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Through its publications, *White Black Legal – The Law Journal* seeks to foster critical legal thinking and contribute to the development of law as an instrument of justice, governance, and social progress, while expressly disclaiming responsibility for the application or misuse of published content.

A STUDY ON GENDER DISCRIMINATION AND DIVISION OF LABOUR

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CHAPTER I – INTRODUCTION

1.1 Background of the Study

Gender discrimination refers to unequal treatment, exclusion, disadvantage or restriction experienced by a person because of sex or gender. Although modern constitutional systems formally recognize equality, social institutions may continue to distribute opportunities and responsibilities differently between men and women. One of the most persistent manifestations of this inequality is the division of labour. Labour is not confined to paid employment. It includes household management, cooking, cleaning, childcare, elder care, emotional support, family administration and community responsibilities. A substantial part of this work remains unpaid and is often treated as a natural family obligation rather than as economically and socially valuable labour.

Historically, social expectations have associated men with productive, remunerated and public activities and women with reproductive, domestic and caregiving activities. Such an arrangement may be presented as a matter of personal choice or family tradition, but choices are often shaped by social expectations, unequal bargaining power, access to resources, workplace conditions and the availability of care infrastructure. Consequently, the study of gender discrimination requires an examination not only of overt discriminatory rules but also of the structures that allocate work and opportunities unequally.

The problem becomes particularly significant when women enter paid employment without a corresponding redistribution of domestic responsibilities. The result may be a double burden: participation in paid work combined with primary responsibility for unpaid household labour. This can influence employment decisions, working hours, career progression, occupational choices, income, savings and retirement security. The issue therefore connects gender equality with labour rights, economic independence, dignity and substantive equality.

In India, the constitutional commitment to equality is expressed through Articles 14, 15 and 16, while Article 21 has been interpreted broadly to protect dignity and meaningful life. Directive Principles also provide a framework for social and economic justice. Yet legal

equality does not automatically produce equality in everyday life. The continuing division of work along gender lines demonstrates the difference between equality as a formal legal principle and equality as a lived social reality.

1.2 Significance of the Study

The study is significant because gender discrimination is not limited to explicit exclusion from employment or unequal wages. It may also operate through the unequal distribution of unpaid domestic and care work. When one gender is expected to perform a greater share of household labour, that expectation can affect access to education, employment, career advancement, economic independence and participation in public life.

From a legal perspective, the study is important for understanding the relationship between constitutional equality and actual social arrangements. Articles 14, 15 and 16 provide important guarantees against discrimination and inequality, while Article 21 supports the broader values of dignity and personal liberty. The study examines whether these legal principles adequately respond to structural inequalities connected with the division of labour.

The study is also relevant to labour law and workplace equality. Equal pay, occupational opportunity, workplace dignity and protection from discrimination cannot be examined in isolation from caregiving responsibilities. A meaningful approach to equality therefore requires attention to both paid employment and unpaid labour.

The study further has comparative significance because international instruments and selected foreign legal systems recognize the relationship between employment equality, caregiving responsibilities and social support. A doctrinal comparison can help identify legal principles and approaches that may inform the Indian context.

1.3 Review of Literature

The literature on gender discrimination generally explains discrimination as unequal treatment, exclusion or disadvantage based on sex or gender. It identifies direct discrimination, indirect discrimination and structural discrimination as important forms. The literature also emphasizes that gender stereotypes may influence recruitment, promotion, occupational choice and allocation of work even where no express discriminatory rule exists.

Literature on division of labour distinguishes between paid and unpaid labour. Paid employment is generally visible through employment records and economic indicators, whereas domestic work such as cooking, cleaning, childcare and elder care is frequently unpaid and under-recognized. The literature therefore treats the invisibility and undervaluation of

domestic labour as an important dimension of gender inequality.

Indian constitutional and labour-law scholarship has examined equality, equal remuneration, workplace discrimination, sexual harassment and dignity. Judicial decisions such as *Air India v. Nergesh Meerza*, *Randhir Singh v. Union of India*, *Vishaka v. State of Rajasthan*, *Anuj Garg v. Hotel Association of India*, *Mackinnon Mackenzie & Co. Ltd. v. Audrey D'Costa* and *Joseph Shine v. Union of India* illustrate the development of judicial reasoning concerning equality, stereotypes, equal pay, dignity and gender-based discrimination.

International literature and legal materials, including the UDHR, CEDAW and ILO standards, connect gender equality with equal treatment in employment, equal remuneration and recognition of family responsibilities. Comparative approaches from jurisdictions such as the United Kingdom and United States further demonstrate the use of anti-discrimination law together with family-related employment protections.

The reviewed literature therefore establishes that gender discrimination and division of labour are interconnected legal and social issues. However, there remains a need for a focused doctrinal study bringing constitutional equality, labour law, judicial decisions, unpaid domestic labour and selected international standards together within a single analytical framework.

1.4 Research Gap

Existing literature contains substantial discussion of gender equality, workplace discrimination, equal pay, sexual harassment and women's rights. Separate studies also examine unpaid domestic work and the social construction of gender roles. However, these subjects are often considered independently rather than as interconnected aspects of the division of labour.

A further gap exists in the legal analysis of the relationship between unpaid domestic labour and substantive equality. While constitutional and statutory provisions prohibit discrimination and promote equality, the legal consequences of an unequal distribution of household and care responsibilities require closer examination. The present study attempts to connect these dimensions by examining how formal legal guarantees interact with structural patterns of labour allocation.

The study therefore focuses on the legal framework governing gender discrimination and labour inequality, the judicial approach to equality and dignity, the position of unpaid domestic and care work, and selected international approaches. The research gap lies in bringing these areas together through a doctrinal analysis of gender-based division of labour.

1.5 Research Objectives

- To examine the concept and development of gender discrimination and division of labour.
- To analyse the constitutional and legal framework relating to gender equality in India.
- To study the distribution of paid and unpaid labour between men and women.
- To examine judicial approaches to equality, equal pay and workplace dignity.
- To compare selected international approaches with the Indian position.
- To identify legal and institutional measures for reducing gender-based inequalities in labour.

1.6 Research Question

- What are the historical and social foundations of gender-based division of labour?
- How does the Indian constitutional and legal framework address gender discrimination and labour inequality?
- How does unpaid domestic and care work affect women's economic participation and independence?
- What approach have Indian courts adopted towards equality, equal pay, dignity and workplace discrimination?
- How do selected international frameworks address gender equality and the division of labour?
- What legal and institutional measures can promote a more equitable distribution of labour?

1.7 Research Methodology

The present study adopts a purely doctrinal research methodology. It is based on the systematic study, interpretation and analysis of legal materials rather than interviews, questionnaires, surveys, field studies or other empirical methods.

The primary sources of the study include the Constitution of India, relevant statutes, delegated legislation where applicable, judicial decisions of the Supreme Court and High Courts, and relevant international legal instruments. These materials are examined to identify legal principles relating to equality, non-discrimination, equal pay, workplace dignity and gender-based allocation of labour.

Secondary sources include textbooks, commentaries, journal articles, research papers, reports

and other scholarly literature relevant to gender discrimination and division of labour. These sources are used to understand existing academic interpretations and to support the doctrinal analysis.

The study follows an analytical approach within doctrinal research. Legal rules and judicial decisions are examined, compared and interpreted to determine the extent to which the existing legal framework addresses both direct discrimination and structural inequality arising from the division of labour. No primary empirical data are collected for this study.

1.8 Limitations of Study

The study focuses principally on India, with selected international comparisons. It examines gender discrimination in relation to household labour, paid employment, wages, occupational segregation and workplace dignity, but it does not attempt to provide an exhaustive treatment of every aspect of gender law.

A further limitation is that unpaid domestic labour is difficult to measure using conventional employment indicators. The study therefore treats legal recognition, social valuation and economic consequences as connected but distinct issues.

Since the research is purely doctrinal, the study does not include interviews, questionnaires, field surveys or independently collected empirical data. Accordingly, conclusions are drawn from legal texts, judicial decisions, international instruments and secondary legal literature.

1.9 Scheme of the Study

Chapter I – Introduction: This chapter introduces the concept of gender discrimination and division of labour, explains the significance of the study, reviews relevant literature, identifies the research gap, states the objectives and research questions, explains the doctrinal methodology, and sets out the limitations and scheme of the study.

Chapter II – Evolution of Gender Discrimination and Division of Labour: This chapter examines the historical development of gender roles, traditional allocation of work, the evolution of gender equality and the changing understanding of paid and unpaid labour.

Chapter III – Constitutional and Legal Framework in India: This chapter examines constitutional guarantees of equality and relevant statutory provisions relating to gender equality, labour rights and protection against discrimination.

Chapter IV – Gender Division of Paid and Unpaid Labour: This chapter analyses household work, caregiving, occupational segregation, equal pay and the economic consequences of the unequal distribution of labour.

Chapter V – Judicial Approach in India: This chapter studies important judicial decisions concerning equality, equal pay, gender stereotypes, workplace dignity and discrimination.

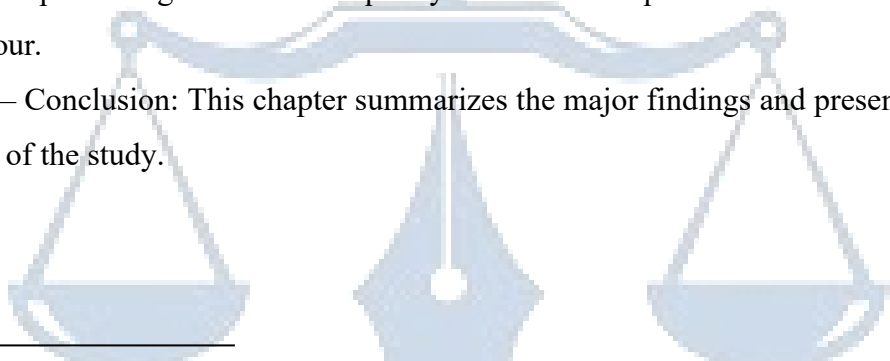
Chapter VI – Workplace Discrimination and Institutional Issues: This chapter examines workplace practices, barriers to participation, occupational inequality and legal protection against discriminatory practices.

Chapter VII – International Perspective: This chapter considers the UDHR, CEDAW, ILO standards and selected approaches from the United Kingdom, United States and other jurisdictions.

Chapter VIII – Critical Analysis and Findings: This chapter brings together the doctrinal findings and critically evaluates the strengths and limitations of the existing legal framework.

Chapter IX – Suggestions and Recommendations: This chapter proposes legal and institutional measures for promoting substantive equality and a more equitable distribution of paid and unpaid labour.

Chapter X – Conclusion: This chapter summarizes the major findings and presents the overall conclusion of the study.

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1. Constitution of India, arts. 14, 15 and 16 (equality and non-discrimination).
 2. Constitution of India, art. 21 (protection of life and personal liberty).
 3. *Air India v. Nergesh Meerza*; *Randhir Singh v. Union of India*.
 4. *Vishaka v. State of Rajasthan*; *Anuj Garg v. Hotel Association of India*.
 5. *Mackinnon Mackenzie & Co. Ltd. v. Audrey D'Costa*; *Joseph Shine v. Union of India*.
 6. Universal Declaration of Human Rights (UDHR); Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); relevant ILO standards.
 7. Methodology: doctrinal analysis of constitutional provisions, statutes, judicial decisions, international instruments and secondary legal literature.
 8. The chapter scheme and research scope are reproduced from the supplied Chapter I.