

INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 4 | Issue 4

2021

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Gender Justice and Indian Labour

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ABSTRACT

This Article study lying on the gender justice and Indian Labour that hardly exists in any region, social class in the Indian Society which thwart the recuperating the lives of Indian people. The authenticity of gender Justice in India is extremely multifaceted and diversified, because it slightly exists in any dimension of the society like education, employment opportunities, income, health, cultural issues, social issues, economic issues etc. An attempt has been made to find out those factors which are responsible for this problem in India and also the legal framework which formulate to undertake this severe issue. As we know that not only the women are struggling for their equality but also the transgender are equally or better to say put more efforts to get their due rights in the Indian society. So, this paper highlights the multi-dimensional context of gender equalities and inequalities prevalent in India. Overall, the study indicates the need of gender equality in economic, social, cultural legal and political field which are of a great challenge for policy-makers and social scientists to establish the rights which are guaranteed by the Indian Constitution. The researcher has tried to propose some pertinent strategies and policies implication for improve this gender equality and to market the dignified position for Indian people that become the subject of gender biasness.

Keywords- Gender Justice, Women, Employment, inequality, labour laws.

I. INTRODUCTION

“Man for the field and women for the hearth, Man for word and for needle she, Man with the head and women with the heart, Man to command and women to obey, All else confusion”

- Alfred Lord Tennyson

Women make up half of society's population, and it is assumed that women are the finest creators. However, it is a cruel fact that women have long been mistreated in every society, including India. The division of labour has mostly resulted from physiological disparities between the sexes, leading to authority resting with the males, culminating in entrenched gender hierarchies, from tribal to agricultural to industrial civilizations to organised states.

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Discrimination, oppression, and oppression have all been part of our past.

In India, it is said that throughout the Vedic Period, women had the same status as males. Women sages and seers are mentioned in the Upanishads and Vedas. However, the condition quickly deteriorated. Sati and child marriage are two examples of historical customs that demonstrate the gender imbalance in Indian society. Domestic violence, trafficking, dowry murders, female infanticide, female foeticide, sexual objectification, assault, and sexual harassment at work are all examples of dysfunctional gender equality that are still prevalent today.

Women are without economic resources and rely on males to live. Women's employment is frequently restricted to the home realm; she was required to perform all housekeeping duties, which were both underpaid and unrecognized. Many women are returning to work in modern times, but they must face a double burden. Furthermore, because she is regarded less productive than her counterpart, she is the last to be considered and the first to be dismissed. Her overall social and familial standing has been poor and ignored.

Agricultural technological advancements and the change from subsistence to a market economy have dramatically adversely affected women, cutting them out of jobs, as many women are unskilled and have a lack of education. Child labour is frequent among girls and women's differential remuneration for equivalent work. There are numerous sorts of prejudice faced by workers from all parts of society.

Women are caught in several maladies, including prejudice, oppression, violence, the crib and cemetery in their families, workplaces and societies. The Legislature has passed a wide array of laws to improve the status of women in India, many of which were adopted during colonial periods such as: **the abolition of the Sati Act of 1829; the Widow Remarry Act of 1856; the Child Marriage Restraint Act, 1929; the Dowry Ban Act, 1961, etc.**

Apart from these acts, the legislation includes certain laws relating to industry and works which contain special provisions for women: **The Workmen Compensation Act, 1923; the Wages Payment Act, 1936; the Factories Act, 1948; the Maternity Benefit Act, 1961; the Employees State Insurance Act, 1948; the Pensions Act, 1987; etc.** In this respect there are also provisions for women.

The problem of gender inequity is found across the world. However, until there are certain adjustments in attitude, it is still a rough bargain for women.

II. SIGNIFICANCE OF GENDER JUSTICE

"Justice" is stated to be largely a matter of finding the proper course of action. Since ancient times, the notion of justice has been formulated by political philosophers. This exact notion has been totally modified with the birth and expansion of the contemporary world and modern awareness, in particular via the effectiveness of the ideals of democracy and socialism.

'Gender justice' is commonly used in programmes aimed at emancipating women's rights through legislative changes or in advancing women's interests in economic and social policies. But this phrase seldom has an exact meaning and is often used interchangeably with the concept of equality between men and women, gender equality, the empowerment of women and women's rights. Gender justice is more than a matter of the interaction between men and women in the sense of social justice. It entails developing corrective measures to reform society as a whole in order to make it fairer and equitable and "in which women and men may be regarded in its whole as human beings."

III. GENDER JUSTICE AND CONSTITUTION

The Constitution's framework provided enough consideration for women's role in India's social order, as can be seen from the constitutional provisions. The Constitution of India that is considered the highest legislation of the state protects the right against discrimination to specific protection for women, such as Article 15. The harm and prejudice of women are prevalent, as the right to equality, consequently the right to discrimination, is resisted. The unique protection for women is discussed in Article 15(3).

In terms of public employment, Article 16 guarantees for the right to equal opportunity regardless of the sex of the person. This provision helps women begin to take part in elections and decision-making. In this context, the 74th amendment, created for women's reservations in Panchayats, is crucial to highlight. Article 19 ensures freedom of expression, of peaceful and armed assembly, form of groups and unions, of free movement throughout Indian territory, of residence and residency in any portion of India's territory, of practise or of trade or of commerce.

This promotes the right to equality via the freedoms essential for living in society. Gender justice cannot be realised without the right to equality. Article 39 discusses the principles of the state's policy, which ensure appropriate livelihoods for women and men alike, equal compensation for equal labour for men and women and the health and strength of employees, men and women. Article 42 calls on the State to ensure that decent working conditions and maternity assistance are guaranteed.

- The 1961 Rules of the Indian Foreign Service (conduct a discipline) were challenged in **C.B. Muthamma v. Union of India** [1979 AIR 1868; 1979 SCC (4) 260], which provided that a woman employee was solemnized before marriage in writing and that a woman who is a member of the service was to resign from the service at any time after marriage. The Supreme Court found such a clause to be discriminatory and hence illegal against women.
- In **Vishakha and others v. Rajasthan** [1997, paragraph 6 of SCC 241], the Court found that the breach of gender equality and the rights to life and freedom in the workplace of sexual harassment against working woman constitutes a clear violation of Article 14, 15 and 21 of the Indian constitution. The Court further remarked that all the facts of gender equality, including the avoidance of sexual harassment or abuse, are sufficiently broad in meaning and content of the basic rights enshrined in the Constitution of India.

IV. GENDER JUSTICE AND LABOUR LAW

Under the industrial legislation, women have been given a specific status, physically, intellectually and physiologically, in view of their particular features. In British times and after independence, several of the laws connected to work were adopted. These laws governed not just working hours but also provided for regulations on women workers' health, safety and welfare and guaranteed equal treatment for women labourers before the law. Most of these legislation was influenced by the International Labor Organization Conventions and Recommendations. The major goals of the passage of these laws are to enable women to expand their effective use of services, to guarantee their child welfare and to pay equal benefits for equal effort. The main labour laws that apply to women are:

(A) The Factories Act, 1948

The Factories Act is part of labour welfare laws in which the health, safety, welfare, working time, leave and work of young people and women are covered by measures. In light of its gentle and delicate characters, exclusive provisions for women have also been added within the Act.

Provisions for welfare of women:

- Prohibition of women's employment at night time
- Prohibition of working in dangerous labour.
- Prohibition of the work of women in cotton press when a cotton opener is operational

- Setting daily working hours at nine.
- Maximum allowable load fixing.
- Nursery provisions
- There should be an acceptable space for use by children under six years of age in each factory where more than 30 women are normally working.
- Washing and bathing equipment provision.
- The Law requires for the washing and bathing of women to be separated and appropriately screened.
- Toilet arrangements.
- The Fabrics Act must make it necessary to maintain a sufficient number of
- latrines and urinals for women by any plant owner.
- Rest room and canteen provisions.
- Required benefits provisions.

All the above provisions are simultaneously provided under **The Plantations labour Act 1951, The Mines Act 1952, The Beedi and Cigar workers (conditions of Employment) Act 1966, The Contract Labour (Regulation and Abolition) Act 1970 and The Interstate Migrant Workmen (Regulation of Employment and condition of services) Act 1979.**

(B) The Employees' State Insurance Act, 1948

It was adopted to give different benefits in different circumstances under Employees' state insurance act as one of the most significant social laws in India. In accordance with this Act, insured women employees get sickness benefits, disability benefits, medical benefits and burial costs together with insured males. In the event of specific conditions deriving from pregnancy, detention, abusive care, pregnancy-related diseases, early childbirth or a miscarriage, and death insured women's employees also get maternity benefit, in addition to those benefits.

In the event of containment, the maternity allowance for the covered woman is 12 weeks, which shall not exceed 6 weeks if the date of confinement is predicted. The maternity allowance is paid subject to the condition that the insured women will not work to compensate on the days for which the benefit is paid. The maternity allowance is payable to a nominee or legal representative for all periods in the event of an insured woman's death if the child survives and the child dies, until the child's death. Unlike the Compensation Act for Workmen, monthly payments are.

The whole initiative was discredited because of corruption and incompetence, despite the existence of tripartite organisations responsible for overseeing the implementation of the

system. Workers with a need for actual medical care hardly come to the facility, while they freely use it for medical leave. It is fascinating for employees to seek exemptions from the system in order to benefit themselves of greater amenities by means of collective bargaining.

(C) The Maternity Benefit Act, 1961

Women's economic dependency is what leads to their present social inferiority. Therefore, in order to overcome such subordination, women must also be economically independent and play a leading role in all business sectors today. In the economic arena of life, the problem encountered by women is mostly due to uneven pay and prejudice due to their biological role in children's lives. The legislature created the Equal Remuneration Act (1976) and the Maternity Benefit Act (1961) to reduce these concerns and safeguard women's economic rights.

A maternity benefit is the amount payable at a rate of average daily wages for the duration of its real absence to every woman, and her employer is to bear responsibility for the maternity benefit. The Maternity Benefit Act strives for the regulation and provision of maternity benefits at specified institutions at specified stages before and after the delivery.

Women may claim benefits under the Act in any location other than in factories and other establishments where the State Insurance Law of the employee applies. Women working in the establishment directly or through a contractor during the 12 months are eligible to claim benefits under this statute for at least 80 days. Cash payments are not less than two-thirds of the prior income for women who are not employed while on mother's vacation.

Unloading or withdrawal is deemed to be invalid during maternity leave. When pregnant women do not work according to this act, the employer may not discharge or dismember her or, because of her absence, issue notice of discharge or dismissal on such a day as a notice expires or varies any of the terms of her services in her absence to her detriment. A pregnant woman must not be dismissed or discharged from her on the maternity benefit or the medical bonus permitted by this Act, unless she has been on another basis.

The absence of maternity leave or maternity leave will mean that the employer is held at least for 3 months and can last for one year and a fine of two hundred roupies can last up to five thousand. The employer will be held in custody for a period of two months.

- In the cases **B. Shah v. P.O.** [AIR 1978 SC 12; 1977(4) SCC 334] 100% of salaries were to be paid for all days of vacation and even benefits for Sundays or rest days since earnings for actual days were missing.
- In **Air India v. Nargesh Mirza** [AIR 1981 SC 1829; 1981 (4) SCC 335], the Supreme Court struck down the provision of rules which stipulated termination of service of an

air hostess on her first pregnancy as it arbitrary and abhorrent to the notions of a civilized society.

In a number of quarters, it has always been argued that the salary difference between women and men is due to the necessity to pay for the increased labour expenses incurred by employees by recruiting women under the special maternity rules. Employers prefer to hire a husband rather than a woman, without the responsibility of the extra money. This is not adequate, however, because many businesses do not recruit and fire married women prior to pregnancy.

This statute offers women with some economic protection, especially in an era where the prevalence of single moms increases and offers them with stability in their life, a pay and a security of return to permanent employment. I myself believe that this legislation is not sufficient to ensure women equality, but it undoubtedly a beginning point and while there are a number of bridges to be crossed.

(D) The Equal Remuneration Act, 1976

Equal compensation for equal employment for women and men is a crucial problem for society and employees in particular, which is of major importance. It was often believed that women are physically weak and therefore be paid less for the same job than their males. Women over the world were quite well disposed to accept lesser salaries until recently even though they were engaged in the same jobs as men. Discrimination still occurs even in economically and socially advanced countries with significant advances. When factory owners used backwardness and poverty during the earliest phases of laws that were not considered about protecting employees, women were recruited on a wide scale at a lower wage and forced them labour in inhumane conditions. Several treaties have been established to safeguard working women by the International Labor Organization. A number of ILO agreements were ratified by India and several were accepted in principle, albeit not ratified. In Article 39, the ILO concept was included into India's constitution, which urges countries to provide equal pay for equal employment for men and women. The parliament passed the Equal Remuneration Act of 1975 in order to implement this constitutional obligation.

Almost every important central labour regulation applies to women employees, in addition to the Maternity Benefit Act. The Equal Remuneration Act (ERA) was adopted in 1976, it provides for equal compensation for equal and equal labour for men and women. No discrimination in recruitment and in the terms of service is authorised pursuant to this legislation notwithstanding the prohibition or limitations of female employment in law. The Central Labor Ministry and the Central Consultative Committee routinely supervise the

situation of execution of the provisions of this legislation.

The judicial system has been an active contributor to the implementation and enhancement of the constitutional objective of equal pay for equal labour. In 1997, in the case of *Vishakha v. Rajasthan*, the Supreme Court of India decided that sexual harassment of working women is a breach of rights to sexual equality in relation to occupational dangers related to safety of women at work. [1997 (6) SCC 241]. As a natural result, the right to exercise any profession, profession and trade is likewise being violated. The verdict also defined the definition of sexual harassment, prevention measures, the method for complaints and the need to raise knowledge of workers' rights. Employers have already begun to implement these instructions by altering the provisions under the 1946 Industrial Employment Act.

In a growing country like India there are several reasons why women's employment was not up to speed. The labour surplus leads to a large number of males having unemployment and underemployment difficulties, therefore women's participation difficulties, which become significant in economic activity. The economic reason for this is an obstacle to women's employment. The employer is legally obliged to pay the maternity benefit and the employment of women is regarded as a burden on the employer. Some employers exclusively hire married women, provided they resign their posts when they are married. It was discriminating, unfair and unfair. Women's night work prohibition also impacts women's employment.

(E) The Workmen Compensation Act, 1923

The problem of labour management relations in any industrial society is so significant that some social security is needed in order to adequately safeguard workers from losses caused by accidents. Some social insurance legislation has been implemented in order to enhance the status of the workers. One of the earliest pieces of workers' law, approved for the benefit of workers, is the Workmen's Compensation Act 1923. The schedule shall be set in proportion to the level of harm and loss of earnings capability and shall be used in all situations of accidents that arise out of or in the course of employment. The smaller the worker and the higher the salary, the higher the pay cap is. In case of death, the amount of compensation payable relies on the average monthly salaries of the dead worker, the average monthly salaries and incapacity of the wounded worker. The Act was designed to ensure the worker's or his dependent's recovery. In both circumstances, the employee may seek compensation, i.e. death or injury. This legislation covers for individuals in the unorganised and organised sectors not covered by Employees State Insurance Act of 1948 that was conceptionally deemed superior to the Compensation Act of Workmen.

(F) The Minimum Wages Act, 1948

For the sake of labour, the Minimum Wages Act was adopted. This Act was promulgated to guarantee employees' welfare in a competitive market by establishing a minimum salary ceiling for specified jobs. The Act shall provide for the central government's fixing, by or under central government, of minimum wages for employment described in the provisions of the Act, by or in relation to a mine or petroleum or major harbour, or any enterprise established by central law, and for the State government's other employments described in the provisions of the provisions of the Schedule A. The goal of this Act is to protect employees from being exploited and to establish the minimum wages that the employer should pay for this reason.

The Act provides that minimum pay rates must not only provide for the physical necessity of an employee who is keen to maintain him and his family shortly after starving, but must also protect the efficiency of his job. It should consequently provide for the preservation of employees not only for the survival of his life but also some amount of education, medical necessities and facilities.

(G) National Rural Employment Guarantee Act, 2005

The government of India has just passed the National Rural Work Garantie Act, which provides for 100 days of paid employment for all those willing to provide physical unqualified labour. This Act provides for the strengthening of home survival security in rural regions by giving each family whose adult members volunteer to conduct unqualified manual labour at least one hundred days of guaranteed salary employment in each financial year. Women are given priority when assigning their jobs. The poverty reduction plan, in which at least a third of the work force are women with equal earnings of men and women is based on equality. Gender equality is one of the essential features. Several gender-related goals such as providing clean work settings, clean drinking water, workplace childcare, distance from work not more than two miles away from home, healthcare and nutrition are highlighted. Women who work in agriculture must spend long hours under the blazing heat, yet always pay less than their males. Women's engagement in the labour market may significantly improve their health, child protection and socio-economic position, with no discrimination in terms of wages and the direct management of resources and resources. If correctly implemented, this employment strategy can undoubtedly bring significant improvements in women's life.

There is no question that the job system has a good effect on gender equity and the power balance in the family. An alternative development strategy must focus on improving rural Indian living conditions, where the bulk of the population dwells.

V. EMPIRICAL ANALYSIS ON THE PARTICIPATION OF WOMEN AT WORK

According to the 2001 census, of the 1, 025 and 25 million inhabitants, the total number of women in the nation amounts to 494.82 million. This indicates that 48,26% of the total population was represented by women. Of the entire number of women in the country, the employment turnout was just 25.67% whereas that of males had a labour turnout of 51.93% in 2001. However, the share of women employees has increased throughout the years.

The overall employee population in the public and private sectors was 49,34 lakhs, according to another poll in 2004. The organised industry comprises just 10 percent of women, but the unorganised sector accounts for 90 percent in 2003 there were 7.51 percent women in the government's central workforce. The proportion of educated women looking for work showed an increased trend, compared with 68.7% of Indian people. In 2001, the Indian Census defined labour as an economic activity, resulting in the census report of Indian states registering 90 percent of women as non-workers. 80% of the rural women are physically active, yet they confront tremendous obstacles in the labour market since they are impoverished and informed.

VI. GENDER JUSTICE AND EMPLOYEMENT

There is a high level of sexual division of labour in society. But the gendered distribution of labour is nothing "natural." Biology is little concerned with the fact that men and women conduct various sorts of labour both in family and abroad. Only the actual pregnant process is biological and all other homework that women need to cook, clean, take care of children, etc., may equally be carried out by men. This painting is regrettably viewed as a "female work." It is not just the house that is divided between the sexual work; it also covers the "public" arena of paid employment. Some job is deemed to be 'female work,' and other sorts of men, but the reality that whatever labour women do receives lower salaries and is less appreciated, is more relevant. For instance, care and teaching are mainly women's occupations and are also somewhat unpaid compared to other employment in white collars performed by the middle classes, particularly at lower levels.

The employment of women in the unorganised sector has not yet secured support services such as childcare, health care, equal pay and, most all, promotional opportunities. Women dominate the lower levels of jobs and seldom become executives and decision-makers. Those areas of concern are important.

The lack of children is also particularly noticeable among women engaged in the organised sector. In certain metropolitan locations very limited service is offered. Women are expelled from the labour market in a significant portion of their productive period by their reproduction

and child-bearing frequency. This considerably obstructs their economic output. The growing understanding of familial planning is one indicator of women's empowerment and releases them for their chosen pursuits for a longer time.

Women in India account for almost a third of the workforce. The numbers of women who work in the unorganised sector are higher in rural than in urban areas, the majority in agriculture. Women in urban areas, including vegetable sellers, flowermen, ironworkers, builders, household maids, etc., work at various occupations. As most unorganised sector activities frequently require less expertise, training and traditional talents, a significant number of Indian women workers in this area work. More than 80 percent work in the informal and unorganised urban regions, with very poverty wages, long working hours, no paid holiday, no health and pension insurance or other social security benefits.

Informal work typically jeopardises undernourished workers. Women contribute considerably to the national economic growth and well-being of families and household workers, household workers, small-scale enterprises, services, construction industries, etc. However, they are not adequately conscious of their contribution or of their gender issues enough. They are mostly disrupted, unexpected and unpaid.

While every panchayat nowadays contains a large number of women, many of whomever are shy, just alibis to husbands or brothers, it has allowed the most articulated women to engage in the democratic process since they have to be on the panchayat and have the capacity to decide on local concerns. In the near future, women may face a gradual change in themselves, positions and duties. The complexity, barriers, violence and additional demands convinced women never to enter the present appointment system and needed some pressure such as quota and reluctance.

VII. JUDICIAL APPROACH

- The AIR 1992 AIR 392: 1992 SCC (1) 286) is the same as the **Life Insurance Corporation in Ms. Neera Mathur**. In his life insurance company, Neera Mathur was a probationer (LIC). She requested and received maternity leave throughout the probation. After she returned, she was just released from military. The LIC defended its discharge, on the premise that at the level of the service it had made a false declaration. The court found that 'in the statement it is undoubtedly embarrassing if not humiliating the information to be provided in accordance with columns (iii) to (viii). These columns were held unreasonable and discharge was set aside.
- It was held that, in accordance with the provisions of the Law on maternity benefits of

1961 (LAB) a woman may use leave during six weeks immediately after her delivery, incident of miscarried persist or medical end of pregnancy). In the **Punjab National Bank by chairman and another v. Astamija Dash [2008 III LLJ 58 (SC)]**. When requested, it would not be requested to labour for the period provided in section 4. (4). The advantages of sections 6 and 9 of the Act would be granted to the Commission.

- The Supreme Court criticised the Session Court for dismissing its testimony in **Ashok Kumar v. state of Rajasthan [AIR 1990 SC 2134]**, just because it is presented by a lady's doctor in a case where the victim is a women. The court said: "We believe that it is important to note that Dr. Patrisia's evidence was discarded and her integrity was doubted mainly because she was a woman."
- The first Air Hostess case, with the exception of additional issues, challenged the legitimacy of the 46(c) regulation in **Air India V Nargesh Mirza (AIR 1981 SC 1829;1981(4) SCC 335)**. This rule allowed the surrender of an Air Hostess at 35 years of age or during marriage if he took place within four years of service or during the early pregnancy. The court determined that the first pregnancy withdrawal clause to be unreasonable and noted, 'Whether the lady after childbirth would continue to be in service or find it difficult to look at children is her own business, and an issue that has nothing to do with the Air Hostess involved.'
- The workman perished from the natural lightning while at work in **Rajasthan state v. Ram Prasad and Another [(2001) I LLJ 177(SC)]**. The Supreme Court held that to make an employee successful in claiming compensation, it is undoubtedly true that an accident must have a casual connection with and arise out of employment, but that the employer can still be held responsible if the worker is injured as a consequence of the natural power of lightning, though he has inherently no link to the use of the late SmtIn this example, the latter worked on the website and had she not worked, she would not have been subject to this lightning threat. The appellant was therefore liable for compensation.
- **In M/s Mackenzie and Co. Ltd against Audrey D'costa et al. [1987 AIR 1281, 1987 SCC (2) 469]**. Mackenzie and Co. The Supreme Court utilised the equal pay law to provide the women stenographers the same wage. The employer's argument that women are the only stenographers who are confidential and belong to distinct classes was denied. The court said, "The administration wants them since only women are confidential stenographers. Women are not uniquely trained to become confidential stenographers or disqualified from the employment of the male stenographers because

of sex. Even if there is an establishment practise in which women can be designated Confidential Stenographers, this practise cannot be relied upon to deny them equal pay under the Act.'

- The woman took her husband's instruction and obtained a certificate in customer care in **Tirath Kaur v. Kirpal Singh [1964 Punj 29]**. She then obtained a work at a place far away from the husband's residence. Occasionally the husband went to the location of the wife and lived together with her, and sometimes the woman went to the location of the husband and lived with her. Parties continued to coexist in this way for a while. Then there seemed to have been some disputes between them, and the husband requested the wife to abandon her work and to join her in his home. The husband submitted a request for repayment when his wife refused to do so. The Court ruled that a spouse's unwillingness to abandon their work and live with others means a 'retirement from the other person's society.

VIII. GLOBAL VIEW OF GENDER JUSTICE

Justice of the gender, defined simply refers to gender equality. The link between social, economic, political, environmental, cultural and educational aspects is gender justice. Those requirements have to be met to achieve gender justice. Gender justice. The worldwide image of women is the most unfair and unfair in these globalised days. Women make up 50% of the world population, representing 66% of the labour they undertake, but only have 10% of the world's income and possess 1% of the world's properties. Globally, gender justice has become stronger over the years, since it has become clear that no state can really advance if half its population is held back.

A strong mandate for gender justice has been developed worldwide. Since the beginning of the UN, the focus has been on gender equality and gender justice. In 1946, the "advancement of women" was established in a distinct entity. From the very start, the Committee on the Status of Women worked to collect and consolidate statistics on the position of women across the globe, promote women's human rights and increase awareness of their contributions to development and to assist them. The Women's Decade (1976-1985) and the four **Women's World Conferences (1975-1995)** have greatly helped to promoting awareness and commitment to gender equality and gender justice. The Beijing Declaration and Action Platform were developed in 1995 to guide national activities. 185 countries have signed on to the Convention on Human Rights on Gender Equality, and 90 countries have ratified the **Convention on Elimination of all Forms of Discrimination against Women (CEDAW)**.

Since 1995, intergovernmental entities - including the Assembly, ECOSOC and the Commission on the Status of Women - have worked to ensure that gender perspectives were integrated into all the policy sectors, and that the gender balance was taken as a crucial strategy for attaining equality.

World leaders emphasised during the 2005 World Summit that "development is progress for everyone." UNIFEM is another United Nations agency. It is the United Nations Women's Development Fund. It provides technical and financial support for innovative programmes and methods to promote the empowerment of women and equality between men and women. UNDP also offers the Gender Development Index the United Nations Development Programme (GDI). It shows the level of living in a country which the United Nations has developed. It tries to illustrate gender inequalities: long, healthy living, knowledge and respectable living standards. The index ranks 128th, with the USA 12th, and the UK 16th. India ranks 128th. The first constitutional acknowledgment of sex rights was the nineteenth amendment to the United States Constitution in 1920 that gave women equal rights as men in regard of voting.

IX. PROBLEMS FACED BY WOMEN

- The nature of society is something that every thinking person wonders about, such as women fecides, infanticide, children's marriage, domestic violence, sexual violence and sexual harassment at work, treatment given to the old. Women's participation in decision-making bodies, whether in the family, business or society, is marginal and will never reach even 25% of Indian women's entire population.
- Women are pushed by sexual harassment to change their careers or seek transfers.
- The majority of the labour of the women goes unseen and unpaid within the house. They are still underpaid even outside the family.
- Women are concentrated in low-paid occupations, such as secretary, typist, nurse, beauty expert and assembly worker, as far as horizontal segregation is concerned. The usual practise in India's private sector is still 'equal effort but unequal remuneration.'
- According to UN statistics, "Women make up 50% of the global population, do two-thirds of labour, earn 10% of the overall revenues, and own 1% of the entire assets." Although this is a worldwide phenomenon, the situation in India is considerably more sad.
- In this setting, children who see the unequal role pattern of men and women acquire

lessons from their childhood on the grounds of gender inequality and the pattern is certain to repeat generation after generation.

- Women are a large portion of India's workforce, while males are lagging behind in terms of labour participation and employment quality. Of the 407 million total working population, 90 millions are women employees, mostly working (about 87%) in the farm sector as labourers and farmers, according to government data. The employment of female employees in the organised sector was 17.6% of the total organised sector in urban areas in March 2000.
- The existence of discriminatory laws, the fact that the laws fail to take account of the particular circumstances of rural women and the adherence, in a manner that prevents or fills gaps in non-discrimination legislation, to paternalize rural women.

X. REMEDIES

- It has now been factual that the education of women is the only solution for thousands of societal evils.
- Increasing the voice of women in decision-making; full involvement of women in society, from autonomy to voices at Community and national and international levels in all political processes.
- Quotas have proven that the representation of women in business decision-making and politics has increased rapidly.
- Specific laws controlling the reproductive labour of women should also be set with a view in all cases to ensuring equitable circumstances for rural women and men.
- Legislation should be entitled to minimum wages, social security and social assistance for domestic employees.
- Explicit punishment provisions should be laid out in order to guarantee that the concept of non-discrimination is respected as a punishment for violating regulations and monitoring and inspection organisations formed to assure compliance.
- Legislation should explicitly be enacted to incorporate rural women in organisations and to give technical help and training.
- The state should ensure women's access to education, technical training and new technologies, formal and informal education.
- The tiny businesses of the impoverished are too tiny for larger financial institutions to justify their participation. Many of their companies (especially women) have not been recognised to be enough productive to be credible.

XI. ANALYSIS

Laws on gender equality will not bring an end to women's exploitation and discrimination. Only one remedy may be employed for changing the unequal position of women through legislation and the legal system. Despite so many acts dealing with women's and Supreme Court decisions safeguarding women, the degraded and poor situation of women has not been addressed. She still has a certain lack of respect for women in society in relation to all forms of crimes and legislative and judicial actions.

The founding founders of the nation intended to improve society after independence and were anxious to develop an equal society. For this purpose, they employed legislation as a tool for controlling discrimination against sex, the number of laws made to do that, but they failed to achieve their aim because of their strong patriarchal attitude and unfavourable social environments. The legislation did not entirely achieve social engineering, while some of the rights enshrining in the laws were appreciated and recognised by society, most of them stayed in publications mainly because of lack of popular support.

As **Wendell Phillips** correctly remarked, "**Law is nothing but a warm, live public opinion standing close behind it**"

The law is believed to be nothing but a collection of documents, without public opinion. The gaps between men and women cannot be tied by laws without any public support, because the legislation on social engineering differs from that of criminal law, which is only punishing and dissuasive, but the law of social engineering enacted for the upliftment of social standards is progressive. It should be noted that ensuring a statutory right does not really guarantee the capacity to access the right.

XII. CONCLUSION

"Just as a bird could not fly with one wing only, a nation would not march forward if the women are left behind."

- Swami Vivekananda

Gender equality highlights the free development of personal capacity and the free choice of all humans, including men and women, without constraint by stereotyping, the strict role of gender and political bias. Gender equality They would have to appreciate their diverse objectives equally and be equitably treated according to their requirements. But it can't achieve much by legislation alone. This transition must be achieved in all parts of society, and NGOs, media and representatives of the people have an extremely important role to play. Gender justice is actual

equality between men, when neither the higher nor the lower is the lower.

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