

SUMMARY SHEET



Gender Issues



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According to **Mahatma Gandhi**, *‘woman is the companion of man, gifted with equal mental capacity.’* However, being discriminated against is the lived reality of millions of women not only in India but across the globe. This chapter on ‘Gender Issues’ will help us in developing a holistic understanding of gender inequality – its meaning, manifestation, prevalence and remedies.

1 Part I: Understanding Gender Inequality

In this part we will look at the meanings of terms gender equality and gender inequality. We will also be looking at the different types of gender inequalities that exist in a society and their harmful effects.

1.1 Gender Equality

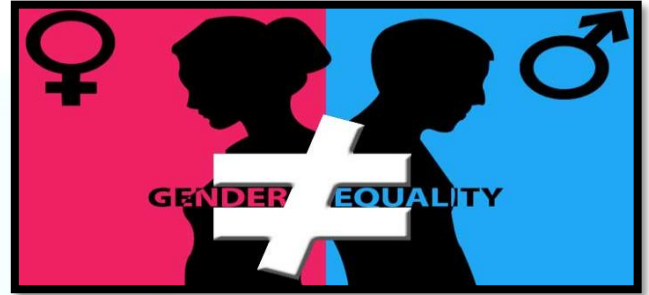
Gender equality refers to the **equal rights, responsibilities and opportunities** of **women and men and girls and boys**.

- Gender equality implies that the **interests, needs and priorities** of both, **women and men** are taken into consideration, recognizing the **diversity of different groups women and men** (for example: women belonging to ethnic minorities, lesbian women, or women with disabilities).
- Gender equality is both, a **human rights principle**, and a precondition for **sustainable, people-centered development**.



1.2 Gender Inequality

Inequality is when some people or things are privileged over others. So, it follows that gender inequality is when **one gender is privileged over others**. It means **treating people unequally because of their gender**.



1.2.1 Types of Gender Inequality

1. **Ideological:** The idea that one gender is better than others.
2. **Economic:** Paying people of one gender more than others.
3. **Legal:** Laws that treat one gender in a more privileged fashion.
4. **Opportunity related:** Giving more opportunities to people of one gender.
5. **Emotional:** Talking disparagingly about people of a certain gender.

1.2.2 Harmful Effects of Gender Inequality

1. **Social effects:** Gender inequality has, unfortunately, shaped many of our societies and traditions.
2. **Loss of talent:** When we nurture the talents of one gender more than others, our talent pool is diminished.
3. **Confidence issues:** Treating people of a certain gender disparagingly can harm their confidence.
4. **Emotional:** Discriminating against people of one gender can cause great sadness and stress.
5. **Economic:** Discrimination can cause one gender to be – overall – richer than others.

2 Part II: Gender Issues in India

Joint family system, domestic violence, dowry, migration, urbanisation, sexual violence, and workplace experience are some of the pressing gender issues in India. In this part, we will be discussing each of these issues in detail.

Concept Check

Which part of the Constitution of India explicitly talks about renouncing 'practices derogatory to the dignity of women'?

- (a) Preamble
- (b) Fundamental Rights
- (c) Directive Principles of State Policy
- (d) Fundamental Duties
- (e) All of the above

Answer: D

Issues faced by women in India

2.1 Domestic Violence

Domestic violence, or **intimate partner violence (IPV)** as it is sometimes called, is a worldwide problem. According to the National Family Health Survey (NFHS), 2019-2021, 29.3 per cent of married Indian women between the ages of 18 and 49 have experienced domestic/sexual violence; 3.1 per cent of pregnant women aged 18 to 49 have suffered physical violence during their pregnancy. This all occurs despite the fact that women in India are legally protected from domestic abuse under the **Protection of Women from Domestic Violence Act 2005**, which is discussed later in the document.

2.1.1 Forms of Domestic Violence

1. **Physical violence** involves the use of physical force against another. **Examples** include hitting, shoving, grabbing, biting, restraining, shaking, choking, burning, forcing drug/alcohol use, and assault with a weapon, etc. Physical violence may or may not result in an injury that requires medical attention.

2. **Sexual violence** involves the violation of an individual's bodily integrity (sexual assault), including coercing sexual contact, rape, and prostitution, as well as any unwelcome sexual behavior (sexual harassment), including treating someone in a sexually demeaning manner or any other conduct of a sexual nature, whether physical, verbal, or non-verbal.

- Sexual abuse also includes behavior which limits reproductive rights, such as preventing use of contraceptive methods and forcing abortion.

3. **Psychological abuse** is often characterized as intimidation, threats of harm, and isolation. Examples include instilling fear in an intimate partner through threatening behavior, such as damaging property or abusing pets, constant supervision, or controlling what the victim does and who they talk to.

- Spiritual abuse may be included as a type of psychological abuse. It involves the misuse of spiritual or religious beliefs to manipulate or exert power and control over an intimate partner (i.e., using scripture to justify abuse or rearing the children in a faith or religious practice the partner has not agreed to).

4. **Emotional abuse** involves undermining an individual's sense of self-worth. Examples of emotional abuse include constant criticism, name-calling, embarrassing, mocking, humiliating, and treating like a servant.

5. **Economic abuse** involves making or attempting to make the victim financially dependent on the abuser. Examples of economic abuse encompass actions such as preventing or forbidding an intimate partner's ability to work or pursue education, exercising control over financial assets, and withholding access to economic resources.



2.1.2 Causes of Domestic Violence

Just as domestic violence is a multifaceted problem in India, the causes are also multifarious. Some of them are discussed below.

1. **Strong link between domestic violence and dowry demands:** Domestic violence often happens in India as a **result of dowry demands**. There are strong links between domestic violence and dowry, a cultural practice deeply rooted in many Indian communities, which is the money, goods, or property the woman/woman's family brings to a marriage to now come under the ownership of the husband.

2. **Patriarchy:** There are three main aspects of the patriarchal household structure in India that affect women's agency:

- a) Marriage,
- b) Active discrimination by means of abuse (marital or extramarital), and
- c) Diminished women's agency through limited economic opportunity through stifled opportunity for independence.

In all these dimensions, there is a clear relationship between strong patriarchal familial structures and limited capabilities and agency for women, which are strongly correlated with causal factors for domestic violence such as gender disparities in nutritional deprivation and a lack of women's role in reproductive decisions.

3. **Hesitancy among women to report:** There is **widespread hesitation** amongst **most Indian women** who experience domestic violence to **report or prosecute against such crimes**.

- A major reason for this reluctance is the patriarchal structure that is the framework for the vast majority of households in India and the **misconception** that it is **almost always the woman's fault for provoking domestic abuse** that such abuse occurs.
- The results of this hesitancy to report cases is clear, as reported data overwhelmingly tends to underestimate actual prevalence of occurrences of domestic violence.

4. **Domestic violence is often not handled as a legitimate crime or complaint:** It is considered more of a private or family matter. Caste, class, religious bias, and race also determine whether action is to be taken or not. Other factors responsible for domestic violence include socio-economic class, educational level, and family structure beyond the patriarchal framework.

Concept Check

Q. What are the characteristics of a patriarchal system?

- (a) Women dominance, women identification, women centeredness and obsession with control.
- (b) Male dominance, male identification, male centeredness and obsession with control.
- (c) Obsession with money, need to control all women, includes only men and includes only military.
- (d) Cultural dominance, oppression of women, oppression of the elderly and male identification.
- (e) None of the above

Answer: B

Now, let's understand the effects of domestic violence on different stakeholders.

2.1.3 Effects of Domestic Violence

1. Effects on the victim

- a) **Death, illness, injury and disability** — domestic and family violence is the leading cause of death, illness and disability for women aged under 45.
- b) **Emotional and psychological trauma** — the devastating impact on an individual's physical, mental, and emotional health including depression, shame, anger, and suicide.
- c) **Homelessness** — many homelessness say domestic and family violence is an issue.
- d) **Physical trauma** — Victims often endure physical health injuries without access to medical treatment, resorting to alcohol and drugs to cope with the pain, compounding their suffering.



2. Effects on the family

- a) Violence and the threat of violence at home creates fear and can destroy family environments and lead to the break-up of families
- b) Frequent moving to avoid the abuser
- c) Regular household conflict
- d) Child protection or police involvement

3. Effects on the community

- a) Abusers going to prison
- b) Higher rates of alcohol and other drug use, and mental health problems

4. Effects on Children

Studies show that living with domestic violence can cause physical and emotional harm to children and young people in the following ways:

Manifestation: Ongoing anxiety and depression, emotional distress, eating and sleeping disturbances, find it hard to manage stress, **low self-esteem**, being aggressive towards friends and school mates, feel guilt or blame themselves for the violence, **have trouble forming positive relationships**, develop phobias and insomnia, **use bullying behavior or become a target of bullying**, difficulty in concentrating, find it hard to solve problems, growing up without learning about positive and respectful relationships, having less empathy for others, etc.

Having understood the effects of violence, one needs to understand the ways of tackling them and curb such a menace in the society.

2.1.4 Measures for tackling Domestic Violence

Protection of Women from Domestic Violence Act 2005: The Domestic Violence Act of 2005 provides victims of abuse with a means for practical remedy through prosecution.

- Domestic violence is currently defined in India **under Section 3 of this Act**. This Act prescribes stringent punishment for domestic violence.
- However, the Domestic Violence Act of 2005 has been reportedly used against men in some cases, though the vast majority of cases involve abuse of a woman. **The Delhi High Court** clarified that the Act could also be used to prosecute women.

Impact of the Act: Despite this law in force, most of the women continue to suffer domestic violence in silence may be because the women in India are expected to idealize the character of Sita and Savitri.

- Though, there is no harm in this but when it comes to unnecessary subjugation and crime against women, they have to take upon themselves to raise the voice.
- However, in some cases **where women have taken the mantle**, the Indian judicial system has failed them. On the top of that, there are some crimes which are still not covered under any of the Indian law, like marital rape.

Domestic violence is not the only crime faced by women; some of the others are discussed in subsequent parts of this write up

2.2 Dowry Demand

In Indian subcontinent, dowry is the **payment in cash or some kind of gifts given to a bridegroom's family** along with the bride. The dowry system is thought to put **great financial burden on the bride's family**. Historical records suggest that dowry in ancient India was insignificant, and daughters had inheritance rights, which by custom were exercised at the time of her marriage. However, dowry has become a **prevalent practice in India's modern era**.

Dowry has become a **social menace** in modern India, because due to its practice women are subjected to many types of atrocities and harassment, the most brutal and inhumane of which is 'dowry death.' Dowry demand and its inadequate satisfaction is one of the most prominent reasons for domestic violence. Let us briefly discuss the dynamics of dowry deaths.



2.2.1 Dowry Deaths

These are deaths of **young women who are murdered or driven to suicide by continuous harassment and torture** by husbands and in-laws in an effort to **extort an increased dowry**. Dowry deaths are found in many countries, but India reports the highest total number of dowry deaths. Dowry death is considered as one of the many categories of violence against women, alongside rape, bride burning, eve teasing, and acid throwing. Dowry deaths in India are **not limited to Hindus or any specific religion**. The ratio of dowry deaths is about the same as the ratio of population in India by religions.

2.2.2 Effects of Dowry System

This social malaise has multifarious effects, some of them discussed below.

- Prevalence of domestic violence** - The most prominent effect of dowry system is the **prevalence of domestic violence**, which is a crime against humanity. Domestic violence in turn has many other effects which have been discussed above.
- Continuously decreasing sex-ratio** - The **continuously decreasing sex-ratio** is also attributed to dowry system, because **daughters** come to be seen as **financial burden on the families**. As a result, the daughters are killed just after they are born (infanticide) or they are killed even before they come into this world (feticide).

- iii. **Prevalence of mental disorders** - The widespread prevalence of **mental disorders**, especially among women, has been attributed to the tortures they have to face from their in-laws and husband. **Women had the highest share of mental health disorders in India, amounting to 39 percent and 30 percent for stress and anxiety health disorder respectively.**
- iv. **Detrimental to the upbringing** - The persistent conflict and squabble between parents over the issue of dowry may be **detrimental to the upbringing and personality development of their children.**

The government cognizant of the dowry menace has come up with landmark legislation and there are various other players involved in fighting this menace, which is discussed below.

2.2.3 Prohibition of Dowry System

1. **The Dowry Prohibition Act, 1961:** The payment of a dowry has been prohibited under The Dowry Prohibition Act, 1961 in Indian civil law and subsequently by Sections 304B and 498A of the Indian Penal Code (IPC).
 - The Dowry Prohibition Act 1961 prohibits the request, payment, or acceptance of a dowry, "as consideration for the marriage", where "dowry" is defined as a gift demanded or given as a precondition for a marriage.
 - **Gifts given without a precondition are not considered dowry and are legal.** Asking or giving of dowry can be punished by an imprisonment of up to six months, or a fine. It replaced several pieces of anti-dowry legislation that had been enacted by various Indian states. Murder and suicide under compulsion are addressed by India's criminal penal code.
2. **Domestic violence protection officer:** Under the Protection of Women from Domestic Violence Act 2005 (PWDVA), a woman can put a stop to the dowry harassment by approaching a domestic violence protection officer.
3. **Combating violence against women:** Reports of incidents of dowry deaths have attracted public interest and sparked a global activist movement seeking to end the practice. Of this activist community, the United Nations (UN) has played a pivotal role in combating violence against women, including dowry deaths.
4. **Role of The United Nations:** United Nations has been an **advocate for women's rights** since its inception in 1945, explicitly stating so in its *Charter's Preamble*,
 - a) The Universal Declaration of Human Rights (adopted in 1948),
 - b) The International Covenant on Civil and Political Rights (adopted in 1966),
 - c) The International Covenant on Economic, Social and Cultural Rights (also adopted in 1966) **(these three documents are known collectively as the 'International Bill of Rights')** and
 - d) The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (2012).

The United Nations Children's Fund (UNICEF), though predominately focused on improving the quality of education available to children globally, has also taken a proactive stance against dowry death.

Let's look at the issue which has caught the attention of entire world amidst the pandemic, and this is common phenomenon since ages.

2.3 Challenges faced by Women Migrants

1. **Discrimination faced by women:** Studies of immigrant women argue that women more often than men are **denied full incorporation**; that is, the full civil, political, and social rights and responsibilities that normally come with membership in a society.
2. **Stereotype Barrier:** Women may have different experiences than men because they are **frequently segregated into traditional "female" occupations**, such as domestic work, childcare, or garment manufacturing.
 - Even highly skilled immigrant workers may have different experiences based on their gender. The gender **hierarchies** that affect all women in general **also handicap immigrant women in particular**, influencing job opportunities, work environment, and wages vis-a-vis their male counterparts.

3. **Vulnerability of women:** The existing push and pull factors operating hand in hand with increasing barriers to migration (which are not related to labor demand) are only fostering an increase in irregular migration exposing migrant workers, especially women, to **exploitative working conditions** and **denying them access to legal and social protection**.
4. **Conditions overseas:** Working in a country away from their homes, women are subjected to **various forms of discrimination, exploitation and abuse**. Sometimes they are **not given their due salary**, which is another form of **bonded labor and slavery**.
 - Forced by domestic economic conditions, women are sometimes forced to migrate in search of employment avenues. As a result, sometimes they have to **work in highly insecure and disturbed areas**, threatening not only their livelihood but their very life.
 - For **example**, in a recent instance **Indian nurses working in Iraq** were abducted for weeks, triggering national outrage.
5. **Xenophobia:** It leads many in receiving countries to view migrant women workers as aliens: as **inferiors— culturally and socially**.
 - Without rights, or an ability to obtain redress; with ignorance— about the worker's culture.
 - As commodities, and therefore, subject to different standards of treatment in general – there is widespread reporting of migrant workers being **ill-treated, starved , locked up** and so on; because of different ways of relating to women arising out of religion and culture— making female workers **more vulnerable to exploitation and sexual abuse**.

Concept Check

Q. A dislike of or prejudice against people from other countries is known as

- (a) Ethnocentrism
- (b) Xenophobia
- (c) Xenophilia
- (d) Aporophobia
- (e) Chauvinism

Answer: B

With the world witnessing rapid urbanization, it poses many challenges for women in urban spaces which is discussed in brief below.

2.4 Sexual Violence against Women in India

- According to the National Crime Records Bureau, as many as 4,28,278 cases of crime against women were registered during 2021—an increase of 15.3 per cent over 2020 (3,71,503 cases).
- The majority of crimes against women were registered under 'cruelty by husband or his relatives (31.8%) followed by 'assault on women with intent to outrage her modesty (20.8%), 'kidnapping and abduction of women (17.6%) and 'rape' (7.40%).
- The crime rate registered per lakh women population was 64.5 in 2021 in comparison with 56.5 in 2020, as per the NRCB data released last year.

Thus, Violence against women is as serious a cause of death and incapacity among women of reproductive age as cancer, and a greater cause of ill health than traffic accidents and malaria combined. There are various causes for this deadly disease as discussed below

2.4.1 Causes of rising sexual crime in India:

1. **Low status of women:** The biggest issue is women's overall lower status in Indian society. **The patriarchal nature of Indian society** has deprived women of equal rights. It also has led to other social malices like female feticide, Dowry and Preference for son.
2. **Lack of public safety:** Women generally aren't protected outside their homes. Indian authorities say that the **country's public places can be unsafe for women**. Many streets are poorly lit, and there's a lack of women's toilets. For e.g., Delhi gang rape took place in public place.

3. **Acceptance of domestic violence:** National family-health survey reports that a sizeable percentage of women blame themselves for beatings by their husbands. "When a boy grows up seeing his father assault his mother, he starts to accept such a behavior and repeats it,". This is being normalized and it is also accepted by women.
4. **A sluggish court system:** India's court system is painfully slow, in part because of a shortage of judges. The country has about **21 judges for every 1 million people**, while China has 159. Along with inefficient judicial system, the conviction rate of rape cases is very poor.
5. **Few female police personnel:** Studies show that women are more likely to report sex crimes if female police officers are available. India has historically had a much **lower percentage of female police officers** than other Asian countries.
6. **Blaming provocative clothing:** In a 1996 survey of judges in India, 68 percent of the respondents said that provocative clothing is an invitation to rape. This perception among the learned people is percolating to the masses.

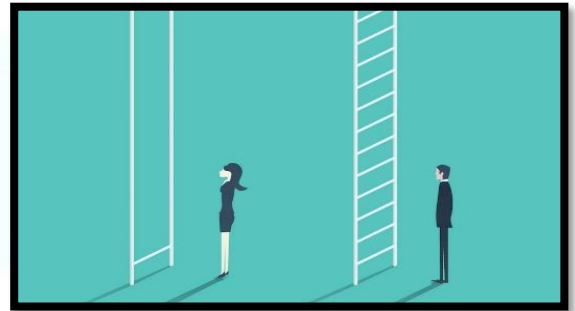
2.4.2 The Way Forward

1. **Generating more awareness about Women's Safety:** Both societal norms for behavior and the built environment affect a woman's safety in public spaces. Knowledge of women's issues might begin to make a shift in the way women are treated and respected in the society.
2. **Built environment – A medium of change:** The behavior and attitudes of the society cannot be transformed overnight, but the built environment can be controlled and can be used as a medium for change.
 - As a beginning we can start with creating favorable urban infrastructure, like proper lighting on the public places, safe and secure urban transportation, installing CCTV cameras at places thought to be prone to sexual violence etc.
3. **Faster resolution of cases:** Setting up of specially designed courts (Fast Track Courts) for trying cases of violence against women. These courts could be mandated to finalize the case within a stipulated time frame.
4. **Need for sensitization of Police System:** Setting up of all women police stations and recruiting of more policewomen. However, in the light of instances where members of women police force were themselves harassed, raped or even murdered, there is greater need for reforming and sensitizing the police system as such.
5. **Moral Overhauling of the Masses:** If we take account of all these women and then collectively see the scenario of sexual crimes against women, it can be easily seen that stringent laws alone cannot do much.
 - What really needs to be done is the moral overhauling of the minds of the masses by means of education and awareness.
 - Strong and stringent laws are definitely necessary as the existing laws have proved to be inefficient in ensuring swift justice and appropriate punishment to the guilty. But the actual need of the hour is a **revolutionary change in the mindsets and conscience of Indian men** so that they stop seeing women as objects of sexual pleasure.
6. **Involvement of community members:** Further research needs to be done while engaging various community organizations, municipal authorities, police departments and other important stakeholders.
 - Workshops need to be organized and future women's safety audits need to be designed and led by community members. This would help form crucial links between the community and decision-making organizations.

No change can be achieved without creating a dialogue between the users and the designers of the space. **Active participation is the only way to bring about a revolution in the way cities and spaces are conceived and created for residents.** This takes us to the next important issue of Women at Workplace.

2.5 Women at Workplace

Women in the workforce earning wages or a salary are part of a modern phenomenon, one that developed at the same time as the growth of paid employment for men, but **women have been challenged by inequality in the workforce**. Until modern times, **legal and cultural practices**, combined with the inertia of longstanding **religious and educational conventions**, restricted women's entry, and participation in the workforce.



However, over the past three decades, workplace has become a much more diverse environment. With **women representing 29.4 per cent of the total workforce in India**, **personal security** has become central to their physical, intellectual, emotional, economic, and spiritual well-being.

- **Violence against women in the workplace** takes place in all countries throughout the world and takes many forms, including **sexual harassment and bullying**. It affects all professions and sectors and particularly women living in poverty as they are more likely to be exposed to exploitation and abuse in informal labor settings like, for example, women migrant workers.
- Workplace violence against women is understood to include **physical assault, threatening behavior, bullying, verbal abuse, and various forms of harassment**. Workplace violence usually occurs in a workplace setting; however, it may also occur outside of the work setting. Violence may be perpetrated by a colleague or supervisor, a client or customer. When gender is incorporated in analyses of workplace violence, important issues emerge. These include:
 1. Women have **difficulty in labeling their experiences as violence and harassment**.
 2. Women are **over-represented in low paid, low status and precarious jobs**.
 3. Occupational health and safety research has often viewed women's work as safe work.
 4. Men are more likely to be the perpetrators of violence against women in the workplace (although women also perpetrate violence against other women).

2.5.1 Impact and Cost of Workplace Violence

The negative consequences of workplace violence and harassment for women include leaving their jobs, developing psychological disorders, experiencing relationship breakdowns, and developing substance abuse problems.

- Additional costs to industry include costs associated with **staff turnover, absenteeism, reduced efficiency, decline in work quality, early retirement costs, counseling program costs, mediation or grievance proceedings, and anti-discrimination action**.

2.5.2 Why violence against women at workplace violence is so prevalent?

Despite such widespread occurrence of workplace harassment and violence, women do not report the matter. As a result, the perpetrators do not face any **credible deterrence**. There have been allegations of sexual assault even against the members of higher judiciary in India. Several reasons for why women do not report workplace violence were identified including:



- Women see violence as a 'normal' part of the workplace, it is unavoidable and there is nothing that can be done about it.
- They don't know what to do about it.
- They can be silenced by the experience of workplace violence as it is seen as integrally connected with the shame associated with other types of men's violence against women.
- Some women fear they will lose their jobs if they report violence.

- Some women lack faith in the system, often believing the violence is already known to and condoned by managers; and
- Some fear that the process of reporting is likely to be traumatic.
- Many a times, workplaces simply do not have effective mechanisms for addressing violence.

2.5.3 Providing safe environment and preventing violence against women in the workplace

Developments that have taken place in India with regard to providing safe environment for women at workplace are discussed in brief.

1. Vishaka judgment (Vishaka guidelines):

- The guidelines date back to 1997 when the Supreme Court laid them down while passing judgment in a public interest litigation filed by Vishaka and other women's rights groups over the infamous Bhanwari Devi gang rape case.
- Bhanwari Devi, a social worker from Rajasthan had in 1992 prevented the marriage of a one-year-old girl, inviting wrath of the villagers. The gang rape was allegedly an act of revenge.
- Hearing the PIL, the apex court took note of the fact that the civil and penal laws of the time **did not adequately provide for specific protection of women from sexual harassment at workplaces**, and made it legally binding for employers to observe some guidelines to ensure prevention of sexual harassment of women.
- Prohibition, prevention, redressal** — these were the three key obligations that were imposed on institutions as the guidelines defined sexual harassment at workplaces.
- The Supreme Court said every organization must set up an internal complaints committee or ICC to look into matters of sexual harassment of women at the workplace.
- What constitutes sexual harassment at workplace?**
 - Physical contact and advances
 - A demand or request for sexual favors
 - Sexually coloured remarks
 - Showing pornography
 - Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

2. The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013

- Prevention of Sexual Harassment of Women at Workplace is a legislative act in India that seeks to protect women from sexual harassment at their place of work. It was passed by the Indian Parliament in 2013.
- This statute superseded the Vishakha Guidelines for prevention of sexual harassment introduced by the Supreme Court of India.
- The law contains legal requirement that any workplace with more than 10 employees need to implement it. It also contains strict measures against the employers who fail to comply with its provisions.
- However, it was reported by the International Labour Organization in a study (conducted by ILO in early 2014) that, very few Indian employers were compliant to this statute. In specific terms, over 90% of Indian businesses are unable to comply with the new law.
- Even as employee awareness campaigns and training workshops are under way in companies both big and small, the number of reported harassment cases has gone up. Thus, there are implementation gaps must be overcome.

3. Innovative Step: Central government has launched an **online complaint management** system called **"Sexual Harassment Electronic-Box (SHe-Box)"** for registering complaints related to sexual harassment at workplace.

Conclusion

The daily reporting in various newspapers and data is speaking for itself. It is confirming that everyday women are dealing with harassment from mild to extreme forms on our streets, workplaces, public

transportation, and even in homes. How long will this menace go on for? What are we supposed to do about it?

- With limited options in our hands, and with time fast flying us by, the onus is on us to wake up and do whatever it takes. **About 50% of India's registered voters are women, the power of whom together needs to demand a tougher India, yet an India that is sensitive to women.** Women's issues need to be pushed in every lobby until the leaders have no choice but to yield and take a hold on the crisis that looms across every street and every corner of India today.
- This is the time we own up to ourselves. We stand by each other, tall and proud, brave and unfazed. This is the time we own up to India. No more Harassment. We want what we deserve - for us and for our daughters – **a safer India for women.**

Having understood the various pressing issues faced by women, let's look at the various measures undertaken by the government to address them since independence.

2.6 Indian Women's vulnerability to COVID-19's impact: Livelihood and Job Security

1. **Huge loss to the Indian Economy:** Oxfam India estimates the economic loss from women losing their jobs during the pandemic at about \$216 billion, around 8% of the GDP. This clouds women's already poor economic outlook.
2. **Disproportionate impact on the informal sector:** According to the ILO, 81% of Indian women work in the informal economy. The informal sector is the worst hit by the coronavirus-imposed economic slowdown. The economic costs of the lockdown may be disproportionately borne by women in the end.
3. **Setback for Self-Help groups:** The need for social distancing has also temporarily disrupted the functioning of self-help groups (SHGs) that have been credited with improving women's well-being and empowerment.
4. **Feminization of Poverty:** Many women are at risk of a permanent exit from the labour market. The end result will be the feminization of income poverty. Research from the World Bank suggests the pandemic will drive more than 12 million Indians into poverty. Women are likely to be over-represented among the new poor.

3 Part III: Measures against Gender Inequality in India

Right from the inception of the Constitution of India, policymakers in India have been aware of the problem of gender inequality in India. Accordingly, various legal and developmental measures have been taken from time to time to ameliorate the situation.

3.1 Constitutional Safeguards against Gender Inequality

1. **Article 14 -Equality before law** for women
2. **Article 15 (1) - The State not to discriminate** against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.
3. **Article 15 (3)- The State to make any special provision in favour of women and children.**
4. **Article 16- Equality of opportunity for all citizens** in matters relating to employment or appointment to any office under the State.
5. **Article 39(a)- The State to direct its policy towards securing for men and women equally the right to an adequate means of livelihood.** This helps to promote justice, on a basis of equal opportunity and to **provide free legal aid** by suitable legislation or scheme or in any other way to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.
6. **Article 39(d)- equal pay for equal work for both men and women.**
7. **Article 42- The State to make provision for securing just and humane conditions of work and for maternity relief.**

8. **Article 46-** The State to promote with special care the **educational and economic interests of the weaker sections** of the people and to protect them from social injustice and all forms of exploitation.
9. **Article 47-** The State to raise the **level of nutrition and the standard of living** of its people.
10. **Article 51(A) (e)** -To promote harmony and the spirit of common brotherhood amongst all the people of India and to **renounce practices derogatory to the dignity of women**.
11. **Article 243 D (3)** -**Not less than one-third** (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the **total number of seats to be filled by direct election** in every **Panchayat** to be **reserved for women** and such seats to be allotted by rotation to different constituencies in a Panchayat.
12. **Article 243 D (4)**- **Not less than one- third of the total number of offices of Chairpersons** in the Panchayats at each level to be **reserved for women**.
13. **Article 243 T (3)**- **Not less than one-third** (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the **total number of seats** to be filled by direct election in **every Municipality to be reserved for women** and such seats to be allotted by rotation to different constituencies in a Municipality.
14. **Article 243 T (4)**- **Reservation of offices of Chairpersons in Municipalities** for the Scheduled Castes, the Scheduled Tribes, and **women** in such manner as the legislature of a State may by law provide.

Concept Check

Q. Which of the following Articles of the Constitution of India provides for 'equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State'?

- (a) Article 14
- (b) Article 15
- (c) Article 16
- (d) Article 17
- (e) Article 19

Answer: C

3.2 Legal Safeguards against Gender Inequality



Government of India has been administering various special laws relating to women such as:

1. **'The Protection of Women from Domestic Violence Act, 2005'**: The Domestic Violence Act of 2005 **provides victims of abuse with a means for practical remedy through prosecution**. Domestic violence is currently defined in India under Section 3 of this Act. This Act prescribes stringent punishment for domestic violence.
2. **'The Dowry Prohibition Act, 1961'**: The payment of a dowry has been prohibited under The Dowry Prohibition Act, 1961 in Indian civil law and subsequently by Sections 304B and 498A of the Indian Penal Code (IPC).
 - The Dowry Prohibition Act 1961 **prohibits the request, payment, or acceptance of a dowry, "as consideration for the marriage"**, where **"dowry"** is defined as a **gift demanded or given as a precondition for a marriage**.
 - Gifts given without a precondition are not considered dowry and are legal. Asking or giving of dowry can be punished by an **imprisonment of up to six months, or a fine**. It replaced several pieces of anti-dowry legislation that had been enacted by various Indian states. **Murder and suicide under compulsion** are addressed by **India's Criminal Penal Code**.
3. **'The Indecent Representation of Women (Prohibition) Act, 1986'**: The Indecent Representation of Women (Prohibition) Act (IRWA), 1986, seeks to **"prohibit indecent representation of women through advertisements or in publications, writings, paintings, figures or in any other manner and for matters connected therewith or incidental thereto."**
 - The Act **penalizes** persons involved in the **publication, distribution, and packaging** of such material.

- It, however, **allows the publication of such material for scientific and learning purposes**, and representation of **ancient monuments carrying such imagery**.
4. **'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013'**: The Indian Parliament passed a new law with the goal of more effectively protecting women from sexual violence in India.
- It came in the form of the Criminal Law (Amendment) Act, 2013, which further amends the Indian Penal Code, the Code of Criminal Procedure of 1973, the Indian Evidence Act of 1872, and the Protection of Children from Sexual Offences Act, 2012.
 - The law makes **stalking, voyeurism, acid attacks and forcibly disrobing** a woman explicit crime for the first time, provides **capital punishment for rapes leading to death**, and **raises to 20 years from 10, the minimum sentence for gang rape and rapes committed by a police officer**.
 - However, the new law **doesn't address marital rape, rape committed by the armed forces or rape against men**.
5. **'The Prohibition of Child Marriage Act, 2006'**: The objective of the Act is to prohibit solemnization of child marriage and connected and incidental matters.
- To ensure that child marriage is eradicated from the society, the **Government of India enacted Prevention of Child Marriage Act 2006 by replacing the earlier legislation of Child Marriage Restraint Act 1929**.
 - This new Act is armed with enabling provisions to prohibit for child marriage, protect and provide relief to victim and enhance punishment for those who abet, promote, or solemnize such marriage. This Act also calls appointment of **Child Marriage Prohibition Officer** for whole or a part of a State by the State government.

3.3 Government Schemes for Women Empowerment

The **Ministry of Women and Child Development** is implementing various schemes for empowerment of women across the country under the **centrally sponsored umbrella scheme 'Mission for Empowerment and Protection for Women'**. The details of major schemes are:

1. **Mahila Shakti Kendra** scheme empowers rural women through community participation by involvement of Student Volunteers. The scheme is envisaged to work at various levels and at the national and state level technical support to the respective government on issues related to women is provided.
- 
2. **Beti Bachao Beti Padhao (BBBP)** scheme is a tri-ministerial initiative of Ministries of Women and Child Development, Health & Family Welfare and Human Resource Development with a focus on awareness and advocacy campaign for changing mindsets, multi-sectoral action in select districts, enabling girls' education and effective enforcement of Pre-Conception & Pre Natal-Diagnostic Techniques (PC&PNDT) Act.
 - The specific objectives of the scheme include preventing gender biased sex selective elimination, ensuring survival and protection of the girl child and ensuring education and participation of the girl child.
 3. **Swadhar Greh** scheme targets the women victims of unfortunate circumstances who are in need of institutional support for rehabilitation so that they could lead their life with dignity.
- 

4. **One Stop Centre (OSC)** facilitates access to an integrated range of services including police, medical, legal, psychological support and temporary shelter to women affected by violence. The Scheme is funded through Nirbhaya Fund.
5. **Ujjawala** is a comprehensive scheme to combat trafficking with the objective to prevent trafficking of women and children for commercial sexual exploitation, to facilitate rescue victims and placing them in safe custody, to provide rehabilitation services by providing basic amenities/needs, to facilitate reintegration of victims into the family and society, to facilitate repatriation of cross border victims.
6. **Working Women Hostel** aims at providing safe and affordable accommodation to working women. These hostels have Day care facility for the children of inmates too. The Ministry provides financial support for establishing such hostels by NGOs or State Governments.
7. **Mahila Police Volunteers (MPVs)** Scheme is implemented by the Ministry of Women and Child Development in collaboration with the Ministry of Home Affairs. It envisages engagement of Mahila Police Volunteers in States/UTs who act as a link between police and community and facilitates women in distress.
8. **Women Helpline** – The Scheme is being implemented since 1st April 2015 to provide 24 hours emergency and non-emergency response to women affected by violence through referral and information about women related government schemes/programmes across the country through a single uniform number (181).



Concept Check

Q. With reference to Government of India's schemes for empowerment of women, which of the following options is not correct?

- Mahila Shakti Kendra scheme empowers rural women through community participation by involvement of Student Volunteers
- Ujjawala is a comprehensive scheme to combat trafficking with the objective to prevent trafficking of women and children for commercial sexual exploitation
- Swadhar Greh scheme targets the women victims of unfortunate circumstances who are in need of institutional support for rehabilitation
- Mahila Police Volunteers Scheme is implemented by the Ministry of Women and Child Development in collaboration with the Ministry of Home Affairs
- None of the above

Answer: E

4 Part V: Measures of Gender Inequality

Gender Inequality is a global phenomenon. Various international agencies realised this and to further the fight against gender inequality they came up with indices ranking countries across the world based upon the status of women in each of these countries. In this part, we will look at key points related to Global Gender Gap Index, Gender Inequality Index, Gender Parity Index and SDG Gender Index.

4.1 Global Gender Gap Index

- It is published by the **World Economic Forum (WEF)**.
- The WEF published its **first** gender gap index in **2006**.
- The Global Gender Gap Index benchmarks countries on their progress towards gender parity in **four dimensions**:
 1. Economic Participation and Opportunity,
 2. Educational Attainment,
 3. Health and Survival and
 4. Political Empowerment
- Over the Index, the **highest possible score is 1 (equality)** and the **lowest possible score is 0 (inequality)**.

Concept Check

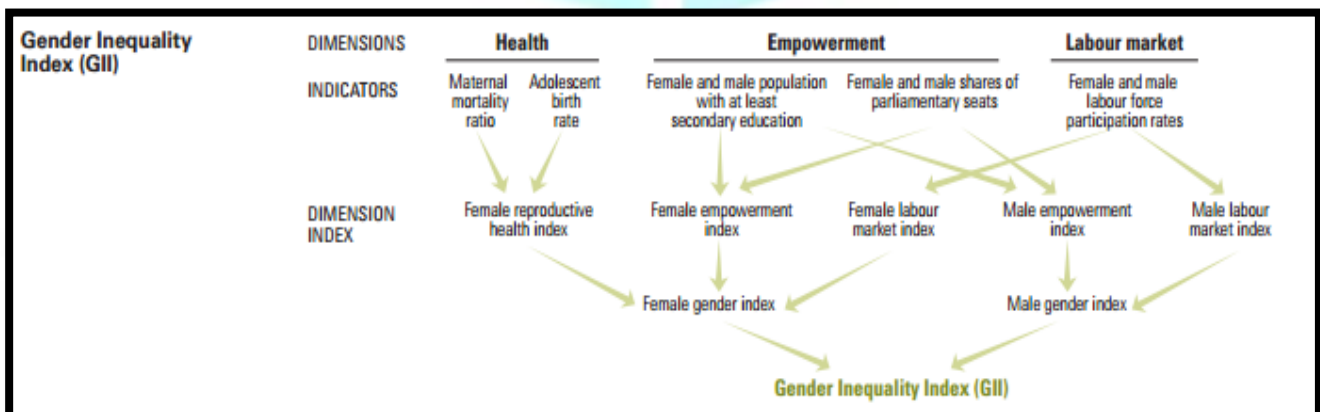
Q. Global Gender Gap Index is published by

- (a) UNESCO
- (b) World Bank
- (c) World Economic Forum
- (d) UN Women
- (e) United Nations Development Programme

Answer: C

4.2 Gender Inequality Index

- It is part of the **Human Development Report** that is published by the **United Nations Development Programme (UNDP)**.
- GII presents a composite measure of gender inequality using **three dimensions**:
 1. Health
 2. Empowerment
 3. Labour market.



- The **GII ranges between 0 and 1**. **Higher GII values indicate higher inequalities** between women and men and thus **higher loss to human development**. There is no country with perfect gender equality. All countries suffer some loss in achievements in key aspects of human development when gender inequality is taken into account.

Concept Check

Q. Gender Inequality Index published by the United Nations Development Programme (UNDP) presents a composite measure of gender inequality using which of the following dimensions?

- (a) Health
- (b) Empowerment
- (c) Labour Market
- (d) All of the above
- (e) None of the above

Answer: D

4.3 Gender Parity Index

1. GPI is a **socioeconomic index** usually designed to measure the relative access to education of males and females. This index is **released by UNESCO**.
2. In its simplest form, it is calculated as the **quotient of the number of females by the number of males enrolled in a given stage of education** (primary, secondary, etc.).
3. A **GPI equal to one signifies equality between males and females**. A GPI **less than one** is an indication that gender parity **favors males** while a **GPI greater than one** indicates gender parity that **favors females**.
4. GPI is released by the **United Nations Educational, Scientific and Cultural Organization (UNESCO)** as a part of its **Global Education Monitoring Report**.

Concept Check

Q. With reference to the Gender Parity Index (GPI), which of the following statements is not correct?

- (a) It is calculated as the quotient of the number of females by the number of males enrolled in a given stage of education.
- (b) A GPI equal to one signifies equality between males and females.
- (c) It is released by UNICEF as a part of its Global Education Monitoring Report.
- (d) All of the above
- (e) None of the above

Answer: C

4.4 SDG Gender Index

1. **Origin of the index:** In 2018, in response to the urgent need for tools to support data-driven analysis and to hold governments accountable for gender equality in the context of the Sustainable Development Goals (SDGs), **Equal Measures 2030 (EM2030)** and **partners launched** the pilot SDG Gender Index.
2. **The 2019 SDG Gender Index:** It measures the state of **gender equality aligned to 14 of the 17 Sustainable Development Goals (SDGs)** in 129 countries and 51 issues ranging from health, gender-based violence, climate change, decent work, and others.
 - The 2019 SDG Gender Index provides a snapshot of where the world stands, right now, linked to the vision of gender equality set forth by the 2030 Agenda.
3. The index is an outcome of the joint effort of regional and global organizations including **African Women's Development and Communication Network, Asian-Pacific Resource and Research Centre for Women, Bill and Melinda Gates Foundation, and International Women's Health Coalition**.

Having understood the struggle of women since ages, various indicators of measuring their progress. Now let's delve deeper into the major contemporary issues, which will provide holistic understanding of their status.

5 Part VI: Other Contemporary Gender Issues

5.1 Raising legal age of marriage for women

- Recently, the Union Cabinet has passed a proposal raising the legal age of marriage for women from 18 to 21 years — the same as men.
- The government sees the proposed legislation as a strong measure to bring women on equal footing with men, in keeping with the vision of the Right to equality. The amendment in relation to marriageable age will be **effective two years after the Bill** receives the assent of the President.
- The government has taken this decision based on the recommendations **of the Committee headed by Jaya Jaitly**. The committee has said that the recommendation is not based on the rationale of population control (India's total fertility rate is already declining) but more on women's empowerment and gender parity. But there are certain concerns associated with raising the legal age of marriage for women.

5.1.1 What is the current minimum age of marriage for women?

- Socially, the age at which girls are typically expected to marry has long been influenced by their age of puberty. So, the marriageable age for women in the 19th century was around 10 years.
 - **The Sharda Act of 1929** set the minimum age of marriage for girls at 14 years and for boys at 18 years.
 - Later, **the age of marriage for women** was increased from 15 to 18 in 1978 by amending the erstwhile Sharda Act of 1929.
- **For Hindus**, Section 5(iii) of The Hindu Marriage Act, 1955, sets a minimum age of 18 for the bride and 21 for the groom. This is the same for Christians under the Indian Christian Marriage Act, 1872.
- **For Muslims**, the marriage of a minor who has attained puberty is considered valid. This is assumed when the bride or groom turns 15.
- **The Special Marriage Act, 1954 and the Prohibition of Child Marriage Act, 2006** also prescribe 18 and 21 years as the minimum age of consent for marriage for women and men, respectively.
- Under **the Child Marriage Prevention Act**, any marriage below the prescribed age is illegal and the perpetrators of forced child marriage can be punished.
- For the new age of marriage to be implemented, these laws must be amended.

5.1.2 What are the benefits of raising the legal age of marriage for women?

- Many girls will be able to complete their education up to graduation and employability will increase, decrease in maternal mortality as well as infant mortality and reduction in child marriage will occur.
- There is a significant difference in the **psychological well-being of child brides** and those who got married **at age 21**. There is a significant difference in the mean wages of child brides and those getting married after 21 years of age. So, increasing the age will result in psychological well-being and financial well-being.
- **Scientifically**, the frontal lobe region in the brain **that is responsible for decision-making** develops in **the years between 18 and 20** and attains **maturity only by the age of 25**.
 - **Hence, until the age of 25**, the risk management and long-term planning abilities of the human brain do not kick in.
 - Therefore, increasing the marriage age will not just be about decision-making **but also helps in better emotional regulation and maturity**. If so, the minimum age for men and women to get married should be 25.
- **A recent Business Standard** analysis had found that households with college-educated women were more likely to have better nutrition and better access to government services.
- **According to UNICEF**, India is home to every third child bride in the world, with more than 100 million of them getting married even before they turn 15. Given the aim to eliminate child marriage by 2030 as part of the Sustainable Development Goals, this move is in the right direction.

- **Have a ripple effect:** Research shows that for children, an environment where mothers are educated, qualified or working is very different from an environment where they are not. So, empowering women will empower families, empower children.
- **Help in achieving SDG:** SDG 5 categorically asks nation-states to formulate policies to achieve gender equality. The age difference for women (18) and men (21) have no justifiable logic. Today, women stand on equal footing to men in all possible spheres of life.

5.1.3 What are the legislative challenges in raising the legal age of marriage for women?

- **Challenges in introducing changes in the personal laws:** The Prohibition of Child Marriage Act does not contain any provision that explicitly **says the law would override any other laws on the issue**.
- Even Courts have different opinions regarding personal laws and special law. For instance, In February this year, **the Punjab and Haryana High Court** granted protection to a Muslim couple (a 17-year-old girl married to an adult man), holding that theirs was a legal marriage under personal law.
- The HC examined provisions of **the Prohibition of Child Marriage Act** but held that since the special law does not override personal laws, Muslim law will prevail.
- In other cases, **the Karnataka and Gujarat High Courts** have held that the 2006 special law would override personal laws and have sent the minor girl to a care facility. So, enacting the Child Marriage Prohibition Bill will trigger personal law vs secular law debate.
- **Blindspot with respect to Marital rape:** In the Independent Thought v. Union of India (2017) case, the Supreme Court has recognised the marital rape of a minor wife. On the other hand, husbands of adult women can enjoy blanket immunity against charges of marital rape. This is a blind spot in the law that needs to be rectified if the legal age for marriage is raised.
- **Child marriages are illegal, but not void in India:** If a court finds a minor was coerced into marriage by parents or guardians, the provisions of the Juvenile Justice (Care and Protection of Children) Act come into effect to keep the custody of the minor until he or she attains majority and can make a decision on the marriage.
 - So, Child marriage is not void. The marriage can be declared void by a court only if the minor party (minor women/her relatives) petitions the court.
 - **For instance,** The Punjab and Haryana High Court has ruled that the marriage of a minor will be deemed as valid if the person who was underage at the time does not call it void on attaining the age of majority.

5.1.4 What are the arguments against raising the legal age of marriage for women?

- **Pushing a large portion of the population into illegal marriages:** While 23% of marriages involve brides under age 18, far more marriages take place under age 21. Further, the median age at first marriage for women aged 20-49 increased to 19 years in 2015-16 from 17.2 years in 2005-06. But still, that remains under 21.
- **Interstate variation of marriage age:** According to SRS data 2018, West Bengal, Madhya Pradesh, Bihar, Odisha, and Rajasthan were the worst in terms of effective marriage age. In West Bengal, 47.2% of the women were married between the ages of 18-20.
- **Penal laws don't create social change:** For example, the marriage age at 18 was set in 1978, but child marriage started to decline only in the 1990s. So, the laws might end up being coercive.
 - Further, not all child marriages are prosecuted in India. **For instance, the National Crime Record Bureau data says that more than 1000 cases have been registered under Prohibition of Child Marriage in 2021. The number of cases registered in 2021 was 1050, up by 34% compared to 2020.**
- **Negatively impact marginalized communities:** Experts noted that 70% of early marriages (between 18-20) take place in deprived communities such as the Scheduled Caste and Scheduled Tribes. The increasing legal age will make them lawbreakers.

- For instance, according to NFHS 4 (2015-16), the median age at first marriage for women aged 25-49 is higher among the social categories of Others (19.5 years), OBC (18.5), ST (18.4) and SC (18.1).
- **Impact on rural women is more:** According to SRS data, In rural areas, 37.4% were married between the age of 18 and 20, whereas the ratio was 23.2% in urban areas.
- **Decrease in Child marriage depends on other factors:** The decrease in child marriages has not been because of the existing law but because of an increase in girls' education and employment opportunities.
 - A study by the International Centre for Research on Women has found that girls out of school are 3.4 times more likely to be married or have their marriage already fixed than girls who are still in school.
- **Reduce self-choice marriages:** Today, an increasing number of young adult couples opt for self-choice marriages across castes and communities, often without the support of parents. If the Bill is adopted, it will deprive this right till she is 21.
- **Increase feticide:** The Protection of Children from Sexual Offences Act, 2012, allows consensual sex at/after 18 years. This implies that a person may have sex after 18, but cannot marry till s/he is 21. This may give rise to other issues such as feticide.

5.1.5 What needs to be done towards women empowerment?

Committee recommendations

The Jaya Jaitly committee itself has recommended the following to increase the legal age for women,

1. Increase access to schools and colleges for girls, including their transportation to these institutes from far-flung areas,
2. Incorporate Sex education in schools,
3. Ensure Skill and business training for women,
4. Undertake **awareness campaigns on a massive scale** to ensure social acceptance of increasing the age of marriage.

Other recommendations

1. Poverty, unemployment, insecurity due to increasing cases of sexual violence on minors and dowry demands are the main reasons for child marriages.
2. **Focus on poverty alleviation programs:** Child marriages have reportedly increased during the pandemic due to poverty and lack of access to schools. So, the government has to ensure the continuation of poverty alleviation programs, especially in rural areas.
3. **Increase Female Labour Participation:** Creating non-farm jobs for women from low-income families will ensure financial empowerment. Further, India can learn from Bangladesh's high women's participation in the labour force and its social change.
4. **Fulfil the recommendation of the Law Commission:** The 18th Law Commission of India in 2008 demanded a **uniform definition of 'child' across all legislations**.
 - The Commission examined laws relating to child marriage from different countries and the international covenants that mandate the eradication of child marriage.
 - The Commission recommended that the minimum legal age for marriage for both girls and boys be 18 years.
5. **Replicate the best-performing state:** The Niti Aayog recently acknowledged the Odisha government with the SKOCH award for combating child marriage by empowering adolescents and **declaring villages as child marriage-free**. Such practices need to be replicated by other states.
6. In many western countries, for example, Australia, The Majority of States in the US, the minimum age of marriage is 18. Further, Young Indians between 18 and 21 can vote, drive, represent the country in sporting events and act in movies deemed 'Adults Only'. So, the smart reform in India should be to make 18 the minimum age of marriage for both men and women, irrespective of religion.