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INDIA: RIGHTS, REMEDIES AND REALITIES**

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## **GENDER EQUALITY JURISPRUDENCE IN INDIA: RIGHTS, REMEDIES AND REALITIES**

Swastika<sup>1</sup> and Shruti Raj Singh<sup>2</sup>

### **ABSTRACT**

It is a thorough research that focuses on the legal environment of gender equality in India, with a specific emphasis on the rights, remedies, and reality of men, women, and transgender people. This paper investigates the various legislative frameworks that have arisen to address gender inequities, providing equitable treatment for all genders in a country distinguished by its broad cultural fabric and complicated societal norms. Deeply established gender inequalities in India's history have been perpetuated by traditional norms, patriarchal systems, and societal expectations. Historically, women have endured institutional discrimination and violence, while transgender people have been marginalized and excluded from many aspects of society. There are several laws that are not gender neutral. Men's rights are ignored and disregarded since it is considered that they are to blame for the problems that exist. The constitutional structure of India offers a solid foundation for gender equality. The 1950 Indian Constitution enshrines the ideal of equality before the law (Article 14) and outlaws sex discrimination (Article 15). These measures establish the framework for the formulation of gender-sensitive legislation in the future. The report acknowledges the urgent need for legal remedies to correct these injustices and promote gender equality for all. The research begins with historical background, shedding light on the customary behaviors and cultural ideas that have traditionally sustained gender inequality. It investigates the intersections of gender with other elements like as caste, religion, and regional differences, all of which have impacted the lives of men, women, and

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transgender people. The report also assesses the practical impact of these laws and court judgments on gender equality. It also highlights the significance of educational and awareness initiatives in challenging old gender stereotypes and promoting an inclusive society that values the rights and dignity of all genders. Gender-based violence, unequal access to education and healthcare, and income disparities between men, women and transgender continue to be major challenges. The research intends to educate policymakers, activists, and academics involved in India's continued quest of full gender equality, understanding the need of ensuring equal rights, remedies, and perspectives for all members of society.

## **KEYWORDS**

Gender, Equality, Jurisprudence, Transgender, Constitution, Rights, Remedies.

## **1. INTRODUCTION**

Gender may be described as "the state of being male or female (usually used in reference to social and cultural differences rather than biological differences)." As a result, the term "gender" in and of itself is a socio-cultural connotation or a societal invention of female and male identity.<sup>3</sup> It involves how those real or imagined disparities have been valued, employed, and relied on to separate men and women and assign duties and expectations to them. All of these disparities have now shown themselves as 'gender discrimination,' which is quite obvious in India. Gender-based prejudices and stereotypes are "generally" directed toward

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<sup>3</sup> Judith Butler, *Sex and Gender in Simone de Beauvoir's Second Sex*, <https://www.jstor.org/stable/2930225>, last visited: 22<sup>nd</sup> October, 2023.

the female component of the Indian population as a result of patriarchal society.<sup>4</sup>

As a result, in this decade, the necessity for a GENDER-NEUTRAL society has been recognized. According to the Oxford Dictionary, 'gender neutrality' is an adjective that is suited for, relevant to, or shared by both male and female genders. It refers to the notion that laws, language, and other social institutions should not discriminate roles based on people's sex or gender, and that men and women should be treated legally and equitably. We desire to live in a society where equality is understood in its real sense, rather than at the expense of one gender over the other.<sup>5</sup>

This paper also discusses an actual real-time questionnaire carried out by us to investigate how people feel about law and its implementation guaranteeing equal rights to men, women, and transgender persons. We did this survey as people concerns should also be heard before making assumptions about laws, implementation and realities. We designed the survey to be gender neutral and classified those who responded based on their age, occupation, and marital status. The responses were filled out anonymously in order to safeguard the people's thoughts and opinions. Let us dig into this detailed research together to understand what rights and remedies are guaranteed by law and how they are being implemented. It emphasizes the crucial necessity for a complete awareness of the journey's obstacles and accomplishments, as well as the urgency of closing the gap between the legal promise of gender equality and its practical implementation in the lives of Indian people.

### **1.1 Research Question**

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<sup>4</sup> Unknown, Gender in Criminal Justice System, <https://www.unodc.org/e4j/en/crime-prevention-criminal-justice/module-9/key-issues/1--gender-based-discrimination-and-women-in-conflict-with-the-law.html> , Last visited: 19<sup>th</sup> October, 2023

<sup>5</sup> S. Dodds, Sex Equality, <https://www.sciencedirect.com/topics/social-sciences/gender-equality>, Last visited: 12<sup>th</sup> October, 2023

- Whether or not the gender equality legislation actually gender neutral?
- Whether gender equality legislation is just on paper or there is a strict societal implementation?

## **2. Research Methodology**

This research was conducted using “Doctrinal technique”. The technique used determines the study's credibility and dependability. The data for the doctrinal study was gathered from primary and secondary sources. Statutes, rules, statements, announcements, recommendations, and committee reports are the key data sources. Secondary data sources include books, dictionaries, encyclopedias, journals, newspapers, and websites. This study is conducted on a legal concept by analyzing current legislative provisions and case laws. There was a survey also conducted which means that “Quantitative research method” used for collecting data from a set of respondents.

## **3. HISTORY**

Gender discrimination against women has a long and deeply entrenched history that spans millennia.<sup>6</sup> Women were assigned to domestic responsibilities in ancient cultures, and their social, economic, and political engagement was severely limited. During the Middle Ages, patriarchy was institutionalized, with women being considered as property or players in political relationships. The principles of individual rights and equality were brought to the forefront by the Enlightenment and the Industrial Revolution, generating the first stirrings of the women's rights movement in the nineteenth century. Despite improvements, women were still denied voting rights, educational possibilities, and the chance to work outside the house<sup>7</sup>. The 20th

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<sup>6</sup>

<https://www.ohchr.org/sites/default/files/Documents/Events/WHRD/WomenRightsAreHR.pdf>

<sup>7</sup> Unknown, Feminism and Women's Rights movements, <https://www.coe.int/en/web/gender-matters/feminism-and-women-s-rights-movements>, Last visited: 22<sup>nd</sup> October, 2023

century saw considerable advances in the fight for gender equality, with women obtaining voting rights, access to school, and employment. However, issues such as uneven compensation, restricted access to leadership positions, and the continuous burden of cultural expectations surrounding their responsibilities as spouses and mothers remained. Gender inequality still exists today in numerous forms, such as the gender wage gap and underrepresentation in politics and business boardrooms. In the fight for gender equality, addressing these inequities is a continuous battle.<sup>8</sup> The history of gender discrimination against women emphasizes the need of honoring progress while realizing that the battle for full equality is far from done.

Historically, males have been identified with positions of power, authority, and cultural expectations, which may imply that gender inequity does not exist.<sup>9</sup> Many communities required males to adhere to stringent masculine ideals, concealing their emotions and sensitivity. Men faced significant constraints in expressing their authentic selves due to deeply ingrained patriarchal structures, even though they held positions of privilege in many spheres. Gender inequality for men, then, includes not only disparities in opportunities and treatment, but also the struggle to break free from the narrow confines of traditional masculinity, making the history of gender inequality a multifaceted story that transcends gender boundaries.

The history of gender inequality for transgender people is one of marginalization, discrimination, and, in some cases, violence. Despite recent improvements, transgender people continue to confront significant hurdles. Legal recognition and safeguards differ greatly, and many people continue to face discrimination in work, housing, and healthcare.

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<sup>8</sup> The Pursuit of gender Equality,  
[https://www.oecd.org/els/soc/UPHILL\\_BATTLE\\_English.pdf](https://www.oecd.org/els/soc/UPHILL_BATTLE_English.pdf)

<sup>9</sup> The Role of men and boys in achieving gender equality,  
<https://www.un.org/womenwatch/daw/egm/men-boys2003/Connell-bp.pdf>

Violence against transgender persons, particularly transgender women of color, is still prevalent and highly concerning.<sup>10</sup> Transgender people's history of gender inequity highlights the continuous battle for complete acceptance, legal protection, and social inclusion. As society strives for a more inclusive and fair future for all gender identities, their stories emphasize the need of identifying and addressing the biases and prejudices that have traditionally excluded this group.

#### **4. CONSTITUTIONAL PROVISIONS**

The Constitution has provided certain provisions which grants gender equality and equality in general. Discussing them briefly below:

- Article 14 of the Indian Constitution refers to the equal status or equality before the law. Everyone irrespective of their gender, caste, religion has equal status before the law and State cannot deny or infringe it.<sup>11</sup>
- Article 15 of the Indian Constitution prohibits discrimination on the grounds of religion, race, caste, sex or birth place. This provision restricts the State from making any special provisions for women and children.
- Article 16 gives stated the responsibility of equal opportunity for all citizens of India in matters of employment or appointment to any office.
- Article 39 of the Constitution gives power to the State that it shall make sure that people have an equal right to an adequate livelihood, equal pay for men and women, the economic system does not result in the concentration of wealth and the material resources are distributed to serve a common purpose.<sup>12</sup>

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<sup>10</sup> Transgender women of color: discrimination and depression symptoms, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4205968/>

<sup>11</sup> <https://byjus.com/free-ias-prep/right-to-equality/>.

<sup>12</sup> <https://byjus.com/free-ias-prep/right-to-equality/>.

- Article 42 gives the responsibility to State to secure humane conditions for work and for maternity relief according to Article 42 of the Constitution.

## 5. CURRENT LEGISLATION FOR GENDER EQUALITY

There are several opportunities which are provided under various Acts and Laws which helps in gender equality upliftment. These are as follows:

- The Equal Remuneration Act, 1976: Employers must provide equal compensation or payment to men and women for equal labor under this Act. No employer may discriminate between men and women while hiring, training, or transferring for the same job or for the work done.<sup>13</sup>
- The Criminal Law Amendment Act, 2013: On the suggestion of the Verma Committee Report, the Criminal Law Amendment Act, 2013, went into effect on February 3, 2013. This Act included additional offenses such as acid attack, sexual harassment, voyeurism, and stalking, which have all been included into the Indian Penal Code.
- Sexual Harassment of Women at Workplace Act, 2013: The topic was initially raised in the **“Vishaka case in 1992”**<sup>14</sup>, when sexual harassment of women at work was discussed and legislation was implemented to address it. Harassing women at work breaches the basic rights of women provided by Articles 14, 15, and 21 of the Indian Constitution.
- The Hindu Succession Act, 1956: In 2005, a change was made to the Hindu Succession Act, which resulted in the repeal of discriminatory restrictions. Females are allowed ownership of any

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<sup>13</sup> Hari Manasa, Duties of the employer under the equal remuneration act, 1976, <https://blog.ipleaders.in/duties-employer-equal-remuneration-act-1976/>

<sup>14</sup> Vishakha case, AIR 1997 SC 3011



property bought before or after the Act's signing, thereby eliminating their "limited owner" status.<sup>15</sup>

- The Maternity Benefit Act, 1961: The Maternity Benefit Act of 1961 was amended in 2017. Paid maternity leave for women employees with fewer than two surviving children was increased from twelve (12) weeks to twenty-six (26) weeks under the Act. The amendment also permitted working mothers who had adopted a child under the age of three months to take 12 weeks of maternity leave from the day of receiving the child and to work from home after completing 26 weeks, subject to their mode of employment and the approval of their employer.<sup>16</sup>
- The Dowry Prohibition Act, 1961: The payment or acceptance of dowry as a consideration for marriage is prohibited under this Act. Dowry-seeking or dowry-giving is punishable by imprisonment for up to six months, a fine of up to Rs. 15000 or the amount of dowry, or imprisonment for up to five years.
- There are many other crimes which are identified under the Indian Penal Code such as Rape, Kidnapping and abduction, Molestation, Sexual Harassment, Torture, Dowry Deaths etc.
- The Transgender Persons (Protection of Rights) Act, 2019: The Act forbids discrimination against transgender people, including denial of service or unfair treatment in the following areas: (i) education; (ii) employment; (iii) healthcare; (iv) access to or enjoyment of goods, facilities, or opportunities available to the public; (v) right to movement; (vi) right to reside, rent, or otherwise occupy property; (vii) opportunity to hold public or private office; and (viii) access to

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<sup>15</sup> Arya Mittal, Evolution of Hindu women's right to property, <https://blog.ipleaders.in/evolution-of-hindu-womens-right-to-property/>

<sup>16</sup> Saumya Uma, Gamechanger or a Trojan Horse Some reflections on the Maternity Benefit Act 1961, [https://www.epw.in/journal/2020/20/review-womens-studies/gamechanger-or-trojan-horse.html?0=ip\\_login\\_no\\_cache%3D376ca9b4951693d7a6d765ddc6a87316](https://www.epw.in/journal/2020/20/review-womens-studies/gamechanger-or-trojan-horse.html?0=ip_login_no_cache%3D376ca9b4951693d7a6d765ddc6a87316)

a government or private establishment in whose care or custody a transgender person is.<sup>17</sup>

## 6. REALITIES OF GENDER EQUALITY

Even in a democratic country like India, where everybody is treated equally, there is a lack of social execution of the laws.<sup>18</sup> People are still unable to secure their rights and achieve equality of opportunity. There is still prejudice and a lack of gender neutral legislation. People still believe that they are unheard, and they believe that creating rules on paper is insufficient; such laws must be properly implemented. The society must be made aware of its rights, remedies, and responsibilities to other members of society. There are still a few Acts, laws, regulations, and provisions that are not gender neutral and leave the opposite gender feeling vulnerable. Given the three genders that India tends to protect, men, women, and transgender people, let's look at where the legislation creates a loophole via lack of precedents and implementation.

### 6.1 Men and their concerns about Gender Inequality

The assumption that all abuse is perpetrated by males, on the other hand, not only promotes a gender imbalance in society, but also acts as a disguise for women's wrongdoing. Women and men both commit crimes for the same reason. Our laws, as well as criminality, should not be gendered. Let's look at some of the Indian Penal Code's anti-male clauses.

- In Indian Penal Code, Section 498A, it protects wives and female live-in partners against domestic abuse perpetrated by husbands, male live-in partners, or relatives. In India, males, like women, are victims of gender-based violence.

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<sup>17</sup> <https://prsindia.org/billtrack/the-transgender-persons-protection-of-rights-bill-2019>

<sup>18</sup> Arun Kumar Nayak, Democracy and Development in India, <https://www.jstor.org/stable/48505121>

Because most victims of domestic violence are women, there is a prevalent notion that domestic violence is gender-specific, which is false.<sup>19</sup> It might be difficult to understand that even males can be victims of domestic abuse in a patriarchal or male-dominated nation like India. They feel that their struggle against violence would be in vain owing to gender-specific norms and articles in the Indian Constitution. The evident objective of these sections is to blame the husband or in-laws, even though they did not cause the death or injury! Even if the accusation is untrue, the spouse will be tried and assumed guilty until proven innocent. The Indian Supreme Court has declared this violation of the law to constitute legal terrorism.<sup>20</sup> The most prevalent type of marital or domestic violence against males is emotional abuse, with physical abuse following in second. It is exclusively for the safety of women in the home.

- Under Indian Penal Code, Section 375,<sup>21</sup> You must be a male to rape, and a female to be raped. For male sexual offenders, the only available option is Section 377<sup>22</sup> of India's anti-sodomy statute. Furthermore, if a male victim is assaulted by a man abuser, the assault is not deemed rape. In the law, there is no distinction between consenting and non-consensual sex between male adults. Furthermore, if the perpetrator is a female, the victim has no remedy! People believe that males are not as weak as women, that men still have sex, that women cannot rape men, that men are not similarly devastated by rape, and so on. According to a recent

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<sup>19</sup> Pooja Gajmer, Domestic Violence, <https://www.ijfcm.org/html-article/13600>

<sup>20</sup> Smriti Singh, Misue of dowry provisions is legal terrorism, <https://timesofindia.indiatimes.com/city/delhi/misuse-of-dowry-provisions-is-legal-terrorism-court/articleshow/7615680.cms>

<sup>21</sup> Provision of Rape

<sup>22</sup> Unnatural offences

study, 16.1% of the 222 Indian males surveyed have been tricked into having sex<sup>23</sup>. Many reports reveal that guys are raped and that the rate of male rape is higher than usually imagined. Without a question, countries with gender-neutral rape laws have the lowest rape rates in the world.

- For Divorce and Child Custody Law, they are prejudiced against males since divorced women can prevent fathers from seeing their children for an extended period of time. Kid custody is only granted to the father in India if the mother is mentally ill or has abandoned the kid at home. At the moment, child custody in divorce situations is governed by two laws: The Guardians and Wards Act of 1890 and the Hindu Minority and Guardianship Act of 1956.<sup>24</sup> Neither legislation, however, provides for shared parenting or joint custody.
- **“Vishaka vs. State of Rajasthan”<sup>25</sup>**, a landmark case that resulted in the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act of 2013. This Act is not gender neutral and exclusively relates to women's protection. It was an outmoded notion to believe that sexual harassment solely affects women. It is criticized as a sort of violation of the Fundamental Right to Gender Equality and the Right to Life and Liberty enshrined in Indian

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<sup>23</sup> Iuris Jura, Critical analysis on gender inequality in the criminal justice system in India, <https://www.iurisjura.com/post/critical-analysis-on-gender-inequality-in-the-criminal-justice-system-in-india>

<sup>24</sup> Yuvraj, Custody and guardianship of a minor child, <https://www.legalserviceindia.com/legal/article-6579-custody-and-guardianship-of-a-minor-child.html>

<sup>25</sup> Vishakha case, AIR 1997 SC 3011

Constitutional Articles 14<sup>26</sup>, 15<sup>27</sup>, 19(1)(g)<sup>28</sup>, and 21<sup>29</sup>. This was reiterated by the Supreme Court in **“Punjab and Sind Bank versus Durgesh Kuwar”**. The basic problem with sexual harassment legislation is that they are not gender-neutral; in the existing state of affairs, only an aggrieved woman may file a sexual harassment complaint. According to the law, males and transgender persons are not permitted to file a sexual harassment complaint at work. In terms of gender neutrality, the Act leaves a gap. With the passage of Acts such as the Transgender Persons (Protection of Rights) Act, 2019, it is more vital than ever for the Indian government to enact comprehensive, gender-neutral, and progressive sexual harassment legislation for the twenty-first century.

## 6.2 Women and their struggle with Gender Inequality

- Because of this associated societal attitude, many women are pushed to engage in sexual activity by their spouses at a young age. The need to criminalize marital rape in India has sparked discussion concerning the exception of Section 375 of the Indian Penal Code. But we're still not there. This legal loophole contributes to power dynamics by allowing abusive spouses to behave with impunity. It also perpetuates damaging stereotypes by indicating that women are property of their husbands rather than equal partners. Criminalizing marital rape is critical for protecting women's rights and safety, addressing a major part of gender inequity, and

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<sup>26</sup> This provision provides for equality before the law or equal protection of the laws within the territory of India.

<sup>27</sup> That State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place or birth or any of them

<sup>28</sup> It provides right to practice any profession or to carry on any occupation, trade or business to all citizens.

<sup>29</sup> It states that no person should be deprived of his life or personal liberty except according to procedure established by law, nor shall any person be denied equality the law or the equal protection of the laws within the territory of india

building a society in which all persons are treated with respect and dignity.<sup>30</sup>

- No entitlement to marital property: In the event of a divorce or separation, an Indian woman is solely entitled to maintenance from her husband. She has no claim to the assets purchased in her husband's name during the marriage, such as a house or business property.<sup>31</sup>
- Child marriage, our legal system 'prohibits' the marriage of any female before the age of 18, that is, before she attains adulthood. Section 375 of the Indian Penal Code (IPC), 1860 on 'Rape' contains a 'Exception' that specifies that "sexual intercourse by a man with his own wife, the wife not being under fifteen years of age, is not rape."<sup>32</sup> Girls under the age of 18 who were married are not mature enough to offer informed consent. They are frequently unaware of safeguards, contraception, and the consequences of underage pregnancy. Because of their youth, they lack enough awareness to safeguard their sexual and reproductive rights.
- Sexual assault of a separated wife has lesser punishment, A man having non-consensual intercourse with his legally separated wife is rape, according to Section 376B<sup>33</sup> of the IPC. However, the sentence ranges from two to seven years in prison, which is far less than the maximum penalty for rape. The punishment is determined on the severity of the

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<sup>30</sup> Ajita Sharma, Marital Rape as domestic violence: a case for criminalizing marital rape, <https://academic.oup.com/book/35181/chapter-abstract/299501649?redirectedFrom=fulltext>

<sup>31</sup> Ananya Bose, Property rights of a wife after divorce in India, <https://blog.ipleaders.in/property-rights-of-a-wife-after-divorce-in-india/>

<sup>32</sup> Darshit Vora, Section 375 IPC, <https://blog.ipleaders.in/consent-will-emphasis-section-375-ipc/>

<sup>33</sup> <https://devgan.in/ipc/section/376B/>

offense, and this part regrettably demonstrates that sex with a separated wife is definitely viewed less traumatic.

### **6.3 Transgender and their fight for Gender Inequality**

- Discrimination in the educational setup and workplace, Because the majority of individuals in this community are illiterate or have limited education, they are unable to participate in the educated segment of society. Poverty, alienation from own family and friends, and mental health concerns are some of the reasons they are less educated. Because they are not offered educational possibilities, they are unable to find job, and even those who pursue their education with great difficulty are not treated with the same respect and worth in the workplace.
- The community frequently lives in solitude and has its own traditions. They are barred from actively engaging in the political, social, economic, and financial spheres, leaving them with little possibilities for earning a living. As a result, they make a living by performing on the streets, at ceremonies, begging, and even prostitution.<sup>34</sup>
- They are also mocked by society for being different, and they are more vulnerable to assault and abuse. Because they are not protected by the authorities, they are ideal targets for money extortion and sex work. Their problems are escalating in the health sector as well, because many practitioners lack appropriate expertise on sexual minority health issues, putting them at a disadvantage when seeking public healthcare. For example, the transgender community has claimed the following discrimination: registering and admitting them to male wards; verbal abuse; denial of medical care, and so forth. To ensure basic security while

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<sup>34</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2928103/>

taking into account the history of sexual abuse and suffering against transgender people. The sentence should be enhanced to a minimum of three years in jail and a maximum of seven years in prison with a fine.

- The repeal of Section 377<sup>35</sup> of the Indian Penal Code 1860 has not resulted in an end to prejudice against homosexual couples. The necessity of the hour is to legally recognize same-sex weddings as heterosexual marriages, which are not covered by the Act. Benefits such as maintenance, inheritance, and pension rights are exclusively available to married couples, which is a strong and pragmatic argument to legalize same-sex marriages. Many same-sex couples want their relationship to be accepted and recognized.<sup>36</sup>

## **7. SOCIETY, SOLUTION AND SUGGESTIONS**

### **7.1 SOCIETY: A SURVEY**

To further understand people's perspectives, we circulated a questionnaire for 24 hours and received 120 responses. Because the form was to be submitted anonymously, no name was requested. The form's anonymity was required so that users may participate as much as they wanted without worry of being judged by others. The form was divided into components such as age, marital status, employment status, and questions about discrimination, legality, and execution. We wanted to involve people in order to understand how society feels about the Indian law, its implementation and what are the major problems the different gender face today. Let's analyze every question one by one:

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<sup>35</sup> Unnatural offences

<sup>36</sup> Akshat Anunay, Same sex marriage,

<https://timesofindia.indiatimes.com/readersblog/dopamineffable/same-sex-marriages-in-india-a-complete-overview-53507/>



First question dealt with the age of the respondent. The option was available from the age of 20-30, 31-40, 41-50 and 50+. We wanted to tackle those age groups who could be aware of their rights, remedies, wrongs, responsibility etc. therefore, adult group were taken into consideration. In our survey, total of 43% were between 20-30 age group, total of 13.2% were from 30-40 age groups, total of 14.9% were between 41-50 age group and total of 28.9% were 50+.

The Second question dealt with the work status of the respondent. The categories were divided into Student, Employed and Unemployed. The survey was filled by total of 58.7% employed people, 26.4% were employed and 14.9% were unemployed.

The third question was about the respondent's marital status where the categories were divided into three parts which is married, unmarried and divorced. Total of 61.2% were married and 35.5 were unmarried whereas 3.3% were divorced.

Here, is where the question related to our research paper begins. The first question was about "Are you happy with the current laws regarding to your gender?". The responses were 47.9% voted for YES, 28.9% voted for NO and 23.1% voted for MAYBE. This question was raised as it is very important in a democratic nation to maintain gender neutral law for equal treatment of nationals. The percentage of people being happy with the legislation are more but there are people who feel laws could be either stringent or liberal.

The next question was about, "whether you have faced any discrimination because of your gender?". The responses were almost very near to each other. There were total of 48.7% NO and 45.4% of YES. This is where you can see to where many people are happy with the laws, the agree to the fact that discrimination exists. It was neck to neck responses.

Then next question was “does the respondent think that the gender related laws are implemented properly?”. Here only 29.4% responses where YES, 52.1% responses where NO and 18.5% voted MAYBE. Here, society comes under the picture. Just making laws on paper is not enough. It should be implemented with utmost care and honesty. What will be the use of making legislation when it is never implemented properly. Implementation aspect is the major setback of Judiciary. You may make laws to punish an offender, protect victims and maintain trust on judiciary but to provide us remedies and trust on judiciary, implementation should be there. Implementation should not be affected by political, personal, social, educational etc. personnel. When law is for everyone then it should be implemented properly and should not discriminate among anyone.

The next question is “Does the respondent think that society is well aware of their rights and remedies provided by law?”. Here, you can see where the major difference arises. The responses were as follows: 16.7% voted for YES, 71.7% voted for NO and 16.7% voted for MAYBE. This is the harsh truth of the society today. The society are not totally aware of their rights and what remedies do they have if their rights are infringed. There should be awareness spread of the legal wellbeing as well. Students need to be taught about Law as well in the school curriculum. Society should atleast know about the power of Constitution.

The next question is “Do the respondent think the law is biased towards the gender?”. The responses were 48.3% voted YES, 38.3% voted NO and 13.3% voted MAYBE. The society still feels their lies a biasness among the gender related laws. They still people one gender is favored more than the other and there is lack of opportunity and respect among all the three genders.

The next question is “Do you believe that one day we will be treated equally, people will be well aware of their rights and there will be no discrimination?”. The responses where 51.7% voted YES, 26.4% voted MAYBE and 21.9 voted NO. This is why this paper is written. The hope the people still hold that one-day people will be aware of their rights, remedies will be provided, equality will prevail, equal opportunity to justice will be there and laws will be made gender neutral. This is the hope and trust people hold in judiciary of India. Therefore, law must maintain such hope and trust of the people. Law should see the need of the hour and should be dynamic in nature so that everyone will be safe, sound, respected and treated as equal in every place of the country.

And, the last question was a subjective question which states that “what are the major problems your gender still faces?” there were lot of responses. The responses which were quite repetitive were: Men and their cries for help are often left unheard and are subject to mockery; Lack of equal opportunities and equal pay for women; Dowry death and Rape are still prevailing and giving traumatic experiences to the country; Marital rape of men as well as women; Reservations in competitive exams; Fraud in name of transgender people; lack of precedents on strict implementation; False cases against men increasing, Long trials awaits punishment implementation; Societal acceptance of Transgender; Non-inclusion of rape by women to women or to men etc.

## **7.2 SOLUTION AND SUGGESTION**

India's poor ranking in the 'WEF's Global Gender Gap Index report'<sup>37</sup> demonstrates the importance of grassroots efforts.

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<sup>37</sup> <https://www.drishtiiias.com/daily-updates/daily-news-analysis/global-gender-gap-report-2023-wef#:~:text=Global%20Gender%20Gap%20Score%3A,the%20overall%20rate%20of%20change.>

Gender disparity is fueled in large part by culture and customs. A traditional parental preference for a boy has unintended effects for females. Many sections of the nation still practice sati and child marriage today, and no one is aware of it. To achieve gender equality, solutions addressing gender-based violence and discrimination should be adopted; additionally, raising awareness, particularly in rural regions and distant communities, is essential. Women have repeatedly demonstrated that they are equal to men in every area. So, what steps may be taken to improve gender equality?<sup>38</sup>

- Implementing initiatives to improve banking and employment services in order to increase women's economic independence.
- Improving gender violence prevention mechanisms and imposing harsh sanctions on perpetrators of gender-based violence.
- Raising awareness of sexual rights and sex education among disadvantaged groups in society.
- Help low-income women enhance their life and development skills so they can better manage their lives.

Gender equality appears to be a long way off these days. While there has been progress, statistics from organizations such as UN Women tell a troubling narrative. More than 2 billion women are denied equal employment opportunities as men. At the current rate, closing the global wage disparity would take nearly a century. Although both men and women are victims of sex trafficking, women and girls account for more than 70% of all victims of human trafficking globally. In light of the evidence, gender equality must

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<sup>38</sup> [https://www.unodc.org/documents/evaluation/HumanRights-GenderEquality/Strategy\\_for\\_Gender\\_Equality\\_and\\_the\\_Empowerment\\_of\\_Women\\_2022-2026.pdf](https://www.unodc.org/documents/evaluation/HumanRights-GenderEquality/Strategy_for_Gender_Equality_and_the_Empowerment_of_Women_2022-2026.pdf)

be prioritized.<sup>39</sup> Women, when given equal opportunities, have the potential to significantly contribute to a country's overall growth.

## 8. CONCLUSION

In the field of human rights, it is critical to investigate the rights, remedies, and often complex realities that men, women, and transgender people confront.

Men's rights have typically been considered as dominating, but it is vital to realize that they, too, might confront specific obstacles, such as paternity, mental health, and social standards of masculinity. In this context, remedies should include promoting gender equality, fostering open discourse, and offering assistance to males who face prejudice or have mental health difficulties.<sup>40</sup>

Women's rights have come a long way, yet difficulties remain. Gender-based violence, uneven pay, and a lack of representation in leadership roles continue to be widespread problems. To empower women, remedies must focus on legal improvements, safe spaces, and gender-sensitive education. Furthermore, addressing overlapping variables such as race, class, and disability is critical to attaining full gender equality.<sup>41</sup>

Transgender people frequently endure prejudice, isolation, and violence, which is exacerbated by legal and healthcare barriers. To enhance acceptance and inclusion, remedies should focus on legal recognition, access to affirming healthcare, and public education.<sup>42</sup>

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<sup>39</sup> [https://www.unodc.org/documents/human-trafficking/An\\_Introduction\\_to\\_Human\\_Trafficking\\_-\\_Background\\_Paper.pdf](https://www.unodc.org/documents/human-trafficking/An_Introduction_to_Human_Trafficking_-_Background_Paper.pdf)

<sup>40</sup> Unknown, <https://www.undp.org/bosnia-herzegovina/blog/role-men-achieving-gender-equality>

<sup>41</sup> Michelle Maroto, Economic insecurity at the intersection of disability, gender and race, <https://journals.sagepub.com/doi/full/10.1177/0891243218794648>

<sup>42</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4802845/>

In actuality, these rights and remedies are continually changing as a result of cultural norms, economic considerations, and political environments. To reach a more equal future, it is critical to challenge structural prejudices, promote inclusion, and provide places where everyone, regardless of gender or gender identity, may enjoy their fundamental rights. Collective efforts can help society move toward a world where human rights are a reality for everyone