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STATUS OF WOMEN IN TODAY'S SOCIETY

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I. ABSTRACT

"You can tell the condition of a nation by looking at the status of its women".³

In the past, women occupied positions of great status. Later in life, her situation declined. It appears that most women still do not have equal standing. The issues of women and gender justice have persisted throughout all periods of social development history. The social and economic standing of the nation shifts when women's status improves. Women have a significant role in our society.

From the moment of birth till the end of their lives, they perform a multitude of important functions in our society. She may have played every function and completed every task in today's world promptly and effectively, yet she is still powerless as males continue to be the dominant gender in society. Women's status is a difficult topic to describe and a complex issue. The position of women varies greatly throughout societies and cultures worldwide. An Indian woman possessed four distinct roles and statuses. She fulfilled these duties as a mother, a housewife, a wife, and a daughter. Wide-ranging changes are already occurring for women, whose position and role in society were once well defined and nearly unchangeable.

Approximately 50% of the world's population is female. Globally, a sizable portion of women are unemployed. Due to women's unequal opportunities at work, the global economy suffers greatly.

II. KEYWORDS:

Women, Society, Constitution of India, Rights, Preamble, India

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III. WOMEN AND THE COMMUNITY

The girl kid begins to develop a sense of femininity before she is old enough to understand that there are two sexes. Despite the fact that they are full with potential and ability, most of them are unaware of this. Girls are approved of shyness, kindness, nobleness, and humility. They are taught to avoid using harsh or difficult language and to talk softly instead.

In the home, a girl kid assumes maternal roles by helping with household chores including cooking, cleaning, gathering firewood, fetching water, and seeing to her sister. Most children who have never attended school or who left school early come from low-income families, or their parents may be illiterate or only partially educated and so unable to understand the value of educating their daughters. Parents do not make enough money to support their daughters' education. Daughters of small farmers, craftsmen, and agricultural labourers in rural areas and slum dwellers' daughters in urban areas who work in low-paying jobs are most likely to be pulled out of school early.⁴

Occasionally, a family's financial situation forces kids to work as slaves. Due to the fact that the net flow of wealth from daughters to their parents usually stops after marriage, daughters during their childhood and adolescence are neglected and their parents are forced to work harder. For girls, attending school is seen as secondary due to traditional sex roles.⁵ Women have a significant role in our society. Contemporary culture has begun to acknowledge the unique identities of women. It is widely accepted that women possess the same characteristics, aspirations, and skills as men, and that she ought to be given the freedom to cultivate and express her abilities as she sees fit. There are many ways that women can benefit society. They are able to strive towards improving society and participate in social activities.

⁴ Word Bank 1991

⁵ Mitra, 1978

IV. WOMEN POSITION IN THEIR FAMILIES

A child cannot inherit their mother's surname or caste. Despite their education, women still hold a lower status in the home. Male family members typically make the majority of the important decisions, such as pregnancy, family size, property ownership and purchase, cars and cell phone ownership, etc. Women who are self-sufficient financially are also powerless. They get up early to start their day. They look after the whole family, drop the kids off at school, pack their husband's lunch, and head to the car stand to avoid the backed-up traffic in order to get to work. They must carry out their responsibilities on par with those of their male colleagues.

When they go home, they have to finish all of their household chores and be ready for the next day's schedule. They work on countless projects at home. The family does not view their labour as productive. Childcare and housework are regarded as "work." Women's labour is invisible, which prevents them from receiving the respect they deserve inside the family.

The husband possesses the wife. He is entirely entitled to her. "A woman must be subject to her father in childhood, to her husband in youth, and to her sons in the event that her lord dies," asserts Manu. A lady should never be left on her own. Because of their societal and economic reliance, women are frequently the men's comfortable and easy target. It is not just the case of economically dependent, illiterate women; it also involves working, educated, but uneducated women. In our society, there are severe occurrences of wife-beating and the deaths of victims who were mostly related to dowries. Due to religious and sociocultural norms, women have been excluded from opportunities for advancement.

V. WOMEN AND WORKPLACE

Despite making up about half of India's population, girls and women are denied access to resources and opportunities relative to men, and they frequently fall prey to discrimination on the basis of their gender. Nearly all Indian women would concur that the majority of them experience discrimination on a daily basis.

In India, the gender wage gap was 24.81%⁶ in 2013, and an interesting finding is that it widens as people get older. Women under 30 made 23.07% less money than males, while women between the ages of 30 and 40 made 30.24% less money than men. In India, there is a glaring disparity between the professional growth charts of men and women. Unexpectedly, education attainment ends up widening this salary difference as well.

The employment discrimination that women experience is only one symptom of a larger problem. Compared to males, regular employees in rural India had a lower average income. Lack of support after marriage, both at home and at work, is one of the main causes of women holding less leadership positions. These problems are made much more difficult by biases in performance reviews and tough decisions about work-life balance. Organisations overlook more entrenched hierarchies that obstruct equality, which exposes the profoundly ingrained nature of these power systems and eventually distorts equality.

The issues that India faces are distinct and stem from a variety of cultural, religious, and societal preconceptions. As a result, efforts must be made to address gender norms and women's representation in the workforce. India's female population has the potential to become highly influential community leaders, and it is up to all of us to bring about change. In contemporary India, gender inequality is a serious problem, and we need to move faster to create a society where everyone is treated equally.

VI. WOMEN AND EDUCATION OPPORTUNITIES

The improvement of living standards in India is largely attributed to the education of women in that nation. A greater percentage of women are literate, which lowers the infant mortality rate and encourages and promotes children's education, particularly for female children. This enhances the quality of life both within and beyond the family. There is evidence that children's living situations and health are negatively impacted by women's lower levels of education.

⁶ Wage Indicator

It was discovered that the rates of female literacy in India's various states varied significantly. For instance, the female literacy rate in Uttar Pradesh and Bihar is between 55% and 60%, whereas in Kerala it is over 86%. In India, higher education is mostly supported by the government and is classified as instruction for those in the 18 to 24 age range. There is still a gender gap in higher education even though women make up 24-50% of enrolled students.

Less than 12% of women in the rural state of Rajasthan are literate. Although the percentage of women who are literate has surpassed 50% of all women by 2001, these figures are still extremely low when compared to global averages and even male literacy rates in India. In an effort to promote female literacy, the Indian government recently launched the Saakshar Bharat Mission. The goal of this project is to reduce female illiteracy to half of what it is currently. In the poor countries, girls and women are frequently excluded from educational possibilities.

VII. WOMEN AND HEALTH

Malnutrition affects women most. A higher childhood death rate could be caused by gender discrimination in health care and nutrition, or it could be the result of specific causes that disproportionately harm the fairer sex. While breastfeeding is a universal practice in India, certain studies have identified gender disparities in the length of time that children are breastfed¹⁹. Female newborns may receive lower-quality food, be weaned earlier, and be breastfed less frequently and for shorter periods of time than male infants. Additionally, the state of immunisation is far from ideal. A component of the female construction plan, where males are seen as resources and girls as burdens, is excess female mortality.

VIII. CONSTITUTION OF INDIA AND WOMEN

In every community and nation on the planet, women have a special place. Despite their contributions to all areas of life, they endure hardships in silence and belong to a class that is disadvantaged as a result of several obstacles. India is a paradoxical country, not unlike any other. Here too, women – the embodiment of shakti – need to

be empowered and treated equally because of how society views their gender and how their difficulties are perceived. The United Nations has enacted several conventions that represent the global intensification of movements for women's rights and issues. The formulation of feminist thought has benefited from these international protections.

The constitutional guarantees of equal protection under the law and equality before the law have never included gender equality as a goal. This is due to the fact that equality is always meant to exist amongst equals, and since the judges did not recognise the equality of men and women, they did not believe that gender disparity was prohibited by law.⁷

A country's constitution, which has unique legal sanctity, is its foundational text that establishes the goals and main responsibilities of its several branches of government as well as the values that guide their actions. In order to attain the intended community goals, the Constitution seeks to create legal norms, social philosophy, and economic principles. These are to be effectuated by striking a synthesis, harmony, and fundamental adjustment between individual rights and collective interest.⁸ In addition to granting women equality, the Indian Constitution gives the State the authority to implement policies that positively discriminate against men in order to offset the accumulated disadvantages that women experience in the areas of politics, education, and socioeconomic status.

IX. PREAMBLE

The ambitions and aspirations of the people are reflected in the preamble, which includes the substance of the Constitution. "We, the people of India, give to ourselves the Constitution," the preamble begins. Thus, the people of India—that is, men and women—regardless of caste, community, religion, or sex—are the source of the Constitution. Simple territorial integrity and unity did not satisfy the authors of the Constitution. Social, economic, and political fairness should be the foundation of the

⁷ S.P Sathe "Gender, Constitution and the Courts" Eastern Book Co. Lucknow 1999

⁸ Dr. S.R. Myeni, *Women and Law*, Asia Law House, Hyderabad 2002

unity if it is to persist. This kind of fairness ought to be universal. The aim of granting all citizens equal status and opportunities is stated in the preamble.

- **Political Rights**

Even though women made equal contributions to the independence movement and have the same legal and constitutional rights as males to participate in the country's administration, their representation in politics is so little that their contributions to these rights have no impact. In the Constituent Assembly, the proportion of female MPs was reduced to only seven. This has prompted calls for the Lok Sabha and Vidhan Sabha to reserve 33% of their seats for women. The Constitution (73rd Amendment) Act of 1992 and the Constitution (74th Amendment) Act of 1992, which set aside seats for women in gramme panchayats and municipal authorities, have contributed to the political empowerment of women.

- **Economic Rights**

Legislation granting equal rights to men and women has been passed in droves. The directive principles of state policy and the stipulations of the fundamental rights have served as the foundation for these laws. Again, women are completely ignorant of their economic rights in this situation. To give them the required protection in these areas, laws pertaining to earnings, maternity benefits, equal compensation, and property or succession have been passed.

- **Social Rights**

The most significant step towards ensuring social justice for women has been the codification of some of our nation's personal laws, which present the greatest obstacle in this regard. In the field of criminal justice, gender neutrality laws have been detrimental to accused women since they have placed a significant burden on the prosecutor in some situations, such as dowry and rape cases. Some issues, such as workplace sexual harassment of women and domestic violence, went unaddressed and unconsidered. The Supreme Court ruled in *Valsamma Paul v. Cochin University*⁹ that human rights stem from the worth and dignity that each and every person has.

⁹ (1996) 3 SCC: 1996 SCC (L&S) 772

The Universal Declaration of Human Rights has reaffirmed essential freedoms and human rights, which are interconnected and support one another. As a result, women's rights, including those of girls, are an essential, inseparable component of universal human rights. Human rights and fundamental freedoms are violated by all forms of gender discrimination.

X. FUNDAMENTAL RIGHTS

In India, human rights have been legally enforceable as fundamental or constitutional rights. Human rights are the birthright of every man, woman, and child because they are human. Because the writers of the Constitution were aware of the historical discrimination and unfair treatment of the fairer sex, they incorporated both general and specific clauses aimed at improving the status of women.

Bhagwati J in *Maneka Gandhi v. Union of India*¹⁰ said:

“These fundamental rights represent the basic values cherished by the people of this country since the Vedic times and they are calculated to protect the dignity of the individual and create condition, in which every human being can develop his personality to the fullest extent”.

Thus, Part III of the Constitution consisting of Articles 12 to 35 is the heart of the Constitution.

- **Equality**

- Article 14 of the Constitution provides equality before law and equal protection of laws. It upholds the fundamental idea of equality before the law and forbids unjustified discrimination against individuals. It is the perfect example of the admirable principles stated in the Constitution's Preamble
- Article 15. Discrimination on the basis of sex, caste, ethnicity, religion, or place of birth is expressly forbidden by this article. Gender discrimination is outlawed, but Article 15(3) loosens the restrictions, allowing the State to favour women by making special provisions that will improve their social

¹⁰ (1978) 1 SCC 248: AIR 1978 SC 597

status and provide political, economic, and social justice. Article 15(3) has been invoked by the state in the areas of criminal law, service law, labour law, etc., and the courts have also supported the constitutional requirement supporting the legitimacy of these protective discriminatory provisions.

- Article 16 of the Constitution provides equality of opportunity for all and prohibits discrimination against women. Because the Constitution applies to everyone, regardless of gender, it indirectly grants women equal chances. The courts are aware that these articles merely represent women's equality de jure; they haven't been able to expedite de facto equality to the degree that the Constitution intended. The Delhi High Court voiced its concern in *Dimple Singla v. Union of India* that discrimination against women would not be eradicated unless mindsets shift. The majority of women's daily lives still differ significantly from the application of their constitutional rights.

- **The right to marriage of choice**

Inter caste marriages are one of the problems facing today's society. The freedom to marry whoever one wishes is protected by the law; however, some panchayats or local religious organisations disagree. In *Ashok Kumar Todi v. Kishwar Jahan*¹¹, the Supreme Court upheld the right to marry as a fundamental component of Article 19, ruling that one's right to marry a major outside of one's caste is protected by Article 19 of the Constitution. Therefore, it is the responsibility of every individual working in the administration or law enforcement to make sure that they are not harassed or have their marital life interfered with.

Both law enforcement and police personnel lack the authority to meddle in their personal lives.

- **Right to livelihood**

¹¹ AIR 2011 SC 1262

*Indian Hotel and Restaurants Assn (AHAR) v. State of Maharashtra*¹², a crucial case involving bar girls, was heard by the High Court. The petitioner institutions in the Instance case engaged in three different activities:

1. food service;
2. Music and Dance Performances:
3. Serving alcohol in a separate, marked area that has been authorized by the licensing or collector authority.

In *Anuj Garg v. Hotel Association of India*¹³, the Punjab Excise Act, 1914, Section 30, which forbade the employment of women in establishments that served alcohol, was contested on the grounds that it violated Articles 14, 16, and 21 of the Constitution.

The Supreme Court ruled that Section 30 of the Punjab Excise Act, 1914, which forbids hiring women in any area of a business where the general public consumes alcohol or intoxicating drugs, constitutes invidious discrimination. Rather than outright forbidding women from working in bars, the government ought to concentrate on addressing the ways in which uneven safety outcomes encourage women to carry out their responsibilities freely and in compliance with their professional obligations.

- **Right to live with Dignity**

Without the ability to live in dignity, gender equality becomes elusive. The court acknowledged that privacy was a crucial component of personality liberty in *Neera Mathur v. LIC*¹⁴. The Supreme Court in this case was taken aback to discover that the LIC questionnaire constituted an invasion of privacy and, as a result, such poles could not be made. The right to privacy was incorporated in the personal liberty protected by Article 21. Where relevant, health information might be obtained; for example, it was useful when selling insurance, but not when a person was looking for work.

- **Right against Exploitation**

¹² (2006) 3 Bom CR 705: AIR 2006 NOC 901 (Bom)

¹³ (2008) 3 SCC I: AIR 2008 SC 663

¹⁴ (1992) I SCC 286: 1992 SCC (L&S) 259

The Constitution's Article 23 expressly forbids the trafficking of persons. Prostitution and the buying and selling of human beings—including the devadasi system that is common in Andhra Pradesh—have long been forms of human trafficking in India. A number of laws have been created to forbid the exploitation of people in various ways in order to give Article 23 meaning. Prostitution and devadasis dedication are outlawed by the Immoral Traffic (Prevention) Act of 1956 and the A.P. Devadasis (Prohibition of Dedication) Act of 1988, respectively. The situation of prostitutes in general and the predicament of their children in particular were brought to light in *Gaurav Jain v. Union of India*.¹⁵

Instead of providing special accommodations for the children of prostitutes, the court ordered a multifaceted strategy that involves integrating them with other kids. Guidelines for preventing the induction of women into different forms of prostitution were published by the Supreme Court. It stated that rather than being seen as perpetrators in our culture, women should be seen as victims of unfavourable socioeconomic conditions.

XI. CONCLUSION

India is still getting over years of economic hardship caused by the Licence Raj and years of mistreatment during the Raj. It is widely believed that women have been subjected to discrimination and other forms of deprivation throughout history, and that they have always been denied access to basic rights like property and literacy. The last several decades have seen a steady increase in this worldwide issue, which has led to attempts to reintegrate women into society through socioeconomic initiatives that prioritise their empowerment and the restoration of gender equality.

Given that women make up half of the population in every nation, undervaluing their advancement will hinder that nation's progress. Undoubtedly, if women—who make up half of the population—are left out of the mainstream of development, then no nation or province can legitimately claim to have made progress in human

¹⁵ (1997) 8 SCC 114; 1998 SCC(Cri) 25; AIR 1997 SC 3021

development. In the current process of human growth, women's empowerment is a key concept.

A profound shift in the national mindset is required for people to genuinely comprehend the concept of women's empowerment. Men as much as women need to recognise that the world is shifting towards equity and equality. For our own benefit, it is preferable that we accept this now rather than later. Every level of government has numerous programmes aimed at empowering women; all we need is a strong structure and organisations to carry these policies and initiatives out. Our country should be captured into the horizon of empowerment of women and revel in its glory.

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