference in treatment between individuals based on their gender, whether it is evident or not.

### **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.

1) **Mortality Inequality:-** In this, Inequality between women and men directly involves matters of life and death, and takes the brutal form of unusually high mortality rates for women and a consequent preponderance of men in the total population, as opposed to the preponderance of women found in societies with little or no gender bias in health care and nutrition.

2) **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 these 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 a fetus, sex-selective abortions have become common in India.

3) **Employment Inequality:** - In terms of employment as well as promotion at work women often face greater handicaps than men. This is exemplified by men getting priorities in getting better work opportunities and pay scale than their female counterparts.

4) **Ownership Inequality:** - In many societies ownership of property can also be very unequal. For ages, traditional property rights have favored men in most parts of India. The absence of property claims 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.

5) **Special Opportunity Inequality:** - Even when there is little difference in basic facilities including schooling, the opportunities for higher education may be far fewer for young women than young men. Indeed, gender bias in higher education and professional training can be observed in India. 6) **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.

7) **Household inequality:** - There are often enough, basic inequalities in gender relations within the family or the household, which can take many different forms. Even in cases in which there are no overt signs of anti-female bias in, say, survival or son preference or education, or even in promotion to higher executive positions, the family arrangements can be quite unequal in terms of sharing the burden of housework and child care.

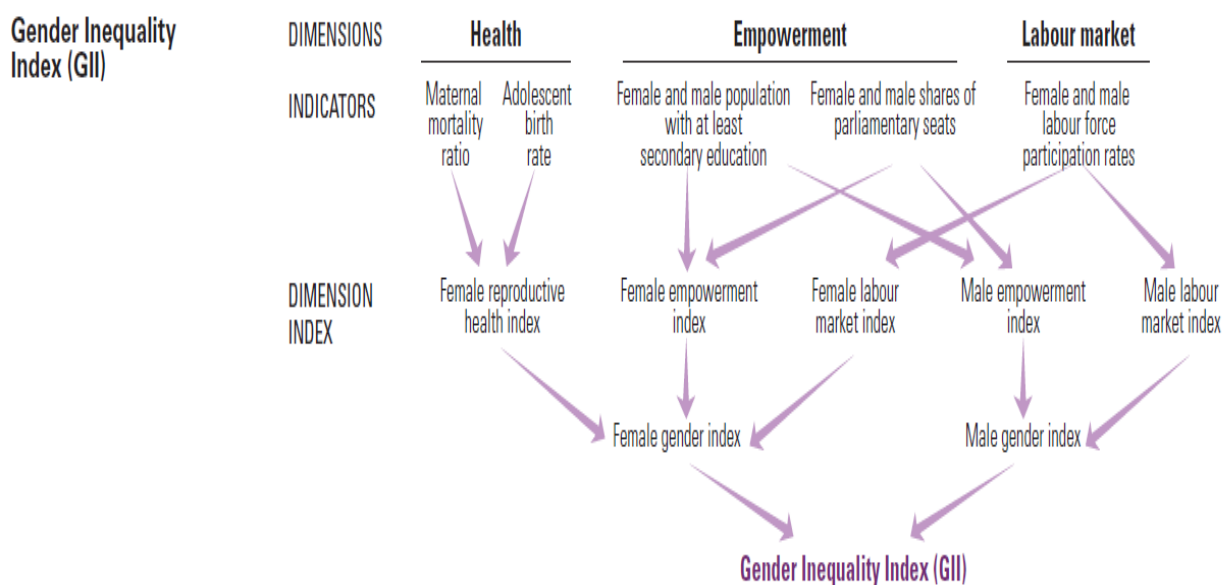
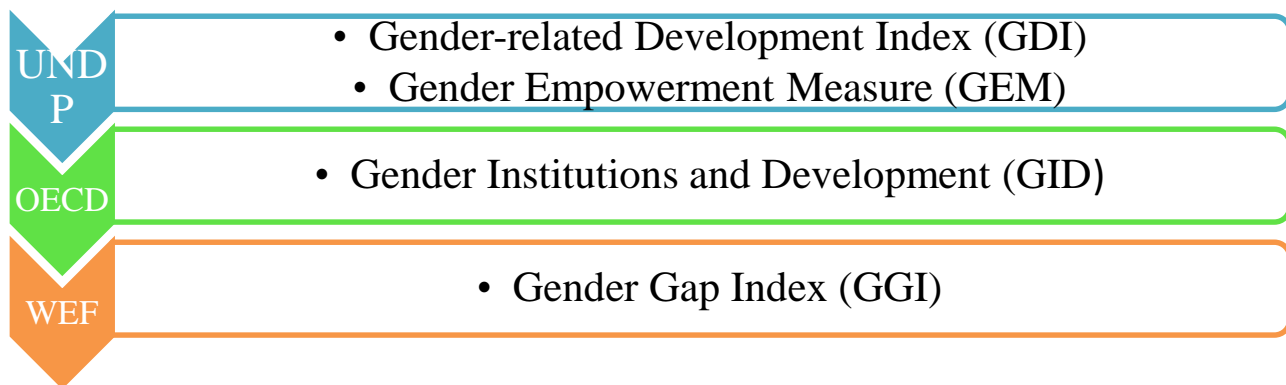
### Characteristics of Gender Inequality

**Bina Agrawal has identified three specific characteristics of gender inequality:**

1. Gender inequality dwells not only outside the household but also centrally within it;
2. Gender inequality stems not only from pre-existing differences in economic endowments (wealth, income, etc.) between women and men but also from pre-existing gendered social norms and social perceptions, i.e., the inequalities are also ideologically embedded; and
3. Gender inequalities not only pre-exist in the noted forms, but they can also arise from newly defined rules and procedures that structure the functioning of the governance institution itself. For instance, the rules that guide the governance of CPR (Common Pool Resources) institutions can explicitly or implicitly exclude particular sections of the community, such as women, from its decision-making bodies, or its benefits.

### Indicators of Gender Inequality

Several indicators have been developed by many organizations like WHO, the United Nations, UN Women, the World Bank, the World Economic Forum, the Organization for Economic Cooperation and Development, the United Nations Development Programme, and others.



**Unequal representation of women in the workforce:-** At work, this disparity is visible through a different working environment for women, unequal wages, undignified treatment, sexual harassment, higher working hours, engagement in harmful industries, occupational hazards, working roughly twice as many hours as men and a nearly 27 percent of women are accounted by unpaid activities.

**Violence against women:** - We are talking about things like development, modernization, etc. but still half of the women in India are going through different kinds of violence every day. Situation of the women varies all over the country according to the place, culture, and tradition of people. Women in the north-eastern provinces and south have better positions than in other regions. Because of the practice of female infanticide, the number of girl children has been much less in comparison to the male child (almost 940 women to 1000 men according to the 2011 census). Such a huge decrease in the percentage of female children is because of the sex-selective abortions and negligence of young girls during infancy.

**Dowry:** - Dowry has become a major problem of gender inequality in India. Dowry is generally given by the bride's parents to assure security for their daughter so that she can lead a happy married life. India, with its large population, reports the highest number of dowry-related deaths in the world according to the Indian National Crime Record Bureau. In 2012, 8,233 dowry death cases were reported across India, while in 2013, 8,083 dowry deaths were reported. The continuation of the dowry system affects not only the individual or family, and community but also the society at large.

**Rape:** - Rape is such a shameless crime and it is found that incidents of rape are rising in India. Rape is regarded as a beastly crime where women at that particular moment are in no position to defend themselves against physical assault. According to figures released by the National Crime Records Bureau (NCRB), the total number of rape cases reported in India has gone up to 33,707 in 2013 from 24,923 in 2012. In 15,556 cases, the rape victims were aged between 18 and 30 years in 2013. The number of rape cases has doubled in Delhi in 2013 compared to the previous year.

**Health:** - India has made considerable progress in social and economic development in recent decades. However, improvements in women's health have lagged behind gains in other areas. In a study conducted by the National Family Health Survey (NFHS), it was found that 37% of all pregnant women in India received no prenatal care during their pregnancies. According to NFHS, Indian children, especially girls, are the most malnourished in the world.

**Infanticide and Female Feticide:-** Female feticide and infanticide are the most hideous outcomes of sex discrimination. Son preference a deep-rooted social value combined with poverty, illiteracy, and low status of girls are among the few of the factors associated with female mortality before and at birth. Female feticide- a practice of denying the birth of a female child-though prevalent in many parts of the country, remains largely invisible. According to the 1991 census, it declined sharply again and touched the lowest ever recorded 927. The growing number of female infanticide in rural India might be a cause for this. But the 2001 census shows a modest increase (933) which is a good sign but nothing in comparison to the 946 of 1951 census. The census 2001 comes up with an alarm of the sharp decline in the sex ratio among the

children in the zero-six age group. In this category, the country's sex ratio has declined from 945 (1901) to 940(2011).

**Sexual Harassment at the Workplace:** - In today's society, women have access to education and job opportunities that allow them to achieve success in their careers. Unfortunately, however, many still face sexual harassment in the workplace, especially in male-dominated environments. This issue is particularly challenging for women who come from lower-income families and rely on their jobs to support themselves and their loved ones. Although some women may choose to leave their jobs in protest, others may feel that they have no choice but to endure the inappropriate behavior of their superiors. Recently, the Supreme Court in India has recognized sexual harassment as a violation of human rights, as well as a form of gender-based discrimination that can negatively impact women's quality of life and their ability to provide for themselves and their families.

### **Provisions Available for Women in the Indian Constitution**

- ✓ Article 24 of the Indian Constitution guarantees the life and liberty of every person. But this right is hardly available to the unwanted girl child, because of female feticide.
- ✓ Article 14 of the Indian Constitution guarantees equality before the law for women. The State is not allowed to discriminate against any citizen on grounds only of religion, race, caste, sex, and place of birth.
- ✓ Article 15 (i) empowers the State to make any special provision in favor of women and children.
- ✓ Article 15 (3) encourages the State to direct its policy toward securing for all men and women equally the right to an adequate means of livelihood
- ✓ Article 39 (a) guarantees equal pay for equal work for both men and women.
- ✓ Article 39 (d) urges the State to make provision for securing just and human conditions of work and for maternity relief.
- ✓ Article 51 (A) (e) provides that it will be the duty of every citizen to renounce practices derogatory to the dignity of women.
- ✓ Article 243D (3) directs that at least one-third of the total number of seats to be filled by direct election in every Panchayat should be reserved for women.

### **Legal Provisions:**

The Crimes Identified under the Indian Penal Code (IPC) -

- ✓ Section 302 to 304-B of IPC deals with homicide for dowry, dowry deaths, or their attempts.
- ✓ Section 354 of the IPC deals with the molestation of women
- ✓ Sections 363 and 373 of the IPC deal with kidnapping and abducting for different purposes
- ✓ Section 376 of the IPC deals with rape.
- ✓ Section 498A of IPC deals with the torture of women, which could be both mental and physical.
- ✓ Section 509 of the IPC deals with sexual harassment.

**The Crime identified under the Special Laws:**

The Employees State Insurance Act, 1948	The Family Courts Act, 1954. 55
The Special Marriage Act, 1954. Hindu Succession Act, 1956. Along with amendments in 2005.	The Plantation Labour Act, 1951. The Hindu Marriage Act, 1955.
Immoral Traffic (Prevention) Act, 1956 The Medical Termination of Pregnancy Act, 1971.	Dowry Prohibition Act, 1961 The Contract Labour (Regulation and Abolition) Act, 1976.
The Equal Remuneration Act, 1976. Indecent Representation of Women (Prohibition) Act, 1986.	The Criminal Law (Amended) Act, 1983. Commission of Sati (Prevention) Act, 1987.
The Protection of Women from Domestic Violence Act, 2005.	The Factories (Amended) Act, 1966.
The Prohibition of Child Marriage Act, 2006.	

**Reservation for Women in Local Self- Government**

The 73rd Amendment of the Indian Constitution in 1992 has empowered the Panchayat system in general and women in particular. This amendment ensures one-third of the total seats for women in all the elected officers of the local bodies whether in rural areas or urban areas. This has ensured a respectable place for women in the Panchayat System. One-third of the seats in Gram Panchayat Zilla Parishads, Panchayat Simitis, Municipalities, and Municipal Corporations are reserved for women.

**Conclusion**

21<sup>st</sup> century is known for empowerment in all aspects including the empowerment of women also. Women's rights are well recognized and protected by various legislations. Governments have taken appropriate measures to protect the rights of women concerning family, social life, working life, education, employment, economic independence, political field, and more. In the present era, most of the inhuman gender-based outbreaks of violence against women's been abolished but new forms of violence are gaining momentum. In the fields of the economic and political arena still, women face more gender inequalities in India. In many areas still, there is a lacuna in terms of equal opportunities for women but nowadays they grab the opportunities and prove themselves. Most of the girls and women are getting protection from the laws but still struggling and fighting in terms of safeguards.

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