

Gender Inequality: Causes, Consequences & Constitutional Remedies in India **9**

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Abstract

In Indian society, gender inequality is deeply rooted & despite being a worldwide phenomenon, it has extended its tentacles widely in patriarchal Indian culture. Instances of discrimination against women include female infanticide and female feticide, which occurred even before a woman's birth. Discourteous treatment has been a harsh reality based on gender from an early age and still exists in our society. Despite economic advancements, gender parity has not been attained. The patriarchal structure of Indian society is the main contributor to gender disparity. Social law has advanced, but gender inequity has persisted and the child-to-sex ratio has actually gotten worse. A girl child is viewed as a burden and frequently lacks equal access to fundamental rights and chances for a healthy upbringing and adulthood. The boys in their childhood were always provided more

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opportunities and freedom, which rendered a better life for them, while the girls in their childhood were mostly forced to get married and burdened them to carry familial responsibilities at a very young stage, so that they were forced to lead a miserable life and in turn they were denied opportunities. Only when women receive equal treatment and are not denied their rights will human society benefit the most. Therefore, gender equality is necessary to provide equal opportunities in terms of fundamental rights, education, work, remuneration and political participation and representation for women's empowerment. This study here tries to take a glance at some remedies provided through the Constitution of India.

Keywords

Gender Inequality, Gender Discrimination, Gender Disparity, Indian Constitution & Women's Rights, Patriarchy.

Introduction

A patriarchal culture is inherently biased toward one gender over another. Currently, patriarchy is the foundation of the majority of cultures worldwide. This form of patriarchal culture denigrates women in so many ways. The worst scenario in these patriarchal systems is that, the girls were always seen as undesirable things and a burden to the family. Therefore, parents want to get rid of them as early as possible. Girls were discriminated from the very first moment of their birth. Gender discrimination is the denial of equality to a specific gender or the denial of opportunity based on a person's gender. India is mostly a male-dominated society so the women adapted to this injustice. Because of this, the majority of women are unaware of their own independence and rights. Therefore, women in India have always been treated as a lower entity for a long time. Women were being discouraged from doing many things according to their wishes even after independence. This type of disparity still exists, despite women were being worshipped like goddesses in the country. Although now these days, there is a tremendous improvement in gender inequality compared to how it was before independence, the mindset of the society towards gender inequality is still lacking somewhere even today. Gender inequality and discrimination is deeply rooted in the mindset of the people who hold it.

Gender inequality in the society affects each and every one, whether they are children, women or transgender. Gender equality is a basic human right but there seem to some certain gaps in accessing so many opportunities as well as the decision-making power for women.

According to the 2011 Census, “females constitute up to 48% of the India’s overall child population. Many of them females are involved in child labor, child trafficking, and child marriage. In India, gender inequality has long been a significant societal problem.”

According to the 2011 Census, “India’s child sex ratio among children aged ranging from 0 to 6 is 918 girls for every 1000 boys.”

The world has now come closer to achieving gender equality over the time. In so many countries of the world, women are now better represented in politics and attained more access to economic opportunities and enjoy better healthcare. Women’s empowerment is an important aspect to curb down gender inequality and to achieve gender equality. Providing equal opportunities to women and ensuring to practice their rights equally, helps to achieve gender equality. Although, gender equality is a basic human right that is necessary for a peaceful and developed society but attaining gender equality is still an incomplete project. The term gender equality itself suggests, providing equal opportunities to both men and women in every sector, whether it is the workplace, earned wages or the opportunities provided. No discrimination must be practiced between men and women. The term “Gender Equality” is mentioned in the Indian Constitution in its Preamble as a fundamental right.

What is Gender Inequality?

“Gender inequality” means when people or groups of people are being treated differently because of their gender identity or expression. It can be seen in a variety of forms, such as exploitation, aggression, and prejudice.

Gender Inequality

Gender inequality is a global problem and different studies have suggested different definitions of gender inequality. **Amartya Sen, (2001)**. defined in his essay **The Many Faces of Gender**

Inequality that “gender inequality is not a homogeneous phenomenon; however, a series of different and interrelated issues.”

Rashmi. U. Arora, described in her research paper **Gender inequality, economic development, and globalization: A state level analysis of India** that in their study, “gender inequality is defined as inequality to access to education and health by women.” Gender inequality itself suggests that the people are not treated equally because of their gender and they cannot practice or share equal rights and opportunities across all fields in their personal or social life.

Gender Inequality Index (GII)

The Gender Inequality Index, published by the UNDP, which measures gender-based inequality in three aspects like women’s empowerment, participation in the labor market and their reproductive health. A lower score in the Gender Inequality Index indicates less disparity between male and females.

Current Status of Gender Inequality in India

Global Rankings:

- Gender Inequality Index 2022 - India’s ranking was 108 out of 193 countries, a bit improved from 122 in 2021.
- Global Gender Gap Report 2024 - India’s ranking was 129 out of 146 countries, slightly declining from 127 in 2023.

Economic Participation and Opportunity

- India has 64.1% of the economic participation gap in 2025.
- Women’s earnings were only 18% of men’s labor income (World Inequality Report 2022).
- Female labour force participation rate improved slightly from 49.8% (2017-18) to 60.1% (2023-24).
- Women bear disproportionate unpaid care work.

Educational Attainment

- 94.9% of the education gap has been closed.
- Female literacy rate improved up to about 77% (according to the latest MoSPI report).

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- Literacy gap persists: Female literacy at 65.46% vs. male at 82.14% (2011 Census).

Health and Survival

- 95.1% of the health gap closed and India ranks 142nd.
- Issues included were the adverse Sex Ratio at birth & maternal mortality.

Political Empowerment

- Only 22.5% of the political empowerment gap has closed.
- Women's representation is 17.2% in Parliament and 6.9% in ministerial posts.
- Impact of Women's Reservation Bill 2023 is expected in future elections.

Latest Global Rankings In 2025

- India's ranking moved up to 102 out of 193 nations, from 108 in 2022, under the UNDP's Gender Inequality Index 2025, perpetuating gradual and real developments in reproductive health, empowerment of women, and the labor market.
- In the Global Gender Gap Report 2025, India slipped down to 131 among 148 countries with an equality score of 64.1 percent, from 129 in 2024, despite some absolute gains which this point out that other nations are improving faster.

CAUSES OF GENDER INEQUALITY IN INDIA

Unquestionably, the problem of gender discrimination is a serious issue in our society and its root cause includes different types of cultural, personal and social factors. Some of the following causes of gender inequality in India are identified.

Unequal Access of Education

Women still continue to have poor access to education worldwide. Young aged girls aged ranging from 15 to 24 years, one-fourth of them could not complete their elementary schooling. Among all the illiterate persons around the globe, two-thirds are women.

In India, parents want their male child to attend school and their female child to help out around the house.

Poverty

Poverty is the one of the major root causes of gender inequality. About seventy percent of people living in poverty worldwide are still women only, according to the World Bank. Poverty perpetuates a vicious cycle by limiting access to economic opportunities, healthcare, and education.

Child Marriages (Bal Vivaah)

Child marriage is a another concerning aspect of gender inequality, which affects the lives of girls disproportionately. According to a **UNICEF** report about 12 million girls are getting married before turning them to 18 years old per year.

Illiteracy

Illiteracy is also a vivid and main aspect contributing to gender inequality, which in turn worsens the matter. According to a report published by **UNESCO**, about 132 million women globally did not attend the school. Furthermore, they have fewer opportunities for education than boys. Girls' ability to question social conventions, seek occupational opportunities and make informed decisions in the light of their right to education.

Poor Medical Health

A major contributing factor to the persistence of gender discrimination in society is poor health. Girls have greater maternal mortality rates, restricted access to family planning, and health-related prejudices in the healthcare infrastructure.

Less of Awareness and Patriarchy

Another factor contributing to gender disparity is ignorance and deeply rooted patriarchal traditions. It becomes difficult to break the bond of inequality when cultures uphold discrimination and gender stereotypes. Most of girls are prohibited from pursuing their goals by summoning patriarchal standards, which prevent girls from accessing high-quality healthcare, quality education and general knowledge of their welfare.

To address the issue of gender inequality gender, an individual should focus on these interrelated factors that endeavor to produce

such dynamic patterns that can effectively terminate this vicious cycle of inequality.

Lack of Legal Protections

According to a **World Bank study** more than 1 billion females do not have legal protection against domestic violence, economic and sexual abuse. These abuses significantly affect women's capacity to lead free and prosperous lives. Without legal protection; public settings are prone to danger and women are routinely forced to make compromises that hinder their objectives and goals.

Societal Mindset

It is an obvious one of the major factors of gender inequality. Societal attitudes play a big role in gender disparity. In every field is very crucial that how society views the distinctions and worth of men and women. Although legislation and institutional changes can bring about improvement, there is frequently opposition after significant change since gender beliefs are deeply ingrained. When there is any development, like increased participation of females in leadership roles.

Consequences of Gender Inequality

Domestic Violence

Domestic violence is one of the consequences of gender inequality in India. The bulk of 30.9 percent of the 4.05 lakh crimes against women have been reported under Section (498a) of the Indian Penal Code, which was shown as a steep rise during the COVID-19 pandemic according to statistics from the NCRB report 2019.

Women's health

- Women's mental health deteriorates as gender inequality hampers mental and physical health. Sex determination has led to decreased newborn mortality rates in Rajasthan and Haryana.
- The act of selective abortions and sex determination is illegal under the law in India. There are several documented instances when women were forced into terminating a pregnancy if it became to be known as a female fetus.

- Girls are forced to obtain substandard quality education as a result of gender inequality.
- Issues like maternal health, childcare, and abuse against women go ignored because women are also reluctant to get involved in politics.

Constitutional Remedies Addressing Gender Inequality in India

The Indian Constitution enshrined the principle of gender equality in its preamble as a fundamental right. The Indian Constitution provides equality to women, and it also enables the state to enact the affirmative actions in favor of women.

Article 14

This article provides “equal rights and opportunities in the political, economic and social spheres for everyone.”

Article 15 (1)

This article provides “Prohibition of Discrimination” on the basis of religion, race, caste and gender.

Article 15 (3)

This article provides “Special provisions enable the State to take affirmative actions” in the favor of women.”

Article 16 (1&2)

This article provides- *1 “Equality of opportunities”
*2 “No Discrimination”

Article 21 (a)

This article provides the “Right to Education”

Article 39 (a)

This article provides “The State shall practice its policies to secure all its citizens, men and women equally, the right to means of livelihood.”

Article 39 (d)

This article rendered the right to “Equal remuneration for equal work for both men and women.”

Article 42

This article renders “The State to make provision for ensuring just and humane conditions of work and maternity relief.”

Article 51 (a) & (e)

This article provides the right “To renounce the practices derogatory to the dignity of women.”

Articles 343 (d) & 343 (t)

This article provides the right of “Reservation of not less than one-third of total seats for women in direct election to local bodies, as Panchayats and Municipalities.”

The Constitution of India provided the gender equality as a fundamental human right.

Some other acts have been constituted from these provisions, which are as follows: -

Dowry Prohibition Act

This act was enacted in 1961 and amended in 1984, which made the subjection of women as a cognizable offence. The second amendment came in 1986 and made husband and In-laws punishable if suicide has been committed by any woman within 7 years of her marriage and proved subjected to cruelty.”

Equal Remuneration Act

This act enacted in 1976 and provides the “right for equal remuneration to men and women for equal work.”

The Immoral Traffic (Prevention) Act

This act was enacted in 1956 and amended in 1986 which made “the sexual exploitation of male or female, a cognizable offence. This act amended to decriminalize the prostitutes and make the laws more stringent against traffickers.”

Medical Termination of Pregnancy Act of 1971

This act legalized the abortion supervised under the by a qualified professional on the basis of humanitarian and medical grounds. The maximum punishment may account for up to life imprisonment.

Child Marriage Restraint Act of 1976

This Act raises “the age for marriage of a girl from 15 years to 18 years and that of a boy to 21 years and makes offences cognizable under this Act.”

Indecent Representation of Women Act, 1986 (Prohibition) and the Commission of Sati Act, 1987 (Prevention)

This act provided “to protect the dignity of women and prevent violence against women as well as their exploitation.”

The Protection of Women from Domestic Violence Act

This act enacted in 2005 and provided for immediate relief to women in the circumstances of violence carried out at home in any form.

The Criminal Law Amendment Act, 2013

The Criminal Law Amendment Act, 2013 came into force on the recommendation of the Verma Committee Report. This Act introduced some new offences such as acid attack, sexual harassment, voyeurism, and stalking.

Crimes Identified under The Bhartiya Nyaya Sanhita (BNS)

- Rape (BNS 63)
- Kidnapping (BNS 136-144)
- Molestation (Section 354)
- Sexual Harassment (BNS 78)
- Torture (BNS 85)
- Dowry Deaths (BNS 80)

Special Initiatives for Women by The Govt. of India

1. National Commission for Women

This commission was set up by the government in January 1992. This statutory body provides a specific mandate to study and monitor all matters relating to the Constitutional and Legal safeguards provided for women

2. The National Plan of Action for the Girl Child (1991-2000)

This national plan ensures the survival, protection and development of the Girl Child with the objective of building up a better future for the Girl Child.

3. National Policy for the Empowerment of Women, 2001

The target of this national policy is to bring about the development, advancement and empowerment of women.

4. SHe-Box Portal, 2024

The Government of India has enacted in 2024. The objectives of this portal are to create a safe and secure workplace for women, which is free from sexual harassment.

5. National Campaign Against Gender-Based Violence, 2024 (Nayi Chetna 3.0)

This campaign was launched to raise awareness and combat violence against women. It is a joint initiative by “The Ministry of Women & Child Development and The Ministry of Rural Development.”

Conclusion

The Constitution of India has propounded gender equality as a basic fundamental right of all the citizens of this country. In today’s world the enactment of the Constitution, society and values are much more evolved and developed but there are still some flaws that remain in the society regarding the women’s issues. Still there are some people who consider having a girl child as a burden to the family. The authorities in India have implemented various affirmative measures to prevent gender-based discrimination but there is still a long way to go. These positive actions by the authorities provide outer structural development but the shallow thinking of the people is still deeply rooted in the mind of patriarchal society, which still considers practicing female foeticide. Therefore, achieving absolute gender equality in a country like India still continues to be a huge challenge. Since there is a remedy for every issue, gender disparity can likewise be addressed with appropriate solutions. To lessen gender inequality in India, the government can implement additional reforms. For the empowerment of women, the government must offer them free higher education. On the other hand, society must also introspect and change its conservative thoughts about women. Strengthening of laws against gender-based violence, such as domestic violence, sexual assault must

be implemented wisely. Providing legal support that ensures that women also have equal access to property and other resources.

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