

WOMEN: THE VICTIMS OF GENDER INEQUALITY

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Abstract

This research paper attempts to understand the construction of the system of gender inequality, as is evident in any organizational structure, process, or practice, through a feminist lens. Borrowing from statistics from the NCRB, United Nations, WHO, World Bank, and reports from other secondary sources, it aims to uncover the doctrinal rules of this self-reinforcing system of gender inequality which further perpetuates discrimination. In order to analyze what these (de)constructions say about sexual harassment, discrimination in workplace amenities, sex segregation, and pay inequalities in the labour market, with others; it critically examines the underpinnings of this discrimination as a gendered trope per se and will also engage in detail with other implications of the same. The researchers apprehend the need to spread awareness and shed light on the gravity of the situation and how it is impacting not only women's health and psyches but the development of the whole nation. This is an endeavor to evaluate this regressive system and put forth the argument that patriarchal and subjugation of women is largely a result of interpreting the nuances of gender in very limited, inadequate ways.

Keywords:

Gender inequality, gender parity, sex ratio, pay gap, gender-based violence, crime against women, sexual harassment at workplaces, women employment, marital rape.

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I. INTRODUCTION

A Professor at the University of Columbia who teaches introduction to Java (a computer language) mentioned in an interview that in her class when the boys are struggling with an assignment, they'll come up to her and say "Professor, there is something wrong with my code". Whereas, the girls would come in and say "Professor, there is something wrong with me".

This mere change of statement depicts how we have developed our society to discriminate amongst genders. Discrimination, that places men into the stronger, efficient, and worthy category, and women into the weaker, inefficient, and unworthy one. For women, whether its education, employment, salary, lifestyle, decisions, and even birth, it comes with discrimination.

God made the two differ only in their sexual dimorphism and their reproductive system, but humans took it further by creating other kinds of differences and made them so deeply embedded in our heads that we till date unknowingly deny to even consider unjust. The more daunting side of this being, that it is not only the superior group of this discrimination, the 'men', believing it, but also the affected group, 'women' themselves.

This unjust discrimination is an issue, which has been and is being, debated around the world under the term "Gender Equality", as the United Nations mentions it. Here, the term 'equality', as defined by the Oxford dictionary means, the fact of being equal in rights, status,

advantages. A definition, which theoretically depicts all the political and morally correct things, but the practicality of which, does not exhibit the same.

As women forming almost half of the population of the world, this issue could not have been and has not gone unnoticed. In India itself, to start with, the very preamble of the constitution mentions "Equality of status and opportunity", and the constitution further containing provisions such as Article 14, declaring "equals to be treated equally", Article 15, "prohibiting discrimination on the basis of sex", Article 16, providing, "Equality in the matters of public employment", to mention the least. Such provisions that promote gender equality find their acknowledgment into the legal database worldwide, on national and international platforms. However, the failure of all these measures, towards changing the situation, is not a hidden fact, it is all before us.

To make the issue of Gender Inequality, be taken with more seriousness, there is a great need to unveil the harshness and graveness of it. The same is what this research paper attempts to do. It aims to delve deep into the social structure, that we live in, and also the one that defines gender roles; while at the same time leading to stereotyping and prejudicing. A lot has already been said for women, yet a lot remains to be said.

1. GENDER PARITY

The term Gender Parity is often mistaken to be depicting merely the sex ratio. However, this

is far from the truth, as it paves the way for a broader examination spectrum of gender inequalities. The word 'Parity' in its general sense means the state of equality or sameness, and gender parity makes it a bit specific to cases of status and pays in different fields. Therefore, it will not merely be stating what the ratio is to the number of men and women working, but all the other attributes of them working there.

In India, it is not a rare sight to see a slender number of women working in different sectors as compared to that of men, and wherever we have them, they are not even paid equally for the same amount of work done, let alone seeing more women leaders. The reason behind such practice is pretty indeterminate, backed up with an orthodox and discriminative mindset which the society has framed for women, resulting in them being considered unworthy.

A 2015 Human Development Report stated that compared to men, women perform three times more unpaid work and earn 24 percent less than their male counterparts. In businesses, they hold only 22 percent of senior leadership jobs and less than 25 percent of senior judicial and political positions.¹

UNIBF in its 2018 fact-checking stated that Indian women at 17% have a lower contribution to the GDP, compared to the

¹Selim Jahan & Tanni Mukhopadhyay, *Is gender equality destined to remain our perpetual aspirational dream?* | Human Development Reports (Mar.18,2016), <http://hdr.undp.org/en/content/gender-equality-destined-remain-our-perpetual-aspirational-dream>.

global average of 37% and estimated, if women equal their participation to the economy as men, then it could add USD 2.9 trillion to India's annual GDP by 2025.²

1.1 The World Economic Forum- Global Gender Gap Report 2020, analysis:

The World Economic Forum has been calculating the Gender Parity Index since 2006, analyzing around 153 countries for their gender gap across these four dimensions: Economic Participation and Opportunities, Educational Attainment, Health and Survival, and Political Environment. The Forum released its 14th Global Gap Report in the year 2020, which made India slip four ranks, from 108th position in 2018 to 112th position this year, getting an average score of 0.668, on a scale of 0 to 1, towards attaining gender parity.³

Further, the report also makes regional analysis, in which the status of South Asian countries states that the region is home to 860 million women, 3/4th of which are in India. It has the second-largest gender gap after the Middle East and North African countries, where only 61% of it is closed to date. As far as economic participation and opportunity are concerned, the differences have reduced by 37%. However, along with the Middle East and North Africa, it is the region where

²*Gender Equality: Women's Economic Empowerment - UN India*, United Nations, (Mar.20, 2017), <https://in.one.un.org/unibf/gender-equality/>.

³ *Global Gender Gap Report 2020*, World Economic Forum (2020), <http://reports.weforum.org/global-gender-gap-report-2020/dataexplorer>.

women stand most disadvantaged at the workplace. The gender differences in the Educational Attainment sector in India have shrunk, but they are still perceptible, as only 66% of women are literate compared to 82% of men. Moreover, the sex ratio at birth for India is 91 girls for 100 boys. Therefore, making India acquire 4th rank⁴ amongst the South Asian countries (Bangladesh, Nepal, Sri Lanka, India, Maldives, Bhutan, Pakistan), considering its performance on attaining gender parity.

This report makes it clear that gender disparity is persistent in any and every dimension of this country, along with the rest of the world, and that there is a long stretch that remains uncovered to attain the parity score as one. The Forum itself mentions that if continued at the same rate, as since 2006, South Asia is to take 71.5 years to fill this gap.⁵ Let alone heading towards covering it, India slipped further down in its ranking, despite all the schemes and policies formulated for women empowerment. It is known for a fact that steps to educate women are taken, to empower them, and to make them stand as equals as men, which shall imply that we should be improving our numbers and ranks in all these statistics. However, the reality check to this leads us to see the performance declining, as seen in the very report of World Economic Forum, where we slipped four spaces in the ranking.

1.2 Toilets- Barrier to a girl child's education

⁴ *Id.* at 27.

⁵ *Id.* at 20.

One of the obstacles to education, faced by children in developing countries is the unavailability of toilets in school. It is not as intricate a situation for boys as it is for girls when they hit their puberty. As a result, girls either give up their education or abandon school for 5-6 days during their menstrual period.

A UNESCO report estimates that 1 in every 10 girls in sub-Saharan Africa misses school during her menstrual cycle, which equals to 20% of a schooling year. Lack of access to proper or clean sanitation facilities creates a barrier in learning, especially for a girl child.

According to World Toilet Day 2018 Report released by the charity WaterAid, revealed that at least 620 million kids around the world face the problem of poor sanitation and no sanitation at all, which puts their learning and health into jeopardy. Open defecation is a result of reduced hygiene facilities, and it exacerbates the risk of some deadly contagious diseases such as- diarrhea and other infectious diseases, which is one of the leading causes of death amongst children under the age of 5 years.

Inadequate sanitation facilities are one of the factors that push children out of schools, particularly girls, as they are more likely to face sexual harassment, bullying, and discrimination.

Besides improving sanitation facilities, there is a need to include menstrual hygiene management too. In other words, along with 'only girl's' toilet, menstrual equipment, access to

water, and proper facilities to dispose of garbage should be provided.

In India, the lack of proper sanitation facilities directly violates Article 21 of the Indian Constitution as it provides for “Right to life and personal liberty”, the scope of which includes Right to Life, Education, Health, and a Clean Environment.

2. Gender-Based Violence - Crime Against Women

Gender-based violence incorporates criminal activities, specifically directed towards women, merely for the reason of them being a ‘woman’. The United Nations defines a crime against women as “an act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”.⁶ It’s occurrence is universal, not limited to one society; they happen regardless of the victim’s status, religion, caste, color, and even ‘age’. Rape, marital rape, honor killing, killing and torture for dowry, domestic violence, acid-attacks, sexual harassment, cyber-crimes, female infanticide, reproductive coercion, trafficking, forced sterilization and abortion, and the like, stand as some famous forms of gender-based violence, being practiced across the world.

Such crimes are the only kind of discrimination faced by women, where they

⁶ Declaration on the Elimination of Violence against Women, Art. 1, 20, Dec.1993, 48/104.

are preferred, over men, except only to put them to further suffering. These crimes are committed not only by some random beings or a non-partner but by their very intimate partner as well. WHO’s global estimations on violence against women states that around 1 in 3 (35%) women, i.e. about 800 women worldwide, get subjected to either physical and/or sexual violence by her intimate partner or a non-partner in their lifetime.⁷

In India, 1 rape case is reported every 15 minutes and around 34,000 rapes were reported for the year 2018, out of which in 85% charges were formed and only 27% led to a conviction.⁸ In the year 2017, 3,59,849 cases of violence against women were reported, with an increase of 6% from the year 2016.⁹ The number of laws and policies is increasing in the country, but so are the crime rates.

2.1 The Infamous Capital – New Delhi

New Delhi being the capital is home to the very Parliament making laws and policies to safeguard its citizens, the senior-most executors of such policies, and the apex court for justice - the guardian of the fundamental rights, the Supreme Court. However, it is also unfortunately and ironically home to the most dreadful gang rape and murder case of

⁷ *Violence against Women*, WHO (Nov,29,2017), <https://www.who.int/news-room/fact-sheet/detail/violence-against-women>.

⁸ *NCRB data 2018: 1 rape reported every 15 minutes in India*, India Today (Jan,11,2020), <https://www.indiatoday.in/india/story/ncrb-2018-woman-reports-rape-every-15-minutes-in-india-1635924-2020-01-11>.

⁹ 1, NCRB Ministry of Home Affairs, Crime in India 2017, 195, (65th ed. (since 1953) 2017).

Nirbhaya¹⁰. Since it is a rarest of the rare case, 4 of the convicts were sentenced to death, but it took almost 7 years to grant justice to the deceased victim. This case was followed by some considerable changes being made in the Indian rape laws,¹¹ a thousand of protestors were seen marching with candles and many voices were raised on this issue. However, since 2013 Delhi along with the rest of the country has only witnessed increasing crime rates. The capital recorded the highest number of crimes against women in the year¹²2017. It was stated that per 100,000 women, 182.1 are a victim to some sort of crime targeted against women¹³. In 2016 Delhi was even ranked the least safe Union Territory of India, for crime against women¹⁴. Further, securing the topmost rank in the NCRB's 2018 report, being the metropolitan city with the highest number of such cases, as 13,640 cases were registered and over 18,198 cases were pending since 2017.¹⁵

¹⁰ Mukesh & Anr. v. State for NCT of Delhi & Ors. CRIMINAL APPEAL NOS. 607-608 OF 2017, (arising out of S.L.P. (Criminal) Nos. 3119-3120 of 2014).

¹¹ Justice J.S. Verma & Justice Leila Seth & Gopal Subramaniam, Report of the Committee on Amendments to Criminal Law, 2013.

¹² Chaitanya Mallapur, *Crime Against Women Up 83%, Conviction Rate Hits Decadal Low*, India Spend (Sept. 10, 2019), <https://www.indiaspend.com/crime-against-women-up-83-conviction-rate-hits-decadal-low-18239/>.

¹³ *Id.*

¹⁴ NCRB Ministry of Home Affairs, Crime in India, 2016, 134, (64th ed. (since 1953) 2016).

¹⁵ Jignasa Sinha, *Delhi Sees Maximum Cases of Crime against Women, Again: NCRB*, Indian Express (Jan. 9, 2020), <https://indianexpress.com/article/cities/delhi/delhi-sees-maximum-cases-of-crime-against-women-again-ncrb-6209020/>.

Although sometimes stated as the crime capital, it is discouragingly stated that other cities either match its crime rate or have a higher number of such cases, making them more unsafe. A report has mentioned that Bangalore is nearly as unsafe in terms of violent crime against women, such as dowry deaths and murder with rape and gang rapes. Additionally, Lucknow tops the list in cases of gender and sex-related violence along with Jaipur and Indore recording a high number of cases compared to other cities.¹⁶ Further the NCRB's 2018 report, ranked UP the worst for women safety and MP with most rape cases.¹⁷

2.3 Women Employment and Sexual Harassment at Workplace

The growing women empowerment has undoubtedly led to the participation of women in the workforce, both in urban and rural areas. This not only stands for their benefit but the country at large by adding up to its GDP. But still, India stands at having one of the lowest female labour participation, and less than one-third adult women are working or looking for work.¹⁸ The female labour force participation

¹⁶ *7 Things You Didn't Know about Urban Crime in India - Crime Index*, The Economic Times (Dec, 8, 2019),

<https://economictimes.indiatimes.com/news/politics-and-nation/7-things-you-didnt-know-about-urban-crime-in-india/crime-index/slideshow/72425206.cms>.

¹⁷ Shaswati Das, *Women Most Unsafe in Hindi Heartland States*, Live Mint (Jan, 9, 2020), <https://www.livemint.com/news/india/uttar-pradesh-most-unsafe-for-women-madhya-pradesh-records-maximum-rapes-says-ncrb-2018-data-11578567097964.html>.

¹⁸ *Working for Women in India*, The World Bank, (Mar, 8, 2019).

rate is as low as 24% nationally, ranking India 120th out of 131 countries, and 8.7% of women are unemployed as compared to only 4.0% of men being unemployed.¹⁹ This situation persists regardless of the fact observed in a study that more than 30% of women engaged in domestic activities are willing to take jobs, and around 92% of them stated the reason for their inability to do so is their requirement in domestic-chores.²⁰

Women are prone to face additional barriers in seeking jobs, all yielded by the gender inequalities persisting in society. Some of such examples being the pay gap, scarcity in women leadership, longer duration taken by women to excel in their carriers. And this discrimination can also be ascribed to the human resource policies and decision-makers having a sexist approach.²¹ Apart from these, there are different sorts of stereotypes playing a role in women being not preferred for jobs. One of them is that they are envisioned to quit at a certain point in their employment due to childbearing or some other household duty. It

is stated that around 75% of women leave the workforce in India for child care or some elderly care.²² With other stereotypes not considering women to be able enough to carry out work equal to men and that a woman is supposed to look after the household. It is a discomposing as well an unacceptable fact to a certain point, for the Indian crowd, to see the woman of the house being the bread-winner and her husband looking after the house.

The misery of women, who overcome certain obstacles generated by such discrimination and land into some workforce, is not yet come to a halt. As entering into the workforce, they are subjected to a hostile work environment and made to face a form of gender-based violence globally addressed as 'sexual harassment at the workplace'. This form of violence encompasses unwelcomed physical and sexual advances in general or for providing pay increase or promotions, sex directed insulting or taunting, inappropriate comments, and like, which intends to humiliate or intimidate or to give the woman a sense of inferiority and subordination.

The NCRB data for the year 2015 indicated out of 8,685 cases of insult to the modesty of women, 119 such cases occurred at office premises, 714 such cases at other work-related places. Moreover, in 557 out of 34,651 rape cases, the convicts were their employers/ co-workers.²³ The number of such cases has only

<https://www.worldbank.org/en/news/feature/2019/03/08/working-for-women-in-india>.

¹⁹R Levenson, & L. O'Kane, *Gender Inclusion in Hiring in India*, Shell Foundation, <http://www.globalwomennet.org/wp-content/uploads/2019/09/Gender-Inclusion-in-Hiring-in-India-Full-Paper.pdf>.

²⁰ Erin K. Fletcher, Rohini Pande, and Charity Troyer Moore. *Women and Work in India: Descriptive Evidence and a Review of Potential Policies*, (Dec,2017), https://www.hks.harvard.edu/sites/default/files/centers/cid/files/publications/faculty-working-papers/women_work_india_cidwp339.pdf.

²¹ Cailin S. Starnski & Leanne S. Son Hing, *Gender inequalities in the workplace: the effects of organizational structures, processes, practices, and decision makers' sexism*, Volume no. 06, (Sept16,2015).

²² *Supra* Note 8.

²³ *Crime Against Women*,NCRB,(Nov.16,2015), https://ncrb.gov.in/sites/default/files/crime_in_india_table_additional_table_chapter_reports/Chapter%205-15.11.16_2015.pdf.

been on an upsurge, with 965 cases recorded in the year 2018.²⁴ In Australia, two out of five women experience sexual harassment at the workplace, and several numbers remain formally unreported.²⁵ U.S. Equal Employment Opportunity Commission in its 2015 finding reported that anywhere betwixt 25% to 85% (based on different studies), women experienced sexual harassment at the workplace.²⁶

The concept of 'sexual harassment at the workplace' got introduced to India in the year 1997 when the landmark case of Vishakha v. State of Rajasthan²⁷ laid down guidelines and made such harassment to be considered a violation of not only a private right but fundamental right as well. The judgment further held that such acts are violative of Article 14, 15, 19(1) (g) as well as 21 of the constitution. This case was the result of the Rajasthan High Court's inability to provide justice to Bhanwari Devi, a social worker, and who was gang-raped by few men while attempting to stop a child marriage ritual in a village in

Rajasthan.²⁸ It took around 16 years for the government to make a law on such harassment and, ultimately, an act entitled Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 came into force on the 9th December, to protect women and their right to work with dignity.

Even after having laws made, the statistics showcase an upsurge in the number of cases. Moreover, there exists a fear of retaliation and of losing a job while reporting such crimes, thus leading to several victims restraining from seeking help. A study found that about 75% of the victims who spoke out against such harassment experienced retaliation.²⁹ Having such a crime existing in society is one of the reasons holding women back in their growth, and also becoming a reason for them to leave their job and lower their self-esteem and confidence and imposes a fear-factor in them and their families regarding them going out to work.

2.4 Marital Rape of Adult Women — A Non-Criminalized-Crime in India

Marital-Rape is a form of sexual violence committed against women by their husbands themselves. There are almost 36 countries in the world that do not penalize Marital Rape,

²⁴ *Cases of Sexual Harassment including Sexual Harassment at Workplace*, Press Information Bureau, Government of India, Ministry of Women and Child Development, (Feb,8,2019).

²⁵ *Everyone's business: Fourth national survey on sexual harassment in Australian workplace*, Australian Human Rights Commission,(2018), https://humanrights.gov.au/sites/default/files/document/publication/AHRC_WORKPLACE_SH_2018.pdf

²⁶*Select Task Force on the Study of Harassment in the Workplace*, EEOC, (2016) https://www.eeoc.gov/select-task-force-study-harassment-workplace#_Toc453686300

²⁷ Vishakha v. State of Rajasthan (1997) 6 SCC 241.

²⁸ Geeta Pandey, *Bhanwari Devi: The rape that led to India's sexual harassment law*, BBC, (Mar. 17, 2017) <https://www.bbc.com/news/world-asia-india-39265653>.

²⁹ Lilia M Cortina, & J Vicki Magley, *Raising Voice, Risking Retaliation: Events Following Interpersonal Mistreatment in the Workplace*, *Journal of Occupational Health Psychology* 8(4), 247–265, 259 (2003).

and sadly India saves its place in these 36. Section 375 of the Indian Penal Code, 1860 defines rape, and sec 376 provides for its punishment. However, Exception 2 to Section 375 exempts such sexual acts perpetrated by a husband on his adult wife (The exception considers sexual intercourse with wife below the age of 15 years as rape. Further, in 2017, the Supreme Court judgment in the case of *Independent Thought v Union of India*³⁰ this age is increased to 18. Thus including sexual intercourse with wife falling under the age group of 15 - 18 years, amounts to rape), from the ambit of the definition of rape. Although such women can move the court under Sec 498A, Sec 376A of IPC or under the Protection of Women from Domestic Violence Act, but the punishment granted under these sections are not as strict as granted under Sec 375 (IPC), thus bargaining the justice these women deserved.

2.4.1 Non-Criminalization of Marital Rape and Gender Inequality:

Where the crime itself was not sufficiently heinous, there is created a whole new form of gender inequality by not criminalizing it. The exclusion of rape by the husband of an adult married woman discriminates not between men and women here, but between women themselves, along with feeding the patriarchal ideologies of men and their dominance. The exclusion clearly states that it is rape if committed to an unmarried woman or a married woman below 18 years of age, and is

³⁰ *Independent Thought v Union of India* [W.P.(C) 382/2013].

punishable. However, if a married woman above 18, is raped by her husband, then IPC will not consider it to be rape, and the perpetrator will roam unpunished. An adult married woman has the same right of full control over her body and to be in sexual intercourse with her husband, as it is of an unmarried woman. The institution of marriage does not provide the husband with a licence, to forcibly rape his wife with impunity. A rapist remains a rapist regardless of its relationship with the victim.³¹

Article 14 of the Constitution seeks to treat equals equally before the law. It forbids class legislation but allows a reasonable classification, provided that it must not be “arbitrary, artificial or evasive” and must be based on some real and substantial distinction bearing a just and reasonable relation to the object sought to be achieved by the legislature.³² However, the exception clause to sec 375 (IPC) creates two classes of women – married and unmarried and grants unequal protection of law to them. This classification showcases no reasonable nexus, as the object of securing women from the violent acts of men stand unaccomplished by leaving the adult married women vulnerable to the hands of their husbands, thus violating Article 14 of the Indian Constitution.

³¹ *C.R v. UK* [C.R UK publ. ECHR, Ser.A, No. 335-C].

³² *R.K Garg v. UOI*, AIR 1981 SC 2138; *Re-Special Courts Bill*, AIR 1979 SC 478; *Air Sind v. Nagesh Meerza*, AIR 1981 SC 1829.

Further in the case of *Suchita Srivastava v. Chandigarh Administration*³³, the Supreme Court equated the right to make choices related to sexual activity with rights to personal liberty, privacy, dignity, and bodily integrity under Article 21 of the Constitution. Thus, the following law is in violation to Article 21 of Indian Constitution, along with article 14.

2.5 Impact of Gender Based Violence:

Gender-based violence against women leads to a series of consequences encompassing murder, suicides, health issues, mental illness, and increased risk of contracting sexually transmitted diseases. Such crimes are not only an attack on her outer physic but also her very mentality. Most certainly, such violence is practiced by men as an expression of their power, superiority, ego, control, and in some cases of revenge, all sprouting out of what the orthodox and the social, economic, political, and cultural practices have developed.

Studies have observed that violence implicated by an intimate partner in many cases leads to depression, Post-Traumatic Stress Disorder (PTSD), suicidal thoughts, and anxiety.³⁴ A report suggests that 12 out of 14 women experiencing Intimate Partner Violence (IPV) show symptoms of PTSD, and facilitate the

³³ *Suchita Shrivastava v. Chandigarh Administration*, (2009) 14 SCR 989 (India).

³⁴ MA-Alfonso Pico & Linares MI Garcia & Navarro N Celda & Ros C Blasco & E Echeburúa & M Martinez, *The impact of physical, psychological, and sexual intimate male partner violence on women's mental health: depressive symptoms, posttraumatic stress disorder, state anxiety, and suicide*, *Journal Womens Health (Larchmt)*15, 599–611 (2006).

likelihood of depression and suicidal thoughts 3 to 5 times more in IPV subjects than in non-partner violence subjects.³⁵

Gender-based violence and violence by intimate partners have a substantial effect on the reproductive health and freedom of a woman. Women are made susceptible to forced sex, unwanted pregnancies, abortions, forced contraceptives, and the like. Such violence deprives the woman of her fundamental reproductive rights. Studies indicate that women bearing an unwanted pregnancy resulted from rape are two times more likely to have an abortion, regardless of the safe or unsafe measures available. Withal, around 56% of abortions conducted are by ill-trained practitioners, or else there is no availability of facilities meeting the medical standards. Where a lot of such violence is implicit on a pregnant woman, there are increased chances of stillbirths, miscarriage, and premature labour.³⁶

The sexual violence casted on women precipitates or increases the risk of contracting certain sexually transmitted diseases. The UNAIDS Global HIV and AIDS statistics of 2020 stated that women account for 48% of all HIV cases. Furthermore, in regions where there is physical and sexual inmate partner violence cast on women, they are 1.5 times

³⁵Prabha S Chandra & A. Satyanarayana Veena & Michael P. Carey, *Women Reporting Intimate Partner Violence in India: Associations with PTSD and Depressive Symptoms* *Archives of Women's Mental Health* 12, no. 4, 203–209 (2009).

³⁶*Gender-Based Violence A Threat to Women's Reproductive Health*, *Population Action International*, (Dec. 2013), <https://pai.org/wp-content/uploads/2014/01/GBVBrief.pdf>.

more likely to acquire HIV than women who have not been subject to these. Also, the risk of getting HIV positive was the highest, being 30 times higher in cases of sex workers.³⁷

2.6 Gender Based Violence An Offshoot Of Gender Inequality:

The rationale behind such acts taking place in the first place lies in the mentality of the people living in a society. To a certain extent, the discriminating environment we build up and are living in is where the core of this situation persists. A study found that this kind of violence targeted, specifically towards women, is most commonly found in places where gender roles are rigidly defined and enforced, and where masculinity delineates toughness, respect for men, and their dominance.³⁸

WHO marked down the factors associated with such violence about its perpetrators and its victims, some of which are: illiteracy, being exposed to child maltreatment, witnessing family violence, less to no paid employment for women, community norms ascribing higher status for men and lower for women, a sense of entitlement over women, women's subordinate-status, and weak legal sanctions against these crimes.³⁹ The cause of such violence can even be traced to scientific

evidences, where a woman has been subjected to physical violence by an inmate partner or by relatives is more likely to use violence in disciplining her children and such exposure makes these children to themselves practice such kind of violent behavior.⁴⁰

Even in a study conducted in the Middle East and North Africa, boys who have seen their fathers exercise violence against their mothers are more likely to practice violence against women than those who didn't. As seen in Lebanon, the violence against women was three times higher in the case of men who have seen their fathers exerting such violence against their mothers in their childhood.⁴¹

All these observations are a clear indication of the fact that our system's patriarchal ideology is the main reason behind the suffering of all these women. Our society raises our men to believe that such discrimination is justified, and it is how it should be and that it is their birthright to overpower women and treat them as it suits them. What is more horrific is, the whole society approves of this, whether it is other men, other women, or the victims themselves.

³⁷UNAIDS *Global HIV and AIDS statistics – 2020 fact sheet*, UNAIDS (2020), <https://www.unaids.org/en/resources/factsheet#:~:text=38.0%20million%20%5B31.6%20million%E2%80%9344.5,AIDS%2Drelated%20illnesses%20in%202019..>

³⁸ L. Heise, *Violence against women: an integrated, ecological framework*. Violence Against Women, 262-290 (1998).

³⁹ *Supra* Note 7.

⁴⁰ A Morrison & M.B. Orlando, *The Cost and Impacts of Gender Based Violence on Developing Countries: Methodological Considerations and New Evidence*, Washington, DC: World Bank, (2004).

⁴¹D. Grahim, *Gender-based Violence in the Middle East and North Africa*, (Dec. 16, 2013) http://www.researchgate.net/publication/337945443_Gender-based_Violence_in_the_Middle_East_and_North_Africa.

CONCLUSION

Women have been conventionally pondered by society as the weaker sex. They are accorded a subordinate position to men. Their exploitation, degradation, violation, and discrimination start right from their birth and follow them to their deathbed. This issue of Gender Inequality concerns not just a country, but the whole wide world. Governments all over the globe are working on curbing its menaces. In India, the Right to Education (RTE) got introduced to educate all children, which shall turn out to be one of the factors removing inequality of gender. Similarly, other measures like free education for girls, Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994 for protection to the girl child, Domestic Violence Act, and other such policies and laws have been implemented to fight against gender discrimination. But regardless of these, till date, we witness or experience such discriminating practices all around us.

This study laid bare the atrocities of gender-based discrimination and how it penetrates any and every aspect of a woman's lifetime. Consequently, it has a significant impact on the development of not only the woman but the country at large. By alienating the rights of women, we decline our opportunity to get millions out of poverty and shut the doors for a just and fair society.

On that account, there is a high-raising need to revise our laws and policies and bring forward the required reforms to ensure the empowerment and protection of women. Carrying

forward of gibberish gender norms must be put to an end, as they stand as the root cause of promoting and filling up our minds with practicing such discrimination. Women must be encouraged and given opportunities to take up leadership roles and to help bring better gender equality reforms. The school curriculum must emphasize gender neutrality, and here onwards, open discussions and voices on gender equality must be raised.

Therefore, where the government policies and the society together endeavour to protect women and save their rights, only then eradicating these gender discriminations and inequality will conceive achievable.