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EMPOWERING WOMEN RIGHTS IN THE SOCIETY AND LEGAL PROVISIONS AGAINST GENDER BIAS IN WORKING PLACES AND ITS SAFEGAURD

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ABSTRACT

WOMENS RIGHTS AND GENDER BIAS

This paper examines the appearance of Women right and Gender bias, women right to live free from violence and discrimination to enjoy the highest level of freedom to be educated, to vote, to earn equal wages for their works. Women facing gender bias from their childhood, across the globe many women and girls still face discrimination on the basis of sex and gender. Gender inequality is a base of many problems which affect women and girls such as domestic and sexual violence, lower pay, lack of access to education and inadequate healthcare. Gender bias such as forced marriages, forced pregnancy, forced abortion, inequality for works. women would not allowed to educate, to work, women are not allowed to go out of the home without men, so worldwide the women treat as bias, offices and workplaces were women are abused by men employees or workers lots of laws are having but it is not effective against harassment and abuses, laws are protecting women despite it is effective, because of gender discrimination women faced by problems, unequal opportunities for jobs, unequal wages of work, nowadays dowry death is increasing, 1 in 3 will experience sexual or physical violence in their life time, so the reason behind about said things is gender bias. Gender bias manifests in various forms, including forced marriages, forced pregnancy, forced abortion, and workplace discrimination. In many families, women are not given the right to make decisions about their own lives. In this paper I have discussed about legal safety against gender discrimination on women, I have reviewed few related case laws, and given recommendations for achieving the greater levels of gender equality and women's empowerment.

Keywords: Gender discrimination against women, Unequal treatment against women in the society, Egalitarian perspective, Gender and inequality, Empowerment of women and legal protections, personal responsibility for safety.

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1. INTRODUCTION

Gender is a common term despite gender discrimination is only for women in the society, because women are the only victims in the society of gender discrimination. Gender is biologically determined but it is Determined by society that women are the weaker the discrimination can be changed by the proper and clear. Denial of equality is the very bad thing which is happening society, rights and opportunity and suppressing the form on the basis of gender discrimination and half of the entire world's population is women. They are doing 2/3rd of the total work in the world but receives only 1/10th of the world's total entire income. Nearly 2/3rd of the women is illiterates and they have possessed only one percent of the total world's assets. In the entire world only 1/5th of the families is headed by women. India is a male dominant society and gender discrimination is customised habitually Gender inequality in health, education, economic and political inequalities between male and female in India Women and Men both are humans and they are equal despite there is a problem is that people giving more important to men and society also seeing a woman is weaker, Though women still suffer violence, discrimination, and institutional barriers to equal participation, when we follow the history and look back it shows that women have made great progress in the fight for equality including women's suffrage and inroads in equal opportunity in the work place and education. Women is facing the problem of dowry in the recent times, In Kerala one husband he killed her wife for dowry and the one more phenomenon also that happen in Kerala one husband he killed her wife with support of snake bite these are the things that happening because of gender bias, in worldwide the gender discrimination that is obsessed girl and women are struggle because of discrimination.

DISCRIMINATION AGAINST GIRLS

In Indian underprivileged households, this practice caused health and survival disparities for women and girls by not spending medical expenses for them. Poverty and lack of education derives countless women to work in low paying domestic service, organized prostitution or as migrant labourers. Women are not only getting unequal pay for equal or more work but also, they are being offered only low skill jobs for which lower wages are paid this has become a major form of inequality on the basis of gender. Since she is destined to get married and leave her ancestral house one day, teaching a girl child is still considered as a poor investment. thus, without having good education women are found lacking in present day's demanding job skills whereas, each year's high school and 10th and 12th standard results show that girls are always

doing better than boys. This shows that parents are not spending much after 10th, 12th standard on the on-girl child and that's why they lack in market job. Educational backwardness, unemployment, society, families, culture, customs and beliefs, these are the things that discriminate a woman this is the way that discriminate women the reason behind of gender discrimination

CAUSES OF GENDER DISCRIMINATION

Educational backwardness, unemployment, society, families, culture, customs and beliefs, these are the things that discriminate a woman this is the way that discriminate women the reason behind of gender discrimination,

DOWRY

In India, dowry is the bride's contribution to the family of the bridegroom either in cash or another form of gift. The practice is rather common in many different geographical areas, class, and religious context. India's dowry system influences the view of the area load on amenities, therefore contributing to gender inequities. The payment of a dowry has been prohibited under the Dowry prohibition act in Indian civil law and subsequently by section 304B² and 498a³ of Indian penal code IPC. Several studies suggest that, despite people's sentiments toward dowry

OBJECTIVES OF THE STUDY

1. To analyse the impact of gender discrimination on women's rights.
2. To evaluate the effectiveness of existing laws and policies in combating gender bias.
3. To examine the role of education in empowering women.
4. To review legal cases that have shaped women's rights and gender equality.
5. To suggest reforms and policy changes to enhance gender equality.

LEGAL AND CONSTITUTION SAFEGUARDS AGAINST GENDER INEQUALITY

Article 15⁴ of the Indian constitution provides for prohibition of discrimination on the grounds of sex also apart from other grounds such as religion, race, caste or place of birth. Article 15(3)

² IPC section 304B.Dowry Death

³ IPC section 498A. Husband or relative of husband of a woman subjecting her to cruelty

⁴ Indian constitution Article 15 Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth

authorizes the state to make any special provision for women and children. Moreover, the directive principles of state the policy also includes rules that favour women and protect them from discrimination. The parliament has also passed a number of protective measures to end women's exploitation and provide them with equal position in society. For example, the sati (prevention) act, 1987 was enacted to abolish and make punishable the in human custom of sati, the dowry prohibition act, 1961 to eliminate the practice of dowry, the special marriage act 1954 to give rightful status to married couples who marry inter-caste or inter-religion, pre-natal diagnostic techniques (regulation and prevention of misuse) bill (introduced in parliament in 1991, passed in 1994 to stop female infanticide and many more such acts. Furthermore, the parliament time to time brings out amendments to existing laws in order to give protection to women according to the changing needs of the society, for instance, section 304-B was added to the Indian penal code, 1860 to make dowry death or bride-burning a specific offence punishable with maximum punishment of life imprisonment. India is also signatory to the convention for the elimination of all forms of discrimination against women. Constitution of India, article 14⁵ prohibition of discrimination grounds of sex, article 16⁶ to provide equal opportunities to all, the fundamental duty of every individual to ensure that the dignity of women is protected despite the women is caused by gender discrimination, women is facing discrimination on every day, wherever they live in India girls and boys see gender inequality in their homes and communities every day, across India gender inequality results in unequal opportunities, in India is a only large country where more girls die than boys. Girls are also more likely to drop out of school in India girls and boys experience adolescence different. While boys tend to experience greater freedom, girls tend to face extensive limitations on their ability to move freely and to make decision affecting their works, education, marriage and social relationship. Some Indian women are global leaders and powerful voices in diverse fields but most many of their rights due to deeply entrenched patriarchal views, norms, traditions and structures. there are risks, violations and vulnerabilities girls face just because they are girls most of the risk directly linked to economic, political, social and cultural disadvantages girls deal with in their daily lives. The constitution grants equality to women, ensures equality before law, and prohibits discrimination against any citizen on the basis of religion, race, caste, sex or place of birth the constitution protect women from gender discrimination and inequality.

⁵ Indian constitution Article 14 of the Constitution of India provides for equality before the law or equal protection of the laws within the territory of India

⁶ Indian constitution article 16 the right of equal opportunity in the matters of public employment

The prevalence of gender discrimination, and social norms and practices, girls become exposed to the possibility of child domestic, poor educations and violence. Many of these manifestations will not change unless girls are valued.

LEGAL PROVISIONS FOR WOMEN EMPOWERMENT IN INDIA⁷

Article 14⁸– Equality Before the Law:

Ensures that the state shall not deny any person equality before the law or equal protection of the laws within India, thereby prohibiting discrimination based on gender.

Article 15(3)⁹– Special Provisions for Women and Children:

Allows the state to make special provisions for women and children to protect and uplift them, recognizing their social and economic disadvantages.

Article 16¹⁰– Equal Opportunities in Public Employment:

Guarantees that no citizen shall be discriminated against in matters of employment or appointment under the state on grounds of gender, ensuring equal opportunities for women in government jobs.

Article 39(a)¹¹ – Equal Pay for Equal Work:

Directs the state to ensure that men and women receive equal remuneration for equal work, preventing gender-based wage discrimination in employment.

Article 42¹²– Just and Human Work Conditions & Maternity Relief:

Mandates the state to provide humane working conditions and maternity relief, ensuring that women workers receive necessary support, including maternity leave and other benefits.

The Dowry Prohibition Act, 1961¹³

This law criminalizes the giving and receiving of dowry in marriages to curb the social evil of dowry-related harassment. It applies to all forms of dowry exchange, including cash, goods, or

⁷ Kabeer, N. (2005). "Gender Equality and Women's Empowerment: A Critical Analysis." *World Development*, 33(8), 1355-1369.

⁸ Indian constitution Article 14⁸ Equality Before the Law Ensures that the state shall not deny any person equality before the law or equal protection of the laws within India, thereby prohibiting discrimination based on gender.

⁹ Indian constitution Article 14⁹ Special Provisions for Women and Children Allows the state to make special provisions for women and children to protect and uplift them, recognizing their social and economic disadvantages.

¹⁰ Indian constitution Article 16¹⁰ Guarantees that no citizen shall be discriminated against in matters of employment or appointment under the state on grounds of gender, ensuring equal opportunities for women in government jobs.

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¹² Indian constitution Article 42¹²– Just and Human Work Conditions & Maternity Relief:

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¹³ The Dowry Prohibition Act, 1961¹³

property. Any demand for dowry before, during, or after marriage is punishable. Offenders can face imprisonment of up to five years and a fine. The Act aims to protect women from financial and emotional exploitation in marriage.

The Protection of Women from Domestic Violence Act, 2005¹⁴

This law provides protection to women facing physical, emotional, sexual, verbal, or economic abuse within domestic relationships. It allows women to seek legal remedies such as protection orders, residence orders, and monetary relief. The Act recognizes live-in relationships and extends protection to such women as well. Courts can provide emergency relief to victims to ensure their safety. It empowers magistrates to take swift action against perpetrators of domestic violence.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013:¹⁵

This law mandates the prevention of sexual harassment of women in workplaces¹⁶, ensuring a safe working environment. It defines sexual harassment broadly, including physical contact, unwelcome advances, and derogatory remarks. Employers must establish an Internal Complaints Committee (ICC) to handle complaints. Organizations failing to comply with the Act's provisions may face penalties.

The law protects the women from discrimination and the sexual harassment of women at work place to prevention and redressal Act, 2013 is a legislative act in India that seeks to protect women from sexual harassment at their place of work. It is to provide protection against sexual harassment, the sexual harassment results in violation of the fundamental rights of the women to equality under articles 14¹⁷ and 15¹⁸ of the constitution of India and her right to life and live with dignity under article 21¹⁹ of the constitution and right to practice any profession or to carry on any occupation, trade or business which includes a right to safe environment free from sexual harassment. The protection against sexual harassment and the right to work with dignity are universally recognised human rights by international conventions and instruments such as convention on the elimination of all forms of discrimination against women, which has been ratified on the 25th June, 1993 by the government of India. These are the legal provisions are

¹⁴ The Protection of Women from Domestic Violence Act, 2005

¹⁵ The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013:¹⁵

¹⁶ MacKinnon, C. (1987). "Feminism Unmodified: Discourses on Life and Law." Harvard University Press

¹⁷ Indian constitution Article 14 of the Constitution of India provides for equality before the law or equal protection of the laws within the territory of India

¹⁸ Indian constitution Article 15 Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth

¹⁹ Indian constitution Article 21 No person shall be deprived of his life or personal liberty except according to a procedure established by law

protecting women from gender discrimination and these are the women rights against discrimination.

EQUAL REMUNERATION ACT 1976²⁰

It is the duty of employer under the Act to pay equal remuneration to men and women workers for same work or work of similar nature. No employer can, while making recruitment for the same work or work of similar nature, or in any condition of service subsequent to recruitment such as promotions, training or transfer, make any discrimination against women except where the employment of women in such work is prohibited or restricted by or under any law for the time being in force, in this act prohibited by gender discrimination and to established women rights.

GENDER EQUALITY PREVENTS VIOLENCE AGAINST WOMEN AND GIRLS²¹

Gender inequality is a root cause of violence against women. the violence against women is men's control of decision-making and limits to women's independence, the male relationships that emphasise aggression and disrespect towards women, the gender equality that prevent the women from domination of men, the gender equality helps to prevent violence against women and girls and makes our communities safer and healthier. It is a human right and it is good for the women, the gender equality is to increase the opportunities available to women and girls, the society treat as men and women are have equal rights equal opportunities

Case Laws on Gender Discrimination

1. Vishaka v. State of Rajasthan (1997)²²

This case arose after a brutal workplace sexual assault, highlighting the absence of laws to prevent sexual harassment. A public interest litigation (PIL) was filed, urging the Supreme Court to address workplace safety for women. The Court recognized sexual harassment as a violation of fundamental rights under Articles 14, 19, and 21. It laid down the Vishaka Guidelines, mandating workplaces to establish mechanisms to prevent and redress harassment. These guidelines later became the foundation for the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal)

²⁰ Equal Remuneration Act 1976²⁰

²¹ Viswanath, K. (2013). "Women's Safety in Public Spaces." *Economic & Political Weekly*, 48(39), 51-58.

²² Vishaka v. State of Rajasthan (1997) AIR 1997 SC 3011

Act, 2013.

2. Shayara Bano v. Union of India (2017)²³

Shayara Bano challenged the practice of instant triple talaq (talaq-e-biddat) after being unilaterally divorced by her husband. She argued that the practice violated women's rights to equality and dignity under the Constitution. The Supreme Court, in a 3:2 majority verdict, declared triple talaq unconstitutional, stating it was arbitrary and not an essential practice in Islam. The ruling marked a significant step toward gender justice for Muslim women. This led to the Muslim Women (Protection of Rights on Marriage) Act, 2019, which criminalized triple

3. Joseph Shine v. Union of India (2018)²⁴

Joseph Shine, a non-resident Indian, filed a PIL challenging Section 497 of the IPC, which criminalized adultery but only punished men, treating women as passive victims. The Supreme Court unanimously struck down the law, stating that it violated Article 14 (equality), Article 15 (non-discrimination), and Article 21 (right to dignity). The Court held that adultery, while morally questionable, was not a crime and that women should not be treated as property of their husbands. The ruling decriminalized adultery and reinforced gender equality in marriage.

4. Air India v. Nergesh Meerza (1981)²⁵

Female flight attendants of Air India challenged service rules that imposed discriminatory conditions, such as early retirement, pregnancy-related termination, and lower pay compared to male employees. The Supreme Court ruled that such employment conditions were arbitrary and unconstitutional, violating Article 14 (right to equality) and Article 16 (equal opportunity in employment). The judgment struck down the rule requiring compulsory retirement of female employees upon marriage or pregnancy. It reinforced the principle that employment policies must not discriminate based on gender

REMEDIES FOR GENDER DISCRIMINATION, INEQUALITY

The government must give the awareness of people to reduce the inequality, don't treat a women gender basis discrimination, to pay equal wages for work on the basis provide salary, to give equal chance to education, to give equal chance to work, to make more laws against

²³ Shayara Bano v. Union of India (2017) AIR 2017 SC 460

²⁴ Joseph Shine v. Union of India (2018) AIR 2018 SC 4898

²⁵ Air India v. Nergesh Meerza (1981) 1981 SC 1829

gender discrimination, to give equal opportunities to all fields, to encourage the women to come front and contribute on all opportunities. Peoples must protect women in working place, offices, schools, colleges, the changes must be start from her home, families must give full support for works, educations. Stop the child marriages completely and the government must take tremendous action against child marriage, society must stop to force women to do child marriages, pregnancy, abortion, without consent to do sex with husband, in India getting dowry from bride is custom but it is prohibited by laws, stop bring dowry and getting dowry, to stop seeing as a woman like a sexual object, the society must give protection to women and encourage women to independent, parliament will make laws against discrimination and gender bias then the society will change, in every family must give the knowledge to their boy children girls are equal to freedom and opportunities for education and all the aspects.

The movement for women's empowerment where women can become economically independent and self-reliant is needed, where they can fight their own fear and go out in the world fearless.

In job opportunities there shall be reservation or expenditure or provision of services or special provisions. In governance all rights and all legal measures should be available for women's protection and support. Human rights education, know how to take control of their circumstance, help to achieve their own goals, helping themselves enhancing their quality of life and motivating for lobbying or advocacy are also enablers for their advancement.

Education develops the skills, imparts knowledge, changes the attitude and improves the self-confidence. It provides employment opportunity and increases income. Hence educating women is the prime factor to combat gender discriminate and for the upliftment of women. Not only the female, the society must be educated to give equal right for female.

In India, mostly, women in the young age depends her father, in the middle age- she depends on her husband and in the older age depends on her son. Woman always depends on somebody for her livelihoods hence, independent in economic aspects are imperative for women's development. Economic independence will free the women from the slavery position and boost the self-confidence. Economic independence of women also helps in the national economic development Due to prolonged suppress, Indian women, an especially uneducated and unemployed woman hasn't had the self-confidence. Women need self-confidence to fight

against all the atrocities against her and to live self-esteemed life. Hence, boosting the morale and self-confidence of the women, is the key to eliminate the inferior complex of her.

Even in the family as well as in the society the decision-making power of women is denied. Mostly males make the importance decision in the family and in the society. This makes women as voice less and destroys herself confidence and she feel less important in the family as well as in the society. So, to end gender discrimination women must empower with decision making power.

SUGGESTIONS AND RECOMMENDATIONS FOR GENDER EQUALITY

1. Strengthening Legal Enforcement

Effective implementation of gender equality laws is essential to ensure justice for victims of discrimination and harassment. Stricter penalties should be imposed on violators to deter gender-based crimes. Specialized fast-track courts can be established to handle gender-related cases efficiently. Law enforcement agencies must be trained to handle gender-sensitive issues with professionalism. Regular audits should be conducted to assess compliance with laws like the Sexual Harassment Act. The government should also introduce stricter monitoring mechanisms for workplaces and public institutions. Public legal awareness programs should be conducted to ensure people understand their rights and legal remedies.

2. Education and Awareness

Gender studies should be integrated into school and university curricula to promote awareness from a young age. Sensitization programs should be conducted for teachers and students to eliminate gender biases. Educational institutions must ensure an inclusive and safe environment for girls and women. Workshops and seminars on women's rights should be organized regularly to spread awareness. Government and NGOs should collaborate to run campaigns highlighting the importance of gender equality. Media and digital platforms should be used effectively to change societal perceptions about gender roles. Encouraging male participation in gender equality discussions can lead to a more balanced perspective.

3. Economic Independence for Women

Governments and private sectors should create more employment opportunities for

women across all industries. Special incentives and subsidies should be given to women entrepreneurs to encourage financial independence. Organizations should promote equal pay and ensure that gender does not influence career growth. Skill development programs should be launched to help women acquire technical and managerial skills. Flexible work arrangements and maternity benefits should be improved to support working women. Financial literacy programs should be introduced to help women manage savings, investments, and entrepreneurship. Encouraging women's participation in traditionally male-dominated fields can help break stereotypes and ensure better representation.

4. Community Involvement

Societal mindset changes can be encouraged through grassroots awareness campaigns and community-based initiatives. Religious and cultural institutions should promote gender equality in their teachings and practices. Community leaders should be involved in discussions about women's rights to gain wider acceptance. Parents should be educated about the importance of treating sons and daughters equally. Social media platforms can be used to spread positive narratives about gender equality. Rural outreach programs should be conducted to address gender discrimination at the grassroots level. Promoting women's leadership in local governance can help bring gender-sensitive policies into action.

5. Stronger Workplace Policies:

Companies must implement clear anti-discrimination and anti-harassment policies to protect women employees. Internal Complaints Committees (ICC) should be mandatory in all organizations to handle gender-based grievances. Employers should provide equal growth opportunities and eliminate biases in recruitment and promotions. Workplaces should have strict policies against pay discrimination and ensure salary parity. Maternity and paternity leave policies should be improved to support both working parents. Organizations should provide mentoring programs and leadership training for women employees. Annual gender audits should be conducted to assess and improve workplace equality standards.

6. Government Interventions

The government should introduce policies to eliminate the gender pay gap and ensure women's fair remuneration. Special quotas should be introduced in leadership positions to increase women's representation in decision-making roles. Financial aid and tax benefits should be given to women-led businesses and startups. Legal frameworks

should be revised to offer stronger protection against gender discrimination. Governments should establish national helplines and support centres for women facing gender-based violence. Public-private partnerships should be encouraged to promote women's employment in various sectors. Awareness programs should be conducted to inform women about their legal rights, financial options, and career opportunities.

CONCLUSION

Gender equality is a fundamental pillar of developing society. There are several laws made by the government even though women are still facing discrimination in various areas, like including education, employment, and social participation. Society must have to transform the change in equality both are human and both are eligible to get the equality in the society and in their life they don't know including women to enter various during the performance will be subject to dismantle the protests it's coming out this spring. Already there are existing laws to protect the woman in the workplaces but there are laws but we have to strictly implement such laws and protect the woman from the working place. Lot of discriminative perspective of the woman has changed in the modern era despite there are some places women are still discriminating they are not even discriminating in in the society it starts from their home itself. Changes must start from their home and the parents of the women cannot insist unwanted marriages, pregnancies or abortions without their consent and marital relationship must be built on mutual respect and nobody should not forcing a woman into a sexual relationship even with marriage is a violation of her right but even though there are people still there doing such things the legal protection must be reinforced to address such issues and ensure the woman's safety and dignity so right to safety environment. Society has to ensure that the freedom of women freedom does not mention in the just in word it should be practically imposed to the woman. Equality must be established in every area like social, economic, political, education, employment, everywhere the woman also entitled to get and participate and enjoy the freedom to obtain such rights no discrimination should be imposed on woman. very important thing that is Societal attitude must change and policy makers also must take a stronger measure to ensure the gender equality. The society and government should be provided Equal access to education, employment and leadership position with a lead to a just progressive society women must be encouraged to step forward break barriers and contribute to all field without fear of discrimination suppression. achieving gender equality is not just about empowering the women and their rights with fair treatment. Every individual family and institution have a responsibility to foster an environment that respect and uplift women only through collective effort can be

dismantled gender bias

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