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Law and Gender Inequality in India: A Socio Legal Perspective

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ABSTRACT

This research paper examines the intricate relationship between law and gender inequality in India from a socio-legal perspective. Despite constitutional provisions guaranteeing equality systemic discrimination against women persists across various social spheres, significantly impacting their access to justice and opportunities. Women have fewer economic opportunities than men, have less access to basic and higher education, face greater health and safety concerns, and have less political representation globally. Women face discrimination and inequality every day, in every country on the planet. At home, at work, and in their communities, they are subjected to violence, abuse, and unfair treatment, and they are denied opportunities to learn, earn, and lead. But from where and when did it actually start? It highlights how traditional gender roles, limited access to education, and media representations perpetuate stereotypes, further entrenching gender disparities. The paper concludes that while legal protections exist, their efficacy is undermined by socio-cultural factors that require urgent attention. To promote genuine gender justice, the study advocates for comprehensive reforms aimed at strengthening enforcement mechanisms, enhancing awareness of legal rights, and fostering a supportive environment for women. By addressing these systemic barriers, the paper aims to contribute to the ongoing discourse on gender equality in India.

Keywords: Gender inequality, women's rights, Socio legal framework, Government.

I. INTRODUCTION

Gender equality is fundamentally a human right, yet there remains a noticeable gap in access to opportunities and decision-making power between women and men. Empowering women is crucial for achieving gender equality. Ensuring that women receive equal opportunities and their rightful share of rights not only promotes gender equality but also contributes to a broader range of development objectives.

Gender inequality in India is a deeply entrenched issue that affects millions of women across various socio-economic strata. Despite significant constitutional guarantees and legal

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frameworks aimed at promoting equality, women continue to face systemic discrimination, violence, and socio-economic disadvantages. This contradiction between legal provisions and social reality highlights the urgent need for a nuanced understanding of gender inequality through a socio-legal lens.

The Indian Constitution, adopted in 1950, enshrines several fundamental rights aimed at ensuring equality for all citizens, regardless of gender. Articles 14, 15, and 21³ specifically provide for the right to equality, prohibit discrimination based on sex, and guarantee the right to life and personal liberty. These provisions create a strong legal foundation for women's rights. However, the effectiveness of these laws is often undermined by deep-rooted patriarchal norms and cultural practices that continue to marginalize women.

Gender inequality in India encompasses a range of disparities in health, education, economic opportunities, and political representation between men and women. These inequalities are reflected in various international gender inequality indices, which rank India differently across these domains and as a composite measure. Such rankings are often the subject of debate, as they may highlight contrasting aspects of the gender disparity landscape in the country.

The social causes behind gender inequality have profound implications for several critical areas, including India's sex ratio, women's health throughout their lives, their educational attainment, and their overall economic conditions. For instance, cultural preferences for male children have historically skewed the sex ratio, leading to serious long-term social consequences. Women's health is also affected by gender biases, resulting in inadequate access to healthcare and nutrition, which can impact their well-being over their lifetime. Educational inequalities manifest in lower enrollment rates for girls, particularly in rural areas, where traditional norms often prioritize boys' education over girls'.

Furthermore, gender inequality obstructs the establishment of equitable legal frameworks, such as those concerning rape laws, which often do not adequately address the needs and rights of all genders. This inequity perpetuates a cycle of discrimination that primarily disadvantages women but can also affect men, particularly in terms of societal expectations and roles.

(A) Concept of Gender Inequality

Gender inequality means disparity between men and women in differential, social, economic, political, cultural and legal aspects. Gender inequality refers to the social construction that result in women not having the same rights, opportunities, or privileges as men. Human beings are

³ INDIA CONST. Art. 21.

unequally placed, they have unequal opportunities, and they are unequally rewarded, this kind of inequality is easily recognized and can easily be shown to exist in any society, simple or complex, past or present.⁴ The base of this inequality is rooted in stratifications, used to refer to the hierarchy of layers and divisions of individuals and families in society where position is a major source of rewarded. But we also mean in that women and men have unequal abilities, that they are unequally endowed and also perhaps that they are of unequal worth. According to Rothman (2011)⁵ there are many forms of inequality, but three major forms of it, economic, social and political. In the other forms it can be seen in, the level of education, family, marriage and cultural aspects of human beings. Disparities in wealth and material resources are usually the most visible form of inequality.

Gender inequality defined as discrimination and stratification against women based on their sex. Women are traditionally considered as weaker and our homes and outside. Indian system is very complex because its social, religious and cultural practices these issues effect can be seen on the life of women because it makes a difference between men and women. Gender inequality as the obvious or hidden disparities between individuals.

According to Betielle (2003)⁶ Gender inequality in India refers to health, education, cultural status and role, economic and political inequalities between men and women in India. Economic, occupational, political, health and survival unequal are the common example of complex society. According to Sen (2001)⁷ Gender inequality exist in different forms:

- i. **Mortality Inequality:** Gender inequality significantly affects life and death outcomes, often resulting in higher mortality rates for women. This leads to a demographic imbalance, with a greater number of men in the population compared to women, which contrasts sharply with societies that exhibit less gender bias in health and nutrition.
- ii. **Natality Inequality:** In many male-dominated societies, a preference for sons over daughters is prevalent. This gender bias can manifest in parental desires for male children, reflecting deeper societal values that favor boys.
- iii. **Basic Facility Inequality:** Even when demographic indicators do not reveal explicit anti-female bias, women may still face systemic disadvantages. These can include

⁴ 27 ANDRE BETEILLE, THE CONCEPT OF TRIBE WITH SPECIAL REFERENCE TO INDIA 8 (European Journal of Siociology (1986).

⁵ ROBERT A. ROTHMAN, INEQUALITY AND STRATIFICATION : RACE, CLASS AND GENDER (5th edn., PHI Learning Private Limited, 2011).

⁶ ANDRE BETEILLE, THE IDEA OF NATURAL INEQUALITY AND OTHER ESSAYS (Oxford University Press, 2d ed. 2003).

⁷ AMARTYA SEN, THE MANY FACES OF GENDER INEQUALITY (The New Republic, 2001).

inadequate access to essential services, resources, and facilities that negatively impact their well-being.

- iv. **Special Opportunity Inequality:** Despite similar access to basic education, young women often encounter fewer opportunities for higher education compared to their male counterparts. This disparity limits their prospects for advancement and professional growth.
- v. **Professional Inequality:** In the workforce, women frequently face greater challenges than men regarding employment opportunities and promotions. Additionally, workplace harassment of women has been increasing, contributing to a hostile work environment that further exacerbates gender inequality.
- vi. **Household Inequality:** Within family structures, gender relations often reveal fundamental inequalities. Even when there are no overt signs of bias in mortality rates or male preference for children, disparities can still exist in the division of household responsibilities. Men often hold a dominant position in decisions about education and family dynamics, which can lead to unequal sharing of domestic chores and childcare.
- vii. **Ownership Inequality:** Property ownership is another area where gender inequality is pronounced. In many societies, women have limited rights to own or inherit property, with assets like homes and land being disproportionately held by men. This lack of ownership not only diminishes women's voices in decision-making but also hampers their ability to engage fully in social and economic activities.

II. CAUSES OF GENDER INEQUALITY

- i. Women have traditionally been viewed as the weaker sex in society, leading to their subordinate status in relation to men. This subordination manifests in various forms of exploitation, discrimination, and violence, both within the home and in public spheres. Several factors contribute to gender disparity, including entrenched traditional values, low literacy rates, lack of awareness, inadequate access to guidance, limited mobility, and a lack of self-confidence. These issues are significant contributors to the persistent inequality experienced by women.
- ii. **Social Activities:** The Indian social system is heavily influenced by patriarchal customs, where men possess authority over female family members and control property and titles. In this system, inheritance typically flows from father to son, while women

generally move in with their husband's family upon marriage.⁸ Customs such as dowry further reinforce this imbalance. The prevailing belief that women should be primarily responsible for household duties and should remain confined to domestic spaces contributes significantly to gender inequality.

- iii. **Socialization:** Socialization is the process through which individuals learn to navigate their environment, internalizing laws, norms, and customs. From a young age, children are socialized into specific gender roles, which dictate what it means to be male or female.⁹ Through interactions with primary and secondary socialization agents, children gradually absorb societal norms. Importantly, gender differences are not biologically predetermined; rather, they are culturally constructed. As a result, men and women are socialized into distinct roles, leading to ongoing gender inequalities. The socialization process raises critical questions about gender identity and reinforces the factors contributing to gender inequality within Indian society.
- iv. **Cultural Practices:** Culture encompasses the lifestyles, behaviors, and beliefs of various groups within society. It includes aspects such as communication styles, daily living, thought processes, clothing, marriage customs, family dynamics, and work patterns. These learned behaviors, collectively referred to as culture, reflect a society's values and create distinctions between individuals. This ideological framework often positions men as superior through socialization processes. Cultural elements can take on specific forms that impact women differently, with prevailing norms and values reinforcing disparities between genders. For instance, dominant cultural values can create an environment where language becomes a crucial medium for expressing and reinforcing ideas. While women may be constrained by cultural expectations, men often enjoy greater freedom, even to use abusive language, with no cultural symbols or norms to challenge their perceived superiority over women.
- v. **Patriarchy:** The roots of gender disparity in Indian society are deeply embedded in the patriarchal system, which is characterized by male dominance, oppression, and exploitation of women. According to Lerner (1986)¹⁰, patriarchy represents the institutionalization of male authority over women and children within the family and extends this dominance to broader societal contexts. This structure suggests that men

⁸ XXI ALBERT RAJULA, THE IDEA OF GENDER INEQUALITY IN INDIA 38 (2013).

⁹ P JHA, N NAGAR, A STUDY OF GENDER INEQUALITY IN INDIA 49(The International Journal Of India Psychology, 2005).

¹⁰ GERDA LERNER, CREATION OF PATRIARCHY 239 (Oxford University Press, 1986).

wield power in critical societal institutions while women are systematically excluded from such power. The term "patriarchy," derived from "rule of the father," historically described a specific type of male dominance. It signifies a power dynamic where men control women, maintaining their subordination through various means. This system operates on psychological, cultural, and material levels, establishing an unequal relationship between genders. Kate Millett argues that societal institutions are significant contributors to the perpetuation of male supremacy, including patriarchal religion, property rights, family structures, marriage customs, and a prevailing culture that emphasizes male superiority. Patriarchy confines women to the domestic sphere, limiting their roles to household duties, often without recognition of their contributions. This paternalistic approach creates an implicit contract wherein men provide economic support and protection in exchange for women's subordination in all matters, including domestic labor and sexual relations. This ideology of male supremacy manifests in both explicit and subtle forms, ensuring that authority and power remain firmly in men's hands.

- vi. **Social Customs:** Today, women continue to grapple with social customs, beliefs, and practices that restrict their freedom. The traditional patrilineal joint family system often relegates women to subordinate roles, diminishing their authority and power in comparison to men. The preference for sons and the negative perception of daughters persist in many communities, reinforcing gender bias.¹¹ These customs dictate acceptable behaviors for women, with societal norms often codifying their roles through laws and cultural expectations. This system of control creates a continuous cycle, passing down traditional values from one generation to the next.
- vii. **Poverty:** In India, around 30% of the population lives below the poverty line, with women comprising approximately 70% of this group.¹² Women's poverty is closely linked to the lack of economic opportunities and autonomy, restricted access to resources like credit and land ownership, and their limited participation in decision-making processes. These factors collectively hinder women's economic empowerment.
- viii. **Illiteracy:** The literacy rate for women in India remains significantly lower than that for men. According to the 2011 Census, the female literacy rate stood at 65.46%,

¹¹ P JHA, N NAGAR, A STUDY OF GENDER INEQUALITY IN INDIA 49(The International Journal Of India Psychology, 2005).

¹² XXI ALBERT RAJULA, THE IDEA OF GENDER INEQUALITY IN INDIA 38 (2013).

compared to 82.14% for males.¹³ While progress is being made, disparities persist, especially in rural areas where the literacy rate is only 71%, compared to 86% in urban areas. Additionally, dropout rates are higher for girls, with fewer females completing their education compared to their male counterparts.

- ix. **Lack of Employment Facilities:** Women in India often struggle to balance new economic demands with traditional domestic roles. In both rural and urban contexts, they spend considerable time on unpaid domestic work. When it comes to formal employment and career advancement, women face significant barriers compared to men. Moreover, responsibilities related to childbearing and child-rearing further limit women's participation in the labor force.
- x. **Lack of Awareness Among Women:** Many women lack awareness of their basic rights and capabilities, leaving them uninformed about how socio-economic and political forces impact their lives. Although women can excel in various fields if given equal opportunities, traditional barriers have historically restricted their progress.
- xi. **Legislative System:** The Indian Constitution includes provisions aimed at combating gender inequality. The preamble emphasizes achieving social, economic, and political justice for all citizens, while Articles 14, 15(1), and 15(3)¹⁴ highlight the state's responsibility to ensure equality for women. Despite these constitutional guarantees, the reality often falls short. The justice system frequently fails to uphold women's rights, as evidenced by ongoing issues like rape and other forms of violence. This disconnects between the law and societal practice reflects deep-rooted ideologies that favor male superiority. While there have been some changes, the fundamental causes of gender disparity have not been entirely addressed, leaving women with little power to make independent decisions, whether at home or in public life. The persistent influence of conservative social customs, beliefs, and patriarchal structures continues to pose significant challenges for women's empowerment in society.

III. TYPES OF GENDER INEQUALITY

Gender inequality in India is deeply entrenched in traditional societal structures, significantly disadvantaging women across social, economic, and political spheres. Historically, women have been relegated to domestic roles, primarily focusing on household tasks and child-rearing, while being excluded from equal participation in economic and political activities. This systemic bias

¹³ *Id.* at 6.

¹⁴ MAMTA MEHROTRA, GENDER INEQUALITY IN INDIA (Prabhat Prakashan, 1st ed., 2013).

also affects girl children, who often face discrimination in necessities such as food, clothing, and shelter. In response to these disparities, the Indian government has implemented various measures aimed at elevating the status of women and promoting gender equality. Initiatives, programs, and policies have been introduced to empower women, focusing on enhancing their economic, educational, health, and political participation. Despite these efforts, which have included the passage and amendment of numerous laws, women continue to experience significant social, economic, and political disadvantages. The change in societal attitudes has not kept pace with legislative reforms.

- i. Educational Inequality:** Education is a critical factor in addressing gender inequality, yet historically, the female literacy rate in India has been alarmingly low. Prior to independence, the literacy rate for women was below ten percent, with figures as low as 0.60% in 1901 and only 8.86% in 1951.¹⁵ By the 2001 Census, this rate had risen to 54.16%, and by 2011, it reached 65.46%, compared to 82.14% for men. In rural areas, the enrollment of girls in schools is significantly lower than that of boys, leading to higher dropout rates. While there has been progress, the gender gap in education remains substantial.
- ii. Economic Inequality:** Economic participation among women has historically been low. In 1971, only 14.22% of women were part of the workforce, increasing slightly to 22.27% by 1991. By 2011, approximately one-fourth of the female population was engaged in labor, with 87% of these women working in agriculture. In contrast, other countries like Denmark, Sweden, and Canada show much higher percentages of women's participation in the workforce. Internationally, women perform a substantial amount of unpaid labor but earn only a fraction of the total income. In India, women are often paid 30% to 40% less than men for the same work.
- iii. Health and Survival Inequality:** India has a concerning gender imbalance, with fewer females than males. The child sex ratio has declined over the decades, from 972 females per 1000 males in 1901 to 940 in 2011. Issues such as female infanticide and feticide contribute to this disparity, with significant numbers of female children lost each year. Many women suffer from reproductive health issues, with a considerable percentage facing conditions like anemia and tuberculosis, particularly in rural areas. According to a WHO report, India ranks low in terms of public health expenditure. A substantial number of maternal deaths occur due to inadequate healthcare and support, exacerbated

¹⁵ 2 RAJU. E, GENDER DISCRIMINATION IN INDIA 62 (IOSR Journal, 2013).

by traditional gender roles and economic dependence.

- iv. **Political Inequalities:** The Indian Constitution aimed to grant women political equality, but this has not translated into real-world political power. Although women participated in the independence movement, overcoming traditional patriarchal norms in politics remains challenging. In the 1996 general elections, only 1717 out of 52293 candidates were women, and in the Lok Sabha elections of 1998, only 102 female candidates were fielded by major political parties. The lack of political representation reflects deep-seated societal attitudes that view women as inferior. While the Women's Reservation Bill aimed to secure 33% of seats for women in legislative bodies, meaningful participation remains hindered by traditional biases and a lack of commitment from political parties.
- v. **Inequality in Division of Labor:** The representation of women in India's judicial system is alarmingly low. In 1998, only 11 out of 380 justices were women, and between 1950 and 2009, only three women served on the Supreme Court. This disparity highlights the persistent belief that women are unfit for roles in the judiciary.
- vi. **Defense System:** Women's participation in defense forces is minimal, rooted in societal beliefs that regard them as primarily suited for domestic roles. In 2008, women's representation in the Indian Army, Air Force, and Navy was just 2.86%, 5.42%, and 2.86% respectively.
- vii. **Administrative System:** Women's presence in administrative roles is also limited. The first female IAS officer in India was Anna Rajam George, and even as recently as 1991, only 6.01% of IAS officers were women. Similarly, in the IPS, there were only 21 female officers among 2439 total officers in 1991. This underrepresentation reinforces the notion that women are not suited for public service roles.
- viii. **Constitutional Inequality:** Despite constitutional guarantees of equality, disparities based on gender remain endemic in Indian society. Women continue to face discrimination and exploitation, as evidenced by the high incidence of violence against them. In 2015, there were over 327,000 recorded crimes against women, highlighting ongoing societal issues. Although the constitution includes various provisions aimed at protecting women's rights, these laws often do not translate into effective protection or societal change.

IV. HISTORICAL BACKGROUND OF GENDER INEQUALITY IN INDIA

(A) Women in Vedic Period:

During the early Vedic period, women held an equal status with men in many areas of life, despite the patriarchal nature of society. Vedic Aryans valued women as essential and productive members of their communities, especially as they were often engaged in warfare. Women from the Kshatriya caste received training in martial arts. The existence of numerous goddesses was intended to foster respect for women, and concepts like “Ardhanareshwar” highlight the belief in the balance between male and female forces. Women were viewed as powerful, embodying the divine “Shakti,” and even in traditions devoted to male deities like Vishnu or Shiva, the significance of female energy was recognized.

Women actively participated in religious ceremonies and tribal gatherings, sharing equal rights in spiritual practices alongside their husbands. They had the freedom to read and study sacred texts, reinforcing their spiritual equality. Marriage and domestic life were favorable for women, who had options like polyandry and remarriage, while child marriages were uncommon. Influences of matrilineality were present, and texts like the Rigveda emphasized the equality of husbands and wives, advocating for women's empowerment and inheritance rights.

The Rigveda also highlights women's access to knowledge, noting that many women were esteemed rishis, contributing to Vedic literature. Figures such as Gargi and Maitreyi are celebrated for their wisdom and spiritual pursuits, with Maitreyi famously negotiating her inheritance for the sake of knowledge. The Upanishads further illustrate the importance of female sages, emphasizing that individuals transcend gender distinctions and advocating against any form of discrimination. Compared to other faiths, the scriptures of Hinduism reflect a more equitable treatment of women, underscoring their integral role in society and spirituality.

(B) Women in later Vedic Period:

The status of women has evolved throughout history, experiencing significant decline during the later Vedic and Epic periods. During this time, women lost their political rights, including the ability to attend assemblies. Child marriage became more common, and texts like the Aitareya Brahmana described daughters as sources of distress, while the Atharva Veda expressed disapproval of their birth. Despite some remnants of matrilineal practices, there was a growing tendency in Indian society to enforce strict gender divisions. The ideals of unity and equality from the Vedic period began to erode, leading to a deterioration of women's status. While women still participated in family rituals alongside men, they often did so as passive observers rather than active contributors. Discrimination against women in education and other

areas increased, with societal emphasis placed on their physical virtues in the context of child marriages, further entrenching their subordinate position and demanding unwavering loyalty to their husbands.

(C) Women in Contemporary World:

The sex ratio, defined as the number of females per 1,000 males, highlights a lack of gender equality. In India, the preference for male children persists, as reflected in the declining sex ratio from 972 in 1901 to 933 in 2001. Despite aspirations for development and civilization, the current sex ratio is alarming. Even in more economically advanced states like Punjab, Haryana, and Gujarat, the child sex ratio remains unfavorable to girls, with some areas reporting fewer than 800 females per 1,000 males, indicating a significant number of missing girls. The low female sex ratio and higher mortality rates among girls illustrate the societal neglect of female health. Research shows that girls are often more malnourished than boys, and women in general face poor nutrition and limited access to healthcare services. This leads to various reproductive health issues and increased vulnerability to infections. According to the National Nutrition Board, women experience higher rates of anemia across all age groups, with over half of pregnant women in developing countries affected. Iodine deficiency and vitamin A deficiency contribute to significant health problems, including blindness. Maternal mortality rates in developing nations are more than 15 times higher than in developed ones, with women in certain Asian and North African countries facing reduced life expectancy due to discrimination. Programs aimed at improving the health of girls and preparing them for adulthood are severely lacking. Education is vital for individual development, and achieving 100% female literacy is essential for promoting gender equality. However, gender disparities in education remain troubling. As of the 2001 census, the overall literacy rate was 65.38%, but only 54.16% for women compared to 75.85% for men. This gap has persisted since 1991, when female literacy was only 39.29%. Rural areas exhibit even greater disparities, with significantly lower literacy rates for women. Alongside educational inequalities, there is also a gender imbalance in employment. According to World Bank estimates, women constitute only 32% of the workforce in India, with a participation gap of about 26%. Many working women are employed in the informal sector—such as agriculture, domestic work, and construction—where they are more susceptible to exploitation. Financial dependency is a major factor contributing to their vulnerability. Gender inequality is evident in politics as well, with women occupying only 8.9% of Lok Sabha seats and 7.3% of Rajya Sabha seats, totaling less than 9% of parliamentary positions. This lack of political representation stems from societal attitudes and insufficient

motivation and support for women's involvement in governance.¹⁶

V. CONSTITUTIONAL PROVISIONS TO COMBAT GENDER INEQUALITY

The Indian Constitution establishes the principle of gender equality through its Directive Principles, Fundamental Duties, Preamble, and Fundamental Rights. It not only guarantees equal rights for women but also empowers the government to implement effective measures to address inequalities. Various laws, development policies, and initiatives have been designed to benefit women in the context of an equitable society. Additionally, the Central Government has endorsed numerous international treaties and agreements focused on human rights to ensure equal protection for women.

Article 14 mandates that the State provide equality before the law and ensure equal protection under the laws for all individuals in India, regardless of birth, ethnicity, gender, or race. This principle guarantees that everyone is treated equally under the law.

Article 15(1) prohibits discrimination against any individual based solely on sex, ethnicity, race, nationality, caste, or similar factors.

Article 15(3) allows the State to create special provisions for the benefit of women and children, ensuring that while there is no discrimination, targeted measures can be taken to protect their interests. This article supports various laws aimed at enhancing the rights of women and children, such as the Children's Sexual Harassment Act, the Domestic Violence Act, and the Nirbhaya Act, addressing issues like marital rights and protections.¹⁷

Article 16 guarantees equal opportunities for all individuals in education and government employment. It outlines guidelines for equal access to public-sector jobs while allowing for legislation that may prioritize residency requirements for certain positions. Additionally, **Article 16(4)** calls for reservations for underprivileged groups within the State.

Article 39(a) emphasizes the State's responsibility to ensure the right to a decent standard of living for both men and women.

Article 39(d) mandates equal pay for equal work, reinforcing the principle of fair compensation for both genders, although it does not explicitly declare it as a civil right.

Article 39A promotes justice by ensuring equal access to legal assistance, making sure that financial constraints do not hinder anyone's ability to seek justice.

¹⁶ BHAVIKA MEHTA, *Gender Inequality In India: Ancient And Modern Analysis*, 9 QUEST JOURNALS 17, 18-21 (2021).

¹⁷ INDIA CONST. Art. 15.

Article 42 requires the State to provide fair working conditions and maternity benefits.

Article 46 directs the State to enhance the educational and economic welfare of Scheduled Castes, Scheduled Tribes, and other backward classes, and to protect them from social discrimination and oppression.

Article 47 outlines the State's duty to improve living standards and nutrition for the population, highlighting the government's role in healthcare and social welfare.

Article 51(A)(e) encourages fostering solidarity and mutual respect among all citizens while rejecting actions that demean women's dignity.

Article 243 D(3) mandates that at least one-third of the seats in each Panchayat be reserved for women, including those belonging to Scheduled Tribes and Scheduled Castes.

Article 243 D(4) specifies that at least one-third of all positions for administrators at each level of Panchayat governance must be reserved for women.

Article 243 T(3) similarly requires that one-third of the seats in municipalities be reserved for women, including those from Scheduled Tribes and Scheduled Castes.

Article 243 T(4) allows for the reservation of administrative posts for Scheduled Tribes, women, and Scheduled Castes in municipalities, as determined by state law.¹⁸

VI. ROLE OF GOVERNMENT IN PROMOTING GENDER INEQUALITY

"Gender Equality" is the fifth goal among the 17 Sustainable Development Goals (SDGs) established by the United Nations. The Constitution of India recognizes the principle of gender equality in its Preamble, Fundamental Rights, and Directive Principles of State Policy. A key provision in this context is Article 15(3), which allows the State to implement positive discrimination measures in favor of women. Additionally, the National Commission for Women was established in 1992 to address complaints regarding violations of women's rights, provide advice on their socio-economic development, and protect their legal rights.

In India, numerous laws have been enacted at both the Central and state levels to combat gender disparity and ensure equal rights for women in various aspects of social and personal life. These laws are often referred to as "women-oriented" or "women-specific." Notable examples include the Protection of Women from Domestic Violence Act, 2005; the Commission of Sati (Prevention) Act, 1987; the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013; the Immoral Traffic Prevention Act, 1956; and the

¹⁸ INDIA CONST. art. 243T, cl. 4.

Indecent Representation of Women (Prohibition) Act, 1986. On the international front, India has ratified several conventions and initiatives aimed at ensuring equal rights for women, with the most significant being the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which India ratified in 1993. Alongside these laws and initiatives, the Indian government has launched various policy measures, such as the "National Policy for Women Empowerment" and the "Beti Bachao Beti Padhao" scheme, to promote a safer, more equitable environment for women and address their overall socio-economic development.

(A) Government's Policies for Gender Equality in India

The National Policy for the Empowerment of Women was adopted in the year 2001 for the advancement, development, and empowerment of women. The Policy strives to achieve the following goals and objectives¹⁹:

- i. Creation of an environment that fosters the overall development of women and enables them to achieve their full potential. This shall be done by adopting positive social and economic policies.
- ii. *De-jure* and *de-facto* enjoyment of all human rights and fundamental freedoms by women on an equal basis with men in all spheres.
- iii. Ensuring equal access for women to participation and decision-making in the social, political, and economic life of the country.
- iv. Equality of access to women in healthcare, quality education at all levels, career and vocational guidance, employment, equal remuneration, occupational health and safety, social security, and public office, etc.
- v. Strengthening the legal systems aimed at elimination of all forms of discrimination against women.
- vi. Changing societal attitudes and community practices by active participation and involvement of both men and women.
- vii. Mainstreaming a gender perspective in the development process.
- viii. Elimination of discrimination and all forms of violence against women and the girl child.
- ix. Building and strengthening partnerships with civil society, particularly women organizations.

¹⁹ Nidhi Bajaj, *Government Policies for Gender Equality*, GURU NANAK DEV UNIVERSITY (Mar. 22, 2022, <http://blog.ipleaders.in>).

a. Women Vocational Training Programme

The Women Vocational Training Programme, launched in 1997 by the Ministry of Skill Development & Entrepreneurship, aims to integrate women into economic activities by providing vocational training. Developed with support from the Swedish International Development Authority (SIDA) and the International Labour Organization (ILO), the programme offers:

- i. Industrial skill training through the Craftsmen Training Scheme (CTS)
- ii. Instructor training via the Craft Instructors Training Scheme (CITS)
- iii. Short-term courses tailored to market demand
- iv. Specialized training programs for ITI instructors
- v. Customized courses designed to meet industry needs

The programme is implemented through a network of 11 institutes, now known as “National Skill Training Institutes for Women,” which operate under the direct supervision of the Central government. In addition to these initial institutes, new NSTIs have also been established to further enhance the training opportunities for women.

b. GATI (Gender Advancement for Transforming Institutions)

GATI (Gender Advancement for Transforming Institutions)²⁰ is an initiative launched by the Department of Science and Technology (DST) aimed at promoting gender equity in the fields of science and technology. Announced by the Hon’ble President of India on National Science Day, February 28, 2020, GATI is one of three key initiatives introduced to encourage higher educational institutions to foster diversity, inclusion, and support for all individuals' success and progression. The initiative seeks to create a supportive environment that enables women to engage equally in Science, Technology, Engineering, Medicine, and Mathematics (STEMM) disciplines at every level. It draws inspiration from the Athena SWAN Gender Equality Charter and accreditation framework established by Advance HE in the UK since 2005.

(B) Major initiatives, schemes, and measures taken by the government for achieving gender equality in India.

Beti Bachao Beti Padhao (BBBP) is a program designed to protect, support, and educate girls. Initiated by the government, it tackles the serious problem of the declining Child Sex Ratio (CSR). The primary aim of the scheme is to celebrate girls and enhance their educational

²⁰ Nidhi Bajaj, *Government Policies for Gender Equality*, GURU NANAK DEV UNIVERSITY (Mar. 22, 2022, <http://blog.iplayers.in>).

opportunities. Its key objectives are:

- i. To prevent gender-based sex-selective elimination
- ii. To ensure the survival and protection of girls
- iii. To promote the education of the girl child

Mahila Shakti Kendra: The Mahila Shakti Kendra (MSK) Scheme was launched in 2017 to empower rural women by offering skill development and employment opportunities. This initiative is part of the broader Mission for Protection and Empowerment of Women and was approved for a three-year period.

Working Women Hostel (WWH): The Working Women Hostel (WWH) Scheme is designed to ensure the safety and security of working women by providing them with secure accommodation, along with daycare facilities for their children when possible. The scheme targets various categories of working women, including those who are single, widowed, divorced, or separated, and gives special preference to women from disadvantaged backgrounds. It also reserves spots for women with disabilities. Women undergoing job training can also be accommodated if there's space available, with a cap of 30% of total capacity for trainees. Children up to 18 years old for girls and up to 5 years old for boys can stay with their mothers, and working mothers can access daycare services as part of the scheme.²¹

Scheme for Adolescent Girls: Previously known as the Rajiv Gandhi Scheme for Empowerment of Adolescent Girls (SABLA), the Scheme for Adolescent Girls (SAG) was introduced in 2010 for girls aged 11 to 18. Its focus is on providing life skills education, nutrition and health awareness, and socio-legal knowledge. This scheme replaced both the Kishori Shakti Yojana and the Nutrition Programme for Adolescent Girls.

The objectives of SAG include:

- i. Empowering adolescent girls for self-development.
- ii. Enhancing their health and nutrition.
- iii. Raising awareness about health, hygiene, and nutrition.
- iv. Improving home-based and vocational skills.
- v. Supporting out-of-school girls to return to formal education.
- vi. Informing about public services like Primary Health Centres.

²¹ *Id.* At 16.

Mahila Police Volunteers (MPV): The Mahila Police Volunteers Scheme aims to appoint volunteers across all states and Union territories to act as a bridge between the police and the community, assisting women in distress. These volunteers will report crimes against women, such as domestic violence, child marriage, and dowry harassment.

Rastriya Mahila Kosh (RMK): Established in March 1993, the Rashtriya Mahila Kosh (RMK) is an autonomous organization under the Ministry of Women and Child Development aimed at the socio-economic empowerment of women. RMK provides loans to NGOs and micro-financing organizations, which then lend to women's Self-Help Groups (SHGs).

National Crèche Scheme for the Children of Working Mothers: The National Crèche Scheme provides day-care services for children aged 6 months to 6 years of working mothers, focusing on improving their nutrition and health while fostering their holistic development. It also aims to empower parents and caregivers to enhance childcare.

Pradhan Mantri Matru Vandana Yojna: The Pradhan Mantri Matru Vandana Yojana, effective from January 1, 2017, aims to benefit pregnant and lactating women by providing ₹5,000 in three installments for their first live child.²²

Deendayal Antyodaya Yojana-National Urban Livelihoods Mission (DAY-NULM): The DAY-NULM, part of the Ministry of Housing & Urban Affairs, seeks to provide shelters with essential services to the urban homeless. Its goal is to reduce poverty among urban households, including women, by promoting self-employment opportunities, forming women's SHGs, and improving access to credit and social security.

Pradhan Mantri Ujjwala Yojana Launched in May 2016, the Pradhan Mantri Ujjwala Yojana aims to provide clean cooking fuel, such as LPG, to rural and marginalized households that rely on traditional fuels. The initiative empowers women and protects their health by supplying free LPG cylinders.

Sukanya Samridhi Yojana (SSY): The Sukanya Samridhi Yojana, part of the 'Beti Bachao Beti Padhao' campaign, is a savings scheme for parents of girls under 10 years to secure their future. It matures when the girl turns 21, with a minimum deposit of ₹250 and a maximum of ₹1.5 lakh per financial year, offering an interest rate of 7.6% per annum.

Skill Upgradation and Mahila Coir Yojana: The Skill Upgradation and Mahila Coir Yojana provides training to empower women by supplying spinning equipment at subsidized rates post-training. Trainees receive a monthly stipend of ₹10,000 during their skill development.

²² *Id.* At 17.

Prime Minister's Employment Generation Programme (PMEGP): The PMEGP provides financial support for self-employment ventures, creating job opportunities for unemployed youth and artisans. Benefits include bank subsidies for setting up microenterprises, with varying percentages based on beneficiary categories.

Stand-Up India: The Stand-Up India Scheme promotes female entrepreneurship by facilitating bank loans between ₹10 lakh and ₹1 crore to at least one SC/ST and one woman entrepreneur per bank branch for establishing greenfield enterprises in various sectors.

Mahila e-Haat: Launched on March 7, 2016, Mahila e-Haat is a collaborative initiative between the Ministry of Women and Child Development and the Rashtriya Mahila Kosh. This online platform promotes women entrepreneurs, SHGs, and NGOs by showcasing their products and services, aiming for economic empowerment and financial inclusion.

One-Stop Centre (OSC) Scheme: The OSC Scheme, initiated in 2015, aims to support women affected by violence by providing integrated services such as medical, legal, and counseling support in a single location.

Ujjawala Scheme: Effective April 1, 2016, the Ujjawala Scheme focuses on preventing trafficking and aiding the rehabilitation of victims. Its goals include raising awareness, rescuing victims, providing rehabilitation services, facilitating family reintegration, and aiding the repatriation of cross-border victims.

Women Helpline Scheme: The Women Helpline Scheme, which started on April 1, 2015, offers 24-hour emergency assistance to women facing violence. It provides a toll-free helpline for support and connects women to necessary services like police or medical assistance.

SWADHAR Greh: Implemented by the Ministry of Women and Child Development, the SWADHAR Greh scheme aims to rehabilitate women in difficult situations, including those deserted or victims of domestic violence. Each district will have a SWADHAR Greh to meet their basic needs and support their emotional recovery and legal assistance.

Support to Training and Employment Programme for Women (STEP) Scheme: The STEP Scheme aims to enhance employability through skills training for women aged 16 and above, enabling them to become self-employed or entrepreneurs.

Women Entrepreneurship Platform (WEP): The Women Entrepreneurship Platform (WEP), an initiative by NITI Aayog, supports aspiring and established women entrepreneurs by providing resources and assistance to help them start and grow their businesses. Its framework focuses on motivation, knowledge, and practical support for women in entrepreneurship.

VII. CONCLUSION AND SUGGESTIONS

Gender inequality remains a pervasive issue in India, deeply rooted in socio-cultural norms and exacerbated by legal challenges. Despite significant legislative efforts and initiatives aimed at promoting gender equality, women continue to face discrimination and violence, particularly in rural areas. Legal frameworks such as the Protection of Women from Domestic Violence Act and the Sexual Harassment of Women at Workplace Act represent important strides forward; however, enforcement remains inconsistent, and awareness of these laws is often limited.

To effectively combat gender inequality, a multi-faceted approach is essential. First, there must be increased investment in public awareness campaigns that educate both men and women about gender rights and existing legal protections. This could foster a culture of respect and support for gender equality, encouraging community participation in challenging discriminatory practices.

Second, enhancing the accessibility and efficiency of legal mechanisms for women seeking justice is crucial. This includes training law enforcement and judicial personnel on gender sensitivity to ensure that complaints are handled with the seriousness they deserve. Moreover, creating more women-friendly legal aid services can empower victims to seek help without fear or stigma.

Third, targeted socio-economic programs should focus on skill development and employment opportunities for women, particularly in marginalized communities. Initiatives like the Mahila Shakti Kendra and Skill Upgradation programs can be expanded to ensure that women have access to resources and training that promote financial independence.

Lastly, engaging men as allies in the fight for gender equality can transform societal attitudes. Encouraging male involvement in educational programs and community initiatives can shift perceptions and promote shared responsibility for gender equality.

In conclusion, a comprehensive and sustained effort involving legal reform, education, and community engagement is essential to dismantle the structures of gender inequality in India, paving the way for a more equitable society.
