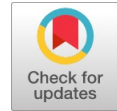


Gender Inequality in India

Piyush Khandelwal



Abstract: Gender imbalance has an impact on all societal levels and most social organisations. One institution where gender imbalance adjustments are sluggish to take place is the family. Over the years, several theories have been proposed on the causes of gender inequality. These explanations for gender inequality in the home have all been put out, including those based on biology, sex roles, and doing gender. These approaches have come under fire for being unduly predetermined, unable to address gender inequity at macrosocial scales, and neglecting to consider reform. Gender is examined simultaneously at all levels of social reality from the viewpoint that it is structural. To the degree that we are able to take advantage of its complexity, we may be able to use this dynamic, multifaceted theoretical framework to solve gender disparity in families. The gender as structural perspective is most adapted to analyse gender disparity in modern families, which are themselves characterised by dynamic fluidity and complexity, and to present viable avenues for resolving that discrepancy¹. This comes after examining and analysing a number of historical perspectives on gender discrimination². The problem is that gender inequality in India is significantly influenced by the cultural and religious landscape of the country³. One starts thinking about how equal men and women are, and many of India's centuries-old cultural traditions need to be reflected upon and rearranged. For many Indian families that practise sex discrimination, any calls for reform or efforts to eliminate prejudice are viewed as an attack on their political, social, or cultural traditions⁴.

Key Words: Gender Disparity, Preference, National Commission for Women (NCW), UNDP Human Development Report, Equality, Division of Labor, Dowry Death, Constitutional Provisions

I. INTRODUCTION

Sexual humiliation, unequal remuneration for women who work in the same professions as men, and discrimination that continues through pregnancy are all examples of gender-based (or sex-based) inequality, which is a frequent civil rights violation.

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Despite the Indian constitution guaranteeing equal rights and benefits for men and women as well as making the same provisions to raise the status of women in society, the majority of women are still unable to fully enjoy the opportunities and privileges afforded to them⁵. The majority of women have not yet completely benefited from the rights and opportunities that the Indian Constitution guarantees to them, despite the fact that it does so and that it works to improve the reputation of girls in the social network. Female population are forced to shrink inside the conventional cost machine because of society's anti-woman mentality and inequity, which also reduces their chances of thriving. Due to societal gender inequality, a few other factors are also prevalent in India today, including the lowest literacy rate, unemployment, and poverty among women⁶.

According to the "UNDP HDR 2021", India ranked 131 out of 187 countries, which is higher than Pakistan's ranking of 152. According to the research, all of South Asia's nations—aside from Afghanistan—have provided better environments for females than India, with Sri Lanka (72) leading the list. Bangladesh came in at number 133, while Nepal was placed 142⁷. Gender inequality is particularly terrible since it severely jeopardises the possibility for future generations' lives while also excluding women from basic social opportunities. Girl feticide is sadly typical in Indian households, who frequently prefer males over girls. According to the "Periodic Labour Force Survey (PLFS)" annual report for July 2020–June 2021, the rate of "Female labour force participation (LFPR)" throughout all of India in typical status grew by 2.3% in 2021 to 25.1% from 22.8%⁸ a year ago.

II. LITERATURE REVIEW

Amitabh Singh, (2011) in his research identifies that female foeticide has indeed become one of the most gravest issue in contemporary world and we are day by day inching closer to a land without women. The research further mentions that uneven sex ratio all over the world and especially, in India has raised a doubt on social development. In fact, female foeticide will not only give rise to serious social consequences such as increase numbers of rapes, molestations, growth of polyandry, homosexuality, prostitution etc., but also jeopardize human existence at large. The research paper concludes that checking female foeticide

¹ Gender Inequality in Families-Web of Science Core Collection.

² Full article: Introducing the Historical Gender Equality Index.

³ (PDF) Religion and gender inequality: The status of women in the societies of world religions.

⁴ Gender inequality at home and public - iLeaders.

⁵ National Policy for Women Empowerment | Ministry of Women & Child Development.

⁶ Gender equality in India hit by illiteracy, child marriages and violence: a hurdle for sustainable development - PMC.

⁷ (Country Insights | Human Development Report>, n.d.)

⁸ Female labour participation rises to 25.1 per cent in 2020-21- The New Indian Express.

is the need of the hour, as the society cannot move forward and prosper without the development of fairer sex.

Dhruba Hazarika⁹, (2011) expresses women empowerment as a debatable subject as in the earlier times they were having equal status with men, but faced some disparity and discrimination during post-Vedic and epic ages and were treated as slaves. The study elaborates the efforts made during early twentieth century, the national movement, during the British Raj, national leaders and by the framers of the Constitution of India. The research touches the point that although the modern women occupies some respectable positions in different walks of life, yet discrimination and harassment of women is still existing in the society, as the number of women able to establish their potentialities are very few. The research work emphasizes the need that each and every citizen should be careful and responsible to promote the equal status for women in modern Indian society. Vinay Kapoor¹⁰, (2011) highlights the rights of the daughter under various personal laws all over the world and discusses that the women were treated like chattel and they are deprived of proprietary rights under various International and Indian Laws. He emphasizes on proprietary rights in the sense of their social status, economic independence, individual security and assures prosperous and dignified life. He identifies that daughters are most deprived as regards succession to ancestral property under various personal laws and points out that the provisions relating to inheritance are not free from discrimination against woman.

Jogesh Das¹¹, (2012) reveals about gender differences, customs, traditions, social attitudes etc., as prime reasons for the inequality between men and women and considers women in traditional patriarchal society as weaker and inferior member the society. The research emphasizes that besides, the Human Rights of women and girl child are an integral part of the universal human rights (1993 World Conference on Human Rights) the author conceptualizes certain gender specific human rights violations especially in the North East India.

Asmita Bhattacharyya, Dr. Bhola Nath Ghosh^{12,36}, (2012) analyses the emergence of Information Technology as a potential employment opportunity for women befitting their job environment and offering, in principle, least gender discrimination and attempts to analyse the issues of opportunities and constraints the women employees face in the Information Technology sector in India which resulted in women empowerment. The research paper further reviews that, notwithstanding overall satisfactory gender-neutral pursuit by this sector, an optimal level of gender inclusivity

is still to be achieved, especially to the senior level and this sector requires to be extra-careful in doing away with the prevailing maladies such as 'Feminization', 'Glass ceiling' etc.

Given that sex is biologically determined, it differs from gender. To put it another way, while some differences between men and women (such as their sexual orientations) seem to be innate features of the human psyche, others (such as gender) are unquestionably the result of human socialisation processes that have been tailored to meet specific needs over the course of history. Distinguishing between distinctions that are biologically inevitable and those that do not reflect any such biological determinism, however, is commonly neglected in commentary on how men and women vary from one another. This paper's goal is to summarise the current body of knowledge on gender differences in the setting of the family. It is hoped that by describing the existing research, the reader will be made aware of the fact that many of the differences found there do not seem to be biologically predetermined and must, therefore, be qualified in light of the gendered lens that has been used to both describe and understand such disparities.

III. SURROUNDING FACTORS

This disparity is visible at work, where there is a separate environment for women, unequal pay, demeaning treatment, sexual harassment, longer working hours, involvement in hazardous industries, occupational hazards, running roughly twice as many hours as men, and nearly just around 22% of women are involved in paid activities¹³. India is renowned for its violence against women, which includes dowry burning every hour, rape in every 16 minutes, a girl being abducted every 8 minutes, and about 31,000 reports of crimes against women were made to the "National Commission for Women (NCW)" in 2021¹⁴. According to the most recent government data on crimes in the nation, India reported 31,677 incidents of rape in 2021, or 86 cases per day on average, while there were approximately 49 incidences of crimes against women reported every single hour¹⁵.

A. Inequality in The Education

India's literacy rate in 2022 would be 77.7%, according to a research released by the National Survey of India. 73% of people were literate in 2011. 4% more people now live here than in the statistics from the last census¹⁶, is one of the most noticeable results of this greater emphasis on education and learning. At the start of the twenty-first century, a sizable gender difference of around 23% yet persisted. Census

⁹ Dhruba Hazarika, *Women Empowerment in India: A Brief Discussion*, 1 INT. J. EDUC. PLAN. ADM. 199 (2011), <http://www.ripublication.com/ijepa.htm>.

¹⁰ Rattan Singh, *Editor-in-chief*, LAW J. GURU NANAK DEV UNIV. AMRITSAR/INDIA REF. J. (BLIND REF. (2012).

¹¹ Jogesh Das, *Women's Human Rights in North-East India*, 3 IOSR J. HUMANIT. SOC. SCI. 34, www.iosrjournals.org.

¹² Asmita Bhattacharyya, Dr Bhola & Nath Ghosh, *Women in Indian Information Technology (IT) sector: a Sociological Analysis*, 3 IOSR J. HUMANIT. SOC. SCI. 45, www.iosrjournals.org.

¹³ Data | 92% Indian women take part in unpaid domestic work; only 27% men do so - The Hindu.

¹⁴ Rape Every 16 Minutes, Dowry Death Each Hour: NCRB Data Shows How Unsafe India is for Women.

¹⁵ 86 Rapes A Day, 49 Crimes Against Women Per Hour In India In 2021: Report.

¹⁶ Literacy Rate in India 2022 | Kerala & Bihar Literacy Rate – The Global Statistics – The Data Experts | Statistical Data Reports.

estimates show that in 2011, the literacy rate increased to 72% however the gender gap has only marginally shrunk, with women still attaining literacy levels 15% lower than males¹⁷. Although they were higher, between 2013 and 2016, young people, aged 15 to 24 had literacy rates of 82%, but there was still a 15% gender disparity. Only 27.6% of women over 25 received a secondary education in 2015, compared to 50.5% of all adults¹⁸.

IV. RESEARCH OBJECTIVES

1. To identify potential contributing factors to gender disparity
2. To advocate for a decrease in gender disparity.

V. RESEARCH METHODOLOGY

As the study is focusing on gender discrimination in Indian families. Therefore, it is a descriptive study¹⁹. Here the writer is aiming to find out the gender discrimination of families in India. To find out the fact the author has used articles, government reports, news clips, book, web sites, journals English newspapers (census data, UN data, NCRB data, Times of India, Indian express), Government sites and some private sites etc. To identify the actual condition of Gender Discrimination and to draw a clear picture regarding the topic²⁰.

A. There are several causes of gender disparity, including the following

1. Economic Elements

I. Property Rights

Even though girls and women have equal legal rights to personal property and inheritance, women still have an edge in the workplace. The Hindu Succession Act of 2005 grants comparable inheritance rights to ancestors who also held property, however the rule is not strictly implemented²¹.

II. Employment Inequality:

Unusual gender-based discrepancies in people's power and influence over the direction of the organisation are only one example of the inequalities that frequently occur inside the administrative centre. Compared to males, women find it more difficult to advance into higher-paying employment. The gender-based overall imbalances of persons in power and control over organisational management are some prevalent discrepancies that occur in the workplace. Women are less competent than men to quickly advance into positions with higher pay²².

III. Credit Access:

Men and women are substantially less likely to be accepted into financial services. Due to the low rates of property ownership among women, they typically have no collateral for bank loans, and coercive lending practises have been criticised in microcredit programmes.

IV. Workplace Participation

In the navy's job descriptions, women are not permitted to hold combat positions. Female officers were not eligible for permanent commissions since they had neither received leadership training nor been entrusted with authority in India²³. In India, men and women get different salaries. After finishing their reproductive tasks of childbearing and childrearing, a sizable percentage of women enter the workforce after the age of 30, on average²⁴.

B. Social components

I. Dowry:

Because it reinforces the idea that women are a financial burden on their families, India's dowry system exacerbates gender inequality. Such a notion restricts the resources parents invest in their daughters and limits the advantage they may use to influence her inside the family²⁵.

II. Health:

In terms of the fitness issue, due to the abundance of violence, disorder, or other pertinent circumstances, women's life expectancies are lower than men's are and they continue to be in better health than males.

III. The unequal power of women in decision-making:

In India, women have less control over criminal justice and public safety than males do. They also have less access to public knowledge and information, and they have less power to make decisions both within and outside the home. This is another reason for gender disparity²⁶.

IV. Education:

In India, there are fewer women who are literate than men. The literacy rate for women in India in 2011 was 65.46%, compared to 82.14% for men²⁷.

C. Cultural Elements

I. Son's choice

Men are granted special privileges to inherit their family names and homes, and they are seen as adding to the prestige of their own families. In addition, the possibility of losing girls to the husband family and the hefty cost of a daughter's dowry deter parents from producing daughters. A daughter is firmly believed to be a mandatory duty.

¹⁷ Gender gap in literacy still a matter of concern - The Hindu.

¹⁸ Gender disparities in participation and completion vary by country group and education level – Unesco.

¹⁹ Kothari, C.R. (2004). Research Methodology-Methods... - Google Scholar.

²⁰ Kumar, R. (2007). Research Methodology: A step by... - Google Scholar.

²¹ The Hindu Succession Amendment Act 2005.

²² Gender inequality in Indian labour market.

²³ (Women in Combat Roles: India Can Romanticise It but Here's Why We Are Not Ready yet, n.d.)

²⁴ 50% of New Mothers Leave Their Jobs, and Only 27% Return: Report.

²⁵ (PDF) Dowry System: Unequalizing Gender Equality.

²⁶ Gender Equality in Decision-Making Positions: The Efficiency Gains - Intereconomics.

²⁷ Profile - Literacy - Know India: National Portal of India.

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II. Sons' place in religious rites:

Another component involves spiritual rituals that can only be completed with the assistance of grown men for their parents' afterlife. Sons are frequently the simplest people to be granted the opportunity to attend their parents' funerals.

III. The Lineal System:

A character's circle of relatives is derived from and tracked through the father's lineage in this common kinship system. It frequently involves passing along property, names, or titles to persons who are linked to one through their male family.

IV. Sons' financial assistance in later life:

Sons are preferred because they are seen to be more helpful than women are which a major problem with gender inequality is. They are thought to contribute to their parents' old-age security²⁸.

D. Measures taken to lessen gender inequality in India

We have made significant progress in tackling gender imbalances since India gained its independence, particularly in the areas of political meddling, educational opportunities, and prisoner rights²⁹. The Indian government has assisted in the pursuit of policies and jail changes to combat gender inequality³⁰. For instance, there is a provision in the Indian Constitution that guarantees equality and the absence of sexual discrimination³¹. "The Convention for the Elimination of All Forms of Discrimination against Women" is a treaty that India has ratified³².

Gender equality is guaranteed as a fundamental right in the preamble of the Indian Constitution³³. The government has put into place several measures of fine favouritism of women through a number of legislative and regulatory reforms. In order to encourage the equality of women's rights, India has also ratified a number of international treaties and human rights organisations, most notably the 1993 "Convention on the Elimination of All Forms of Discrimination Against Women"³⁴.

Women had been filling gender disparities and engaging in local government organisations. Over 1,000,000 girls were voted to neighbourhood governing organisations, panchayats, as a result of a 1993 modification to the Indian Constitution that required that 1/3 of the elected seats belong to women³⁵.

VI. CONCLUSION

If India wants to lessen gender imbalance, it must take proactive measures. Rethinking the ideas and tactics used to promote women's rights and dignity is necessary in light of the ongoing gender inequality. New types of institutions are

required, together with new laws and standards that support men and women as straightforward and equal members of the family. Similar to a carriage's two wheels, men and women are one. Without the other, one's lifestyle is lacking. Changing people's cognitive patterns is the most practical, "Fool-proof" way to decrease gender disparity. Everyone must work together to end this inequity since it cannot be resolved by a select few.

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REFERENCES

1. Gender Inequality in Families-Web of Science Core Collection.
2. Full article: Introducing the Historical Gender Equality Index.
3. (PDF) Religion and gender inequality: The status of women in the societies of world religions.
4. Gender inequality at home and public - iPleaders.
5. National Policy for Women Empowerment | Ministry of Women & Child Development.
6. Gender equality in India hit by illiteracy, child marriages and violence: a hurdle for sustainable development - PMC.
7. Country Insights | Human Development Reports.
8. Female labour participation rises to 25.1 per cent in 2020-21 - The New Indian Express.
9. Dhruva Hazarika, <i>Women Empowerment in India: A Brief Discussion</i>, 1 Int. J. Educ. Plan. Adm. 199 (2011), <http://www.ripublication.com/ijepa.htm>.
10. Rattan Singh, <i>Editor-in-chief</i>, LAW J. Guru Nanak Dev Univ. Amritsar/India Ref. J. (BLIND Ref. (2012).
11. Jogesh Das, <i>Women's Human Rights in North-East India</i>, 3 IOSR J. Humanit. Soc. Sci. 34, www.iosrjournals.org.
12. Asmita Bhattacharyya, Dr Bhola & Nath Ghosh, <i>Women in Indian Information Technology (IT) sector: a Sociological Analysis</i>, 3 IOSR J. Humanit. Soc. Sci. 45, www.iosrjournals.org.
13. Data | 92% Indian women take part in unpaid domestic work; only 27% men do so - The Hindu.
14. Rape Every 16 Minutes, Dowry Death Each Hour: NCRB Data Shows How Unsafe India is for Women.
15. 86 Rapes A Day, 49 Crimes Against Women Per Hour In India In 2021: Report.
16. Literacy Rate in India 2022 | Kerala & Bihar Literacy Rate â€“ The Global Statistics â€“ The Data Experts | Statistical Data Reports.
17. Gender gap in literacy still a matter of concern - The Hindu.
18. Gender disparities in participation and completion vary by country group and education level â€“ Unesco.
19. Kothari, C.R. (2004). Research Methodology-Methods... - Google Scholar.

²⁸ The consequences of son preference and sex-selective abortion in China and other Asian countries - PMC.

²⁹ The Role of Women in India Post Independence - Current Affairs Review.

³⁰ Measures taken by the Government for gender equality/socio-economic development/empowerment of women; Government policies for gender equality in India - iPleaders.

³¹ Gender Equality under the Constitution : Overview and Analysis.

³² Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979 | OHCHR.

³³ Women and the Indian Constitution — Vikaspedia.

³⁴ Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) for Youth | UN Women – Headquarters.

³⁵ Women Reservation in Panchayats.

20. Kumar, R. (2007). Research Methodology: A step by... - Google Scholar.
21. The Hindu Succession Amendment Act 2005.
22. Gender inequality in Indian labour market.
23. Women in combat roles: India can romanticise it but here's why we are not ready yet.
24. 50% of New Mothers Leave Their Jobs, and Only 27% Return: Report.
25. (PDF) Dowry System: Unequalizing Gender Equality.
26. Gender Equality in Decision-Making Positions: The Efficiency Gains - Intereconomics.
27. Profile - Literacy - Know India: National Portal of India.
28. The consequences of son preference and sex-selective abortion in China and other Asian countries - PMC.
29. The Role of Women in India Post Independence - Current Affairs Review.
30. Measures taken by the Government for gender equality/socio-economic development/empowerment of women; Government policies for gender equality in India - iPleaders.
31. Gender Equality under the Constitution: Overview and Analysis.
32. Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979 | OHCHR.
33. Women and the Indian Constitution - Vikaspedia.
34. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) for Youth | UN Women - Headquarters.
35. Women Reservation in Panchayats.
36. Storozhenko, L., & Petkun, S. (2019). Electronic Communications as an Element of Management. In International Journal of Innovative Technology and Exploring Engineering (Vol. 8, Issue 11, pp. 459–466). <https://doi.org/10.35940/ijitee.k1401.0981119>

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