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Socio-Economic and Political Development of Women: A Critical Analysis

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ABSTRACT

History is witness to the fact that the women were a subjected lot in the male dominated society and throughout the history, they were victims of discrimination, injustice, inequality and exploitation. Though the level of discrimination and injustice varied from civilization to civilization but what was common to all, was notion based on myths that the women are incapable of doing anything substantial to the society and consequently they were vehemently considered repugnant to gender equality and social justice. Therefore, it would not be exaggerated if we were to say that the women are oppressed figures in the history of mankind.

Now, it can be unanimously agreed upon that the women have played a very significant role in nation-building additionally they have proved that they are not weaker section of society and how can they be weak? While they give birth to same male gender who consider them unequal and incapable. They are half of our population and increasingly an integral part of any nation and particularly whose central role in any society ensures stability, progress, socialization, transformation and long-term development for a country. We should condemn seclusion of women to the household while believing that without social, economic and political development of women, it would be very hard to come equalitarian and humanitarian outlook in the country. As Dr. Ambedkar emphasised on that "there could not be progress of a nation without the progress of women. I know what they can do to improve the condition of the society, if they are convinced. In the eradication of social evils, they have rendered great services."The role of women is at front of chain of improvement, leading the society's long-term capacity and nation's long-term development and its transformation towards transparent and equitable India, as the author mainly emphasized on these areas.

The objective of this paper is to provide some better suggestions pertaining to socio-economic and political development of women as well as their emancipation from shackles of society and to find out social evils and false notions that led them towards oppression, exploitation, injustice and inequality.

Keywords: *development, exploitation, equality, justice, transformation.*

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I. INTRODUCTION

What a nice line, the poem of *Ute Indians* reads:

“I am the woman who holds sky.

The rainbow runs through my eyes.

The sun makes a path to my womb.

My thoughts are in the shape of clouds.

But my words are yet to come.”

It is the testimony of history that women were subjected to *discrimination, injustice, inequality, victimization, exploitation, subjugation, inhuman treatment, less-importance, less-respect, inferior and incapable of doing anything substantial to the society*. Though the level of discrimination varied from time to time, country to country and society to society, what was common to all, was that women were always under the control of male dominated society. It is a men’s world where thoughts and ideas, philosophies and rules, wants and needs, conception and perception on things were created by men. *In that world, it has been men’s voices that have been mostly heard and women’s voices have been mostly suppressed*. And consequently, they never been considered equal to social justice, social equality and good human treatment along with dignity. Muriel Rukeyser truly said ***“what would happen if one woman told the truth about her life?”***

While the fact is that the women have played a significant role in nation building whenever they have been given opportunities and it can never be denied by anyone. Still today they have potential to eradicate social evils and to improve existing condition of our society which is losing its beautiful language and its moral ethos day by day. *Emily Taft Douglas* aptly remarked that ***“if women understood and exercised their power they could remake the world”*** But for that what is required is that male gender should consider them as basic part of social structure without distinction and must provide them equal opportunity while doing social, political and economic justice with them in order to prove their significant role. Then alone, *they can ensure reformation, stability, progress, socialization, transformation and long-term development*. And thus, a country will move towards equitable and just society.

II. WOMEN’S STATUS, A HISTORICAL PERSPECTIVE

It is not an exaggeration that women are oppressed class in the history of mankind, and they were always suppressed in all spheres. In the ancient time, *male played an active role* while female was not considered capable of do anything substantial to the society. Buddha gave the

following reasons why women ought not to be entrusted with responsibilities. **“Women are soon angered, women are full of passion, women are envious and women are stupid”**.³ And the structure of society was male dominated and the women were considered only a thing of enjoyment for men or an element of sexual object.⁴ They were not even considered fit to be witness. They in their entire life were dependent on male gender in the nature of father, husband, and son. This philosophy of protection by male gave physical, economic and social protection but on contrary it resulted in various physical, mental and spiritual torture to women.⁵ *This happened because of wrong interpretation of religious teachings and its principles.* Indeed, no religion has discriminated on the basis of sexism but it has given equal rights as well as equal status to both male and female. This is the patriarchal society which always has discriminated on the basis of gender and has been a reason for the exploitation of women’s human rights and their dignified life.

In *Vedic age*, they enjoyed relatively good position in Indian society and it was the belief that **“where women are honored, there the Gods are pleased, where they are not honored, all works become fruitless”**.⁶ *Guru Nanak* took special care to give women a position of equality with men in the matters related to religion and secular. The transformation *Sikh Gurus* brought in woman’s status was truly an admirable effort. Woman not only enjoyed a complete equality but it gave her an identity of her own and freed her from all kinds of fetters to which she was bound in Hindu society.⁷ Before Islam, the position of women was not even equal to goods and the theme was that whether women are human beings or not? The birth of a girl was not welcomed and Arab fathers regarded the birth of a daughter as a calamity.⁸ In that society, Islam has not only given her right to life with dignity but also declared them an equal and integral part of society. Increasingly women were given right to consent in the marriage as well as they found their right in heritage. This was a revolutionary step of Islam towards women’s equality and the whole credit goes to Islam.

The glorious position of women gradually deteriorated in the course of time and ultimately resulted in the denial of educational right to women, introduction of child marriage in the society and property rights were withdrawn and widow remarriage was completely abolished as

³ Dr. Davinder Singh, *Human Rights – Women & Law*, p. 3, ALA (2010)

⁴ Sukanta K. Nanda, *Law Relating to Women and children*, p. 20 (2004)

⁵ Mohd. Wasim Ali, *Crime Against Women: An Appraisal of Increasing Trend in India*, *Criminal Lal Journal*, P. 17 (1999)

⁶ Prabhat Chandra Tripathy, *Crime Against Women*, P. 29 (1998)

⁷ *Supra* note 1, at 3

⁸ Shamsuddin Shams, *Women, Law and Social change*, p. 304, (1991)

religious prohibition and Sati was introduced.⁹ During British rule, women had reached the maximum degree of deterioration. Ideologically, they were considered as a completely inferior species, having no significance, no personality, deserving no independence, and unfit for freedom. Woman had no separate status and had no dreams of her own. Her existence, her opinions, her desires, her likes and dislikes were never to be considered. She was further declared unfit for participation in social, political and religious functions of any significance.

In order to eliminate prevailing obstacles and to eradicate existing ideology to achieve equal status for women and their freedom, a fundamental change in the very social structure was necessary, because the authoritarian ideology was absolutely providing no room for the liberation of woman and her equality in its framework. Therefore, a new society based on social justice and social equality was necessary which considered the role of woman and her importance in social building on one hand, and to make her conscious for realization of her significant role in all spheres of social, political and cultural and educational life.

In the pre-independence society, many social reformers like Raja Ram Mohan Ray, Sir Syed Ahmad Khan, Swami Dayanand, Dr. Ambedkar and so on took lead to social reformation of women's status and fought a remarkable battle for social justice and social equality of women. Consequently, widow remarriage was legalized and Sati was abolished. After the Independence the Constitution of India rejected the ancient concept of male dominated society by adopting the concept of equality under Article 14 and equality of status and of opportunity under Articles 15 & 16 but this guaranty still remains a myth to millions of women particularly for the women of rural areas for whom life is stalked by various kinds of obstacles and violence.¹⁰

III. SOCIAL EVILS AGAINST WOMEN

In fact, man and woman are two essential pillars of social structure. Their significance, roles, their duties, and their rights are complementary towards each other. They both have equal importance in social building as Robert Ingersoll said "there will never be generation of great men until there has been generation of free women".¹¹ If one of the pillars is weak, the other cannot bear the burden of society and the whole structure of society will be imbalanced. Besides these facts, since women are integral part of society and constitute half of the population, they should be given equal respect and equal status with safety and dignity, but they are ironically facing in the country a graver form of violence at home and outside the home. The present society is still under the rude mindset of age-old dogmas that women are inferior to men. The

⁹ Dr. Babita Devi Pathania, *Law Relating to Domestic Violence*, p. 2, (2013)

¹⁰ *Supra* note 7 at 5

¹¹ *Supra* note 1 at 5

wrong interpretation of religious teachings has weakened the position of women in the society. Additionally, wrong customs which are derogatory to the status of women are still being followed.¹²

It is sad, distressing and unfortunate that woman who naturally expects love, care, respect, warmth, dignity and protection and who is creative, positively constructive and highly beautiful is considered weaker, inferior and incapable. She was sexually harassed, victimized and traumatized. She is subject to torture, discrimination, violence, exploitation, oppression, subjugation, injustice and inequality. Sometimes she is being victimized in the form of domestic violence and others in the form of dowry death and child marriage. There is utter disregard for her psychological, emotional, physical, and spiritual quests. Tragically, the most perverted and cruelest form is the practice of foeticide and infanticide. Perhaps the biggest irony is that the girl child is not safe even in the safest place *i.e.*, in her mother's womb then how can she be safe in the world? Violence against girls is the most pervasive violation of human rights in the world today. Cutting across social, economic, cultural and religious barriers, violence against them is an insidious phenomenon affecting the lives of millions of futures of this dynamic world. As per census report of 2011 the population ratio in India is 940 females per 1000 of males that clearly reflects a "son preference" society as the historical neglect of women and their basic human rights.¹³

The most inhuman violation is the trade of prostitution where a female is trapped, branded, mutilated and tortured to suit the lust of sex exploiters. The most heinous crime is the rape that has happened and goes on happening every day across the country and abroad. In November 2019, the gang rape and murder of a 26-year-old veterinary doctor in Shamshabad, near Hyderabad sparked outrage across the country.¹⁴ According to NCRB's 2017 statistics, 90 rape cases reported daily in India and as per 2018 statistics, it indicates that 1 rape reported every 15 minutes in India and 33,356 incidents of rape were reported during 2018 involving 33,977 victims and the conviction rate is 32.2 per cent.¹⁵ Nirbhaya rape and murder case which happened in 2012 in Delhi and that sparked anger across the country and subsequently the people came on road to protest against this heinous crime and the matter concerned to the safety and security of women. But till today the trial is going on against four convicts.¹⁶ The Thomson Reuters Foundation has released its findings of a survey of 550 experts on women's issues. As

¹² Ibid

¹³ <https://www.census2011.co.in> , accessed on 05.03.2020

¹⁴ <https://en.m.wikipedia.org> accessed on 05.03.2020

¹⁵ www.Indiatoday.in accessed on 03.03.2020

¹⁶ <https://m.economictimes.com> accessed on 07.03.2020

per this report, India is the most dangerous country for sexual violence against women, as well as human trafficking for domestic work, forced labor, forced marriage, sexual slavery, citing acid attack, female genital mutilation, child marriage and physical abuse. It is also found that India is the most dangerous nation in the world for cultural traditions that impact women.¹⁷

The most disturbing fact is that safety and security are meaningless words for woman. Actually, her existence is threatened everywhere, in the family, in the community, and in the society. What happened in recent is really a heartbreaking and an alarming incident. Unnao rape victim set on fire a year after being brutalized, raped, and she finally died.¹⁸ On 4 March 2020, the accused Kuldeep Singh Sengar held guilty of culpable homicide for the death of the said victim's father.¹⁹ Now the question is whether she will get justice? If she gets justice, how long she will have to fight for justice? And finally, whether it will be a justice with her who was raped, brutalized and her family was destroyed? Another incident which happened in Gujrat college is that 68 girls were forced to remove underwear to prove they weren't menstruating.²⁰ This is extremely shameful and inhuman behavior of hostel rector. And what kind of inhuman behavior was done with women during ongoing protest against CAA, NRC & NPR at various cities of country and particularly what happened with them during communal riots in North Delhi is really horrifying. Every single day without fail newspapers carry report about *sexual harassment, rape, domestic violence etc.*, The Indian socio-religious scenario itself is paradoxical. A woman is either worshiped or killed while still burnt alive for not bringing sufficient dowry. The list of worse atrocities against women is endless. As a matter of fact, nowhere she is treated as human being who possesses dignity, chastity, grace, equality and justice. Her very existence is mystified as an enigmatic figure.²¹

IV. HOW TO TACKLE SOCIAL EVILS

Various laws have been promulgated various laws on national and international level for the protection of women from domestic violence as well as crimes happen outside the home. Significantly some important efforts made on international level are:

1. United Nation Charter 1945,
2. Universal Declaration of Human Rights 1948,
3. The International Covenant on Civil and political rights 1966,

¹⁷ <https://www.cnn.com> accessed on 09.03.2020

¹⁸ www.indiatoday.in accessed on 05.03.2020

¹⁹ thehindu.com accessed on 05.03.2020

²⁰ theprint.in visited on 05.03.2020

²¹ Prem. R. Bhardwaj, Gender Discrimination: The Politics of Women Empowerment, P. 138-39, (2005)

4. The International Covenant on Economics, Social and Cultural rights 1966,
5. The Convention on the Elimination of All Forms of Discrimination Against women, 1979.

The last convention is the first international document to address women's rights within the political, social, cultural, economic and family life. The convention recommended that State parties should act to protect women against violence of any kind especially that occurring within the family. Because the domestic violence is a human rights issue and serious deterrent to the development of women.²²

In India, various protective provisions have been guaranteed mainly under the Constitution of India and in other codes and Acts namely:

1. Indian Penal Code, 1860,
2. The dowry Prohibition Act, 1961,
3. Indian Divorce Act, 1969,
4. Medical Termination of Pregnancy Act, 1971,
5. Equal Remuneration Act, 196,
6. Indecent Representation of Women (Prevention) Act, 1986,
7. National Commission for Women Act, 1990,
8. The Pre-conception and Pre-natal Diagnostic techniques (Prohibition of Sex selection) Act, 1994,
9. Protection of Women from Domestic Violence Act, 2005,
10. Prohibition of Child Marriage Act 2006,
11. Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013.

Apart from these there are many more laws. Various schemes and campaigns have been initiated by the Government of India to make awareness about the importance of girl children. For instance, recently Indian Army took 'great leap' towards equality after the Supreme Court ruled in the favour of permanent commission, command roles for women officers in Indian Army.²³ Another campaign was 'Beti Bachao, Beti Padhao'- save daughter, educate daughter- but the

²² Id at p. 6

²³ <https://m.economicstimes.com>, accessed on 09.03.2020

question is when the daughters will not survive, how will they get education?

It cannot be denied that these laws have improved the status of women and provided a kind of security and safety but the process is very slow while the requirement is speedy. Hence, there is still a need for improvement and it can be done through education because the education is the most effective tool for empowerment of women.²⁴ But negative parental attitudes towards educating daughters are a barrier to the girl's education since parents see their daughter's education as a waste of money because she will eventually live with her husband's family. While the reality is that what A. Cripps said "educate a man and you educate an individual. Educate a woman and you educate a family." But this rude mindset is still more prevalent in rural areas. And consequently at least 35 million children aged 6 – 14 years do not attend the school. 53% of girls in the age group of 5 to 9 years are illiterate,²⁵ despite the fact that if a country educates its girls, its mortality rates usually go down, fertility rates decline and health and educational aspects improve overall. The education is most powerful tool to eliminate all kinds of violence and abuses against women and it is a milestone of women empowerment. Education helps a person to grow cognitively, intellectually and emotionally. It enables a person to take right decision on the basis of logic and reason, and cultivate them to face the challenges of society and time, to think about their traditional role and to change their life. Education is the first step towards the empowerment and most crucial factor in overall development of individual and nation as well.²⁶ In the light of above fact, it can be believed that when the women are literate, when they articulate their views, when they organize themselves and when they agitate for their human rights as well as for social justice and equality, they can be equal citizens in practical sense.

Additionally, there is also need for social reform and an education system focused on morality and social ethos. Because this a very precious thing which we are losing day by day because of job oriented education system. Furthermore, the socialization of boys is the call of our time and they must convinced that men are not superior and women are not inferior. They all are equal and God has created them equally. They both deserve equal rights with dignity and they are integral pillars of our social structure.

There is also need to improve redressal system because we already have so many laws related to women protection and their human rights but it seems that there are so many laws rolling

²⁴ Id at p. 8

²⁵ <https://www.smilefoundationindia.org>, child education in India |statistics on child labour, accessed on 07.03.2020

²⁶ Ibid p.8-9

round the women to guard them but still, they are not safe and secure. So, there is need to focus more on implementation rather than to promulgate more and more new laws.

V. PREVALENT ECONOMIC STATUS AND NEED TO ITS DEVELOPMENT

Women's development in social, political and economic life is not a "women's issue" but an opportunity for an egalitarian society. In the history of mankind, women were always dependent on their male folks for the fulfilment of their social, political and economic needs. The biasness or gender discrimination which exists in our society today is cultural oriented. And this is because of wrong interpretation of religious teachings, negative customs and the patriarchal notion. Men enjoy more privileges and women bear more burden. Economic well-being of any society cannot be achieved if one group is massively under privileged compared to others. Thus, the economy of a country cannot be called healthy without getting the contributions and utilizing the skills of all members of the society. Gender equality and women participation in social, political and economic issues are the tools for sustainable development in any society. Women's equality is significant to sustainable development and the realisation of human rights for all. Social, economic, political and cultural equality of women is the need of time, aim of the constitution and a matter of equal human rights. Unless women are empowered equally, overall sustainable development will be hampered. According to World Bank studies, development strategies which include a gender equality component will see stronger economic growth, than gender-neutral strategies.

Women's development should be seen as an integral part of human rights and not only as a gender issue. It is about having half of humanity participation. Because if we ask a girl who she would like to be when grown up? She will answer "a boy." Now, the question is why she thinks so? The answer is that she considers boy superior and herself inferior in the society. This mental makeup was made by the family and by the society itself. Therefore, a relentless struggle should be done so that no girl in this world ever dreams to be born as a boy, because the progress of women means...the progress of world.

Indian Constitution has guaranteed economic equality and economic justice irrespective of gender discrimination, but this dream and objective are yet to be fulfilled. As per the data, the female labour participation in India has fallen to 26 per cent in 2018 from 36.7 per cent in 2005.²⁷ This decline once again has created economic barriers for women. Those women who have courage, are constrained to take double or triple their efforts to succeed in the economic life and when they do so sometimes, they face sexist resistance at the work place, particularly

²⁷ <https://www.business-standard.com>

in advertising where women are given more preference. This is also a negative approach that may harm women's dignity, modesty, chastity because women are not only sexual object or an attractive element, she is more than that. Under the current condition working women have more burden. They have to work in office as well as to raise her children or to nurture them while doing so many works in house—like cooking, washing the clothes, sweeping and taking care of her husband, and his family members.

If we wish to see a great contribution of women in social and economic development, we need to empower them in economic sphere along with the empowerment of men “at home.” Because promoting the active and full participation of women in social, economic and political life is not a “women issue” but a general interest of the entire society. Because it can help filling the gap between institutions and society, guaranteeing a fair participation. Therefore, the men should be fully and actively involved in this struggle and “all problems will be solved when men will work for women issues.”²⁸

VI. POLITICAL STATUS AND NEED TO EMPOWERMENT

Starting from Vedic age to twenty first century, women generally in the world and particularly in India have never experienced equal rights and equal position in comparison to their male counterparts. They have suffered inequality and discrimination in social, economic and political spheres. It is not exaggerated that women are oppressed class in the history of mankind. They were not given equal opportunities to play their active role in the development of country particularly their number in law making bodies like Parliament and State Assemblies is negligible. A universal fact is that the democracy requires maximum representation, but women who constitute half of total population are not given their due by political parties and politicians and consequently their position in the politics has always been marginal. The Constitutional Amendment Act 1993 ushered in a new era of affirmative action by reserving one third of seats in local government bodies for women. Another step which was taken was the Amendment to the Article 243D of the Constitution of India for enhancing reservation for women in Panchayats at all tiers from 1/3rd to 50% Bill.²⁹ Another step was reserving 33 per cent of Lok Sabha and State Assemblies seats for women, which has been cleared by the Cabinet on 25th February, 2010.³⁰ However, this does not reflect reliable increase in the number of women in the parliament. As per the data compiled by the Inter-parliamentary Union on the basis of

²⁸ <https://rm.coe.int/168070ab5d> , accessed on 03.03.2020

²⁹ <https://indianlawyers.wordpress.com>, amendment to the article 243D of the Constitution, accessed on 08.03.2020

³⁰ Id at p.7

information provided by National Parliaments by 1st February 2019, where 193 countries are classified by descending order of percentage of women participation in Parliament, India got 149 rank with 12.6% participation of women. Rwanda, Cuba, Bolivia got top three ranks. And all these three countries are having above 50% participation of women with the percentage of 61.3%, 53.2% and 53.1% respectively.³¹ The track record of women in the last 17 Lok Sabha speaks for itself. When India became a sovereign republic, the first Lok Sabha had only 24 women out of 543 (4.42%) though there was no dearth of suitable candidates at that time. In the second Lok Sabha the number was 24 out of 537 (4.47%) in the third this number improved marginally to 37 out of 540 (6.85%) whereas the fourth one saw a slump with only 33 women out of 553 (5.97%). There was a sharp decline when Indira Gandhi was at the peak of her career and only 28 (5.06%) women out of 553 were elected to the fifth Lok Sabha. In the sixth, there was a huge decline in the figure. The percentage was 3.77% with the number of 21 women out of 557. In the seventh, the number somewhat increased to 32 women out of 566 (5.65%) in the eighth with the advent of Rajiv Gandhi the figure went up to 45 women members out of 567 (7.94%) in the ninth Lok Sabha, once again the number sharply declined to 28 out of 534 (5.84%). In the tenth the number again went up to 42 out of 555 (7.57%). In the eleventh the total women members were 41 out of 551 (7.44%). In the twelve the number again increased to 44 out of 546 (8.02%). In the thirteen there was a rise in that figure and went up to 52 women members out of 568 (9.15%). In the fourteenth Lok Sabha, the number was constant but the percentage was declined. And there was 52 women members out of 586 (8.88%). In the fifteenth the number increased to 64 out of 560 (11.43%). In the sixteenth, the number was 68 out of 573 (11.87%). And finally, in the present Lok Sabha, the women members are 78 out of 542 which is 14.39% of total members. This newly elected 17th Lok Sabha has the highest number since the first Lok Sabha in 1952.³² But a serious issue is that 43% of newly elected Lok Sabha MPs have criminal record.³³ And nearly 50 per cent MPs in the Lok Sabha have declared criminal cases against themselves.³⁴ Now one can imagine if we have 50% MPs who have criminal charges and they are in decision-making bodies then what type of law, we are going to have? and what kind of improvement, one can expect in existing Codes and Acts?

The largest democracy in the world, India has selected its first woman president- Pratibha Devisingh Patil in its 60th year of independence³⁵ and till now only one lady prime Minister *i.e.*,

³¹ <https://archive.ipu.org> , women in the Parliament: World classification- Inter Parliamentary Union, accessed on 08.03.2020

³² <https://loksabha.nic.in>, accessed on 08.03.2020

³³ <https://www.thehindu.com> , accessed on 08.03.2020

³⁴ www.indiatoday.in accessed on 08.03.2020

³⁵ *Ibid* at 8

Indira Gandhi has been selected in the long political history of independent India. This data clearly reflects the position of women in Indian politics.

Now this is necessity of time for the political empowerment of women in practical sense because the notion of gender equality has been well supported in the Indian Constitution as fundamental right. Therefore, the political parties must incorporate a bottom-up approach for inducting more women in their parties so as to increase representation in the parliament. Media can play an unbiased role in promoting gender equality. This is evident in media reporting on elections that women are not equitably represented during electoral campaigns, which has an impact on the outcome of the elections.

Additionally, the social, economic and political justice which has been guaranteed under the preamble of the Indian Constitution as the objectives of this Constitution will remain a myth and a pious hope unless the political justice has been secured to all its citizens irrespective of gender. Because in the first place, there can be no true democracy or no true people's participation in governance without equal participation of both male and female in all spheres of life at different levels of decision-making. Secondly the goals of social justice, social equality and sustainable development may not be fully realized without women's full and active participation and finally 50 per cent of women's population cannot be left behind in the country's march towards attaining the goals of justice, equality and liberty under the egalitarian and democratic framework of Indian Constitution.³⁶

VII. STEPS TAKEN BY GOVERNMENT & SUPREME COURT OF INDIA FOR GENDER EQUALITY

India also had ratified CEDAW in July 1993. This convention is said to be a bill of rights for women which defines discrimination against women³⁷ and sets up agenda to ensure elimination of all forms of discrimination against women and to incorporate the principles of equality between men and women.

In this regard, the government of India has undertaken a series of measures to end discrimination against women, to make the society equal and to promote their overall welfare. It has also launched various schemes for them in order to make a just and equitable India.

The Supreme Court of India also in its various judgements tried its level best to stop discrimination against women and to promote gender equality among all. Recently, the SC of

³⁶ Id at p. 11

³⁷ Article-1 of CEDAW

India in a landmark judgment of *X v The Principal Secretary, Health and Family Welfare Department, Govt of NCT of Delhi & Anr*³⁸ held that “medical termination is the right of women and all women are entitled to safe and legal abortion.” Supreme Court also referred article 12 and 16 of CEDAW in this judgement. Similarly in the case of *Budhadev Karmaskar vs The State of West Bengal*³⁹, the Supreme Court of India directed UIDAI to issue Aadhaar Card to sex-workers for protection of their right to life and dignity. The Court recently banned two-finger test which was used to test whether the woman who was raped was sexiest or not and finally remarked it “discrimination against women and an attempt to outrage the modesty of women and their and dignity.”⁴⁰ Similarly in the case of *NALSA V. Union of India*⁴¹ the Court has protected the fundamental rights of Transgenders under Article-14,15,16, 19 (1) (a) and 21 of the Constitution. In the case of *Navtej Singh Johar V. Union of India*⁴² it also upheld the rights of members of LGBTQI community and said that they have right to equal citizenship. In various other judgements, the Court has tried to stop discrimination against women and promoted gender equality of men and women.

VIII. CONCLUSION

To promote women involvement in social, economic, politics and political decision-making process, we have to change rude mentalities in all segments of society concerning gender equality issues, as change of mentality is prior to the change of regulations, while believing that “woman has as right to shape her own destiny as man has to shape his”.⁴³ Law only is a means to change the structure of society, it is not an end in itself. Ironically, it is necessary to bridge the gap between rights on paper and their effective enforcement in practical sense. Therefore, along with the promulgation of laws, we should focus on social reform by promoting awareness about the significance of women in nation building and in very foundation of this world. And it can be done through campaigns, activities and education system based on morality. Without reform of the social structure and upliftment of weaker sections, namely the women, the very objectives enshrined in the constitution of India will remain unfulfilled.

Why we need to focus on social reform? The answer is that the reason for gender inequality and injustice is the patriarchal mindset. Law is not discriminatory on gender basis. So, we should focus on social reform to change the patriarchal and ‘son preferential mindset.’ Because the law

³⁸ Civil Appeal no 5802/2022

³⁹ 2022 SCC OnLine SC 704

⁴⁰ State of Jharkhand V. Shailendra Kumar Rai @ Pandav Rai, 2022 LiveLaw (SC) 890

⁴¹ AIR 2014 SC 1863

⁴² AIR 2018 SC 4321

⁴³ Id at p. 9

is only a means to control external behavior of human beings not the internal behavior.

Unless we do not promote this basic sense, we cannot create an egalitarian society. Nothing is going to be changed only by law in speedy manner as we expect or want to transform our society into equitable one. As said by Kofi Annan “there is no tool for development more effective than the women empowerment.”
