

OSCILLATING GENDER EQUITY: A JURISPRUDENTIAL STUDY OF THE SELF-SUFFICIENCY OF DEVELOPMENT IN BRINGING ABOUT GENDER EQUALITY IN INDIA

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ABSTRACT

The state of gender equity is a far-fetched challenge even in the contemporary year of 2018. Gender inequality existent in India is a social fact. Traditional noxious notions and the long-standing nature of gender inequality have the inherent capacity to bring any society to a grinding halt. Functional dynamism is the undercurrent for the effective working of any society. This dynamism can be achieved only when the laws and policies of the State and those of various institutions and organizations acting as agents in the functioning of the society concerned reflect and inculcate the multitude of influx of societal changes that have arisen over time. The socio-economic issue of gender inequality can be best comprehended by assessment via ground-level surveys and subsequent inference from several economic indicators involved. This formulates a real picture of the extent and impact of gender inequality in the society by means of study of the same done with the approach as followed by the Economic School of Jurisprudence as an offshoot of the Sociological School of Jurisprudence which provides for functional dynamism in the society. India has witnessed credible development in the recent decades. However, aspects of gender inequality like son-preference, son-meta preference and low female labour force participation rate are extensively observed in the Indian society.

The paper aims to showcase that development is not self-sufficient in bringing about gender equality in India by following the approach of the Economic School of Jurisprudence.

INTRODUCTION

Trapped in a multi-level structure of society, an inherently multi-dimensional issue is the issue of gender equity. In the year 2018 of what is so called by many across the globe as a contemporary year of the twenty-first century, good times are considerably prejudicial to the societal interest and not just women as a class of society per se when it comes down to the harsh reality of gender inequality. Gender inequality- this inequality has within itself the petrifying capacity to bring any society to a grinding halt if no change is brought in the status of females as it exists even today owing to certain traditional noxious notions and practices that have percolated in the minds of humans.

The existence of a social fact that there is no country in the world where women's wages are equal to those of men is a sorrowful indicator of the macabre gender inequality.¹ The range of influx of societal changes is large, especially in a country like India where notions of what is socially and morally acceptable has acquired an exponential rate of change. Functional dynamism is the undercurrent of the effective working of any society as per Sociological Jurisprudence and indisputably, the only mechanism to cater to the pressing requirements of the individuals in India- existent in the matrix of too large a number of diverse social groups. The unfortunate existence of gender inequality is a social fact. Gender inequality is not just an issue to be combatted, it has to be dealt with care and implemented with certainty for it effects the fabric of society in every possible dimension of development.

The apex Court of Law in India has also recognized the situation of gender inequality, evident in its observations made as:²

'Unfortunately, a woman, in our country, belongs to a class or group of society who are in a disadvantageous position on account of several social barriers and impediments and have, therefore, been the victim of tyranny at the hands of men with whom they, fortunately, under the Constitution enjoy equal rights. Women also have the right to life and liberty, they also

¹ Women's Learning Partnership, *Human Rights Facts & Figures*, WOMEN'S LEARNING PARTNERSHIP (Feb. 18, 2018, 04:52 PM), <http://www.learningpartnership.org/lib/human-rights-facts-figures>.

² Bodhisattwa Gautam v. Subhra Chakrabarty, AIR 1996 SC 922.

have the right to be respected and treated as equal citizens. Their honour and dignity cannot be touched or violated. They also have the right to lead an honourable and peaceful life.'

However, the situation of any social issue has to be observed, analyzed and inferred upon by way of experiments conducted in the light of the particular society in which that social issue is in existence. Such a study of a social issue when executed by means of an economic approach can bring about a clear-cut picture of the state of affairs based on survey calculations. In this regard, the Economic School of Jurisprudence can be called as the Functional School of Jurisprudence – as an offshoot of the Sociological School of Thought. Economic analysis can be helpful in designing reforms of the legal system. So long as there remain important areas of the legal system that are not organized in accordance with the requirements of efficiency, the economist can play an important role in suggesting changes designed to increase the efficiency of the system.³

With usage of economic methodology, the issue of gender inequality can be comprehended in a better fashion which shall help in formulation of more efficient policies aimed at combatting gender inequality. The economic approach has already yielded both quantitative and qualitative insights into the operation of the legal system.⁴ The challenge of gender is long-standing, probably going back millennia, so all stakeholders are collectively responsible for its resolution. India must confront the societal preference, even meta-preference for a son, which appears inoculated to development. The skewed sex ratio in favour of males led to the identification of “missing” women. But there may be a meta-preference manifesting itself in fertility stopping rules contingent on the sex of the last child, which notionally creates “unwanted” girls, estimated at about 21 million.⁵

It is significant to bring forth the fact that poverty is seen to arise out of unequal *social relations*, which result in unequal distribution of resources, claims and responsibilities. *Gender relations* are one such type of social relations. Social relations are not fixed or immutable. They

³ Richard A. Posner, *The Economic Approach to Law*, UNIVERSITY OF CHICAGO LAW SCHOOL (Feb. 20, 2018, 08:55 AM), https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=2881&context=journal_articles.

⁴ *Id* at 769.

⁵ Ministry of Finance, Government of India, *Gender and Son Meta-Preference: Is Development Itself an Antidote?*, MINISTRY OF FINANCE, GOVERNMENT OF INDIA (Feb. 22, 2018, 05:58 PM), http://mofapp.nic.in:8080/economicsurvey/pdf/102-118_Chapter_07_ENGLISH_Vol_01_2017-18.pdf.

can and do change through factors such as macro changes or human agency. Social relations include the resources people have. The poor, especially poor women, are often excluded from access and ownership of resources, and depend upon relationships of patronage or dependency for resources. Development can support the poor by building solidarity, reciprocity and autonomy in access to resources. Institutions ensure the production, reinforcement and reproduction of social relations, and, thereby, social difference and inequality. Gender inequality is reproduced, not just in the household, but through a range of institutions, including the international community, the state and the market.⁶

Nevertheless, pitching for 2018 to be made "the year for women to thrive", IMF Chief Christine Lagarde and Norway's Prime Minister Erna Solberg said "time is up for discrimination and abuse against women" in the paper published by the World Economic Forum (WEF) ahead of the Geneva-based organisation's annual summit. They said giving women and girls the opportunity to succeed is not only the right thing to do but can also transform societies and economies.

"The economic facts speak for themselves: raising women's labour force participation to that of men can boost GDP, for example, by as much as 9 percent in Japan and 27 percent in India," the two leaders wrote. Quoting IMF research for listing myriad macroeconomic benefits, they said reducing gender gaps in employment as well as in education can help economies diversify their exports while appointing more women onto banking supervision boards can challenge cosy group-think, thereby supporting greater bank stability and financial sector resilience. Besides, tackling gender inequality can reduce income inequality, which, in turn, can drive more sustainable growth.⁷

The intrinsic values of gender equality are uncontestable.⁸

⁶ International Labour Organization SEAPAT, *Unit 1: A conceptual framework for gender analysis and planning*, INTERNATIONAL LABOUR ORGANIZATION SEAPAT (Jan. 20, 2018, 05:42 PM), <http://www.ilo.org/public/english/region/asro/mdtmanila/training/unit1/socelfw.htm>.

⁷ Firstpost, *World Economic Forum: Raising women's participation in labour force to same level as men can boost India's GDP by 27%, says report*, FIRSTPOST (Jan. 23, 2018, 07:30 PM), <http://www.firstpost.com/business/world-economic-forum-raising-womens-participation-in-labour-force-to-same-level-as-men-can-boost-indias-gdp-by-27-says-report-4313451.html>.

⁸ *Supra* note 5 at 103.

Social observers have long noted that the status of women and overall socio-economic development tend to go hand-in-hand. In the poorest quartile of countries in 1990, only 5% of adult women had any secondary education, one-half of the level for men. In the richest quartile, on the other hand, 51% of adult women had at least some secondary education, 88% of the level for men. Other measures of gender inequality (in health or legal rights) paint a similar picture. In the poorest countries, women are particularly inadequately served in terms of education, health, or legal rights. Gender inequality in education and health can also be explained to a considerable extent by religious preference, regional factors, and civil freedom. These systematic patterns in gender differentials suggest that low investment in women is not an efficient economic choice, and we can show that gender inequality in education is bad for economic growth. Thus, societies that have a preference for not investing in girls pay a price for it in terms of slower growth and reduced income. The basic story that emerges is that gender equality and economic development are mutually reinforcing. The econometric evidence suggests that societies have to pay a price for gender inequality in terms of slower growth.⁹

Hence it has been rightly said by Jawaharlal Nehru:

‘You can tell the condition of a nation by looking at the status of its women.’

What is perhaps imperative to note is that efficacy of a legal system is the ultimate goal sought to be achieved by any law-maker or policy maker and according to the Economic School of Jurisprudence, this efficacy can be accomplished only when there is social security in the society concerned. It is widely accepted that social security can only be realized when there is existence of both economic efficiency and resultant economic stability.

Recently, the issue of gender equity in the Indian scenario has been realized, raised and deliberated with usage of data collection in the Economic Survey 2017-18 conducted and

⁹ Dollar, David, and Roberta Gatti, *Gender inequality, income, and growth: are good times good for women?*, DEVELOPMENT RESEARCH GROUP, THE WORLD BANK (Jan. 28, 2018, 10:06 PM), <http://siteresources.worldbank.org/INTGENDER/Resources/wp1.pdf>.

published by the Ministry of Finance, Department of Economic Affairs, Government of India as on January, 2018.

Pink is the colour of the Economic Survey 2017-18, signifying the support and promotion of the growing movement to target and end violence against women and to promote women's rights. The chief economic advisor of the finance ministry, Arvind Subramanian stated how the choice of colour is a symbol: "In our bid to further the cause of women's empowerment, the cover of Economic Survey 2018 is pink." Chapter 7 of the Survey under the head of 'Gender and Son Meta-Preference: Is Development Itself an Antidote' highlights the crucial significance to measure development via gender-disaggregated data. This shall help in a critical understanding of the status of women in both national as well as state-level institutions over time.¹⁰ Addressing the deep societal meta-preference in favor of sons, and empowering women with education and reproductive and economic agency are critical challenges for the Indian economy addressed in Chapter 7.¹¹

It is a profoundly distressing situation wherein despite figures of economic growth being applauded, a fact that of 8000 fetuses aborted in a particular Bombay clinic, 7999 were female¹² brings forth the spine-chilling reality of gender inequality in India.

The Survey appropriately recognizes that gender equality is an 'inherently multi-dimensional issue' but diagnoses three specific dimensions of gender to gauge the role of development in bringing about a substantial change in gender outcomes. These dimensions include:

Firstly- 'Agency' which relates to women's ability to make decisions on reproduction, spending on themselves, spending on their households, and their own mobility and health.

¹⁰ Deya Bhattacharya, *Economic Survey 2017-18 emphasises on women empowerment, highlights need to disaggregate data by gender*, FIRSTPOST (Jan. 31, 2018, 08:45 PM), <http://www.firstpost.com/india/economic-survey-2017-18-emphasises-on-women-empowerment-highlights-need-to-disaggregate-data-by-gender-4328959.html>.

¹¹ Arvind Subramanian (Chief Economic Adviser) Ministry of Finance Government of India, *Preface-Economic Survey 2017-18 Volume I*, MINISTRY OF FINANCE, GOVERNMENT OF INDIA (Jan. 20, 2018, 06:55 AM), http://mofapp.nic.in:8080/economicsurvey/pdf/000_Preface_Ten_Facts_2017-18_Vol_1-18_pages.pdf.

¹² National Commission for Women, *Facts & Realities About Gender Discrimination- Consultation on Implementation of the PC & PNDT Act 1994, A report by Legal Cell 10th April 2010, Udaipur, Rajasthan*, NATIONAL COMMISSION FOR WOMEN (Dec. 29, 2018, 05:30 PM), http://www.hp.gov.in/dhsrhp/pdf/PC_PNDT_REPORT.pdf.

Secondly- 'Attitudes' which relates to attitudes about violence against women/wives, and the ideal number of daughters preferred relative to the ideal number of sons. The third dimension is that of 'Outcomes' which relates to son preference (measured by sex ratio of last child), female employment, choice of contraception, education levels, age at marriage, age at first childbirth, and physical or sexual violence experienced by women. The analysis in the concerned chapter is based on the Demographic and Health Survey (DHS) datasets from 1980 to 2016. The survey has datasets at household level; both women and men are asked detailed questions on gender-related attitudes, agency and outcomes, among other issues. The India National Family Health Survey (NFHS) 2015-16, which feeds into the DHS survey, has been combined with international DHS datasets. Previous DHS/NFHS datasets for India are available for the following periods: 1992-93, 1998- 99, and 2005-06.¹³

The positive news here is that on 12 out of 17 variables, average levels in India have improved over time. For example, 62.3 percent of women in India were involved in decisions about their own health in 2005-06, which increased to 74.5 percent in 2015-16. Similarly, the percentage of women who did not experience physical or emotional violence increased from 63 percent to 71 percent. The median age at first childbirth increased by 1.3 years over ten years. On 7 out of these 12 cases, India performs better than, or at par with the cohort of other developing countries even after accounting for levels of development.¹⁴

There has been notable progress in the agency dimension for women, who now have an active decision-making power regarding household purchases and visiting family and relatives. Moreover, education levels have also improved. The percentage of educated women have gone up from 59.4 percent in 2005-06 to 72.5 percent in 2015-16. Education levels of women have improved dramatically but incommensurate with development.¹⁵

The employment of women in the workforce has declined from 36 percent employed in 2005-06 to 24 percent in 2015-16. It can be seen that while the number of educated women has gone up, the number of employed women has gone down significantly. (The Survey does not point

¹³ *Supra* note 5 at 104.

¹⁴ *Supra* note 5 at 105.

¹⁵ *Supra* note 5 at 104.

out the rationale for such a skewed education to employment ratio.) Almost 66 percent of women take up "unpaid work", despite increased education levels.

There has been an increase in the number of women who earn equal to or more than their husbands from 21.2 percent in 2005-06 to 42.8 percent in 2015-16. There is a positive downward trend of violence against women – the number of women not facing physical and sexual violence has gone up from 62.6 percent to 70.5 percent between 2005-06 to 2015-16.

The Survey also points out that only nine percent women are members of legislative assemblies (MLAs) amongst 4,118 members across the country. The highest percentage of women legislators are from Haryana, Bihar and Rajasthan (14 percent), followed by Madhya Pradesh and West Bengal (13 percent) and Punjab (12 percent). This means that women do not have equal opportunities for political participation, and the government should be committed to strengthening the agency dimensions of women for their empowerment and for the overall objective of building a just, democratic and progressive society.¹⁶ This lack of equal opportunities available to women is also evident from the ground reality that only 15% of parliamentary seats across the world are held by women. Women ministers remain concentrated in social areas (14%) compared to legal (9.4%), economic (4.1 %), political affairs (3.4%) and the executive (3.9%).¹⁷

The relative performance of different States of India as assessed on the aforementioned dimensions of gender (Average Gender Score) and also relative to their individual level of development is crucial for comprehending the role of development in bringing about gender equality. (Comparison between scores of the states in 2005-06 and scores of the states in 2015-16.) Key observation made:

While there is considerable variation within the Indian states and across dimensions, the broad pattern is one of the North-Eastern states doing substantially better than the hinterland states even in development time; hinterland states are lagging, some associated with their level of development and some even beyond that; surprisingly, some southern states such as Andhra Pradesh and Tamil Nadu fare worse than expected given their level of development.¹⁸

¹⁶ *Supra* note 10.

¹⁷ *Supra* note 12 at 11.

¹⁸ *Supra* note 5 at 105.

Therefore as abovementioned, most North-Eastern states (with the exception of Tripura and Arunachal Pradesh) and Goa are the best performers at all points of time concerned followed by Kerala.¹⁹

However, it is both shocking and saddening that the capital of India, Delhi's performance actually worsens in a decade, and it falls from having the highest score in 2005-06 (going from 73 in 2005-06 to 70.9 in 2015-16).²⁰

At this juncture of the paper it becomes essential to bring forth two key findings that are critical in reflecting the effect of development in generating gender equality: son preference and son 'meta' preference.

It is often said that women make up a majority of the world's population. They do not. To get an idea of the numbers of people involved in the different ratios of women to men, we can estimate the number of "missing women" in a country, say, China or India, by calculating the number of extra women who would have been in China or India if these countries had the same ratio of women to men as obtain in areas of the world in which they receive similar care.

A great many more than 100 million are missing are "missing" in the world²¹ [(with almost 40 million in India alone) (as given in 1990)]. A large part of this is driven by a combination of sex-selective abortion as well as neglect of the girl child after birth.²² Hence the issue of Son Preference: Skewed Sex Ratio at Birth (SRB) arises.

Time and again it has been realized and admitted that the issue of preference of a son over a daughter has to be combatted collectively by the Indian society in which every person has to take a step ahead in this regard in his or her or its capacity.

The data regarding Sex Ratio at Birth and Real Per Capita Income (1970 and 2014): International Comparison (Source: World Development Indicators and Penn World Tables) plots the Sex Ratio at Birth (SRB) for countries in 1970 and 2014 against their level of real per

¹⁹ *Supra* note 5 at 110-111.

²⁰ *Id* at 111.

²¹ Amartya Sen, *More Than 100 Million Women Are Missing.*, THE NEW YORK REVIEW OF BOOKS (Feb. 15, 2018, 02:45 PM), <http://www.nybooks.com/articles/1990/12/20/more-than-100-million-women-are-missing/>.

²² *Supra* note 5 at 112.

capita income. India and China are well above the regression line, suggesting that there are many more males to females after accounting for development levels.

The biologically determined natural sex ratio at birth is 1.05 males for every female²³. Any significant deviation from this is on account of human intervention – specifically, sex-selective abortion. In the case of China, the one-child policy interacted with the underlying son-preference to worsen the sex ratio from 1070 in 1970 to 1156 in 2014. India's sex ratio during this period also increased substantially even without the one-child policy from 1060 to 1108 whereas if development acted as an antidote, it should have led to improvements in the sex ratio.

The Economic Survey 2017-18 also provides for the sex ratio for the different states in India in 1991 and in 2011 (Census of India & CSO). It is striking that there is a general upward drift in sex ratio and the regression line is also upward sloping, indicating a negative correlation between income and sex ratio (a worsening in development time). Most striking is the performance of Punjab and Haryana where the sex ratio (0-6 years) is approaching 1200 males per 1000 females, even though they are amongst the richest states.²⁴

The record for the number of “missing women” has been updated from 1990 in the Survey till the year of 2014 accomplished by using the methodology of Sen (1990) and Anderson & Ray (2010, 2012). The stock of missing women as of 2014 was nearly 63 million and more than 2 million women go missing across age groups every year (either due to sex selective abortion, disease, neglect, or inadequate nutrition).²⁵

Thus this update has reflected an unfortunate increase in the number of such missing women – an increase of 23 million missing women in India. The result is a lower proportion of women than would be the case if they had equal care.²⁶

The second key finding of the Survey is that the Indian society exhibits strong son “meta” preference. This means that parents continue to have children until they get the desired number

²³ Evolutionarily, boys have a slightly lower probability of survival in infancy, and are therefore born at a slightly higher rate. Together, these ensure that the sex ratio in adulthood is 1:1 in accordance with Fisher's principle.

²⁴ *Supra* note 5 at 111-112.

²⁵ *Supra* note 5 at 112.

²⁶ *Supra* note 21.

of sons. This kind of fertility-stop-ping rule leads to skewed sex ratios but in different directions: skewed in favor of males if it is the last child, but in favor of females if it is not the last. Where there are no such fertility-stopping rules, ratios remain balanced regardless of whether the child is the last or not.²⁷ This issue can be comprehended further under the head of Son “Meta” Preference: Sex Ratio of Last Child (SRLC) and “Unwanted” Girls in India.

While active sex selection via fetal abortions is widely prevalent, son preference can also manifest itself in a subtler form. Parents may choose to keep having children until they get the desired number of sons. This is called son “meta” preference. A son “meta” preference – even though it does not lead to sex-selective abortion²⁸ – may nevertheless be detrimental to female children because it may lead to fewer resources devoted to them.²⁹

The important thing to note is that this form of sex selection alone will not skew the sex ratio – either at birth or overall. Therefore, a different measure is required to detect such a “meta” preference for a son. One indicator that potentially gets at this is the sex ratio of the last child (SRLC). A preference for sons will manifest itself in the SRLC being heavily skewed in favor of boys. On the other hand, an SRLC of close to 1.05:1 would imply that parents’ decisions to continue having children is uncorrelated with previous birth being a son or a daughter. Families continue to have children until they get the desired number of sons. This kind of fertility stopping rule will lead to skewed sex ratios but in different directions: skewed in favor of males if it is the last child, but in favor of females if it is not.³⁰

Jayachandran (2015) lists a number of reasons for such a son preference, including patrilocality (women having to move to husbands’ houses after marriage), patrilineality (property passing on to sons rather than daughters), dowry (which leads to extra costs of having girls), old- age support from sons and rituals performed by sons.

²⁷ Ministry of Finance Government of India, *Ten New Facts on The Indian Economy-Economic Survey 2017-18 Volume I*, MINISTRY OF FINANCE, GOVERNMENT OF INDIA (Jan. 20, 2018, 06:57 AM), http://mofapp.nic.in:8080/economicsurvey/pdf/000_Preface_Ten_Facts_2017-18_Vol_1-18_pages.pdf.

²⁸ *Supra* note 5 at 113.

²⁹ Seema Jayachandran and Rohini Pandey, *Why Are Indian Children So Short? The Role of Birth Order and Son Preference*, AMERICAN ECONOMIC REVIEW 2017 (Mar. 10, 2018, 06:27 PM), <http://faculty.wcas.northwestern.edu/~sjv340/height.pdf>.

³⁰ *Supra* note 5 at 113.

There is again a striking contrast in meta preference for sons within India between states. It is observed that there are certain Indian states that exhibit strong son “meta” preference, such as Punjab and Haryana and then there are certain states that exhibit weak son “meta” preference, such as the North- Eastern states.³¹

This meta-preference leads naturally to the notional category of “unwanted” girls which is estimated at over 21 million (This is computed as the gap between the benchmark sex ratio and the actual sex ratio among families that do not stop fertility³²).

Another important aspect of gender equality is equity in access to employment for women.

Over the past few decades, women all over the world have pushed the boundaries on educational attainment, economic participation, and even political representation. And yet, this great progress has not been enough to close the gender gap. Globally, only 55 percent of women have the opportunity to participate in the labor force, compared with 80 percent for men. As countries around the world struggle to grow their economies more quickly and to reduce inequality, tapping into the huge potential of women can be a game changer. Research has shown that increasing women’s labor force participation can deliver significant macroeconomic gains.³³

However, as aforementioned, the Survey suggests that there is an upsetting decline in the employment of women from 36 percent employed in 2005-06 to 24 percent in 2015-16.³⁴ The reasons for this decline are multi-fold and certain key findings as to the same have been inferred from the Survey data. There is a long and contested literature on whether this decline is a cause for concern or will improve naturally with time and development. There is the more general phenomenon, of a U-shaped behavior of female labor force participation with respect to development. India is on the downward part of the “U” but even more so than comparable countries.

³¹ *Supra* note 5 at 116.

³² *Supra* note 5 at 116.

³³ Christine Lagarde, *The Business Case for Women’s Empowerment*, INTERNATIONAL MONETARY FUND (Mar. 17, 2018, 09:33 AM), <https://www.imf.org/en/News/Articles/2016/11/18/SP111816-The-Business-Case-for-Womens-Empowerment>.

³⁴ *Supra* note 10.

Furthermore, since not many women use methods of reversible contraception, they have little control over when they *start* having children, but only seem to have control over when they *stop* having children. This could affect other milestones early on in a woman's life; for example, women may not get the same access to employment that men do.

On the supply side, increased incomes of men allows Indian women to withdraw from the labor force, thereby avoiding the stigma of working; higher education levels of women also allow them to pursue leisure and other non-work activities all of which reduce female labor force participation. On the demand side, the structural transformation of Indian agriculture due to farm mechanization results in a lower demand for female agricultural laborers. Evidence also points to insufficient availability of the types of jobs that women say they would like to do—regular, part-time jobs which provide steady income and allow women to reconcile household duties with work—and types of sectors that draw in female workers. This, interacted with safety concerns and social norms about household work and caring for children and elders, militates against women's mobility and participation in paid work.³⁵

The findings of the International Monetary Fund in this regard are worth mentioning. These include (as on September, 2013):

The female labor force participation rate (FLFPR) in India is low and concentrated in rural areas and the agricultural sector. The FLFPR in urban areas is below 25 percent, and while rural participation rates are almost twice as high as urban rates, they are still lagging significantly behind the world average. Moreover, the FLFPR has been declining over the last 20 years. Among employed women, 85 percent engage in vulnerable employment, including around two-thirds who work in the agricultural sector.

The data show a different picture, however, when trends in female school attendance are accounted for. When the Indian urban FLFPR is adjusted for 15 to 59 year-old women attending school, it increases by almost 13 percentage points. Many of these women can be expected to join the labor force in the near future with significantly better employment and earning potential than their less-educated peers.

³⁵ *Supra* note 5 at 108.

With education on the rise and declining fertility rates, India can reap huge benefits in its demographic transition. With about half of its population below the age of 25 and fertility rates projected to converge to replacement levels in the medium run, India's age structure is changing favorably, yielding possible demographic dividends of an additional 1 to 2 percentage points of annual growth. While this demographic window itself is transitory, its growth effects can be made permanent by higher investments in education, especially because returns to investments in female education are on average 1 percentage point higher than investments in male education.

Shrinking the gender gap in education and the FLFPR has the potential to boost India's per capita income significantly by 2030.³⁶

INFERENCE

Analysis of multiple rounds of the Demographic Health Survey (DHS) and National Family Health Survey (NFHS) data indicates that over the last 10-15 years, India's performance has improved on 14 out of 17 indicators of women's agency, attitudes, and outcomes. On several dimensions, including employment, India has some distance to traverse to catch up with other countries because development on its own has not proved to be an antidote. Encouragingly, gender outcomes exhibit a convergence pattern, improving with wealth to a greater extent in India than in similar countries so that even where it is lagging it can expect to catch up over time.

On gender, society as a whole—civil society, communities, households— and not just any government must reflect on a societal preference, even meta-preference for a son, which appears inoculated to development.³⁷ Initiatives like Beti Bachao Beti Padhao, Sukanya

³⁶ Elborgh-Woytek, Katrin, et al., *Women, Work, and the Economy: Macroeconomic Gains from Gender Equity*, INTERNATIONAL MONETARY FUND (Feb. 15, 2018, 05:52 PM), <https://www.imf.org/external/pubs/ft/sdn/2013/sdn1310.pdf>.

³⁷ *Supra* note 5 at 116.

Samridhi Yojana schemes and mandatory maternity leave rules in both public and private sectors exhibit the intention of the State to bring about gender equity.

In some sense, once born, the lives of women are improving but society still appears to want fewer of them to be born.³⁸ For example, skewed sex ratios characterize families of Indian origin, even in Canada.³⁹ Therefore, even if there is some element of justice when lives of some women are improving (in terms of gender equity), it is meagre when realized in reality owing to the substantial, rather terrifying existence of gender inequality in India and also across the globe. What is needed is that such oscillating gender equity observed in certain instances is brought to a situation by collective efforts of the society wherein gender equity no more remains a distant vision but a tangible reality.

Given these observations, it is inferred that development is not self-sufficient in bringing about gender equality in India. The psychological backing of the members of the society is vital for effective realization of gender equity without which multiple number of policies, reforms and laws would be rendered futile.

³⁸ *Supra* note 5 at 105.

³⁹ Sharada Srinivasan, *Transnationally Relocated? Sex Selection Among Punjabis in Canada.*, UNIVERSITY OF GUELPH (Mar. 01, 2018, 07:40 PM), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3034861.