

“ARE WOMEN REALLY EQUAL TO MEN?”- A CONTRAVERSITY BETWEEN NO AND YES**Y.V.M.SARANKUMAR**

ABSTRACT: The purpose of this study is to identify the Rights of Women in the present scenario of globalization. The reasons to be identified “why Women are still considered as emerging class despite of their Rights”. To overcome these barriers “Are Women provided with any opportunities?” and if they are, the kind of opportunities that are provided to the Women for their empowerment and analysis of, whether Women are utilizing the opportunities provided to them. To prove women can never be equal to men analysis of Women Empowerment in various fields of education, job, sports, business etc. To critically analyze the Rights given the Women and to find out whether Women has Rights equal to Men- “As Women in the present scenario of globalization are being given equal opportunities as of Men” .To analyze whether we can prove Women are conferred with more Rights than men according to various provisions given under constitutional law, Indian Penal Code, Criminal Procedure Code and various statutes passed by the legislation. To analyze the five legal Rights that Women have and Men don’t.

Introduction:

Women Are Being Paid Less: Women are being paid less because of difference in physical and mental skills between men and women. As per stats the pay gap costs a woman at least \$ 400,000 over the course of their work life. The data shows that there is inconsistency in salaries widen at the higher levels of management, with a "midlife pay crisis" particularly hitting female managers aged over 40, who earn 35% less than men. The average pay gap between men and women aged between 46 and 60 stands at £16,680 a year,

While among company directors men take home £21,084 more than their female colleagues.

I am sorry to be the one to raise this issue, but I am going to put it straight so that there is no confusion: men and women are not equal. For two things to be perfectly equal they would need to be the same and it should be self evident that a man and a woman are not the same. Not only are they different on the physical level but differ in almost every way they relate to the world around them. Men and women have different communication skills, different uses of emotion and even different perceptions of pain.

Whereas ,in India the condition is worse where women earn \$1531 and men earns \$4070 ,which makes it a total discrimination towards women and much of the women work never appears in the national statistics because it seen as an extension of their earnings and nurturing the functions rather than as materials rewarding activity.

Hence, the position of women is never equal to men and their pay ups are dependent on various sociological, historical and economic factors.

Women Have Less Educational Opportunities:

Though many laws guarantee various opportunities to women ,for example: constitution of India guarantees free primary schooling to everyone up to 14 years of age ,very few actually attend primary schools, according to recent stats only 39% of all

women in India actually attend primary schools,the reasons behind this are the parents think that educating daughters is waste of time and they don't get any benefit in return and the parents or the family members prefer them to carry on with the household works and other reason cited can be economic status, for example: Dalit girls and women , those are from lower caste communities, untouchables , the most vulnerable of all people in India are not given good opportunities because of their economic status and economic values.

Women and Sports: Women are discouraged by their parents taking the name of tradition. Most of the women are house arrested taking the concerns of safety etc. Women are not allowed to come out of their houses due to several reasons *E.g.:* the customs that families follow, religious traditions.

Women sports are not being recognized that well, as they are not as competitive as men's sports. This is due to various reasons like physical strength, entertainment levels etc.

But in the recent times women started excelling in all fields especially sports *.E.g.:* Sania Mirza who won almost 30 titles in her career is entertaining the crowd with her play and her beauty, saina nehwal who ranks No:1 in the ranking is entertaining with her feats in badminton. So women started excelling in a few fields but not at a comparative to men.

Do Women Really Have Equal Status?

Employment: Contrary to common perception, a large percentage of women in India work. National data collection agencies accept that statistics seriously understate women's contribution as workers. However, there are far fewer women than men in the paid workforce. In urban India, women participate in the workforce in impressive numbers. For example, in the software industry 30% of the workforce is female. In the workplace women enjoy pari with their male counterparts in terms of wages and roles.

In rural India in the agriculture and allied industrial sectors, females account for as much as **89.5%** of the labor force. In overall farm production, women's average contribution is estimated at **55%** to **66%** of the total labor. According to a **1991 World Bank report**, women accounted for **94%** of total employment in dairy production in India. Women constitute **51%** of the total employed in forest-based small-scale enterprises. This stats at an average shows women were being given opportunities at certain fields of employment.

Education: Women were given equal status at education which has resulted in increasing literacy rate and hiring more women than men at corporate offices and at industrial sectors. Women have more pass percentage in board exams and in most of the competitive exams *E.g.:* pass percentage of women in TamilNadu 12th exams is **93.4%** whereas boys is **87.3%**. From this we can say that women are excelling in the field of education.

Reservations: Women were given opportunities through reservations to have a status equal to men. Through reservations they were getting equal opportunities in the field of education, job opportunities etc. In India they will be given more opportunities under **WOMEN'S RESERVATION BILL** after the enactment which is pending from quite a few months, according to which they will be given reservation of **33%** at social, political and in all other respective fields.

Under constitution women are given certain privileges:

Constitutional Privileges

1. Equality before law for women (Article 14)
2. The State not to discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them (Article 15 (i))
3. The State to make any special provision in favor of women and children (Article 15 (3))
4. Equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State (Article 16)
5. To promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of women (Article 51(A) (e))
6. (vi) Not less than one-third of the total number of offices of Chairpersons in the Panchayats at each level to be reserved for women (Article 243 D (4))
7. Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality to be reserved for women and such seats to be allotted by rotation to different constituencies in a Municipality (Article 243 T (3)).

Do You Think Women Have More Rights And Opportunities Than Men?

Yes, at the present scenario we can say that women were being given more opportunities in each and every field

Education: The reservations given to women are based on their past status as they were exploited without giving proper wages and they were not allowed to go to schools and colleges and they used to think that women's place is kitchen. But at present the scenario been completely changed and they were given equal opportunities to men and with the reservations and the skill they possess they were given more opportunities than men. According to **UNESCO**, we find that women are more likely to pursue subsequent education in countries with higher levels of national wealth. In most wealthy countries, female students clearly outnumber men at the higher education level. In Iceland, there are almost twice as many women enrolled in tertiary education as men. In the United States and the Russian Federation, there are about **129 and 126** female students for every **100** male students, respectively. A similar pattern is found in Argentina, Brazil and Venezuela.

Job Opportunities: Due to the exploitation in the past they were given reservation but at the present scenario with the belief that women can work with more patience and capability they were given more opportunities. For every **1,000** people at work, **80** more women than men burnout— in large part because they fail to secure their own oxygen masks before assisting others.

Do Women Are Confered Anything More Than Men?

Five Legal Rights Women Have That Men Don't:

Women are not still an emerging power but if they emerged as that they can rule the country, and one theme that has come up repeatedly is that feminism is interested in equal rights for everyone. I have yet to meet a single feminist who was not completely astonished to discover that not only do women have equal rights to men; they actually have *more* rights than men. Even then most of the people who are feminists think that women need more rights and there is no perfect justification for that to happen in reality, but the stark fact remains that in 2014, women do indeed have more rights than men. Here are five legally enshrined rights that women have and men do not:

1. Women have the right to Genital Integrity:

Regardless of how you personally feel about the practice of **Genital Mutilation** (I personally find it barbaric, cruel and completely unjustifiable), the legal fact is that infant girls are protected against any Genital cutting of any kind and infant boys are not. Many feminists will argue that female Genital

mutilation (FGM) is a magnitude of brutality beyond male **Genital Mutilation** and while that may be true, I do not find the “it’s only a little bit brutal” argument to be very compelling. It’s like saying cutting off a toe is okay because cutting off a foot is much worse. Ultimately, the argument clearly say men were discriminated right to **Genital Integrity** was given only to women child not the men.

In India there are so many provisions that provide a girl child the right to Genital Integrity. Under **Termination of Pregnancy Act, 1971** the killing of a female unborn child is a homicide. **Sec 312** of the **INDIAN PENAL CODE, 1860** causes miscarriage punishable. It says:

“whoever causes a woman with child to miscarry, shall, if such miscarriage be not caused in good faith for the purpose of saving the life of the women, be punished with imprisonment of either description for a term which may be extend to three years, or with fine, or with both; and if the woman quick with child, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine”.

Explanation: A woman who causes herself to miscarry is within the meaning of this Sec. The Indian laws provide us an detailed description on female infanticide/feticide. Thus, the right to **Genital Integrity** is only avail to the women

2. Women have the right to choose parenthood:

Women were given absolute right to choose the parenthood and they absolve themselves from all legal, moral financial and social responsibilities for children, they did not intend and do not want. Women may abort the child before it is born, they may surrender the child for adoption without notifying or identifying the father or they may surrender the infant under Safe Haven laws and walk away from all responsibility and obligation. Women cannot be forced or coerced into parenthood, but they are legally allowed to force men into financing their reproductive choices. In many states, men can be forced into financial responsibility for children whom they did not biologically father. As long as a particular man is identified as the father, he will be held accountable. Paternity fraud is legal. In no state parental surrender is legal without express agreement of mother. For example in Indian penal code they have given clearly if any think done by any person to the held in the mother’s womb without her permission are held liable for punishment, **Sec 315** discusses the offence of feticide and infanticide, “If a person commits an act with the intention of preventing the child from being born alive or an act that results in the death of the child after birth, that person is committing feticide/infanticide as long as they do not do it in the interest of the mother’s health or life. If a person does an act that amounts to

culpable death which results in the quick death of an unborn child, he will be charged with culpable homicide”.

Again, regardless of whether you agree or disagree with legal paternal surrender, the fact remains that women have the legal right to choose parenthood. Men do not.

3. Women have the right to be assumed caregivers for children:

When parental relationships irretrievably break down, current custody laws assume one primary caregiver (almost always a woman) and one tertiary caregiver (almost always a man). In order to win equal or shared custody, the tertiary caregiver must litigate to prove they are worthy of equal parenting, a proposition that is not only very difficult to “prove”, it is also very expensive. The legal presumption of shared parenting upon divorce – that children have a legal right to an equal relationship with both their mother and their father following relationship breakdown – is strongly resisted by the National Organization for Women (NOW) and other feminist organizations who know that women will almost always win custody of children under the default laws. In actual fact, men who can afford to pursue legal remedies and challenge primary custody stand a good chance of winning, because women do *not* have the market cornered on loving or caring for children. So while the law does not specifically indicate that custody will be awarded to women, therefore women has the legal right to identify caregivers. Men do not.

4. Women have the right to call unwanted, coerced sex rape:

The original FBI definition of rape specifically identified women as the victims, excluding the possibility of male rape victims. When the FBI updated that, it did so in way that includes a small minority of male rape victims but excluded most male rape victims by retaining the “penetration” clause. Penetration of any orifice must occur for rape to have happened. The FBI does collect another set of statistics though, under the category of “other sexual assault” – it’s the awkwardly named “made to penetrate” category, which includes men who were coerced, tricked or bullied into penetrative sex with women they would otherwise not have had sex with.

The National Intimate Partner and Sexual Violence Survey similarly consider the two types of assault separately, despite the fact that occurrences are virtually identical. **1.27M** women report rape and **1.26M** men report “made to penetrate”. By collecting the information under separate categories, following the legal definitions, women have the right to have their rapes called “rape”. Men do not.

Where as in India there are few laws which deals about crimes dealing with sexuality but with regard to women but not men, **Sec 376** in **The Indian Penal Code**- “Whoever, except in the cases provided for by

sub-Sec (2), commits rape shall be punished with imprisonment of either description for a term which shall not be less than seven years but which may be for life or for a term which may extend to ten years and shall also be liable to fine unless the woman raped is his own wife and is not under twelve years of age, in which cases, he shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both: Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than seven years". The term women in the Sec clearly say that this Sec is applicable only for women nor for men and recent **Amendment of Criminal Law ,2013** is based on legal issues of women empowerment with sub themes on domestic violence ,harassment at public offices and

police response to women issues and it is named as **NIRBHAYA**, known as **FEARLESS**.

5. Women have the right to vote without agreeing to die

In the US, citizens are free to exercise their constitutionally guaranteed right to democratically choose their own leaders through the process of casting a ballot in an election once they reach the age of 18. Women achieve this right by the simple act of surviving 18 years, which agreeing to be drafted. Men don't.

Conclusion: According to **William Golding**, "women are foolish to pretend that they are equal to men, they are far superior and always have been". It's the women who think that they are inferior to men without utilizing the available opportunities. So, it is to the women to avail all the necessary opportunities and develop their credibility.

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