



INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL
ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

WWW.WHITEBLACKLEGAL.CO.IN

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Editor-in-chief of White Black Legal – The Law Journal. The Editorial Team of White Black Legal holds the copyright to all articles contributed to this publication. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of White Black Legal. Though all efforts are made to ensure the accuracy and correctness of the information published, White Black Legal shall not be responsible for any errors caused due to oversight or otherwise.

WHITE BLACK
LEGAL

EDITORIAL TEAM

Raju Narayana Swamy (IAS) Indian Administrative Service officer



Dr. Raju Narayana Swamy popularly known as Kerala's Anti-Corruption Crusader is the All India Topper of the 1991 batch of the IAS and is currently posted as Principal Secretary to the Government of Kerala. He has earned many accolades as he hit against the political-bureaucrat corruption nexus in India. Dr Swamy holds a B.Tech in Computer Science and Engineering from the IIT Madras and a Ph. D. in Cyber Law from Gujarat National Law University. He also has an LLM (Pro) (with specialization in IPR) as well as three PG Diplomas from the National Law University, Delhi- one in Urban Environmental Management and Law, another in Environmental Law and Policy and a third one in Tourism and Environmental Law. He also holds a post-graduate diploma in IPR from the National Law School, Bengaluru and

a professional diploma in Public Procurement from the World Bank.

Dr. R. K. Upadhyay

Dr. R. K. Upadhyay is Registrar, University of Kota (Raj.), Dr Upadhyay obtained LLB, LLM degrees from Banaras Hindu University & PHD from university of Kota. He has successfully completed UGC sponsored M.R.P for the work in the Ares of the various prisoners reforms in the state of the Rajasthan.



Senior Editor

Dr. Neha Mishra



Dr. Neha Mishra is Associate Professor & Associate Dean (Scholarships) in Jindal Global Law School, OP Jindal Global University. She was awarded both her PhD degree and Associate Professor & Associate Dean M.A.; LL.B. (University of Delhi); LL.M.; PH.D. (NLSIU, Bangalore) LLM from National Law School of India University, Bengaluru; she did her LL.B. from Faculty of Law, Delhi University as well as M.A. and B.A. from Hindu College and DCAC from DU respectively. Neha has been a Visiting Fellow, School of Social Work, Michigan State University, 2016 and invited speaker Panelist at Global Conference, Whitney R. Harris World Law Institute, Washington University in St. Louis, 2015.

Ms. Sumiti Ahuja

Ms. Sumiti Ahuja, Assistant Professor, Faculty of Law, University of Delhi,

Ms. Sumiti Ahuja completed her LL.M. from the Indian Law Institute with specialization in Criminal Law and Corporate Law, and has over nine years of teaching experience. She has done her LL.B. from the Faculty of Law, University of Delhi. She is currently pursuing PH.D. in the area of Forensics and Law. Prior to joining the teaching profession, she has worked as Research Assistant for projects funded by different agencies of Govt. of India. She has developed various audio-video teaching modules under UGC e-PG Pathshala programme in the area of Criminology, under the aegis of an MHRD Project. Her areas of interest are Criminal Law, Law of Evidence, Interpretation of Statutes, and Clinical Legal Education.



Dr. Navtika Singh Nautiyal

Dr. Navtika Singh Nautiyal presently working as an Assistant Professor in School of law, Forensic Justice and Policy studies at National Forensic Sciences University, Gandhinagar, Gujarat. She has 9 years of Teaching and Research Experience. She has completed her Philosophy of Doctorate in 'Inter-country adoption laws from Uttarakhand University, Dehradun' and LLM from Indian Law Institute, New Delhi.

Dr. Rinu Saraswat



Associate Professor at School of Law, Apex University, Jaipur, M.A, LL.M, PH.D,

Dr. Rinu have 5 yrs of teaching experience in renowned institutions like Jagannath University and Apex University. Participated in more than 20 national and international seminars and conferences and 5 workshops and training programmes.

Dr. Nitesh Saraswat

E.MBA, LL.M, PH.D, PGDSAPM

Currently working as Assistant Professor at Law Centre II, Faculty of Law, University of Delhi. Dr. Nitesh have 14 years of Teaching, Administrative and research experience in Renowned Institutions like Amity University, Tata Institute of Social Sciences, Jai Narain Vyas University Jodhpur, Jagannath University and Nirma University. More than 25 Publications in renowned National and International Journals and has authored a Text book on CR.P.C and Juvenile Delinquency law.



Subhrajit Chanda



BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); PH.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provide dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

A MULTIDIMENSIONAL STUDY OF GENDER EQUALITY: ECONOMIC, SOCIAL, AND LEGAL PERSPECTIVES IN INDIA

AUTHORED BY - OJASKAR MISHRA

IInd Year K.E.S. Shri Jayantilal H. Patel Law College, Mumbai

Abstract

This paper undertakes a multidimensional analysis of gender equality in India, examining economic, social, and legal perspectives to evaluate the distance between constitutional guarantees and ground realities. Anchored in India's commitments under the Constitution, CEDAW, and Sustainable Development Goal 5, the study critically explores disparities in labour force participation, wage structures, and unpaid care work, alongside social barriers such as child marriage, violence, patriarchal norms, and the digital divide. Legal reforms and judicial interventions, including landmark cases like *Vishaka v. State of Rajasthan* and *Shayara Bano v. Union of India*, have expanded protections, yet weak enforcement and entrenched cultural attitudes constrain substantive equality.

The research further situates India's progress in a comparative global context, contrasting it with Nordic nations that have achieved greater gender parity through robust welfare policies, universal childcare, and cultural egalitarianism. The findings reveal that while India has advanced through targeted schemes and quota systems, structural barriers and intersectional disadvantages continue to undermine women's full participation in economic, political, and social life. The paper argues that achieving real gender equality requires systemic reforms, redistribution of care responsibilities, and societal transformation beyond legal frameworks. Bridging this gap is essential for democratic consolidation, sustainable development, and inclusive growth.

Keywords: Gender Equality, CEDAW, Sustainable Development Goal 5, Judicial Interventions in India, Comparative Legal Analysis

“Gender equality is more than a goal in itself. It is a precondition for meeting the challenge of reducing poverty, promoting sustainable development and building good governance.” - Kofi Annan

Introduction

Gender equality is the principle that a person's opportunities, rights, and responsibilities should not be determined by their gender, whether it is a male, female, or trans or gender-diverse. It emphasizes ensuring that no one faces limitations, discrimination, or unfair treatment based on gender identity. For example, both boys and girls should have equal access to education, and men and women should be free to pursue careers of their choice without societal constraints. Furthermore, trans and gender-diverse individuals deserve equal respect and legal protection. Ultimately, gender equality seeks to foster a society where everyone can thrive and contribute fully without barriers or bias.

Gender equality is crucial because it impacts every facet of society. When individuals are liberated from stereotypes such as the notion that women should exclusively manage the household or that men should suppress their emotions, they can pursue their genuine interests and talents. This freedom fosters stronger economies, healthier families, and more creative, inclusive communities. Gender equality cultivates a world where everyone feels valued and safe, diverse perspectives drive innovation, and no one's future is constrained by outdated notions of gender roles. Ultimately, gender equality transcends fairness, it unlocks the potential of entire societies, paving the way for a brighter, more equitable future.

While gender equality is often celebrated as the cornerstone of justice and fairness, the concepts of gender equity and gender neutrality are equally crucial, and the overlap between the three often creates confusion in academic, legal, and social discourse.

Unpacking the Confusion: Gender Equality, Equity, and Neutrality in Law and Society

In today's society, there is often significant confusion regarding the terms gender equality, gender equity, and gender neutrality, even among students, professionals, and policymakers. Many people use these terms interchangeably, believing they convey the same meaning, but each addresses a unique aspect of gender fairness. This confusion stems from the fact that, while

all three concepts aim to promote fairness and combat discrimination, they do so in different ways: equality focuses on providing the same resources and opportunities to everyone, equity aims to achieve fairness by addressing specific disadvantages, and neutrality emphasizes treating individuals without reference to gender. Understanding these distinctions is crucial for developing effective policies and fostering meaningful social change.

Gender equality signifies that all individuals, regardless of gender, possess the same rights, responsibilities, and opportunities, ensuring that gender does not dictate access to resources, decision-making authority, or avenues for personal and professional growth. This principle is evident in various sectors, including education, employment, healthcare, and political participation. For instance, ensuring equal pay for equal work between men and women directly reflects gender equality, while providing equal educational opportunities allows both girls and boys to pursue their interests and career aspirations without barriers. In healthcare, gender equality ensures that all individuals have equal access to medical services tailored to their specific needs, free from discrimination. Additionally, promoting gender equality in political representation is crucial, as it empowers diverse perspectives to shape decision-making processes. When all genders are equitably represented in leadership roles, policies become more inclusive and reflective of the needs of the entire population. Ultimately, achieving gender equality fosters a more just and productive society, where everyone's potential can be realized, benefiting individuals and communities alike.

Gender equity, in contrast, emphasizes fairness by recognizing different circumstances and addressing historical or structural disadvantages that hinder specific groups from competing on equal terms. It ensures that individuals receive the support they need to achieve similar outcomes. There are multiple examples of gender equity include reservations for women in local governance, maternity benefits, and scholarships for girls pursuing education in STEM fields. While equality emphasizes providing the same resources and opportunities to all, equity focuses on fairness and rectifying imbalances, serving as a crucial pathway to achieving true equality.

Finally, gender neutrality pertains to policies, practices, or approaches that avoid making gender-based assumptions or granting privileges. It treats all individuals equally, without reference to gender, and aims to eliminate bias within processes and systems. Examples of gender neutrality include using terms like "parent" instead of "mother" or "father" on forms and

designing gender-neutral restrooms. Unlike equity, gender neutrality does not address historical disadvantages; rather, it ensures inclusivity and seeks to prevent the reinforcement of gender stereotypes.

Breaking Barriers, Building Futures: India's Commitment to Gender Equality and SDG 5

*Sustainable Development Goal 5 (SDG 5)*¹ focuses on achieving gender equality and empowering all women and girls. It calls on countries to eliminate discrimination, stop violence, and ensure that women have the same rights as men in areas such as education, work, property ownership, and decision-making. For India, participating in the United Nations' 2030 Agenda entails a commitment to taking meaningful action toward this goal. Gender equality transcends mere fairness and it is crucial for development. When women are empowered, poverty rates decrease, families thrive, and economies become more robust.

India has made notable progress in achieving gender equality, yet significant challenges persist. The country has nearly achieved equal enrolment of boys and girls in primary schools and is moving towards parity in higher education. However, issues such as the underrepresentation of women in the workforce, minimal political representation, and high levels of violence against women continue to hinder advancement. As of 2015, women held only about 12% of the seats in Parliament, while Sustainable Development Goal 5 calls for equal representation. Furthermore, alarming statistics from studies, such as a survey in New Delhi indicating that 92% of women reported experiencing sexual harassment in public spaces, highlight the necessity for laws and policies to be complemented by shifts in social attitudes.

To fulfil its commitments under Sustainable Development Goal 5, India has initiated various schemes and reforms. The *Beti Bachao Beti Padhao* program promotes girls' education, while the *Sukanya Samriddhi Yojana* helps families save for their daughters' futures, and the *Janani Suraksha Yojana* focuses on maternal health. Legal measures, including the Domestic Violence Act, enhanced sexual harassment laws following the Nirbhaya case, and the Women's Reservation Bill (2023) which allocates 33% of seats in Parliament and State Assemblies for women, represent significant steps forward. While these initiatives indicate that India is progressing in the right direction, achieving SDG 5 by 2030 will require addressing deep-rooted

¹ U.N. Dep't of Econ. & Soc. Affs., Sustainable Development Goal 5, <https://sdgs.un.org/goals/goal5>

issues such as entrenched social norms, safety concerns, and ensuring equal opportunities in employment and leadership roles.

India's Commitment to CEDAW: Progress, Challenges, and the Path to Gender Equality

India's commitment to gender equality is further strengthened by its ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)² in 1993. By signing and ratifying CEDAW, India accepted a binding international obligation to eliminate discrimination against women in both law and practice. This commitment extends beyond formal equality, also it emphasizes the substantive equality which necessitates transforming societal norms, practices, and stereotypes that sustain discrimination. CEDAW requires India to address gender-based disparities across various sectors, including education, employment, health, family life, and property rights. Importantly, it holds both the State and private entities accountable, acknowledging that inequality often stems from dynamics within families, workplaces, and communities, rather than solely from governmental actions or policies.

To fulfil its commitments, India has established constitutional safeguards, legislative reforms, and targeted policy initiatives. Constitutional provisions such as Articles 14³, 15⁴, and 16⁵ ensure equality before the law and prohibit discrimination, while Article 15(3)⁶ permits affirmative action specifically for women. Legal reforms, including the Dowry Prohibition Act⁷, Domestic Violence Act⁸, and Sexual Harassment of Women at Workplace Act⁹, have bolstered women's rights in practice. Additionally, policy initiatives like Beti Bachao Beti Padhao, Sukanya Samridhi Yojana, and the Women's Reservation Bill aim to improve women's welfare, safety, and political representation. Although these measures signify progress, India still grapples with challenges such as low female workforce participation, underrepresentation in decision-making roles, and ongoing gender-based violence. Achieving full compliance with

² Convention on the Elimination of All Forms of Discrimination Against Women, Dec. 18, 1979, 1249 U.N.T.S. 13.

³ India Const. art. 14.

⁴ India Const. art. 15.

⁵ India Const. art. 16.

⁶ India Const. art. 15(3).

⁷ Dowry Prohibition Act, No. 28 of 1961, India Code (1961).

⁸ Protection of Women from Domestic Violence Act, No. 43 of 2005, India Code (2005).

⁹ Prevention of Sexual Harassment Act, No. 14 of 2013, India Code (2013).

CEDAW commitments necessitates not only robust laws and policies but also a sustained effort to transform deep-rooted patriarchal norms and ensure effective enforcement.

Objectives of India under CEDAW Commitments:

- a. Abolish discriminatory laws and adopt gender-neutral legislation.
- b. Ensure women's equal rights in education, health, employment, marriage, and family life.
- c. Address and prevent violence against women, including trafficking, dowry-related abuse, and domestic violence.
- d. Guarantee women's rights to property and inheritance.
- e. Hold both State and private actors accountable for discrimination.
- f. Promote women's political representation and participation in governance.
- g. Align national laws, policies, and social practices with international standards for gender equality.

Bridging the Gap: From Legal Rights to Real Gender Equality

Modern legal systems, both internationally and nationally, have recognized gender equality as a fundamental right. Globally, instruments like the Universal Declaration of Human Rights (1948)¹⁰ and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) emphasize equal rights for all genders. In India, the Constitution upholds this principle through Articles 14, 15, and 16, while specific legislations such as the Equal Remuneration Act (1976)¹¹, the Maternity Benefit Act (1961)¹², and the Protection of Women from Domestic Violence Act (2005) reinforce the commitment to gender equality. Judicial decisions have further expanded constitutional protections, as for example, in *Air India v. Nergesh Meerza (1981 AIR SC 1829)*¹³, the Supreme Court invalidated discriminatory service conditions for air hostesses, asserting that such arbitrary rules based on gender stereotypes violate Article 14. Similarly, in *Vishaka v. State of Rajasthan (1997) 6 SCC 241*,¹⁴ the Court established guidelines against workplace sexual harassment, referring to CEDAW and demonstrating that international norms can inform domestic law to advance gender justice. These frameworks and judicial rulings illustrate that gender equality is both a legal and

¹⁰ Universal Declaration of Human Rights, G.A. Res. 217 A (III), U.N. Doc. A/810, at 71 (Dec. 10, 1948).

¹¹ Equal Remuneration Act, No. 25 of 1976, India Code (1976).

¹² Maternity Benefit Act, No. 53 of 1961, India Code (1961).

¹³ *Air India v. Nergesh Meerza*, A.I.R. 1981 S.C. 1829 (India).

¹⁴ *Vishaka v. State of Rajasthan*, (1997) 6 S.C.C. 241 (India).

principled reality.

Despite formal recognition of gender equality, a significant gap remains between rights on paper and their practical implementation. Women continue to face economic inequality as they earn less than men even with legal protections in place. Their participation in the labour force is among the lowest globally. Educational barriers rooted in social biases discourage girls from pursuing higher education while patriarchal cultural norms limit women's autonomy within families. The *Nergesh Meerza* case illustrates how employment rules that seem neutral are often based on patriarchal notions that view women as expendable, highlighting the connection between legal frameworks and societal biases. Similarly, the *Vishaka* judgment was a progressive step but revealed the lack of concrete legislation at the time and the need for judicial activism to address enforcement gaps. Political inequality compounds these issues, evident in the underrepresentation of women in legislatures and leadership roles. These disparities show that legal rights alone cannot eliminate systemic discrimination.

The persistence of inequality can be attributed to patriarchal structures, lack of awareness, weak implementation, and intersectional disadvantages stemming from caste, class, and rural–urban divides. Courts have often recognized these barriers, but legal interventions without social change remain limited in their effectiveness. For example, while the *Vishaka* guidelines led to the enactment of the Sexual Harassment of Women at Workplace Act in 2013, incidents of workplace harassment continue due to weak compliance and stigma surrounding reporting. Additionally, although the *Nergesh Meerza* ruling abolished discriminatory service rules, many professions still impose "glass ceilings" and implicit biases that restrict women's advancement. Therefore, while legal rights are essential, they are not enough without social transformation. Achieving true gender equality requires not only stronger enforcement of laws but also awareness campaigns, economic empowerment, social reforms, and a shift in societal attitudes to ensure that equality is both guaranteed in law and practiced in everyday life.

Tracing the Realities of Gender Equality Across Different Spheres

To truly understand whether legal guarantees of gender equality translate into lived realities, it is essential to examine this theory across various social, economic, and legal spheres. This examination allows us to assess the practical impact of laws designed to promote equality, revealing how effectively they address issues like wage disparity, workplace discrimination,

and educational access. By analysing social dynamics, we can uncover how cultural norms and biases influence women's opportunities and experiences in daily life. Economically, we must consider how financial independence and access to resources empower women and foster their participation in the workforce. Legally, exploring the effectiveness of enforcement mechanisms, court rulings, and advocacy efforts can shed light on how well laws are implemented and whether they genuinely protect women's rights. This comprehensive approach highlights the complexities of gender equality, illustrating that legal provisions alone are insufficient without a holistic transformation of societal attitudes and structures.

Gender Inequality in India's Economic Sphere: Legal Rights vs. Reality

Economic independence is frequently regarded as essential for empowerment; however, for millions of Indian women, equality in the economic sphere remains more a promise than a reality. Although the Constitution and various laws acknowledge the right to equal pay, equal opportunity, and fair treatment, women still encounter structural, cultural, and institutional barriers that hinder their pursuit of economic parity with men. These challenges manifest in the form of wage gaps, underrepresentation in various industries, and limited access to resources such as credit and training. Consequently, there is a stark disparity between the legal rights articulated on paper and the lived experiences of women in the workforce. This gap underscores the need for a concerted effort to dismantle these barriers and ensure that legal frameworks translate into meaningful economic empowerment for women.

1. Labor Force Participation Rate (LFPR)

One of the most glaring indicators of economic inequality is the gap in labour force participation. As of 2024, only 32.8% of working-age women (aged 15 and above) are employed or actively seeking employment, compared to 77.1% of men (World Bank, 2024¹⁵). This statistic reveals that less than one in three women in India are part of the workforce, while the majority of men are actively engaged in employment. Social expectations often dictate that women prioritize family and household responsibilities over paid work, and factors such as unsafe public spaces, insufficient childcare facilities, and limited mobility contribute to a challenging environment for women's employment. Despite constitutional assurances under Articles 14 and 16, these structural barriers highlight that women's economic rights remain significantly

¹⁵ World Bank, Labor Force Participation Rate, World Development Indicators (2024), <https://data.worldbank.org/indicator/SL.TLF.CACT.ZS>

unmet, underscoring the need for comprehensive strategies to support their full participation in the workforce.

2. **Wage Disparities**

Even when women are employed, they earn significantly less than men. According to the International Labour Organization (2024), women in India earn approximately 43% less¹⁶ than men for similar work. This wage gap is not solely due to inadequate enforcement of the Equal Remuneration Act of 1976; it also stems from women's concentration in lower-paying positions and their limited opportunities for advancement to leadership roles. A landmark case illustrating this disparity is *Mackinnon Mackenzie & Co. Ltd. v. Audrey D'Costa (1987)*,¹⁷ where female stenographers successfully challenged unequal pay compared to their male counterparts performing the same tasks. The Supreme Court ruled that this discrimination violated the Equal Remuneration Act as well as Article 39(d) of the Constitution, which mandates "equal pay for equal work." Despite such judicial rulings, the ongoing wage gap highlights the deeply entrenched gender bias that persists within India's economic system.

3. **Informal Employment**

Another pressing issue is the overrepresentation of women in the informal economy. Approximately 85% of India's total workforce is employed informally (ILO)¹⁸, and women make up a disproportionately large share of this group. They are primarily concentrated in sectors such as agriculture, domestic work, small-scale industries, and home-based work positions that typically offer low wages, lack job security, and do not provide access to social benefits like pensions or maternity leave. In contrast, men are more likely to secure stable, formal-sector jobs. This imbalance denies women the opportunity to achieve long-term financial stability and perpetuates cycles of poverty and dependence. While the law recognizes equal opportunities, the reality of informal employment demonstrates how systemic gaps prevent women from fully benefiting from these legal rights.

4. **Unpaid Care Work**

A major hidden barrier to women's participation in the economy is the burden of unpaid care

¹⁶ Int'l Labour Org., Global Wage Report 2024–25: Wages and Inequality (2024), https://www.ilo.org/global/publications/WCMS_771749/lang--en/index.htm

¹⁷ Mackinnon Mackenzie & Co. v. Audrey D'Costa, (1987) 2 S.C.C. 469 (India).

¹⁸ Int'l Labour Org., India Labour Market Update: Informal Employment Statistics (2023), https://www.ilo.org/newdelhi/info/public/pr/WCMS_867716/lang--en/index.htm

work. According to an ILO report cited by the Indian Express, 53% of Indian women are out of the workforce because they are occupied with household responsibilities¹⁹ like childcare, eldercare, and domestic chores. In contrast, men contribute significantly less to unpaid care work, spending only a fraction of the time that women do. This “double burden” of managing home responsibilities while trying to engage in paid work limits women’s ability to pursue careers and achieve financial independence. Although legal frameworks like the Maternity Benefit Act of 1961 provide some protections, supportive measures such as affordable childcare, paternity leave, and social recognition of unpaid labour are essential. Without these, women’s contributions to the economy remain undervalued and largely invisible.

The economic landscape highlights the stark difference between legal rights and everyday realities. India’s Constitution, along with laws like the Equal Remuneration Act and key judicial decisions such as *Mackinnon Mackenzie v. Audrey D'Costa*, clearly support the principle of equal pay and opportunity. However, issues like low female labour force participation, ongoing wage gaps, informal employment, and the significant burden of unpaid care work show that legal rights alone cannot dismantle deeply entrenched social and structural barriers. Achieving true gender equality in the economy requires more than legislation; it calls for active policy support, stronger enforcement, safer workplaces, access to affordable childcare, and a cultural shift that recognizes and values women's contributions, both paid and unpaid. Only then can India transition from a system of “rights on paper” to real equality in practice.

Gender Equality in the Social Sphere

Introduction

Gender equality represents both a constitutional promise and a social aspiration, yet the everyday experiences of women highlight significant gaps between principle and practice. Article 14 of the Indian Constitution guarantees equality before the law, while Article 15 prohibits discrimination based on sex. However, despite these protections, India continues to face social barriers that hinder women from achieving equality in education, cultural practices, and community life. According to the Global Gender Gap Report 2024 (World Economic Forum), India ranked 129th out of 146 countries²⁰, with the most notable disparities in political

¹⁹ ILO Report, Indian Express (July 6, 2021), <https://indianexpress.com/article/india/ilo-report- unpaid-care-indian-women-7382143/>

²⁰ World Econ. Forum, Global Gender Gap Report 2024 (2024), <https://www.weforum.org/reports/global-gender->

empowerment and economic participation. The social environment, influenced by factors such as education, culture, caste, class, and religion, plays a crucial role in either perpetuating or challenging inequality.

1. Education and the Digital Divide

Education is the cornerstone of empowerment, yet access to it remains unequal. According to the Census 2011, the female literacy rate stood at 70.3%, compared to 84.7% for men²¹. While the **National Family Health Survey (NFHS-5)** from 2019 to 2021²² shows some improvements, dropout rates for girls remain high at the secondary level due to factors such as early marriage, household responsibilities, and insufficient safe transportation. The COVID-19 pandemic exacerbated these issues, as 1.5 million schools closed, affecting nearly 247 million children, with girls disproportionately impacted due to limited access to digital devices (UNICEF India, 2021).²³

The digital divide further complicates these challenges. The GSMA Mobile Gender Gap Report 2023 indicates that Indian women are 19% less likely than men to own a smartphone and 33%²⁴ less likely to utilize mobile internet. During school closures, boys were more likely to continue their education through online classes, while many girls were left out. Government initiatives like Digital India, Uttar Pradesh's free smartphone program, and **Kerala's Kudumbashree Mission** aimed at promoting digital literacy for rural women are important steps forward. However, without addressing issues of affordability, safety, and socio-cultural restrictions, the goal of digital empowerment remains incomplete.

2. Cultural and Patriarchal Barriers

Patriarchy continues to dictate women's roles in Indian society. Son preference remains deeply rooted: Census 2011 recorded a child sex ratio of **919 girls per 1000 boys**, reflecting bias even before birth. NFHS-5 shows that **30% of women aged 18–29** were married before the legal age of 18, despite the *Prohibition of Child Marriage Act, 2006*. Child marriage limits education,

[gap-report-2024](#)

²¹ Office of the Registrar Gen. & Census Comm'r, Census of India 2011, Provisional Population Totals (2011), <https://censusindia.gov.in/>

²² Ministry of Health & Family Welfare, Nat'l Family Health Survey (NFHS-5), India 2019–21 (2021), https://rchiips.org/nfhs/NFHS-5Reports/NFHS-5_INDIA_REPORT.pdf

²³ UNICEF India, COVID-19 and School Closures: Impact on Children (2021), <https://www.unicef.org/india/reports/covid-19-and-school-closures>

²⁴ GSMA, The Mobile Gender Gap Report 2023 (2023), <https://www.gsma.com/r/gender-gap/>

fuels poverty, and exposes young women to early motherhood.

Patriarchal norms also shape women's work and autonomy. India's female labour force participation rate (LFPR) is only **37%**, compared to **78% for men** (PLFS 2022–23)²⁵. Even working women face the “double burden” of paid jobs and unpaid domestic labour. The *Time Use Survey (2019)* found that women spend **299 minutes per day** on unpaid domestic work, compared to just **97 minutes by men**²⁶. Violence remains another stark reality: NCRB 2022 reported **4.45 lakh cases of crimes against women**²⁷, though underreporting suggests the true figures are higher. Judicial interventions have filled gaps, *Vishaka v. State of Rajasthan (1997)* established guidelines against workplace sexual harassment, later codified in the *POSH Act, 2013*. Yet, societal attitudes change much more slowly than laws

3. Intersectionality: Caste, Class, and Religion

Gender inequality in India is magnified when overlapped with caste, class, and religion. Dalit and Adivasi women face “triple oppression” of gender, caste, and poverty. NCRB 2022 data shows that **over 13% of crimes against Scheduled Castes are committed against Dalit women**. The *Hathras case (Satyama Dubey v. Union of India, (2020) 10 SCC 694*²⁸), where a young Dalit woman was brutally assaulted and denied dignity even in death, revealed the vulnerability of marginalized women.

Class also determines access: women from affluent families often enjoy better education and digital access, while poor women, especially in the informal sector lack protections like maternity benefits and fair wages. Religion further compounds inequality. Many Muslim women face added barriers due to poverty and stereotypes. The Supreme Court's decision in *Shayara Bano v. Union of India (2017)*²⁹, striking down instant triple talaq, was a milestone in strengthening Muslim women's rights. Still, challenges remain in personal laws, access to education, and fair employment. As Kimberlé Crenshaw's concept of *intersectionality* shows, addressing gender alone is not enough policies must also tackle caste, class, and religion.

²⁵ Ministry of Statistics & Programme Implementation, Periodic Labour Force Survey (PLFS), Annual Report 2022–23 (2023), <https://mospi.gov.in/>

²⁶ Ministry of Statistics & Programme Implementation, Time Use Survey, India—2019 (2020), https://mospi.gov.in/documents/213904/301563/TUS_2019_1621234058976.pdf

²⁷ Nat'l Crime Records Bureau, Crime in India 2022 (2023), <https://ncrb.gov.in/en/crime-india-2022>

²⁸ *Satyama Dubey v. Union of India*, (2020) 10 S.C.C. 694 (India).

²⁹ *Shayara Bano v. Union of India*, (2017) 9 S.C.C. 1 (India).

The social sphere shows how legal rights alone cannot dismantle deeply entrenched inequalities. While literacy rates and digital access have improved, dropout rates, child marriage, low labour participation, and widespread violence hold women back. Intersectional disadvantages make the challenge even harder for Dalit, Adivasi, poor, and minority women. Achieving true gender equality in India requires more than legal reforms it needs grassroots social change, awareness campaigns, and targeted policies that address the unique struggles of marginalized groups. As India works toward its commitment under *SDG 5: Gender Equality*, policymakers, communities, and civil society must act together to challenge patriarchal norms and create a society where women are not only legally equal but also socially empowered.

Gender Equality in the Legal and Quota Framework: Rights vs. Reality

Despite enshrining gender equality in Articles 14, 15 and 16, which guarantee equal treatment under the law, ban sex-based discrimination and promise fair access to public jobs, India still struggles to translate these promises into reality. The World Economic Forum's 2024 Global Gender Gap Report ranks India a disappointing 129th out of 146 countries, highlighting persistent shortfalls in women's political voice and workforce participation. This gap between theory and practice shows that legal rights alone aren't enough, the real progress depends on rigorous enforcement, targeted measures such as reserved quotas, and a balanced debate over whether laws should offer special protections or adopt a wholly gender-neutral approach.

1. Constitutional Guarantees and Judicial Activism

India's Supreme Court has actively turned constitutional promises into real protections for women. In *Vishaka v. State of Rajasthan* (1997), it read Articles 14, 15 and 21 together to lay down binding rules against workplace sexual harassment recognizing for the first time that such conduct offends fundamental rights. Two decades later, *Shayara Bano v. Union of India* (2017) struck down instant triple talaq as an arbitrary denial of equality under Article 14, and in *Joseph Shine v. Union of India* (2018)³⁰ it invalidated the adultery law (Section 497 IPC)³¹ for treating married women as their husbands' property, in breach of Articles 14 and 15. These landmark judgments show the Constitution's guarantees in action, dismantling entrenched biases and expanding women's autonomy.

³⁰ *Joseph Shine v. Union of India*, (2019) 3 S.C.C. 39 (India).

³¹ Indian Penal Code, No. 45 of 1860, § 497, India Code (1860).

2. Reservation and Representation at the National Level

Women remain underrepresented in law-making bodies. In the 18th Lok Sabha (2024), only **74 out of 543 members (13.6%)** were women, far below the global average of **26.5%** (Inter-Parliamentary Union, 2023)³². To address this, Parliament passed the *Women's Reservation Bill*,³³ 2023, mandating 33% reservation for women in the Lok Sabha and State Assemblies. However, implementation is tied to future census and delimitation exercises, likely delaying its effect until at least 2029. This raises a key debate: is representation merely symbolic (increasing numbers) or substantive (influencing policy outcomes)? Experience suggests that while quotas improve visibility, entrenched party hierarchies and patriarchal attitudes still limit women's substantive empowerment in national politics.

3. Grassroots Empowerment through Panchayati Raj

At the grassroots, reservations have produced more visible impact. The *73rd Constitutional Amendment (1993)* mandated 33% reservation for women in Panchayati Raj Institutions (PRIs), with 21 states and 2 Union Territories later raising it to 50%. India now has **over 1.4 million elected women representatives**, the largest number in the world. Studies show that women leaders often prioritize issues like water, education, and healthcare, reflecting substantive empowerment at the community level. However, challenges like "proxy representation," where male relatives informally control elected women's decisions, highlight that legal reforms need to be backed by capacity-building and cultural change to create genuine empowerment.

4. Gender Neutrality vs. Protective Laws

Protective laws have expanded safeguards for women, especially after the *Criminal Law (Amendment) Act, 2013*³⁴, which widened the scope of sexual offences and criminalized stalking and voyeurism. NCRB 2022 recorded **4.45 lakh cases of crimes against women**, making such protections essential. Yet, critics warn that women-centric laws may reinforce stereotypes of women as permanent victims. There is increasing demand for **gender-neutral criminal laws** that protect men and LGBTQ+ persons as well. The most contentious issue remains marital rape, which is excluded from the definition of rape under Section 375 IPC³⁵ due

³² Inter-Parliamentary Union, *Women in National Parliaments: World and Regional Averages* (Dec. 1, 2023), <https://data.ipu.org/women-ranking>

³³ Constitution (One Hundred and Sixth Amendment) Act, No. 33 of 2023, India Code (2023)

³⁴ Criminal Law (Amendment) Act, No. 13 of 2013, India Code (2013).

³⁵ Indian Penal Code, No. 45 of 1860, § 375, India Code (1860).

to the spousal exception. Ongoing petitions before the Supreme Court argue that this denial violates Articles 14 and 21, as it strips women of bodily autonomy. The debate thus lies between targeted protections to address women's vulnerability and neutral frameworks that recognize the rights of all genders equally.

India's legal and quota framework reflects a constant negotiation between constitutional ideals and ground realities. Judicial interventions in *Vishaka*, *Joseph Shine*, and *Shayara Bano* have dismantled discriminatory practices, while quota policies have shown mixed outcomes, transformative at the grassroots but slow at the national level. Statistics underline the urgency: only **13.6% of MPs are women**, and female labour force participation remains just **37% compared to 78% for men (PLFS 2022–23)**. Moving forward, India must strike a balance between protective laws and gender-neutral frameworks, ensuring both safety and equality. True empowerment will not only come from higher numbers of women in office but also from substantive influence in decision-making and recognition of autonomy for all genders.

Having explored gender equality in the economic, social, and legal-constitutional spheres within India, it becomes clear that progress has been uneven. Laws and policies have expanded opportunities, but structural barriers, cultural norms, and unequal access continue to create gaps between rights and realities. To better understand India's position, it is useful to place its progress in a global context, particularly against countries that have consistently performed well on gender equality.

Beyond Borders: Why India Lags Behind Nordic Nations in Gender Equality

Gender equality is not only a national concern but also a global benchmark for progress. While countries around the world have adopted policies to promote inclusion, the extent of success varies widely. Nordic countries such as Iceland, Norway, Finland, and Sweden consistently rank at the top of global gender equality indices, whereas India continues to lag far behind. Comparing India's progress with these global leaders helps identify structural differences, policy gaps, and cultural challenges that explain why gender parity remains elusive in the Indian context.

Comparative Analysis

The *Global Gender Gap Report 2024* highlights stark contrasts. India ranked **129th out of 146 countries**, achieving just **64.1% parity**, while Iceland, Finland, Norway, and Sweden occupied the top five positions, each exceeding **80% parity**. In political representation, India's 18th Lok Sabha (2024) has only **13.6% women MPs**, compared to Nordic parliaments where women make up **40–46%** of members. At the grassroots, India performs better due to constitutional reservations, with over **1.4 million elected women representatives** in Panchayati Raj Institutions. However, at the national level, the *Women's Reservation Bill, 2023*, mandating 33% representation in Parliament and State Assemblies, remains pending implementation.

Labour force participation highlights another sharp divide. India's female LFPR is between **32–37%** (*PLFS 2022–23*), while Nordic countries report rates above **60%**. A key reason lies in welfare policies: Nordic nations provide universal childcare, generous parental leave, and encourage men to share caregiving responsibilities. For example, Sweden grants **480 days of paid parental leave**, with **90 days reserved for fathers**³⁶, while India offers **26 weeks of maternity leave** and no statutory paternity leave. These differences allow Nordic women to maintain continuous careers and achieve senior-level representation, while many Indian women are forced to drop out of the workforce due to caregiving burdens.

Reasons for India's Lag in Gender Parity

India's slower progress stems from overlapping structural, cultural, and economic barriers. First, **unpaid care work** remains disproportionately high: women spend **7.2 hours daily** on unpaid tasks, compared to men's **2.7 hours** (*Time Use Survey, 2019*)³⁷. Nordic states reduce this burden by providing public childcare and eldercare services. Second, the **digital divide** restricts opportunities: Indian women are **19% less likely to use mobile internet** (*GSMA, 2023*),³⁸ while digital inclusion is nearly universal in Nordic countries. Third, India faces a **persistent gender pay gap** women earn **20–30% less than men**³⁹ and most are concentrated in informal, low-paying jobs, unlike Nordic economies with pay transparency and stronger labour

³⁶ Swedish Soc. Ins. Agency, Parental Benefit: Information on Föräldrapenning (2024), <https://www.forsakringskassan.se/english/parental-benefit>

³⁷ Ministry of Statistics & Programme Implementation, *Time Use Survey, India-2019* (2020), https://mospi.gov.in/documents/213904/301563/TUS_2019_1621234058976.pdf

³⁸ GSMA, *The Mobile Gender Gap Report 2023* (2023), <https://www.gsma.com/r/gender-gap/>

³⁹ Int'l Labour Org., *India Wage Report: Wage Policies for Decent Work and Inclusive Growth* (2018), https://www.ilo.org/global/publications/books/WCMS_638305/lang--en/index.htm

protections.

Cultural and social norms also play a role. Patriarchal traditions, child marriage, and son preference continue to limit women's choices in education and work, while marginalized groups such as Dalit, Adivasi, and Muslim women face compounded disadvantages. By contrast, Nordic societies uphold stronger gender-egalitarian values, backed by effective anti-discrimination enforcement. Finally, gaps in India's legal protections, such as the non-criminalization of marital rape and weak enforcement of workplace harassment laws, further restrict substantive equality.

The comparative study reveals that India's gender equality framework is ambitious on paper but constrained in practice, while Nordic countries have achieved sustained progress through comprehensive welfare policies, cultural shifts, and robust implementation. India lags because of its high unpaid care burden, digital exclusion, wage inequality, cultural patriarchy, and weak enforcement of gender-sensitive laws. Bridging these gaps requires not just more legislation but also systemic investments in childcare, digital inclusion, and social reforms that challenge traditional gender roles. As India works toward its commitments under the **Sustainable Development Goals (SDG 5: Gender Equality)**, lessons from the Nordic model show that equality cannot be achieved by legal rights alone, it must be supported by structural welfare systems and societal change.

Reforming the Future: India's Path to Real Gender Equality

The first step to building true equality is to ensure that every girl not only has the right but also the opportunity to complete her education. While India has made progress in primary schooling, many girls still drop out at higher levels due to early marriage, safety concerns, or household responsibilities. Equal access must also include digital empowerment. In today's world, smartphones and internet access are not luxuries but necessities. Bridging the digital divide by giving women affordable access to devices, training, and safe digital spaces can open doors to education, jobs, and entrepreneurship, breaking long cycles of exclusion.

India cannot become a true global power while half of its population remains on the margins of the workforce. Women need safe workplaces, fair wages, and reliable childcare support to participate fully in the economy. Introducing paternity leave and encouraging men to share

caregiving responsibilities would ease the care burden that forces many women out of paid work. At the same time, society must challenge patriarchal attitudes that value sons more than daughters or expect women to give up their careers for family duties. True economic equality will come not only from better laws but also from changing mindsets and creating workplaces where women are valued equally.

Greater representation in politics and governance is also essential for women to influence decisions that affect their lives. The Women's Reservation Bill, once implemented, has the potential to be transformative in Parliament and State Assemblies, just as local body reservations have already empowered millions of women at the grassroots. But representation must mean more than numbers, it should ensure that women's voices are genuinely heard and not overshadowed by party hierarchies or male relatives. Alongside this, India must push forward with legal reforms such as recognizing marital rape, protecting informal women workers, and improving justice systems. Only when legal rights, cultural change, and social reforms come together can gender equality in India move from being a promise on paper to a lived reality

CONCLUSION

Gender equality in India remains a constitutional promise that is yet to be fully realized in practice. Across the economic, social, and legal spheres, persistent barriers ranging from wage disparities and low labour force participation to patriarchal social norms, child marriage, and underrepresentation in politics reveal the distance between rights on paper and lived realities. Judicial interventions and quota policies have advanced gender justice, but their impact is often diluted by weak implementation, deep-rooted cultural attitudes, and intersectional disadvantages faced by marginalized women.

The comparative perspective underscores these gaps more sharply. While Nordic countries have achieved sustained progress through universal welfare systems, gender-egalitarian cultural norms, and robust enforcement of equality laws, India continues to grapple with high unpaid care burdens, digital exclusion, wage inequality, and insufficient policy support. The lesson is clear: legal guarantees alone are not enough. Substantive equality requires systemic reforms that address structural barriers, redistribute care responsibilities, and empower women with access to education, technology, and decision-making power.

As India moves forward with its commitments under **SDG 5 (Gender Equality)** and international obligations like **CEDAW**, the path ahead lies in a dual approach **strengthening enforcement of existing rights while fostering social transformation through awareness, cultural change, and welfare-oriented policies**. True gender equality will emerge only when women, across caste, class, religion, and region, can participate fully and equally in economic, political, and social life. Bridging this gap is not merely a question of fairness but a precondition for India's democratic strength, sustainable development, and global leadership in the 21st century.

