

THE HUMAN RIGHTS AND GENDER EQUALITY IN INDIA: PROGRESS, CHALLENGES AND OPPORTUNITIES

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Abstract

This chapter looks at the condition of human rights and gender equality in India, highlighting progress, challenges, and opportunities for future action. Despite constitutional guarantees and legislative measures, women and marginalized communities in India continue to face discrimination and inequality. The chapter explores the complex interplay between patriarchal norms, limited access to healthcare, education, violence against women, and intersectional discrimination. It also discusses policy reforms, education and awareness, women's empowerment, and intersectional approaches as opportunities to address these challenges. By analyzing the Indian context, this chapter seeks to inform initiatives for a more equitable society by adding to the current conversation on human rights and gender equality.

Keywords

Gender equality, Human rights, Education, Violence against women, Policy reforms, Women's empowerment.

Introduction

India, a country with a rich cultural heritage and diverse population, has made considerable progress toward promoting gender equality and human rights. However, despite constitutional guarantees and legislative measures, women and marginalized communities continue to face discrimination and inequality. This

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Anu Books

Different Faces of Gender Inequality in India

DOI: <https://doi.org/10.31995/Book.AB327-J1.Chapter8>

Plagiarism Report: 6%

chapter examines the status of gender equity and human rights in India, highlighting progress, challenges, and opportunities for future action. In addition to being a basic human right, gender equality is also a key component of a prosperous, peaceful, and sustainable global society. It is realized when people of all genders—women, girl, men, and boys—have equal rights, opportunities, and conditions that allow to form their life and contribute to the advancement of society. This involves providing equal access for men, women, and transgender individuals in areas such as healthcare, economic resources, education, employment, political participation, leadership positions, and decision-making processes, all of which are essential for a nation's economic, political, and social growth. For example, it might necessitate equal compensation for equal work between men and women or specialized healthcare initiatives to meet specific gender-related health concerns. Gender prejudice is not exclusive to women or transgender individuals; men can also be affected. Any form of inequality is unacceptable, whether it impacts men, women (Ramachandran, 2013), or transgender individuals, and it hinders sustainable development (Ramachandran, 2013). Gender discrimination is not exclusively a women's issue, it concerns everyone, regardless of gender. Striving for gender equality does not mean taking opportunities from men to give to women, but rather fostering an environment where all individuals, regardless of gender, can pursue their goals freely (Dugarova, 2019).

Gender Equality

Gender plays a vital role in development by shedding light on how power structure and social norms impact the possibilities and conditions for various groups, particularly men and women. Gender equality is a widespread and fundamental aim to the missions of international organizations like World Health Organization, the United Nations, UNICEF, UN-Women, International Labour Organization, and others. These organizations stress the importance of tackling the root causes of enduring gender-based discrimination (United Nations Development Programme, 2019).

Gender refers to the qualities and possibilities associated with being female or male, as well as the sociocultural relationships between men and women. These elements are shaped by society and are learned through the process of socialization, differing based on the situation and context. In various societies, there are noticeable disparities and unfair treatment between women and men in terms of the activities they perform, their participation in decision-making procedures, as well as their access to and command of resources. Gender functions within a more expansive socio-cultural framework, which also takes into account factors such as caste, class, race, ethnicity, age, and economic status. Achieving gender equity requires understanding how men and women participate in development activities, their rights, access to resources, environmental security, and identifying any discrimination in areas like job placement, wages, and promotion. Gender issues are not exclusively

about women; they require articulating problems appropriately while ensuring that both men and women have equal opportunity. UN millennium declaration of 2000 commits member nations to promote empowerment and gender equality among women as essential strategies to fight poverty, disease, hunger, and to support genuinely sustainable development. Without the empowerment of women, the objectives set out in the millennium declaration cannot be fully realized.

Factors Responsible for Gender Inequality in India

There are several factors responsible for gender inequality. Traditional gender roles and expectations can limit opportunities for women and girls. Discriminatory laws and policies can also perpetuate inequality. Restricted educational opportunities and awareness about gender equality can hinder progress. Women's limited approach to economic resources, jobs, and financial independence can also contribute to inequality. Unconscious biases and stereotypes can affect decision-making and opportunities. Their voices and impact may be restricted due to the underrepresentation of women in leadership roles. Gender-based violence and harassment can prevent women from fully participating in society. The unequal distribution of family and caregiving responsibilities can also limit women's opportunities. Additionally, limited access to healthcare and reproductive rights can affect women's well-being and autonomy. Finally, multiple forms of discrimination, such as caste, class, race, and sexuality, can compound gender inequality. Addressing these factors is crucial to achieving gender equality.

Gender Equality and Human Rights

Gender equality is a basic human right that is essential to one's dignity and well-being of both individuals and society at large. It implies that men, women, girls, and boys all have the same rights, obligations, and opportunities. A fundamental tenet of human rights, gender equality is protected by several international accords, such as:

- Human Rights: The Universal Declaration (1948)
- The 1979 Convention to end discrimination against women in all its forms
- In 1995, the Beijing Declaration and Platform for Action

Article 14 underscores significance of guaranteeing men and women the same opportunities and rights in the social, political, and economic domains. Discrimination is prohibited by Article 15, based on factors such as religion, sex, and caste. Specifically, article 15(3) authorizes the state to introduce affirmative actions aimed at enhancing the welfare of women. Equal opportunities in public employment are guaranteed by article 16. Article 39 of constitution obligates the state to provide adequate livelihoods for both men and women, along with ensuring equal pay for equal work. According to article 42, the state is required to provide maternity leave as well as other fair and humane working conditions. Citizens have a fundamental obligation to reject actions that diminish women's dignity under article 51(A)(e).

On the international front, instruments like the 1966 international covenant on civil and political rights as well as the 1966 International Covenant on economic, social, and cultural rights both place a strong emphasis on gender equality in accordance with the universal declaration of human rights. The 2030 agenda for sustainable development, the Beijing Declaration, and the convention to end discrimination against women in all its forms also acknowledge the importance of empowering women and attaining gender equality for comprehensive development.

India's ministry of women and child development plays an important role in promoting equality of gender and safeguarding the welfare of females and children. The Maternity Benefit (Amendment) Act of 2017 grants pregnant women the right to take 26 weeks of leave, with up to 8 weeks available before childbirth. Additionally, pregnant women are entitled to a benefit equivalent to their three months' worth of daily pay prior to starting maternity leave.

Protecting women of all ages and job levels from workplace sexual harassment in both the public and commercial sectors is the goal of the act of 2013 to prevent, prohibit, and redress sexual harassment of women at work. Women are allowed to work night shifts in any industry under the social security code, health & working conditions code, the occupational safety, and the industrial relations code, which was implemented in 2020. However, employers must ensure the safety of female workers, and their consent is required before assigning them to night shifts.

Addressing gender inequality and advancing the welfare and empowerment of women are the main goals of government initiatives including the One Stop Center (OSC) Scheme, BBBP Scheme (Beti Bachao Beti Padhao), and the Ujjawala Scheme.

Challenges

The challenges of gender inequality in India are deeply ingrained in the country's societal fabric, perpetuated by patriarchal attitudes and social norms that have been passed down through generations. The marginalization of women is evident in various aspects of life, including limited access to education and employment opportunities, which hinders their economic empowerment. Discriminatory laws and policies, as well as institutionalized sexism, further entrench gender inequality. The continuation of sex-selective abortions, female infanticide, and child marriage highlights the devaluation of women's lives. Gender-based violence, including domestic violence, rape, and harassment, is rampant, with inadequate legal recourse for survivors. Cultural practices and traditions, such as the caste system, also perpetuate gender inequality, with women from lower castes facing multiple forms of oppression. The fact that women are underrepresented in leadership and decision-making roles further restricts their capacity to bring about change.

Additionally, the connection between gender and various types of oppression, such as class, religion, and sexuality, exacerbates the challenges faced by women. The legacy of colonialism and the influence of globalization have also contributed to the perpetuation of gender inequality in India.

Opportunities

To effectively combat gender-based discrimination and violence, it is crucial to strengthen laws and policies. Comprehensive reforms are essential to ensure that everyone, regardless of gender, can live without fear or injustice. Strengthening laws and policies to address gender-based discrimination and violence. Firstly, laws must clearly define various forms of gender-based violence, including sexual, emotional, physical, and economic abuse. These laws should protect all individuals, not just women but also men, children, and people of diverse gender identities. Legal frameworks should address discrimination in critical areas like employment, education, and healthcare. Comprehensive laws provide a solid foundation for protecting vulnerable individuals and offering legal remedies.

Enforcement is critical for the effectiveness of these laws. Challenges such as inadequate resources, insufficient training for law enforcement, and deep-seated biases can hinder implementation. Strengthening enforcement requires investing in training for police, judiciary members, and healthcare professionals to handle gender-based violence cases with appropriate sensitivity. Additionally, expanding access to legal services, shelters, and counseling is essential for supporting survivors and ensuring justice. Regular review and adaptation of laws are necessary to keep pace with evolving societal norms and challenges. For example, the rise of cyber-harassment as a new form of abuse may require updated legal provisions. Ongoing evaluation ensures that laws remain relevant and effective in addressing current issues.

Public awareness campaigns are also vital. While laws are crucial, they cannot alone shift cultural attitudes. Educational programs that challenge gender stereotypes, promote equality, and inform individuals about their rights are essential for fostering a cultural shift that opposes prejudice and violence against women.

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