



## Complex Realities of Gender Inequality in India: Social, Economic, and Legal Dimensions

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### ABSTRACT

The study explores the pervasive gender inequality in India, which transcends social classes and geographic areas, significantly hindering the nation's economic development and quality of life. This research delves into the multifaceted nature of gender inequality, affecting cultural, social, economic, employment, income, and health aspects. By identifying the contributing factors, this paper sheds light on the current intricate state of gender inequality in India. The findings emphasize the substantial gaps in economic, social, cultural, and legal spheres, posing a formidable challenge to social scientists and policymakers striving for genuine equality. The research underscores the necessity for comprehensive strategies and policies to address and mitigate these disparities, ultimately promoting a more equitable society.

**Key Words:** Gender Inequality, Women's Rights, Sexual Harassment, Child Marriage, Economic Disparities, Social Discrimination, Legal Protection

### Introduction

Gender inequality remains a pervasive issue in Indian society, deeply embedded despite years of legislation and a constitution that guarantees equal rights for men and women. This inequality has a significant negative impact on women's lives and the overall development of the nation. India ranks poorly on several indices measuring gender equality, including economic participation and opportunity, educational attainment, health and survival, political empowerment, and legal protection. These rankings reflect the high levels of discrimination against women, reinforced by unfair social customs, laws, and cultural practices.

Gender inequality affects individuals from childhood through adulthood, influencing their daily lives in communities, families, and media. Although it impacts both sexes, women statistically face greater disadvantages than men. As children grow, the gender gap widens, culminating in only 25% of women having formal employment in adulthood. Deeply ingrained patriarchal beliefs, customs, traditions, and structures restrict many Indian women and girls from fully exercising their rights, despite some achieving global recognition as leaders and influential voices in various fields.

The disparity is evident in many aspects of life: women are less likely to survive, more likely to experience hunger, and less likely to attend preschool compared to their male counterparts. Adolescence presents further challenges, as gender differences become more pronounced, with women struggling to exercise their right to freedom of movement and make decisions about their lives, including employment, education, marriage, and social networks.

Understanding the concept of gender is crucial; it refers to the socially constructed distinctions between men, women, girls, and boys, which vary across cultural contexts and have evolved over time. Gender inequality, therefore, is the differential treatment of individuals based on these social constructs. This inequality and discrimination lead to poor health and well-being for women and girls, who have less access to healthcare and information compared to men.

In simpler terms, gender inequality is the differential treatment of women and men due to their gender. Traditionally, women have been perceived as the weaker gender, occupying a subordinate position to men. This perception leads to exploitation, humiliation, assault, and discrimination against women both within homes and in the broader society.

Globally, and particularly in Indian society, this specific form of prejudice against women persists. However, according to the Economic Survey 2022–2023, India has made notable progress in promoting gender equality, achieving a value of 0.490 on the Gender Inequality Index. This improvement ranks India at 122 out of over 190 countries, highlighting the positive impact of government policies aimed at addressing gender disparities. Gender discrimination occurs when individuals receive unfavourable or unequal treatment based on their gender. This pervasive issue manifests in various forms, including discrimination based on sexual orientation, and restricted access to healthcare, employment, and education. Such discrimination is perpetrated by private citizens, governmental bodies, and other institutions globally.

Two significant legal cases in India highlight the impact of gender discrimination:

**D.S. Grewal v. Vimmi Joshi:** Vimmi Joshi, a principal at a public school, alleged that her senior had written her love letters and made sexual advances towards her. After filing a grievance with the school administration, Joshi was dismissed from her position following anonymous complaints. She contested the dismissal on grounds of sexual harassment, and the High Court ruled in her favor, mandating disciplinary action for the evident harassment.

**Shekara v. State of Karnataka:** A man threatened to kill a girl and her mother after engaging in a sexual relationship under the pretense of marriage. The girl, as verified by school records, was under sixteen years old. The court ruled that while the man could not be convicted of rape based on false promises, he was guilty of using illegal force to violate the girl's right to privacy. This case underscores the legal repercussions of deceitful actions leading to sexual exploitation.

Gender discrimination also encompasses sexual harassment, defined as any unwanted behavior (verbal or physical) motivated by sex or gender. Institutions often implement grievance procedures for addressing such issues, as seen in the grievance processes outlined in faculty and staff handbooks at educational institutions.

In ancient India, women held a position of honor, referred to as "maata" (mother) or "Devi" (goddess) in the Vedas and Upanishads. According to Manusmriti, women were considered sacred beings, and young girls received special care during the early Vedic period. However, the status of women declined following the collapse of bigamy, particularly during the medieval era with the introduction of the dowry and sati systems. Despite their contributions to society, economy, and families, women in India are often viewed as economic liabilities. The incidence of crimes against women is rising, with domestic violence, rape, sexual harassment, forced prostitution, eve-teasing, molestation, and sexual exploitation becoming prevalent issues.

The primary causes of gender disparity in India include:

**Patriarchal Family Structures:** The preference for male heirs and the burden of providing large dowries for daughters perpetuate gender inequality.

**Poverty:** Women from economically disadvantaged backgrounds face greater discrimination and lack opportunities for financial independence.

**Educational Disparities:** Girls often receive less education than boys, limiting their future opportunities.

**Caste System:** Traditional caste structures exacerbate gender inequality, particularly among lower caste women.

**Cultural Norms:** Deeply ingrained societal beliefs and customs restrict women's rights and freedoms.

Addressing these issues requires comprehensive legal, social, and cultural reforms to promote gender equality and empower women in all spheres of life.

## Research Objectives

Identify Key Factors Contributing to Gender Inequality in India

To Assess the Impact of Gender Inequality on Various Aspects of Life

## Research Questions

What are the Main Social, Economic, Cultural, and Legal Factors Contributing to Gender Inequality in India?

How Does Gender Inequality Affect Economic Participation, Educational Attainment, Health, and Employment Opportunities for Women in India?

## Legal and Policy Framework

India has implemented numerous legislations at both the central and state levels to address gender disparity and ensure equal rights for women in various spheres of life. These laws, often referred to as 'women-oriented' or 'women-centric' legislations, aim to secure women's rights and promote their socio-economic development. Some of the significant legal frameworks include the Protection of Women from Domestic Violence Act, 2005, which provides a comprehensive mechanism for women to seek protection from domestic violence and abuse, ensuring legal protection and access to resources for victims. The Commission of Sati (Prevention) Act, 1987, criminalizes the practice of Sati, protecting women from being coerced into the act. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, establishes a framework to prevent and address sexual harassment in workplaces, mandating the creation of Internal Complaints Committees in

organizations. Additionally, the Immoral Traffic (Prevention) Act, 1956, aims to prevent human trafficking and the exploitation of women for commercial sex, while the Indecent Representation of Women (Prohibition) Act, 1986, prohibits the indecent representation of women through advertisements or publications.

At the international level, India has ratified and endorsed various conventions and initiatives aimed at securing equal rights for women, the most significant being the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which was ratified by India in 1993. This commitment underscores India's dedication to eliminating discrimination against women and promoting gender equality.

The National Policy for the Empowerment of Women, adopted in 2001, outlines several goals and objectives for the advancement, development, and empowerment of women. The policy aims to create a supportive environment for women's development, enabling them to achieve their full potential through positive social and economic policies. It emphasizes the de-jure and de-facto enjoyment of all human rights and fundamental freedoms by women on an equal basis with men in all spheres. Ensuring equal access for women to participation and decision-making in social, political, and economic life is also a key objective. Additionally, the policy focuses on providing women with equal access to healthcare, quality education, vocational guidance, employment, equal remuneration, occupational health and safety, social security, and public office. Strengthening legal systems to eliminate all forms of discrimination against women and changing societal attitudes through active participation of both men and women are also vital components.

The policy prescribes several measures to achieve these objectives, including making the legal and judicial systems more responsive to women's needs and enacting new laws for quick justice. It encourages changes in personal laws related to marriage, divorce, maintenance, and property to eliminate discrimination against women. The policy also emphasizes the importance of ensuring women's active participation in decision-making bodies at all levels, including legislative, executive, judicial, corporate, and other sectors. Mainstreaming a gender perspective in all developmental processes is another critical aspect, recognizing women's contributions and perspectives in macro-economic and social policies.

Economic empowerment of women is a central focus of the policy, covering aspects such as poverty eradication, enhancing access to micro-credit, recognizing women's roles in the formal and informal sectors, and devising strategies to mitigate the negative social and economic impacts of globalization. The policy also includes measures for the social empowerment of women, such as ensuring equal access to education and creating a gender-sensitive educational system, adopting a holistic approach to women's health, and addressing nutritional needs at all stages of life. Special attention is given to the provision of safe drinking water, sanitation, housing, and environmental policies, with a focus on women's needs.

The policy recognizes the diversity of women's situations and provides special assistance to those in extreme poverty, conflict situations, and other difficult circumstances. It aims to eliminate all forms of violence against women, whether physical or mental, at domestic or societal levels, through effective mechanisms and schemes. The rights of the girl child are also a priority, with strong measures to eliminate discrimination within and outside the family and strict enforcement of laws against prenatal sex selection, female foeticide, child abuse, child marriage, and child prostitution.

Operational strategies include converting the policy into concrete actions through time-bound action plans by central and state ministries, strengthening institutional mechanisms to promote the advancement of women, and establishing national and state resource centers on women. The policy also emphasizes the importance of gender sensitization, training personnel in legislative, executive, and judicial wings, promoting societal awareness of gender issues, and ensuring the participation of Panchayati Raj Institutions (PRIs) in enhancing women's participation in public life.

In addition to these legislative measures, the Indian government has launched numerous initiatives and schemes to promote gender equality and empower women. The Beti Bachao Beti Padhao (BBBP) scheme focuses on preventing gender-biased sex selection, ensuring the survival and protection of the girl child, and promoting her education. The Mahila Shakti Kendra (MSK) aims to empower rural women through skill development and employment opportunities. The Working Women Hostel (WWH) scheme provides safe accommodation and daycare facilities for working women, while the Scheme for Adolescent Girls (SAG) offers life skills education, nutrition, health education, and vocational training for adolescent girls.

Other initiatives include the Mahila Police Volunteers (MPV) scheme, which engages women as volunteers to act as links between the police and community, facilitating support for women in distress. The Rashtriya Mahila Kosh (RMK) provides micro-financing to empower women economically through self-help groups. The National Crèche Scheme for the Children of Working Mothers offers day-care services to support working mothers, while the Pradhan Mantri Matru Vandna Yojna provides financial assistance to pregnant women and lactating mothers. The Deendayal Antyodaya Yojana-National Urban Livelihoods Mission (DAY-NULM) aims to reduce poverty and vulnerability among urban poor households, including women, by providing opportunities for self-employment and skill development.

The Pradhan Mantri Ujjwala Yojana ensures the availability of clean cooking fuel (LPG) to rural households, empowering women and protecting their health. The Sukanya Samridhi Yojna (SSY) is a small deposit scheme for the girl child, aimed at securing her future and promoting economic empowerment. The Skill Upgradation and Mahila Coir Yojana provides skill development training and spinning equipment at subsidized rates, while the Prime Minister's Employment Generation Programme (PMEGP) offers financial assistance for self-employment ventures to create job opportunities.

The Stand-Up India scheme facilitates bank loans to SC/ST and women entrepreneurs for setting up greenfield enterprises, promoting female entrepreneurship. The Mahila e-Haat is an online marketing platform for women entrepreneurs to showcase their products and services. The One-Stop Centre (OSC) scheme provides integrated support to women affected by violence, offering medical, legal, psychological, and counselling services under one roof.

The Ujjawala Scheme aims to prevent the trafficking of women and children for commercial sexual exploitation and provides rehabilitation and reintegration services for victims. The Women Helpline Scheme offers a 24-hour emergency response to women affected by violence, providing information and support services. The SWADHAR Greh scheme rehabilitates women in difficult circumstances by providing shelter, food, medical treatment, legal aid, and support for economic and emotional rehabilitation.

The Support to Training and Employment Programme for Women (STEP) scheme provides skills that enable women to become self-employed or entrepreneurs. The Women Entrepreneurship Platform (WEP) promotes women entrepreneurship by offering knowledge, ecosystem support, and hands-on assistance. Initiatives for transgender persons include the Transgender Persons (Protection of Rights) Act, 2019, and the SMILE scheme, which provides comprehensive measures for the welfare of transgender persons, including shelter homes, scholarships, skill development, and health benefits.

India's legal policy framework and various initiatives reflect a comprehensive approach to addressing gender inequality and promoting the socio-economic development of women. By implementing robust laws, policies, and schemes, the Indian government aims to create a more equitable society where women can fully realize their potential and contribute to the nation's progress.

### Discussion on Available Data and Literature

**Report: Gender Equality Will Not Come for 131 Years:** A World Economic Forum report estimates that it will take 131 years to achieve gender equality globally. This report, based on the study of four key areas across 146 countries—economic participation and opportunities, education, health, and political empowerment—reveals significant disparities. The global equality index shows 95.2% equality in education, 96% in health, 60.1% in economic participation, and 22.1% in political empowerment. No country has achieved 100% gender equality. India ranks second in educational equality but has a gender disparity index of 64.3%, placing it 127th on the Global Gender Gap Index. This is an improvement of 1.4 percentage points from the previous year. Twenty-five countries jointly lead in education equality, with India ranking as the 26th country. Iceland has achieved 91.2% overall gender equality, a result of declining women's participation.

Despite constitutional promises of equal rights, many women in India do not fully benefit from these rights due to several factors:

**Poverty:** Poverty is a significant contributor to gender discrimination in India, where 70% of the population lives in villages. Women's advancement is hindered by a lack of financial opportunities and mobility, limited access to financial resources such as loans, and restricted participation in family and personal decision-making. As a result, men enjoy a larger share of economic benefits. Poverty is thus a foundational cause of gender inequality, as many women still depend on male family members for financial support.

**Lack of Legal Awareness:** Many women are unaware of their fundamental rights and capacities, exacerbated by their lack of understanding of how socioeconomic and political issues affect them. This ignorance and illiteracy lead to the acceptance of discriminatory practices and brutality. Article 15 of the Indian Constitution prohibits discrimination based solely on sex, yet such discrimination remains widespread.

To advance gender equality and address the growing gender gap, women need appropriate empowerment and awareness of their rights. Specific initiatives must be planned to ensure this. Key articles of the Indian Constitution related to gender equality include Articles 14, 15, 15(3), 16, 39(a), 39(b), and 42.

**Child Marriage:** Child marriage in India is predominantly driven by gender inequality. Girls are often coerced into marriage before the age of 18 to start families. Despite governmental efforts to prohibit this practice, child marriages persist, rooted in traditional beliefs that women are primarily meant to care for families and homes while boys are expected to pursue education. Early marriage leads to pregnancies when girls are not physically or emotionally mature enough, severely impacting their health and increasing the risk of maternal mortality. Furthermore, societal pressure to bear male children often results in female foeticide.

**Religious Reasons:** Religious customs have historically contributed to gender prejudice. Many religious ceremonies require male participation, reinforcing the preference for male children. The dowry system, prevalent in many Indian households, mandates the bride's family to provide assets like property, cash, and jewellery to the groom's family, further devaluing female children. This bias manifests in practices such as infanticide and female foeticide.

**Illiteracy of Women in India:** Educational attainment for females in India is hindered by gender inequality. Despite educational reforms, many girls are denied the opportunity to learn. Changing societal attitudes towards educating girls is crucial. An educated woman can significantly contribute to the education of her family, especially her children.

**Dowry System:** The dowry system undermines women's roles by necessitating payments from the bride's family to the groom's family upon marriage. This practice devalues women and perpetuates economic burdens on families with daughters.



**Cultural Factors:** Gender inequality is also influenced by the cultural stigma that women should remain within the confines of the home and keep financial matters private to protect the family's reputation. The societal preference for boys, viewed as more valuable, is a significant contributor to gender disparity. Boys are expected to support their parents in old age and carry out religious rituals for their afterlife. Sons are the only ones permitted to inherit family names and possessions, adding to the perception that daughters are liabilities due to dowry costs and the perceived loss to the husband's family.

**Enhancing Women's Political Participation in India:** Women's participation in the political system is crucial for achieving gender equality. The Congress Party has promoted women's involvement by establishing a 33% reservation for women. The election of Meira Kumar as the first female Speaker of the Lok Sabha in June 2009 and Pratibha Patil as President of India highlights progress in this area. Despite these advances, women's political participation remained low throughout the 1990s, with only 10–12% representation. The formation of political parties by women, such as the United Mahila Morcha in 2007, advocates for increased female representation in the legislature. As of 2013, women comprised 10.6% of the upper house and 11% of the lower house in Parliament.

### Suggestions

**Increase Reservation of Seats:** Expand the reservation of seats for women in the political system and in self-government for both rural and urban areas.

**Equal Education Opportunities:** Ensure women have the same educational opportunities as men.

**Economic Empowerment:** Provide women with opportunities to lead and prosper economically.

**Enforce Equal Remuneration Act:** Strictly enforce the Equal Remuneration Act of 1976 to eliminate wage discrimination.

**Punish Female Feticide:** Impose severe penalties on those who encourage or practice female feticide.

**End Child Marriage:** Implement and enforce measures to eradicate child marriage.

**Combat Sexual Assault and Violence:** Take strong action to end sexual assault and violence against women.

**Promote Initiatives Like Beti Bachao Beti Padhao:** Use initiatives such as Beti Bachao Beti Padhao to promote women's rights and expand access to education.

**Raise Legal Awareness:** Encourage women to learn about and exercise their legal rights in India.

**The Need for Awareness:** The World Economic Forum's research ranked India 134th out of 145 nations for gender parity in 2018, a decline from 130th in 2017, indicating increasing difficulties for women in India. Addressing this issue requires cooperation and practical strategies, such as educating Indian women about their legal rights. Strong support is needed for organizations like Care India that actively promote women's equality and rights.

Additionally, reshaping societal mindsets, especially among men who hold outdated beliefs about women's inferiority, is crucial. Instilling the concept of women's empowerment in everyone's consciousness is essential. A targeted strategy has been developed to enhance the social, political, and economic standing of women, yielding tangible results. This emphasizes the urgency of collaborative action to combat discrimination, empower women, and pave the way for a more equitable society.

### Conclusion

India's gender inequality is rooted in political, legal, social, cultural, and economic problems. Eradicating gender disparity requires addressing these multifaceted issues. Modern trends call for movements that allow women to break free from culturally imposed roles and offer guidance on non-traditional career choices. Men and women are like the two wheels of a cart; without one, the other cannot function effectively.

Higher education for both girls and boys are crucial for empowering women and reducing gender inequality in India. Non-governmental organizations play a significant role in eliminating gender disparity through various social initiatives. The success of the "Beti Bachao Beti Padhao" campaign, launched by Prime Minister Shri Narendra Modi on January 22, 2015, in Panipat, Haryana, will depend on societal attitudes towards women. This program addresses issues related to women's empowerment and aims to improve the declining child sex ratio. It is carried out by three ministries: the Ministry of Women and Child Development, the Ministry of Health and Family Welfare, and the Ministry of Human Resource Development.

Through comprehensive and coordinated efforts, India can make significant strides toward achieving gender equality and empowering all its citizens.

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