
“GENDER ROLE, EFFECTS AND CHALLENGES: A WAY TO EQUITY”

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Abstract: “Of all the nasty outcomes predicted for women's liberation...none was more alarming than the suggestion that women would eventually become just like men.” — Barbara Ehrenreich

Gender role is a place you hold in family, it is an action oriented phenomenon, based on what you do inside and outside of your home. Historically man gender role was of ‘Breadwinner’ whereas the woman gender role was to ‘take care of the family’. But in last few decades’ gender roles has grown increasingly close together. Through the article the researchers discuss the effects of diminishing gender role, challenges, interference and tries to discuss the topic as way to equity. The paper is divided into parts where they discuss: Historical perspective of gender role, effects and challenges of diminishing gender role, diminishing gender role as a way to equity, legal regulation like Article 14 and other’s with respect to legal challenges arising out of diminishing gender role.

Keywords: Breadwinner, Equity, Gender, Role

Introduction: Human society has passed many periods to come to the world where we live today, through evolution and development. In this society there are two types of human, male and female commonly known as gender of human. Two totally different types of creatures in emotional, mental and physical sense yet both are equally and together necessary for the continuance of human life on this earth. So to avoid conflict between these two nature and society gave them different types of roles which they are entitled to perform continuance of life on the earth. The role which nature decided for both is simple, which is regarding to reproduction. But when it comes to what role society and our ancestor made for male and female is quite large in scope.

Our society has given role to both of them at every step of a human life.

Adult man role included:

- Earning income
- Supporting and defending the family
- Being strong, independent and self- reliant

Adult female role included:

- The responsibility to have and take care for children
- Running the household under the supervision of husband

Female to give birth and taking care of her family, whereas male was entitled to earn and feed the family. This simple discrimination made and decided by our ancestor a long back ago which lead to many outcomes and consequences in every period of human era. This simple discrimination lowered the position of female in the society, Soon the female were started to be consider as the person who is under the protection of male. From then till today female are considered to be the suppressed group, and somehow they were always being drifted when it came to take decision for the family, when it was regarding to workplace than everywhere male was considered to be the superior one.

However civilization showed the overall upliftment of women’s position. According to historian ROMILLA THAPER – “Within the Indian sub-continent there have been infinite variations on the status of women

diverging according to cultural malice, family structure, class, caste property rights and morals.”[1]

So for a long period of time male has enjoyed his superiority over female, but as the time changes, things also changes so in recent decades it came to the picture that how position and role of the gender are changing, the process is slow though but it’s happening.

A research by American scholars shows that, personality sex role behaviour, self-actualisation of woman, attitude towards the employment of woman, sex role conflict and institutionalized equality. A special feature of these attitudinal scales used in the analysis of the reconstruction of items in a non-traditional sense based on a conceptualization of sex role continuum as one which involves lesser or greater degrees of non-traditional traits placed along the same axis for men and women. This approach emphasizes the role sharing model where husbands or fathers have no necessary monopoly on instrumental and adaptive behaviour and wives or mothers are not confined to expressive role. Instead sharing of such role can occur within the family as well as in social units.[2]

Change is the way of life, but acceptance of change is a bit difficult. The position of woman was needed to change but, is it acceptable by the society? The male members of society who has enjoyed their superiority over the female for such a long time will they accept this change? There are lot of question and further we will try to find the answers.

Apart from the above question, the main question arising out is - Will these changes lead to human society to the equity, and will these changes lead to the society where male and female will considered to be equal, where the only difference in role between them will be the one decided by nature.

Among Hindus the changes involved *Sanskritisation* and a corresponding change in the husband-wife relationship. More recently, urban migration, female political participation, education, careers, and the activities of social reformers have all helped the public acceptance of new roles for women. As yet, only a tiny minority of women have benefited from the changes

that have occurred[3].

The changes in the society and in the sex- role has aroused many question as well as given hope of equity.

Historical perspective of gender role: Gender roles of diverse cultures have differed immensely throughout history. The evolution of gender roles first began in the Palaeolithic Age and then began to transform with the transformation of the Palaeolithic Age to the Neolithic Age. Women in Mesopotamia, India, Greece, China, and Rome were not treated as equals and viewed as inferior to men. Cultures like Egypt and Persia had similar laws for women and treated them with more respect out of any of the other cultures[4].

In ancient India, though patriarchal system was highly prevalent, woman was a given a position of respect. Their position was very important in ancient Indian society. There are many stories from which we can see the respectable position of woman and one of the most famous one is *vedvyas'sMahabharata*, where fall of *kouras* took place because they humiliated *Draupadi. Ardhnareshvar* (God is half man and half woman) was highly worshipped. Women were allowed to have multiple husbands. They could even leave their husband as well as choose their husband by the process of *swayamber*. In the earlier period there were no seclusion between man and woman for domestic and social affairs. But as the time passes there was gap started arising out in gender role, in Vedic period woman lost their political rights to attend assemblies. During the period of *smirits* woman were bracketed with *Sudras* and were denied to study Vedas. The scriptures of *Mauryan* period shows the high domination of male over female.

So researching the history of gender role comes to a common conclusion in most areas that the purpose of the woman life was to devote her life to husband and children. Indian society is male dominated one, and the same thought were within the home and it still is.

Effects

- 1) *Family structure:* Indian society is moving from joint family structure to nuclear family structure which includes father, mother and their children. And one of the main reason for this change is diminishing gender role. As in joint families the freedom was not used to given to their woman family member and that was hindering their progress and because of which conflict started arising and to avoid these things son of the family started moving out of the family and nuclear family phenomenon started to come into force rapidly
- 2) *Emotionally:* As there is a steady change in the gender role. And woman are being given freedom and opportunities at every step, they are taking this opportunities and using it but because of this they are totally being focused on their career and some of them even denying to have families. But it is clear so far that woman basic role is to have a family and to take care of family, and Indian society is not ready to accept the woman who are denying their role and when they criticize these woman, subsequently when

these woman are being criticize for their high competitiveness or for their loneliness somehow it damages them emotionally because they are not being appreciated for their achievements, but being criticized for not fulfilling their social responsibility. For man also it's been difficult emotionally, because they are losing their dominance over the family and they are losing the things they are expected like waiting wives at home after work and etc.

- 3) *Effect on child:* Woman gender role was to have a family, to have a child and take care of them and to raise the child properly and man role was to help financially in the raising of the child, but now woman also started earning and to earn they have to step out of the house and this is affecting the raising of child in many ways like:
 - They are not having the 24/7 protection and care for their parents.
 - Children are being emotionally damaged in their childhood which is affecting their personality in future and also affecting the future of society.
 - Increasing rate of juvenile crime because of less parental protection and care.
- 4) *Economical support:* this is the most significant effect of changing gender role. Inflation is on its peak, needs of the family increasing day by day due to which it becomes very difficult for a common man to earn that much so that he can fulfil all the requirements of a family. In this case if the woman of the family is educated and capable of earning than it becomes a way easier to run a family in a smooth way if there are two members who are earning.
- 5) *Respectful position of woman:* although the society is not very much accepting the diminishing gender role but this thing has helped woman in acquiring a very good and respectful position in the society. They are helping there husband in earning and running the family. The society has started giving respect to the woman. And woman has started gaining position in the society.

Legal prospect in gender equality and gender role:

Constitution of India is the supreme law of land and it safeguards woman right by putting her equal with the man in socially economically and politically. Preamble of the constitution itself enshrined the principle of gender equality. Fundamental rights, directive principle of the state policy and fundamental duties and some other provision like right to vote, reservation in the local self-government. Although there is still a very wide gap between the law and the situation reality of woman in India.

Provisions in the constitution for gender equality:

1. *Preamble of Indian Constitution:*The preamble itself secure all its citizens social, economic and political justice, and equality of status and opportunity and to promote among them all beyond any discrimination on the bases of the sex. It is clear from

the preamble that none of the provision in the constitution allow any kind of discrimination assure all its citizen equal rights.[5]

2. **Right to equality:** Article 14, 15 and 16 of the constitution grant gender equality as well as adapt measures of affirmative discrimination against the woman, which is not the violation of right to equality in any way.

• *Article 14: Equality before law*

“Equality before law The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.”

It means that all person similarly circumstanced shall be treated alike, both in privileges conferred and liabilities imposed. Equal laws should be imposed to all in the same situation and there should be no discrimination between one person and another. If as regards the subject matter of the legislation their position is substantially same.[6]

• *Article 15:* Reservation and affirmative actions are permissible for woman, it was held that making special provision women in respect of employment or posts under the state is an integral part of the Article 15(3). The special provisions which the state may make to improve women’s participation in all activities under the supervision and control of the state can be in the form of either affirmative action or reservation. Both reservation and affirmative action are permissible under article 15(3) in connection with the employment or post under Article 15(3) is not whittled down in any manner in article 16. Equality is one of the main magnificent corner stone of Indian Democracy. But that corner is still yet to be turn properly.[7]

• Article 16: It has helped to renew many laws that was hindered woman equality before man, for example

➤ *Permission of marriage and resignation on the ground of domestic obstruction:*

There was a rule that the Indian Foreign Services rules 1961 which says that no married woman shall be entitled as of right to be appointed to the service. Under rule 8(2) of Indian Foreign Services (conduct and Discipline rules), 1961 a woman member of the service was required to take permission in writing before solemnization of marriage. It was also laid down that she required to resign from the service if the officer find out that her marriage is coming in her way of duty. The Supreme Court struck down these rules on the ground that they are violation of fundamental right of woman employees in the matter of public employment[8].

The Supreme Court by its interpretation of 14, 15, and 16 has contemplated greatly to ensure substantive equality to the woman in matters of employment and a new jurisprudence on gender justice itself has been evolved over the years.

➤ *Pregnancy is not a disability*

The court observed that by making pregnancy is the bar in continuance of the service of Air hostess is most unreasonable approach to restrict woman employment in terms of woman physical capacity. Pregnancy is not a disability but a natural consequences of marriage and is an immutable characteristics of married life. Any distinction made on the ground of the pregnancy cannot but held to be arbitrary.[9]

➤ *A Women shall not be denied a job merely because she is a woman –*

In its landmark judgment the Apex Court in *Air India v Nargesh Meerza*[10] has held that a woman shall not be denied employment merely on the ground that she is a woman as it amounts to violation of Article 14 of the Constitution. In the present case, wherein air-hostesses of Indian Air Lines and Air India have challenged the service rules which state that:

“Air-hostesses shall not marry for the first four years of their joining; they will lose their jobs if they become pregnant. They will retire at the age of 35 years, unless managing director extends the term by ten years at his discretion.”

The Supreme Court of India suggested that the first provision is legal, as it would help in promotion of the family planning programmes, and will increase the expenditure of airlines recruiting air-hostesses on temporary or ad hoc basis, but the second and third provisions to be declared as unethical, abhorrent, unreasonable, arbitrary, unconstitutional and an open insult to Indian women hood.

Thus, the above decision of the Apex Court has greatly elevated the status of working women.

➤ *Equal remuneration:*

A petition was filed by an erstwhile employee of company who during the period of her employment was working as Confidential Lady Stenographer and she complained that during the period of her employment she was being paid less remuneration compared to the male member of her office working at the same position with her. She brought the provision of equal Remuneration Act, 1976. The court after examine the facts of the cases the discrimination is only the ground of sex and infringement of Fundamental rights.[11]

➤ *Sexual Discrimination in Employment :*

F.A.C.T Ltd., employed number of post graduates in chemistry for the post of Attendant Operators. Initially all those selected were asked to go training for 3 years, with both male and female members. On the finalization of training 5 male members were absorbed as a technician after an internal examination. Female members were not allowed to do so they were female members. So female employee filed a suit and after considering the provision of law, Kerala High Court held that non-absorption of female trainees as technician entirely on the basis of sex was violation of Article 14 and 15 of the Constitution.[12]

➤ *Gender Equality:*

The Supreme Court speaking through Justice J.S Verma laid down several proposition of law of far reaching consequences and this can be considered as a great watershed in so far as the subject of gender equality is concerned. One of the logical consequences of such incident is also the fundamental right under article 19 (1) g. The meaning and the conduct of the fundamental rights guaranteed in the constitution of India are of including prevention of sexual harassment or abuse.[13] The Supreme Court further held that the gender equality includes protection from sexual harassment and right to work with dignity which is a usually recognized basic human right. The Common minimum requirement of the right has received global acceptance.

3. **Right to Privacy of a woman:** Article 21 guarantees for the right to life and personal liberty. The explained horizon of right to life includes the right to have a dignified life, right over her body, control over her sexuality and reproductive functions to give birth to a child. This Article is the bunch of rights and heart of the constitution where blood is pumped by Article 32.

The Supreme court has held the right to privacy is a part of right to life under Article 21, therefore, it observed that 'right to privacy' must encompass and protect the personal intimates of the home, the family, marriage, motherhood, procreation and child bearing.[14]

4. **Protection against exploitation:** Article 23 of the constitution guarantees fundamental protection every woman to protect them from any kind of exploitation. It reads as follows:

The article is very important from the angle of trafficking in human being and other similar forms of forced labour. Women are generally trafficking for sexual exploitation or prostitution, which is the worst crime against the womanhood, as they cannot come back from such evil even if they want to return. The article also empowered the state to make law for such contraventions.

5. **Directive principles of state policy:** Article 39 of the constitution is very important to issue directions for the state policies in favour of woman and children. Under the Indian Constitution, 1950 the directive principles of State policy is the reflection of governance that India is a welfare democratic state. This policy envisaged equal rights to work, equal work, and adequate means of decent and dignified livelihood to

both men and women these are guaranteed under the directive principles of state policy. Part IV of the Constitution containing Articles 38, 39 (a) (d) and (e), 42, 44 and 45 deal with the welfare and development of women.

According to Article 39(a) the State should direct its policy towards securing that the citizens, men and women equally have the right to an adequate means of livelihood. This Article provides equal rights for all citizens, irrespective of sex, to adequate means of livelihood.

As per Article 39(d) of the Constitution in the States that there should be equal pay for equal work for both men and women. Thus, the state is under Constitutional obligation to direct its policy towards securing that there is equal pay for equal work for both men and women.

There are some provision which the constitution provides to help in containing gender equality like *fundamental duties, right to vote, reservation of seats in local government, etc.*

Conclusion: Man and woman are the two faces of one coin and none of the face can be ignored in the pursuance of a human life. Gender equality is the most needed thing in the society because it will lead to more stable society where minds of both man and woman would be used for the betterment of the society. Diminishing gender role is the way to equity for man and woman. It is true that society till date is male dominated. A woman's life is akin to slavery, although she is worshipped as a deity in homes. United Nations reports reveal that women constitute half of the world's population. About 2/3 of the world's female population is manhandled by husbands. In India, most of the mothers-in-law are cruel towards their daughters-in-law and countless young wives are burnt to death for non-fulfilment of dowry demands.[15]

But the situations has been started to change, merging of gender role is the path which will lead to an equal society. But the equal society should be reached with taking all the precautions and care, without harming the future or emotion condition of any one in the society

The researchers would like to conclude the paper by saying that way of equity is ahead of us, we just need to walk properly so that we can reach there safely.

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4. or dissertation research. A 20 percent of random classes was drawn and the permission of the instructor to administer the questionnaire during a regularly- schedule class period was sought. Thirty classes were selected via the sampling procedure and 27 participated. All data were collected during a two

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