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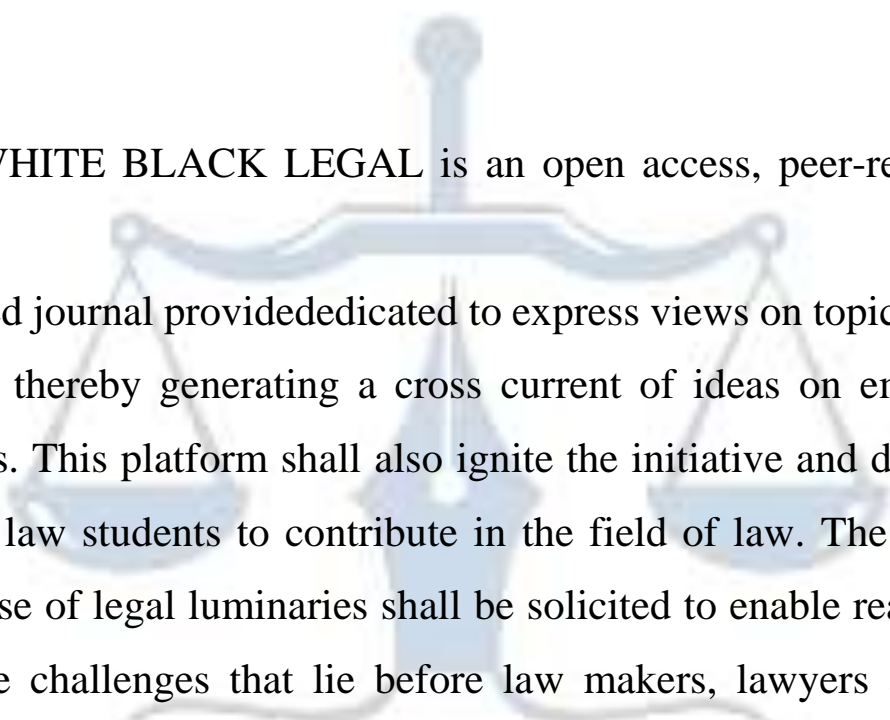


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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

AN ANALYSIS ON SOCIOLOGICAL PERSPECTIVE OF GENDER INEQUALITY

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ABSTRACT

The concept of gender inequality could be identified as a social phenomenon wherein there is a prevalence of gender based discrimination. Eventhough the familiar legislations such as “The Indian constitution, the Civil Rights Act, the Equal remuneration Act” and other legislations, prohibits the gender based discrimination and provides gender equality as a fundamental right, still the prevalence of biased treatment could be identified in the society. Also this has turned out to be a stereotype in the society by providing a privilege or prioritization to one gender over the other. The tendency of providing preferential treatment affects the commoner in various aspects. From the ancient period till the modern era there is a drastic change which could be identified in the status of women. Earlier in the ancient period, the women were ill-treated and a proper recognition was not provided for them. This led to the emergence of various legal provisions which tends to safeguard the life and modesty of women. At one perspective, even though there are such legislations still there are injustices happening against women in certain regions like rural areas. In another perspective there are few who misuse these provisions and exploits the ultimate aim of these legislations. So this gender discrimination revolves around the ideology of the people and the legal provisions made under this criteria.

INTRODUCTION:

A society is a social community comprising a group of people who has the similar cultural ideas. These ethnic and cultural values have evolved from their ancestral period which has undergone dynamic changes as per the changing environment and the modern ideology. Though the society recognizes the human value they play a major role in discrimination on the grounds of gender in certain aspects by providing preference for one gender over the other.

OBJECTIVE:

- To examine the gender inequalities in our society pertaining to various aspect.
- To identify the cause of gender inequality.
- To analyze the procedure to solve this social issue.

HISTORICAL AND CULTURAL CONTEXTS:

During the Ancient period, pertaining to “Vedic civilization” the women was treated in an honorable manner and was provided a highly respectable position. The legal text like “manusmriti” which deals with the concepts of social obligations and duties stated that “the women must be honored and adorned”. Slowly by post Vedic period the women’s status started to deteriorate by certain practices like early marriages.

By Medieval period certain cruel practices like sati and dowry were prominent which took the lives of many women. Followed by which the female foeticides were practiced which led to the major impact regarding gender inequality.

In the modern era, though certain evil practices have been abolished there are existences of various other threats such as domestic violence¹, rape², molestation, and sexual harassment at work place³ which restricts the freedom of women to attain their dream life and career.

LAW AND SOCIAL POLICY:

There is a wide range of social policies and legislation in our nation which are framed with an objective of promoting the gender equality among the individuals in the society. With

¹ Inder Raj Malik v. Sunita Malik, (1986)

² Mukesh & Anr Vs. State For Nct Of Delhi & Ors on 5 May, 2017

³ Vishaka and Ors. Vs. State of Rajasthan and Ors. (1997)

pertaining to policies, the National policy for the empowerment of women, women vocational training programme, Mahila Shakti Kendra, ujjawala scheme, women helpline scheme, women entrepreneurship platform and many other policies aimed at advancement, development and empowerment of women.

Apart from policies with regard to the legislations some of the major provisions are listed as follows:

a) THE CONSTITUTION OF INDIA

- Article 14: States about the equality before law and equal protection of law.
- Article 15: Prohibits the discrimination on the grounds of religion, race, caste, sex or place of birth
- Article 16: Equal opportunity in public employment.
- Article 39: Equal pay for equal work irrespective of gender based discrimination.

b) DOWRY PROHIBITION ACT, 1961:

The dowry being a customary practice in India, the women were ill-treated if the bride's family failed to fulfill the demands made by the groom's family. In order to overcome such situations the dowry prohibition Act was brought in to eradicate the practice of giving and receiving dowries.

c) DOMESTIC VIOLENCE ACT, 2005:

Even in this modern era there are families where the women are facing the torture mentally and physically. Since they consider those matters to be their family issue, the one who commits such crime remains unpunished. Thus the domestic violence Act was brought into picture to deal with such issues.

d) SEXUAL HARRASMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013:

The modesty of a woman must be given equal importance to the value provided for her life. When it comes to work place the question regarding the safety and security stands as a barrier towards attaining their dream. The occurrence of various incidents regarding this concept which comprises the landmark cases led to the enactment of this Act in 2013.

EDUCATION & ACCESS:

The equal access to educational opportunity irrespective of religion, race caste, gender and place of birth is a major criterion as it is one among the fundamental rights guaranteed under the constitution of India. But at the ancient period girl children were not given access to education. Slowly the situation improved by providing basic or primary education to girls. And now the majority of individuals are aware of providing the education opportunities irrespective of gender discrimination. But still there are minority group of individuals especially in rural areas who feels that providing education to girl child is wastage of money. This is because of socio economic factors such as poverty, unemployment and cultural practices like early marriages. Still the government is trying to eradicate these practices by implementing various policies like National educational policy⁴ and other comprising free education, and scholarship programmes.

EMPLOYMENT AND ECONOMIC DISPARITIES:

It is not easy to attain their dream job for the women as the man does. In the process to achieve their career the men has their goal as an only major aspect in their mind and move towards it. When it comes to women, she has to consider her career, family and society as the major objective in her journey to achieve in her career. We are in a society where a woman has no assured safety and security to work at late nights. This had become a major threat for the family members to allow her to work. Followed by which this society does not consider it safe to allow the women to work at certain circumstances like late nights and long distant works.

Due to these reasons it is difficult for women to get a job as the management feels that the assigned job doesn't suit her. Eventhough she gets such a job it is difficult to get into it as she has to convince her family regarding this. After all these barriers, as per survey less than 45% women has shown consistency and attained their dream job. This had brought in the disparities in employment and economic perspective based on the gender.

GLOBAL PERSPECTIVE AND HUMAN RIGHTS:

The human rights are the basic rights guaranteed to every human beings. These basic rights play a major role at the international level which could be understood through the provisions laid down under various international conventions. The UN charter prohibits discrimination

⁴ To eliminate gender discrimination and to increase female literacy rates.

based on sex as per Article 1, Article 8, Article 13(1) (b). From the enactment of UDHR in 1948 which assured right of every individual shall be protected from discrimination on the basis of sex among other things, there were numerous instruments sponsored by the UN. Some of those instruments are laid down as follows:

- Convention on the Political rights of women, 1953
- Convention on the nationality of married women, 1957
- International Covenants on Civil and Political rights, 1966
- International covenant on Economic, Social and Cultural Rights, 1966.
- Convention on trafficking in Women, 1949
- Convention on the Elimination of All forms of Discrimination Against women, 1979.⁵

These international instruments aim to protect the basic rights of individuals irrespective of any sort of discrimination. This comprises the prohibition of gender discrimination in various fields and guarantees rights such as education, employment⁶, political rights, and respectable status in the society.

CONCLUSION AND SUGGESTION:

Thus there are gender discriminations as well as threats in our society which prevents the women from actively participating in the general affairs of the society without any fear. The present scenario should be curtailed with the support of government and peer groups comprising our friends, colleagues and neighbours. Every individual should prioritize the safety and security of everyone as theirs. This results in the increase in opportunities as well as active participation of women in social affairs without any sort of fear and would reflect in the form of women empowerment. Ultimately it attains the actual meaning of national development.

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3. “Social inequality in India”, Revised 2nd Edition – K.L.Sharma

⁵ C. Masilamani Vs. Idol of Sri Swaminathaswamy – for the first time supreme court referred the international instruments in personal laws.

⁶ Apparel Export Promotion Council vs. A.K.Chopra