

---

## **UNIT 2    IMPACT OF GENDER INEQUALITY ON GOVERNANCE**

---

### **Structure**

- 2.1 Introduction
- 2.2 Learning Outcomes
- 2.3 Inequality-Equality Conundrum
- 2.4 Social and Cultural Inequality
- 2.5 Inequality of Resource/Gender Gap Index
- 2.6 Inequality of Work and Wages
- 2.7 Inequality of Access to Workplace
- 2.8 Combating Gender Inequality
- 2.9 The Question of Representation
- 2.10 Class-Caste-Gender Intersectionality
- 2.11 Let Us Sum Up
- 2.12 Unit end Questions
- 2.13 References
- 2.14 Suggested Readings

---

### **2.1    INTRODUCTION**

---

All human beings are born into a certain race, caste, religion, region, ethnicity or even nationality. Similarly, they are born in a particular 'sex' which is purely accidental and biological in nature. However, whatever sensibilities one gains is a social derivative and is a discreet societal construction arrived at during a long period of time. The notion of superior-inferior dichotomy is deeply engrained in societies across the world. This attribute is largely determined by the dominant ideology of the society that we inhabit in. In this unit, you will study about the nature of gender-inequalities. The attempt is to discuss the problems that emerge in ensuring gender parity and equality in different spheres of governance. At the same time explore the possibilities of more women's representation from a nuanced lens of caste-class-gender intersectionality.

---

### **2.2    LEARNING OUTCOMES**

---

After studying this Unit, you should be able to:

- Know the nature of gender-inequalities which is omnipresent and the underlying reasons for it.
- Understand the problems which emerge in ensuring gender parity and equality in different spheres of governance.
- Explore the possibilities of more women's representation from a nuanced lens of caste-class-gender intersectionality.

## 2.3 INEQUALITY-EQUALITY CONUNDRUM

Inequality is all pervasive. Equality is a utopia. In phenomenological sense of the term, 'inequality' is something which is pre-existing and can be described as 'what is'. On the other hand, 'equality' has to be achieved through a process and hence can be explained as 'what is ought to be'. A noted scholar Granville Austin has rightly dubbed Indian Constitution as a 'living document' for egalitarian principles of equality or justice that it promises to endorse. The basic principle of equality is thus enshrined in the Constitution of India and guarantees all its citizens equality before the law irrespective of caste, creed, or gender (as per Article 14 and Article 16).

Such provisions as enshrined in the law book had a huge impact in terms of how women's rights would be defined and articulated in the times to come. It is worth noting Vina Mazumdar's observation in this regard. She noted: "...the Constitutions's radical departure from inherited social values represented to women of that generation its greatest intrinsic quality. For the women of my generation, with definitive memories of pre-independence society and of the freedom struggle, the acceptance of gender equality in the Constitution was the fulfillment of a dream – of women's entitlement to an independent identity..." (Mazumdar, 2000, p.5).

As discussed earlier, the idea of equality may not inherently come to an individual because as in any society, everyone comes from a different background and experience which has its own inherent inequality. The Constitutional mandate of equality or at least equality of opportunity and the legal sanction that it provides, becomes extremely important in this respect. It does not merely recognize but builds a space for individuals who might be at a disadvantageous position in the social or cultural group that one belongs to because of various historical reasons. It is in this context, that a nuanced understanding of Article 15 becomes crucial from the perspective of gender also. This Article reads: "The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them".

Thus, so far, despite many positive developments and growing awareness about fundamental rights; the women's roles seem to have remained limited and subjected to so called 'feminine' characteristics even while they aspired for leadership positions. It may be noted that at various levels; they act as mere tokens of representation in democracy and which ideally should not be the case. The idea that needs to be emphasized upon is the inclusive approach to gender which is rarely reflected in the process. We must ask ourselves, what are the hurdles that a woman faces when she chooses to run for public office? What are the social, cultural, political and economic hurdles along her way to work? Similarly, we should be able to analyze how the individual, when once elected chooses to head the office. Does her role remain limited to signing papers or is she able to cause real time impact with her intervention? If she is in a position of authority, how is she looking at the state of affairs from a gender-lens? All such questions become extremely critical in answering how gender inequality impacts the process of governance. Let us read how social cultural inequality related to gender exist in society in the

---

## 2.4 SOCIAL AND CULTURAL INEQUALITY

---

The social and cultural spaces across the globe are deeply patriarchal. Although theological and philosophical explanations by major religions of the world do talk about sameness of soul or *atma* and that all humans irrespective of their individual identities have been created by the mighty in different traditions. Several writers have written about early matriarchy and mother's rights which apparently preceded the coming of patriarchy, or male dominance which is evident in our societies. There exist substantive explanations of why women's position in early agricultural societies could have been better. Since women were not just creators of life but were providers of food, they represented supreme symbols of fertility beyond any doubt. It is for this reason perhaps, that worshipping mother-goddesses was prevalent in all major civilizations of the world, be it Babylonia, Egypt, Greece, Rome or Indus Valley. Similarly, we do find mention of female temple priests and attendants in Egypt, Sumer, Babylonia, Greece and even ancient Japan.

However, such lofty claims have been of very limited consequence in the real world. Ursula King a noted theologian and scholar of religion and gender has noted, "...it is in itself a remarkable phenomenon that we do not know of any woman who was a great religious founder. Moses, Mahavira, Buddha, Jesus, Muhammad are all men. However, this is not as extraordinary as it at first appears; the great statesmen, philosophers, writers and scientists of the past have almost invariably been men, too. Public life was, by and large, notwithstanding a few exceptions of remarkable women in history, the sphere of men. Women's sphere was not public but private life: home and family, preparation of food and clothes, the birth and nurture of children." (King, 1983, p.183) King further underlines that the consolidation of higher religious traditions and its institutionalization have led to a gradual degradation of women's position in religious and cultural spheres.

Since India has been a host to a multitude of religions, personal law becomes extremely crucial. Most often, the state has to walk on the thin tightrope of upholding human rights and simultaneously respecting the personal laws in place for varied religious sects. The fact that women do not have the same rights as males is a fundamental component of most personal laws. There have been efforts toward ending discriminatory practices against women, such as passing the Hindu Succession (Amendment) Act 2005 by the Indian Parliament, which made women coparceners in the same way as sons. Similarly in 2017, a Constitution Bench of the Supreme Court comprising five members, by 3:2 majority deemed *talaq-i-bidat* (a practice which gives a Muslim man the right to divorce his wife by uttering '*talaq*' three times in one sitting without his wife's consent) as unconstitutional. Gender equality in India can only be accomplished under one condition: the creation of uniform family legislation that prioritizes gender equality.

**Check your progress- 1**

1. Write your understanding on social and cultural inequality

---

## **2.5 INEQUALITY OF RESOURCES/GENDER GAP INDEX**

---

According to the latest World Economic Forum's *Global Gender Gap Report (2022)*, it might fairly take another 132 years to reach the expected gender parity at the world level, since by now only 68% of the gender gap has been bridged or closed. It is since 2006, that this global index has attempted to map the world's progress towards gender parity in four specific parameters: (a) economic participation and opportunity, (b) educational attainment, (c) health and survival, (d) political empowerment. If one attempts to understand the level of gender parity in India as per the aforementioned index; it ranks at 135<sup>th</sup> position out of 146 countries. In 2021 the position was 140<sup>th</sup> out of 156 countries.

It is indeed a matter of special concern to underline that despite the fact, India has maintained a consistent position when compared to the years of recent past in terms of gender index; its rank in the field of legal reforms has declined to 124<sup>th</sup> among 190 countries across the world as per the latest report of 2022. Another study conducted by the World Bank titled *Women, Business and the Law 2022* attempts to situate how 'adopting laws that strengthen women's rights and opportunities are essential first steps toward a more resilient and inclusive world'. By taking some eight indicators, it has been established 'how law effect women throughout their working lives' (WBL, 2022, p.15). Why legal reform with respect to gender is such a serious concern was amply demonstrated by a similar report of the World Bank in 2014. This report had categorically underlined that at a global level, women perform close to 60% of the total volume of world's work, produce about 50% of the food but earn only 10% of the income and own merely 1% of the property.

The legal component, therefore, has gained an ever-increasing importance. The report succinctly notes, "...legal gender equality matters for women's economic opportunities. It matters for women's access to finance and entrepreneurial activities. And it matters for increasing inequality of opportunities in economies. Whether by easing restrictions on women's employment and business activities or by adopting policies increasing women's ability to take up economic activities, gender equality is smart economics..." (*Women, Business and the Law 2014: Removing Restrictions to Enhance Gender Equality*, Bloomsbury, p.15). This report, further highlighted that the legal gender differences are more explicit in the regions of the Middle East, North and Sub-Saharan Africa, South Asia, which in any case have countries which are the poorest or at most, the developing

economies of the world.

---

## **2.6 INEQUALITY OF WORK AND WAGES**

---

One fundamental hurdle for the women or persons belonging to the so-called weaker genders including LGBTQI+ has been their roles usually defined by the male dominated stereotyped division of labour assigning them with stereotyped feminine roles. Such constraints imposed on them even within the private spaces have direct impact on their ability towards public engagements or seeking employment outside the narrow confines of their household. The reproductive aspect of sexual division of labour has various manifestations like giving birth to child, caring of children and old aged dependants, working in the fields or taking up other economic activities for the larger benefit of the household and family. They have played a major obstacle to women's engagement in politics or other public-private sector jobs (Tambiah, 2003, p. 63). This norm is reflected in why a majority of Indian males even now prefer marrying non-working women thereby, restricting their access to the outside worlds and domesticating their dreams.

Most of the male folk also have gendered expectations towards how a woman should behave, should remain restricted to household activities etc. But even while some women who manage to break the glass ceiling of domesticity and household boundaries due to their educational attainment or other essential skills; face another hurdle while seeking equal wage. Women have faced differentiated wage payments across the world. Even in the United States of America for until early 2000, if a white man got 1 \$ as wage, for the same volume of work, a white woman would get 67 cents; an Afro-American Man got 69 cents and an Afro American Women got 58 cents respectively (Jayal, 2003, p. 122). In India too, they may be paid the similar wage on paper but there are enough evidences of how they are paid lesser amount in absolute terms. Livelihood is essential to everyone and spaces in governance largely fail to recognise the importance of informal sector and more importantly in the grey arena of women's unpaid work. An Oxfam Report dated 16th January 2020, goes on to show that around 3.26 billion cumulative hours are put on an everyday basis by the female workforce in India. Recognising paid work in itself is a very crucial conundrum in itself. Much of this stems from a long tradition of viewing women's jobs as inconsequential in the "real world" of the business and undeserving of significance in the home.

---

## **2.7 INEQUALITY OF ACCESS TO WORKPLACE**

---

To make an entry into the workforce has not been so easy for womenfolk. They are under-represented in decision-making not only in politics, but also in the private sector undertakings, at the village level government bodies and in civil society organizations. Men often hold positions of influence at the local level, including religious and traditional leaders, local legislators, and village elders. Women's leadership and representation are typically limited to traditionally 'feminine' fields like social welfare. Women's participation in

informal decision-making processes is typically more widespread than their participation in official roles and institutions, yet it is often overlooked and so undervalued. It is critical to guarantee that women and men may participate equally in both official and informal decision-making institutions in order to enhance democracy at the local, national, and international levels.

One typical barrier that is faced by them is related to sexuality and safety. It was only towards 1992 that the Indian Penal Code was revised to make sexual harassment a crime (Basu, 2003). And in August, 1997 came the famous Visakha judgement of the Supreme Court that noted, "...the meaning and content of the fundamental rights guaranteed in the Constitution of India are of sufficient amplitude to compass all the facets of gender equality including prevention of sexual harassment or abuse". It prescribed a clear set of norms and guidelines in terms of assigning duty of the employer to defining sexual harassment (physical contacts and advances; a demand or request for sexual favours; sexually coloured remarks; showing pornography; any other unwelcome physical, verbal or non-verbal conduct of sexual nature). It further enlists preventive steps, criminal proceedings, disciplinary action, complaints mechanism and complaints committees and mechanisms for sensitization and spreading awareness. (See Visakha & Others v/s State of Rajasthan, 1997).

Institutional and cultural restrictions have always played a significant role in gender inequalities in formal representation. The latter refers to social standards that make it more difficult for women to quit their conventional household responsibilities and pursue more public roles outside the home. Political systems that run on rigorous timetables often ignore women's family duties. Many nations have implemented quotas for women in order to ensure a fairer representation of women in democratic institutions. But despite efforts of affirmative action and their affirmation in public discourses, we do find strange discriminatory rules even in formal structures of employment.

### Supreme Court of India

#### *Air India Etc vs Nargesh Meerza and Others (1981)*

Author: S. M. Fazalali

Bench: Fazalali, Syed Murtaza

Conditions of Service Discrimination-Determination of question

1. Retirement of Air-Hostesses in the event of marriage taking place within four years of service whether unreasonable or arbitrary.
2. Retirement of Air-Hostess-provision in Service rule, or on first pregnancy whichever occurs earlier-whether unconstitutional
3. Retirement age of Air-Hostess-Fixation of at 45 instead of 58-whether invalid
4. Air-Hostess-Extension of service – option conferred on managing Director – whether excessive delegation of power

---

## 2.8 COMBATING GENDER INEQUALITY

---

In India, a notable input came with regard to women's representation and welfare with constitution of a committee by the Government of India in 1971 which submitted its report titled, *Towards Equality: Report of the Committee on the Status of Women* (1974). The very title of the report reflected the purpose with which the committee was formed. It was mandated to study and evaluate the working of the term 'equality' in India with respect to its women populace. The report clearly revealed the deplorable conditions of women and introduced the notion of 'multi-dimensionality' in the space of gender inequality. It highlighted that governance cannot be targeted to simply mainstreaming political representation for consider it as an end in itself.

The report adopted multiple indices using demographic data, socio-cultural positions, and legal aid available to women. This report:

- a) Stressed the importance of the 'state' and the 'community' in attaining 'gender equality'
- b) Highlighted the need for targeted initiatives or efforts to eradicate oppressive cultural practices of dowry and child marriage
- c) It emphasized the need for making the "due process" quicker and more efficient when it comes to issues of gender
- d) To strengthen the pre-existing reforms and policies and nudge the national system towards attaining the Uniform Civil Code.

Health forms a crucial area where a lingering sense of stigma relating to gender is prevalent. Millions of women and teen-aged girls throughout the world suffer from poor health conditions. Poor nutrition affects women's growth and development at all stages of life, and they are more likely to give birth to kids with low weight. Women are frequently mistreated and abused as a result of gender-based discrimination (desire for a son) and other societal ill such as the dowry system and child marriage, which have a severe influence on their physical health. The insecurities relating to economic slowdown, jobless growth, surging unemployment and the latest pandemic has had huge impact on mental health. Here too, the worst affected party have always been women.

Education is yet another area where gender gap needs to be bridged. It does not only contribute to the development of close to half of the world's human resources but also to the improvement of the quality of life at home and abroad. The educational system is divided into two distinct structures: formal and non-formal. Other educational programmes like online education and distance education have been developed which may benefit women to pursue higher education. The low literacy rate has a severe influence not just on the lives of women, but also on their families and the country's economic development. The new targets for improving upon the GER (Gross Enrollment Ratio) may have far reaching consequences in the times to come.

---

## 2.9 THE QUESTION OF REPRESENTATION

---

The feminist movements of the 1950's and 60's in Europe and United States of America; the politics of recognition of various identities; social movements of varied shades brought about the question of representation to its fore. The decades of 1980s and 1990s saw its further galvanization. The statistics clearly show how the number of women ministers across the globe almost doubled within a decade between 1987-1997. But since the earlier figures were so miniscule that despite this rise it could hardly generate big ripples. It simply rose from 3.4 to 6.8 (Jayal, 2003, p.109). It is startling to note that allocation of portfolios to the women ministers reflected deeply patriarchal thinking as they mostly dealt with the departments relating to women, child, family welfare, health or at the most education. This reflects a pattern of thinking and hence the “engendering” project becomes even more important.

Politics in India have deep links to the electoral success of political parties those who control the affairs of parties are usually males and hence women with limited access to political power remain the last beneficiaries. The data of Election Commission of India reveals a discouraging picture in this regard. In the first General Election held in 1952, there were 22 elected women MPs, which constituted 4.4% of the total 489 members. This number dipped to merely 3.4% in 1977 when only 19 women parliamentarians made it to the Lok Sabha. Although in the latest elections held for the national parliament in 2019, some 78 members won, reaching the representation percentage to 14%. Women's turnout as voters on the contrary have generally remained close to fifty-fifty five percent in most of the national or state elections.

With the 73rd and 74th Constitutional Amendments (1993), the question of representation took a critical turn. These amendments ensured that grassroot institutions like *panchayats* and *zila parishads* will have women elected candidates, to uphold a “bottom-up” approach to strengthen and engender local governance. Both at the panchayat and municipality level some 33% of seats came to be reserved for women. The state governments could raise this ceiling up to 50%. The state government of Bihar in 2006, set an example by providing 50% reservation for women in panchayat bodies that led to the election of some 1.3 lakh women in local bodies across the state.

In 1996, the United Front coalition government brought the 81st Amendment Bill, proposing reservation of 33 percent of seats in the Lok Sabha and state assemblies. This bill, though passed in upper house of the Parliament in 2008, is still waiting to become a law for more than a quarter century now. Although as per the WEF Global Gender Gap Report 2020, India ranks 18<sup>th</sup> in terms of women's political participation which is far better than her ranking on other parameters. Yet, on the leadership front, things are not very encouraging. It has been observed, “...six states in India have no female ministers, including Nagaland, Sikkim, and Manipur. No state comes close to a third of female ministers – the highest proportion of female ministers is in Tamil Nadu with 13%, and 68% of states have less than 10% female representation in state leadership roles.” (Gulati and Spencer, 2021).



The underrepresentation of female cadres let alone the other groups who face gendered exclusion like transgenders are evident even in almost all decision-making sectors. Their under-representation is evident in judiciary and media too. Military services across the world have visible under-representation of women, and an underlying reason for this could be the lingering mentality that men are physically stronger than women and that women have the historical burden of domesticity. India has had three judges in the Supreme Court benches and some 15 in High Courts till the decade of 2000. Now in 2022, the number of women judges have reached four in the Supreme Court out of a total of 31 including the post of Chief Justice of India. Till recently, there were 76 out of a total of 650 judges in some 25 High Courts of India which is less than 12% (Kashyap, June 24, 2021, *Supreme Court Observer*).

***Check your progress- 2***

1. *Write your views on question of representation of women.*

---

## **2.10 CLASS-CASTE-GENDER INTERSECTIONALITY**

---

The invisibility in the work force of the so-called weaker genders is rampant. This discrimination is much more layered and therefore, most often ignored or brushed aside. The exploitation of Black or Afro-American Women in American societies or the Dalit / Adivasi / Shudra women in Indian societies who are without an iota of doubt “doubly” discriminated compared to their corresponding counterparts like White women or the so-called privileged caste women. The scholars who have worked on intersectionality of race and gender and similarly between caste and gender have arrived at such conclusions based on their empirical evidences.

With regard to the varied class positions of women and how their standpoint may differ can be understood by Flavia Agnes’s observation, “...it is true that the hardships and the sufferings experienced by women of all communities, minority as well as the majority cannot be swept under the carpet nor glossed over with the rhetoric of freedom of religion. But within a complex social political and economic structure, the demand for gender equality cannot be confined to a linear mould of granting uniform rights to women of all communities. In order to be relevant to women’s lives, there is an urgent need to contextualize the proposed reforms within a comprehensive framework, inclusive of political and economic diversities...” (Agnes, 2001, p.1). Similarly, the discourse of Black/Dalit/Bahujan feminism has gradually been recognised and new researches are continuously dissecting the myths about the feminist standpoint being singular and monolithic.

---

## 2.11 LET US SUM UP

---

The unit discuss about the nature of gender-inequalities that are omnipresent and address reasons for it. It deals with gender parity and equality in different spheres of governance. It explores the possibilities of more women's representation from intersectional perspectives. We have discussed earlier in this unit about "inequality of access" to workforce for women vis-à-vis men. But this access is often more difficult for women belonging to so the called lower castes and lower classes. Mazumdar's honest observation ...but then we came from progressive middle-class families, had been trained in higher education and had little experience of what life was really like outside our protected and privileged existence, in families, communities or institutions which did not feel it necessary to adapt to the implications of the Constitutional guarantees or remained unaware of them..." (Mazumdar, 2000, p.5) puts everything in perspective.

---

## 2.12 UNIT END QUESTIONS

---

1. Describe the inequality of resource and gender gap index with examples you have read in any newspapers.
2. Explain the inequality of work and wages with reference to gender and governance.
3. Write an essay on inequality of access to workplace.

---

## 2.13 REFERENCES

---

- Flavia Agnes (2001), *Law and Gender Inequality: The Politics of Women's Rights in India*, Oxford University Press.
- Global Gender Gap Report (2022) Insight Report, July. World Economic Forum, Geneva.
- Omvedt, Gail (1993) *Reinventing Revolution, New Social Movements and the Socialist Tradition in India*, New York, M.E. Sharpe.
- Madhu Kishwar (1996) "Women and Politics: Beyond Quotas", *Economic and Political Weekly*, Vol. 31, No, 43, October 26, pp. 2867-2874
- Nalini Gulati and Ella Spencer (2021) *Leaders and Citizens: Women's Political Participation in India*, International Growth Centre.
- Nivedita Menon (2000) "Elusive 'Woman': Feminism and Women's Reservation Bill", *Economic and Political Weekly*, October 28, pp. 3835-3844.
- *Women Business and the Law (2014) Removing Restrictions to Enhance Gender Equality*, The World Bank/Bloomsbury, Washington D.C./London.
- *Women Business and the Law (2022)*, International Bank for Reconstruction and Development / The World Bank, Washington D.C.

- Vina Mazumdar (2000), Political Ideology of the Women's Movement's Engagement with Law, Centre for Women's Development Studies, Working Paper. New Delhi.

---

## 2.14 SUGGESTED READINGS

---

- Flavia Agnes (2001), Law and Gender Inequality: The Politics of Women's Rights in India, Oxford University Press.
- Global Gender Gap Report (2022) Insight Report, July. World Economic Forum, Geneva.
- Omvedt, Gail (1993) Reinventing Revolution, New Social Movements and the Socialist Tradition in India, New York, M.E. Sharpe.
- Madhu Kishwar (1996) "Women and Politics: Beyond Quotas", Economic and Political Weekly, Vol. 31, No, 43, October 26, pp. 2867-2874
- Nalini Gulati and Ella Spencer (2021) Leaders and Citizens: Women's Political Participation in India, International Growth Centre.
- Nivedita Menon (2000) "Elusive 'Woman': Feminism and Women's Reservation Bill", Economic and Political Weekly, October 28, pp. 3835-3844.
- Women Business and the Law (2014) Removing Restrictions to Enhance Gender Equality, The World Bank/Bloomsbury, Washington D.C./London.
- Women Business and the Law (2022), International Bank for Reconstruction and Development / The World Bank, Washington D.C.
- Vina Mazumdar (2000), Political Ideology of the Women's Movement's Engagement with Law, Centre for Women's Development Studies, Working Paper. New Delhi.