

# From Tradition to Transformation: Mapping Gender Inequality in Modern India

**Vaibhav Shahi\***

5<sup>th</sup> Year Law Student, School of Law, Delhi Metropolitan Education, Noida, Affiliated with Guru Gobind Singh Indraprastha University, Delhi, India.

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### \*Correspondence:

Vs.gkp06@gmail.com  
5<sup>th</sup> Year Law Student,  
School of Law, Delhi  
Metropolitan Education,  
Noida, Affiliated with  
Guru Gobind Singh  
Indraprastha University,  
Delhi, India.

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## Abstract

This research examines the persistent and multifaceted issue of gender inequality in India, characterized by systemic disparities in access to education, employment, healthcare, and political representation, predominantly affecting women and gender minorities. Rooted in historical, cultural, and socioeconomic contexts, gender inequality in India manifests through discriminatory practices, societal attitudes, and gender-based violence. Despite constitutional provisions and various governmental initiatives aimed at promoting gender equality, significant challenges remain, particularly in rural areas and marginalized communities, where traditional norms often reinforce patriarchal structures. The research underscores the importance of understanding the interplay between these factors and advocates for a coordinated approach that includes enhancing educational opportunities, community engagement, and robust policy reforms to address the deep-seated issues of gender inequality. Ultimately, achieving gender equality is not only a moral imperative but also essential for fostering sustainable development & social cohesion in India.

## INTRODUCTION

Gender inequality refers to systematic & pervasive disparities in access to resources, opportunities, & rights based on an individual's gender. It manifests in various domains, including education, employment, health, political representation, and social norms, leading to unequal treatment and outcomes for individuals, primarily women and gender minorities.<sup>1</sup> This inequality is deeply entrenched in historical, cultural, and socio-economic contexts, often perpetuated by discriminatory practices and societal attitudes. In the context of India, gender inequality encompasses a broad spectrum of issues, from gender-based violence and discrimination to economic disparities and under representation in political spheres. Understanding this complex phenomenon requires a comprehensive examination of its historical roots, current manifestations, and the multi-faceted challenges it poses to society.

Studying gender inequality in India is of paramount importance for several reasons. First and foremost, India is home to one of the largest populations in the world, where disparities based on gender have significant implications for national development and social cohesion. Gender inequality not only affects

the lives of women and marginalized groups but also hinders overall economic growth and societal progress.<sup>2</sup> Research has shown that empowering women through education, health, and economic opportunities leads to improved outcomes for families and communities, ultimately contributing to sustainable development. Moreover, analyzing gender inequality in India provides insights into the interplay between tradition and modernity, revealing how cultural norms and values shape gender relations. As the country navigates rapid economic growth and social change, addressing gender inequality becomes essential to fostering inclusive society where all individuals can realize their potential.

As of the latest assessments, the status of gender inequality in India remains troubling, despite various initiatives aimed at promoting gender equality. World Economic Forum's Global Gender Gap Report consistently ranks India low in terms of gender parity, particularly in areas such as economic participation and political empowerment.<sup>3</sup> For instance, while there have been improvements in female literacy rates and workforce participation, women continue to face significant barriers in accessing quality education & employment opportunities. Additionally, issues such as gender-based violence, child marriage, and discriminatory practices persist, disproportionately affecting women from marginalized communities. The ongoing impact of COVID-19 pandemic further exacerbated these inequalities, highlighting the vulnerabilities faced by women in times of crisis. Thus, the need for a thorough investigation into the current landscape of gender inequality in India is critical, not only to document the challenges but also to identify effective strategies for promoting equity and justice.

## RESEARCH METHODOLOGY

This research study adopts a doctrinal legal research methodology, which involves a systematic examination of legal principles, judicial decisions,

statutes, constitutional provisions, and academic commentary. It seeks to trace the development, interpretation, and application of legal norms governing gender equality in India, without engaging in empirical fieldwork. The paper employs analytical, critical, and comparative methods to examine how the Indian legal framework has responded to the structural and historical dimensions of gender inequality.

## Historical Context

The portrayal of women in ancient Indian texts reveals a complex tapestry of gender roles, often oscillating between reverence and subjugation. Historical texts such as the Vedas, Upanishads, and the Mahabharata present women in diverse capacities, ranging from sages and scholars to devoted homemakers. For instance, the Rigveda celebrates women like Gargi and Maitreyi, who are depicted as philosophers and learned individuals engaged in philosophical discourses.<sup>4</sup> This suggests that women, particularly in Vedic society, were not merely confined to domestic spheres but were also integral to intellectual pursuits. However, as society evolved, particularly with the emergence of patriarchal structures, women's roles began to diminish. Manusmriti, a legal text, codified gender roles that positioned women as subordinate to men, restricting their rights to property and education and emphasizing their duties primarily as wives and mothers.

The status of women further transformed through pre-colonial, colonial, & post-colonial eras. In pre-colonial India, women's roles varied significantly across regions and communities. While some societies permitted women to inherit property and engage in trade, others enforced strict restrictions on their mobility and rights. The advent of British colonial rule brought about profound changes in these dynamics. Colonial administrators often viewed Indian society as backward, leading to a mix of reformative and repressive policies affecting women's rights. The British Raj catalyzed social reform movements, including efforts of social reformers like Raja Ram Mohan Roy, who championed women's education and abolition of

1 Socioeconomics, Gender Inequality and Female Disadvantage: An Overview, GENDER INEQUALITY 1, (2019).

2 Carmen Dayrell, *Gender inequality*, 12 NATURE CLIMATE CHANGE 313, (2022).

3 World Economic Forum's *Gender Gap Report 2024: 134 Years to Parity, India Ranks 129th*, FRONTLINE, (last visited Oct. 14, 2024).

4 *View of Study on Influence of Women in Indian Epics*, IGNITED MINDS, <https://ignited.in/index.php/jasrae/article/view/11064/21932> (last visited on Oct. 14, 2024).



practices like Sati & child marriage.<sup>5</sup>

Colonial rule significantly altered gender dynamics in India. The British colonial administration implemented laws that both challenged and reinforced existing patriarchal norms. For instance, the abolition of Sati in 1829, influenced by the efforts of social reformers, marked significant turning point for women's rights.<sup>6</sup> However, colonial policies also exacerbated gender inequality by reinforcing class and caste distinctions, which intersected with gender to further marginalize women. The introduction of Western education and legal reforms created a new class of educated women who began to assert their rights, leading to emergence of women's movements in 19th & 20th centuries. This period saw formation of organizations such as All-India Women's Conference (AIWC) in 1927, which played crucial role in advocating for women's rights, education, & political representation.<sup>7</sup>

While colonial policies initiated some progress, they often failed to address systemic issues of gender inequality, leading to a duality of experience for women, some gained access to education and employment, while others remained ensnared in traditional roles. The British portrayal of Indian customs and practices often disregarded the voices of Indian women themselves, who were actively challenging their subjugation and fighting for their rights. As a result, the colonial era became a crucible for emerging feminist discourses, with women beginning to articulate their struggles for autonomy, dignity, and equality.

The post-independence era in India heralded significant changes regarding gender equality, encapsulated in Constitution, 1950. It enshrined fundamental rights aimed at ensuring equality and justice for all citizens, regardless of gender, such as Art. 14 (right to equality before law), Art. 15 (prohibits discrimination on grounds of religion, race, caste, sex, or place of birth), Art. 39(a) directs state to ensure equal pay for equal work for both men & women, reflecting commitment to gender equity

in labor market.<sup>8</sup>

Several landmark legal provisions have since been enacted to promote gender equality & protect women's rights. Hindu Succession Act, 1956 was watershed moment, granting women right to inherit property, thereby challenging traditional patriarchal norms.<sup>9</sup> Dowry Prohibition Act, 1961 sought to eliminate practice of dowry, which had been significant source of violence & discrimination against women.<sup>10</sup> More recently, Protection of Women from Domestic Violence Act, 2005, & Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, enacted by virtue of *Vishakha v. State of Rajasthan*,<sup>11</sup> represent crucial legislative efforts to address violence and harassment against women, affirming their rights to safety and dignity in both private and public spheres.

However, despite these constitutional provisions and legal reforms, challenges persist. Implementation often falls short due to deeply entrenched patriarchal norms, societal attitudes, and systemic barriers. The gap between legal rights and the lived realities of women in India underscores the need for continuous advocacy, education, and reform. The trajectory of gender equality in India remains a work in progress, necessitating collective efforts from all sectors of society to realize the ideals enshrined in the Constitution and build a more equitable future.

## Socio-economic factors contributing to Gender Inequality

### Education

In India, the gender gap in education remains a significant concern. According to 2011's Census, literacy rate among men was approximately 82.14%, while for women, it was only 65.46%.<sup>12</sup> This

8 INDIA CONST., art. 14, 15, 39.

9 Sharad Joshi, *Succession Under Hindu Succession Act 1956*, 2008 SSRN.

10 LAW RELATING TO DOWRY PROHIBITION ACT, 1961 (ACT NO. 28 OF 1961), ALONG WITH CRUELTY ON MARRIED WOMEN, WITH CRIMINAL LAW (IIND AMENDMENT) ACT, 1983 (ACT NO. 46 OF 1983) (Lal Uma Shankar & India. Dowry Prohibition Act, 1961. eds., 1984).

11 AIR 1997 SC 3011.

12 *Literacy Rate of India*, CENSUS 2011 INDIA, <https://www.census2011.co.in/literacy.php> (last visited Oct. 14, 2024).

5 Joan E. Cashin, *Gender History*, 61 CIV. WAR HIST. 431, (2015).

6 *Sati Regulation XVII, A.D. 1829 of the Bengal Code*, 4 *December 1829*, ARCHIVES OF EMPIRE 361, (2003).

7 GANDHI, WOMEN, AND THE NATIONAL MOVEMENT, 1920-47, (All India Women's Conference ed., 2005).

discrepancy is indicative of systemic barriers that hinder women's access to education. Various studies highlight that societal norms often prioritize male education over female education, with families investing more resources in boys, particularly in rural areas. This inequality in enrollment rates not only affects women's immediate educational opportunities but also has long-term repercussions on their socio-economic mobility.

Societal attitudes play a pivotal role in shaping educational opportunities for women. In many regions, deeply rooted patriarchal beliefs promote the idea that a woman's primary role is to manage household responsibilities rather than pursue academic or professional ambitions. Such perspectives are often reinforced by cultural narratives that diminish the value of female education. For example, in some communities, girls are withdrawn from school upon reaching puberty, as families believe they should prepare for marriage rather than academic achievement. These attitudes create a vicious cycle where limited education leads to restricted economic opportunities, perpetuating gender inequality.

Indian government has launched several initiatives aimed at bridging the gender gap in education. Programs like Beti Bachao Beti Padhao and the Sarva Shiksha Abhiyan focus on enhancing female enrollment and retention in schools. The Right to Education Act (2009) mandates free & compulsory education for children aged 6 to 14 years, explicitly aiming to eliminate discrimination based on gender.<sup>13</sup> *Mohini Jain v. State of Karnataka*<sup>14</sup> underlines the fundamental right to education, emphasizing that the state must provide access to education without discrimination. In this landmark case, the court ruled that education is a fundamental right under Article 21, reinforcing the state's obligation to eliminate gender disparities in education. However, despite these efforts, challenges persist, particularly in rural areas where infrastructural inadequacies and societal resistance to female education hinder progress. Thus, while government initiatives provide a framework for change, their effectiveness often relies on local

13 *The Right to Education Act, 2009*, 55 INDIAN J. PUB. ADMIN. 746, (2009).

14 1992 SCR (3) 658.

contexts and community involvement. Moreover, the National Education Policy (2020) emphasizes the importance of bridging gender gaps in education but requires effective implementation to achieve its goals.<sup>15</sup>

## Employment

Cultural norms, safety concerns, and inadequate support systems, such as childcare facilities, discourage women from seeking employment. Moreover, many women engage in informal employment without formal recognition or legal protection, contributing to the invisibility of their economic contributions.

The types of employment available to women are often limited to low-paying and low-status jobs. Many women find themselves in sectors such as agriculture, domestic work, or textiles, where they face precarious working conditions and little opportunity for advancement. Additionally, women's participation in higher-skilled professions remains markedly low, reflecting both educational disparities and societal biases that question women's capabilities in traditionally male-dominated fields like engineering or management. This occupational segregation not only hampers economic growth but also perpetuates stereotypes about women's roles in the workforce.

Wage disparity remains a pervasive issue in India, with women earning what men earn for comparable work. This gap is influenced by factors such as occupational segregation, & outright discrimination in hiring and pay practices. The Women's Reservation Bill, while not yet enacted, seeks to reserve seats for women in legislative bodies, thus promoting their economic empowerment. Furthermore, the Maternity Benefit Act (1961), amended in 2017, extends paid maternity leave to women, reflecting an effort to support women's participation in the workforce. Despite these legal frameworks, implementation and societal attitudes continue to create barriers.

## Health

Access to healthcare services is critical for women's well-being, yet significant gaps persist in India.

15 Neeta Pandey, *Indian National Education Policy 2020*, 11 TECHNOLEARN AN INT'L J. EDUC. TECH., (2021).



Many women face challenges in accessing adequate healthcare due to factors such as poverty, geographical barriers, and cultural stigmas associated with seeking medical attention. The National Health Policy (2017) aims to improve healthcare access, yet disparities remain, particularly in rural areas where health facilities are scarce. This lack of access affects not only physical health but also mental well-being, reinforcing gender inequalities.<sup>16</sup>

Gender-based violence significantly impacts women's health and well-being in India. The National Crime Records Bureau reports increasing incidents of domestic violence, sexual assault, and other forms, which have profound physical and psychological effects on women. Legal frameworks, such as Domestic Violence Act (2005), aim to safeguard women's rights & provide legal recourse. However, societal stigma and inadequate enforcement often deter women from seeking justice, leaving many victims vulnerable and without support.

### **Politics**

Despite constitutional provisions for gender equality, women's representation in India's legislative bodies is limited. Women's Reservation Bill, which seeks to reserve one-third of seats for women, remains pending. *Indira Gandhi v. Raj Narain*<sup>17</sup> highlighted need for fair electoral practices, indirectly advocating for women's increased participation in politics. Supreme Court's ruling emphasized importance of ensuring equal opportunities for women in political representation. 73<sup>rd</sup> & 74<sup>th</sup> Constitutional Amendments reserve seats for women in local self-governments.

## **CONCLUSION & A WAY FORWARD**

Gender inequality in India remains complex & multifaceted issue in historical, cultural, & socio-economic factors. Despite progress in areas such as education & employment, substantial disparities persist, particularly in rural regions and among marginalized communities. The traditional norms and patriarchal structures that continue to influence

societal attitudes pose significant challenges to achieving true gender equality. The analysis of these dimensions reveals that while policy initiatives and governmental programs have been introduced to address gender disparities, their implementation and effectiveness vary considerably across different states and demographics. As such, there is an urgent need for a more coordinated and sustained effort to tackle these deep-seated issues.

Moving forward, it is crucial to adopt a multi-pronged approach that integrates education, community engagement, and policy reform. Enhancing educational opportunities for girls and women, particularly in rural areas, should be a priority. This includes not only access to schools but also the promotion of education and vocational training to empower women economically. Moreover, fostering an environment that challenges traditional gender roles through community awareness campaigns can play a pivotal role in changing societal perceptions.

Finally, the effectiveness of governmental and non-governmental initiatives must be evaluated continuously to ensure they adapt to the evolving challenges of gender inequality. This requires robust data collection and research to inform policy decisions and track progress over time. Collaboration between governmental agencies, NGO's, and local communities can facilitate the sharing of best practices and innovative solutions tailored to specific regional needs. Ultimately, achieving gender equality in India is not just a moral imperative; it is vital for sustainable development and social cohesion. A commitment to creating a more equitable society will yield significant benefits for all citizens, fostering an inclusive environment where everyone can thrive regardless of gender. It is possible to solve any difficulty. We should give girls access to high-quality education and promote women's empowerment in order to lessen gender disparity in India. In order to facilitate their social integration into Indian society, we should also provide them with opportunities to participate in active politics and other activities. The government should create laws and plans to prevent abortions and sex identification. In light of the aforementioned, NGOs can also be very helpful in ending gender inequality. Politicians should design measures

<sup>16</sup> T. Sundararaman, *National Health Policy 2017: a cautious welcome*, 2017 INDIAN J. MED. ETHICS.

<sup>17</sup> AIR 1975 SUPREME COURT 2299.



that address this issue and increase social welfare development. When Indian society's perspective on women is altered, our Prime Minister Mr. Narendra Modi's "Beti Bachao Beti Padhao" campaign can succeed.

Based on the aforementioned considerations, gender inequality in India can be attributed to economic, social, cultural, legal, and political issues. Gender inequality must be eliminated in India. Today's demands include trends that allow girls to not only defy culturally dictated employment patterns but also provide guidance on career options that go beyond the conventional list of occupations. It is astonishing that women still experience stress and pressure despite the numerous rules in place. We still have a long way to go before our women are treated equally. A man and a woman are like a carriage's two wheels. Without the other, one's life is not complete.

As the aforementioned example in India shows, women's labour market engagement is crucial to fostering gender equity in the context of development, but it is not the solution to gender disparity. Ensuring women's autonomy, mobility, and involvement in the labour market—and, more comprehensively, in development strategies—requires addressing patriarchal and traditional ideas about women's place in society and dismantling antiquated ideas about gendered labour. Only by challenging patriarchal and traditional ideas about women's place in society and dismantling social norms will women be able to re-enter the workforce. As mentioned, maternity leave, paid domestic work, industry-wide female gender quotas, flexible work arrangements for women, and the implementation of legislation protecting women from violence and early marriage are some of the measures that can facilitate this. Following this, women can experience a level of independence and mobility that boosts the expanding economy and results in

advancements in other developmental domains, such as reproduction rates, child mortality rates, and educational attainment.

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