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Margins to Mainstream: Evolving Status of Women in Society

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Social stratification is visible in many societies across time and space. For many decades, women and marginalised sections of India have been facing inequality in society. According to the Global Gender Gap Report 2021 from the World Economic Forum, India ranks 140th out of 156 nations¹ in terms of gender disparity in economic participation and opportunity. Women in India encounter numerous obstacles and inequities in various facets of life. Government agencies and other organisations have tried to bring parity and improve women's status in Indian society. But did it eliminate or even lessen the discrimination prevalent for centuries? While there is an improvement in their status in cities and urban areas, the situation has not improved in rural and remote areas. The patriarchal setup of boxing females up in the role of caregivers, mothers, wives, and sisters has robbed them of their independence and right to equality. It is a given fact that an educated and empowered woman is central to the development of our society. Hence, it is pertinent that the focus of our policies be on enabling more representation of women in the country's governance system. At this juncture, the current paper explores the social status of women and women's representation in Indian governance. The paper also examines available constitutional safeguards, several laws, and different mechanisms that have been implemented by the government to ensure the proper representation of women from all walks of life. The study is based on secondary sources.

Keywords: *patriarchal setup, women, governance, laws, welfare measures.*

¹ Ministry of Women and Child Development, Azadi Ka Amrit Mahotsav: Global Gender Gap Report PIB (2021)

INTRODUCTION

In ancient times, women's status was generally inferior to that of men, and they were frequently consigned to domestic roles and had restricted chances of getting educated or developing. There were, however, exceptions and variations based on culture and time period.

The status of women in the medieval period varied significantly by region, social class, and period. Women were viewed as subordinate to men and expected to fulfil traditional roles such as wife and mother. In the Middle Ages, women's status was still largely constrained by patriarchal norms and social conventions. Women were expected to be submissive and subordinate to men, and their educational and professional opportunities were limited.

Since ancient writings favoured men and put them on a pedestal, women have fought for basic rights against social evils like the sati system, widow remarriage ban, purdah, dowry, reduced marriage age, lack of education, and more. Thus, ladies struggled to leave their houses and speak out. Educated women led restrained Indian women throughout independence. They sought the legitimisation of laws to empower women and adult suffrage. The status of women in India has substantially improved over the years, but there is still a long way to go until gender equality is achieved. Women remained marginalised even after independence. Women parliamentarians benefit Lok Sabha and Rajya Sabha. The first Lok Sabha had 22 women (4.4%) of 499 seats.² First woman Cabinet Minister Raj Kumari Amrit Kaur and Deputy Minister Maragatham Chandrasekhar marked a little representation of women in politics. Women voted more in 1957. The second Lok Parliament had 27 women out of 500, increasing their representation. The fifth Lok Sabha comprised 22 women, down from 31 in the fourth (1971-77). The Prime Minister was one of four female ministers. The years 1952–1993 saw 126 Rajya Sabha women elected. The freedom movement of women dominated the 1950s and 1960s.³ According to the Ministry of Human Resource Development Census of 2001, the male-female literacy gap

² Bhanupriya Rao, 'Women MPs in Lok Sabha: How have the numbers changed?' (*Factly*, 05 January 2019) <<https://factly.in/women-mps-in-lok-sabha-how-have-the-numbers-changed/>> accessed 09 December 2024

³ *Ibid*

has reduced from 24.84% in 1991 to 21.70%⁴. According to the Global Gender Gap Report 2021 from the World Economic Forum, India ranks 140th out of 156 nations in terms of gender disparity in economic participation and opportunity.⁵ However, Women in India still encounter numerous obstacles and inequities in various facets of life.

This article will explore the social status of women, women's representation in Indian governance and how to combat the underrepresentation of women.

STEPS TAKEN TO IMPROVE WOMEN'S SOCIAL STATUS

The changing position of women in India has been in the context of family and caste history as well as social order. Changes in the social order in modern India, such as the expansion of women's education, had significant and unavoidable effects on women and Indian social institutions.

Steps taken by the Government: In India, women make up a large proportion of the population below the poverty line, and given the harsh reality of discrimination within the household and society, the government has developed macroeconomic policies and policies to address the needs and problems of these women. These policies focus on poverty alleviation programs. Social and political reforms gave women greater public roles. India's constitution gave women equal rights in the form of Article 15, i.e., equality before the law.⁶ The 73rd and 74th Constitutional Amendment Acts reserved one-third of Gram Panchayats, Panchayat Samitis, Zilla Parishads, Municipalities, Municipal Corporations, Sarpanch, Chairman, and Mayor seats for women.⁷ Thus, all women will receive a fair share of reservations and have equal opportunities. The concept of reservation for one term and rotation of reserved seats and chairperson jobs can inhibit women representatives' leadership development because it takes time to learn how to handle and negotiate panchayat conflicts. Kerala, Himachal Pradesh, Odisha, and Karnataka have two-term PRI seat reservations to address this. 'Beti Bachao Beti Padhao,' 'UJJAWALA,' 'SWADHAR Greh,' and other government programmes support

⁴ Ministry of Human Resource Development, *Literacy In India: Steady March Over The Years* PIB (2003)

⁵ World Economic Forum, *Global Gender Gap Report* (2021)

⁶ Constitution of India 1950, art 21

⁷ The Constitution (Seventy-Third Amendment) Act 1992

women. In the year 2023, the Women's Reservation Act⁸ was enacted, reserving one-third of all seats for women in the Lok Sabha, State Legislative Assemblies and the Legislative Assembly of Delhi. The reservation will be effective after the publication of the census conducted following the Act's commencement and ensures for 15 years. However, women in rural and urban settings view empowerment differently, even if they are both influenced by the patriarchal system.⁹

Improvement in Urban Areas: Urban women have more social freedom, access to services and infrastructure, and paid jobs. Urban spaces offer education to everyone due to better awareness. Girls now make up 49% of college students, according to the latest All India Survey on Higher Education. In the five years from 2015–16 to 2019–20, student enrolment increased by 11.4%, according to the 2019–20 research. Female enrolment rose 18.2%. This supports women's tenacity, which opens up workplace opportunities for independence. In 2021, 0.6 percentage points more Indian women worked. 19.23% was the 2021 rate. Female labour force participation is the percentage of women who work over 15 years old.¹⁰ Even though there is little change, it shows that women might expect more chances in the future.

Improvement in Rural Areas: Rural women are valuable workers in India. Rural women's development contributions are biasedly understated. Women work more hours than men and boost the family's income. Rural uniformity and little exposure can hinder gender norm dissent and trust in societal change, but some successful projects have tried to rectify it. A 2021 poll on rural Indian schooling found that over 68% of 15- to 16-year-old girls attended public schools¹¹. Rural women work mostly as casual agricultural labourers for poor wages. Empowerment raises their living levels.

⁸ The Constitution (One Hundred and Twenty-Eighth Amendment) Bill 2023

⁹ Rao (n 2)

¹⁰ Manash Pratim Gohain, 'Higher Education Witnesses Rise of 11.4% in Student Enrolment: AISHE 2019-20 Report' *Times of India* (10 June 2021) <<https://timesofindia.indiatimes.com/education/news/higher-education-witnesses-rise-of-11-4-in-student-enrolment-aishe-2019-20-report/articleshow/83402729.cms>> accessed 07 December 2024

¹¹ ASER Centre, *Annual Status of Education Report (Rural)* (2021)

By offering women a foothold in society and basic opportunities to participate in fields traditionally reserved for men, these initiatives have sparked change. However, certain characteristics continue to be challenging for women.

CONTEMPORARY TRENDS IN THE REPRESENTATION OF WOMEN

The type and extent of work, political involvement, level of education, health status, representation in decision-making bodies, access to property, etc., are important indicators of the status of individual members of society. Nevertheless, not all members of society, particularly women, have equal access to these status indicators. Indian women's education and employment options are constrained by patriarchal standards, from the decision to earn an education to the decision to enter the workforce and the type of profession.

Health: In India, access to healthcare facilities, particularly in rural regions, is one of the greatest obstacles faced by women. In many regions of the country, healthcare facilities are scarce, and women frequently encounter difficulties in receiving treatment, such as limited mobility, lack of transportation, and cultural barriers. Women confront numerous health challenges, including hunger, maternal mortality, and abuse based on gender. According to the 2019-20 National Family Health Survey, India's maternal death rate was 113 per 100,000 live births, which is still higher than the global average.¹² The Indian government has initiated a variety of measures to promote women's access to healthcare services, including the National Health Mission, which aims to increase the availability and accessibility of healthcare services in rural areas. The government has also created programmes to improve maternal and child health, such as the Janani Suraksha Yojana, which gives pregnant women financial help to encourage them to deliver in healthcare facilities. Despite various efforts, there is still a substantial difference between the healthcare services offered to women in urban and rural areas, and many women continue to experience hurdles to healthcare access. To enhance women's health outcomes in India, persistent investments in healthcare infrastructure and initiatives to remove cultural and societal barriers to healthcare are required. There is an aspect of health that is lacking both in

¹² *Ibid*

urban and rural areas, and it is not talked about enough: mental health. Women are said to be more prone to mental health problems like depression, anxiety and others because they have a completely different hormonal system compared to others. It is important to acknowledge it and create more awareness and infrastructure regarding it. Therefore, not only the awareness about mental health an alarming issue but also its viability. The healthcare system lacks easy access to resources regarding mental illness, which makes it appear a luxury instead of a necessity.

A cross-sectional study of women aged 18-50 years in an Indian community service focused on the association between gender disadvantage and two key determinants of women's health: reproductive health and the risk of common multiple myelodysplastic syndromes (CMD). The primary findings of this study are that the population of women 18-50 years of age, those with gender disadvantage and poor economic status, were significantly more likely to develop common mental disorders. The prevalence of common mental disorders was strongly associated with a variety of gynaecological complaints. However, it was not related to obstetric factors, nor the two biological markers of women's health (RTIs or anaemia). The results of this cross-sectional study provide evidence that several factors suggestive of gender disadvantage strongly correlate with the risk of CMD (Common Mental Disorder). As our study is cross-sectional, we cannot draw any definitive conclusions on the timing of this association. However, the study believes that the most common explanation for this association is the increased likelihood of adverse life events due to gender disadvantage, which is a well-documented risk factor for common mental disorders.¹³

Social and Cultural Practices: In India, women suffer discriminatory social and cultural practices, such as dowry, child marriage, and gender-based violence. Although these activities are prohibited, they are still prevalent in certain regions of the country. Women are typically underrepresented in politics, business, and other positions of authority. This can make it more difficult for their views to be heard and their requirements to be satisfied. In addition, women are frequently expected to adhere to conventional beauty standards, serve as homemakers, and

¹³ Vikram Patel et. al., 'Gender Disadvantage and Reproductive Health Risk Factors for Common Mental Disorders in Women: A Community Survey in India' (2006) 63(4) Archives of General Psychiatry
<<https://doi.org/10.1001/archpsyc.63.4.404>> accessed 07 December 2024

put family above profession. This can restrict their independence and aspirations. These social and cultural practices have had a significant impact on all elements of our society. The determination of good and wrong for people stems from the same, which poses a threat to women because they have traditionally been at the bottom of the social and cultural hierarchy. The most recent pertinent topic is marital rape, which is still not a crime. The matter has also been raised in Parliament. When the topic of criminalising marital rape was raised in a Parliament meeting in 2015, the argument that ‘marital rape cannot be applied in the country since marriage was treated as a sacrament or sacred in the Indian society’ was put forth in resistance.

Representation and Roadblocks in Parliament: There are now 78 women in the Lok Sabha and 24 in the Rajya Sabha. The number of women hasn’t increased in 65 years. India is known for reserving legislative seats. The Inter-Parliamentary Union (IPU) data shows that women make up 14.44% of the 17th Lok Sabha in India. According to the Election Commission of India's (ECI) most recent data, as of October 2021, there were 10.5% female members of parliament. The average percentage of female MLAs across all state legislatures is 9%. In recent years, India's position has slipped in this category. At the moment, it lags behind Bangladesh, Pakistan, and Nepal.¹⁴ Though the Women’s Reservation Act 2023¹⁵ is in place, its implementation is subject to census and delimitation exercises.

Judiciary: No significant effort has been made in the last 70 years to provide adequate representation for women in the High Courts or Supreme Court. Since its inception, the Supreme Court has had only 11 female judges, with no female Chief Justice. The first woman judge of the SC of India and also in Asia was Fathima Beevi, who was appointed to the Supreme Court in 1959, years after we got independence. The percentage of women judges in high courts is only 11.5%, while the Supreme Court has four sitting women judges out of 33 in office. Fortunately, the collegium took a bold step this time by appointing three female Supreme Court justices all at once. Women lawyers in the country face similar challenges. Only 15% of

¹⁴ Trishali Chauhan and Christophe Jaffrelot, ‘In Politics and Bureaucracy, Women Are Severely Under-Represented’ *The Indian Express* (03 April 2023) <<https://indianexpress.com/article/opinion/columns/in-politics-and-bureaucracy-women-are-severely-under-represented-8492805/>> accessed 07 December 2024

¹⁵ The Constitution (One Hundred and Twenty-Eighth Amendment) Bill 2023

the 1.7 million registered advocates are women.¹⁶ The dominant cause of women's underrepresentation in the judiciary is socially engrained patriarchy. Courtrooms frequently have unfriendly environments for women. Other traumatic experiences that are frequently related by many women lawyers include harassment, a lack of respect from the bar and the judiciary, and being told what to say and what not to say.

Law for Women: Even though India has made numerous legal measures for the protection and welfare of women, there are still legal loopholes that leave women exposed to exploitation and discrimination. The concept of sexual harassment in the Indian Criminal Code is restricted to physical contact and approaches and excludes other forms of harassment, such as verbal or internet harassment. There are numerous laws, including the Dowry Prohibition Act of 1961¹⁷, the Protection of Women from Domestic Violence Act of 2005¹⁸ and the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act of 2013¹⁹. Still, they are not always implemented effectively, leaving women with few options for seeking justice. The absence of protection for women working in the informal sector is not acknowledged even though many women in India work in the informal sector, such as domestic workers and agricultural labourers, and are not protected by labour laws. The personal laws that govern marriage, divorce, and inheritance in India vary according to religion and are frequently biased towards men. In divorce procedures, for instance, women have limited rights under Muslim personal law.

The Hindu Succession Act, 1956²⁰ has always discriminated against the rights of female heirs. This is because of the reasons of exclusive male supremacy, oppression and neglect of equality where the inheritance of property was passed down from one grandfather to another father to son. Therefore, it was necessary to introduce laws to elevate the position of women and give them equal rights. The Hindu Succession Act²¹ came into force despite stiff resistance from Buddhist, Sikh, Jain and Arya Samaj followers. Various provisions were introduced which gave

¹⁶ Chauhan (n 14)

¹⁷ Dowry Prohibition Act 1961

¹⁸ The Protection of Women from Domestic Violence Act 2005

¹⁹ The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act 2013

²⁰ The Hindu Succession Act 1956

²¹ *Ibid*

women the right to inherit. However, the most important thing is that even after the introduction of the Hindu Succession Act²², women were deprived of their coparcenary rights. Such a law, on the one hand, gives them the fundamental right of inheritance but, on the other hand, deprives them of equal inheritance rights which are given to male heirs. However, with the introduction of the 2005 amendment, the daughters of Hindu undivided families got an unrestricted inheritance right and are considered equal to the male heirs as the ancestral property. So, this is a big step in the right direction, or towards equal property rights for male and female heirs.

Historically, there has been little discretion in Islamic law as to the share or the property that the descendant receives upon the death of the ascendant. The religion has provided clear guidelines as to the distribution of wealth to avoid any conflicts. Several verses in the Holy Quran provide relevant guidelines on the matter of inheritance. It clearly states that women should receive a specific share of the property left behind by their parents and relatives, not just by the husband. According to Islamic law, the female share of the property of the deceased has always been very important, which can be seen in the shares that the female heir has specified for the intestate's property. The particular share fixed for women is very little compared to their male counterparts. Also, the rigid nature of the Islamic inheritance laws in determining fixed shares and the lack of flexibility in the implementation stage with time can be seen as a disadvantage in these inheritance laws.

Women in Media: Television is one of the most pervasive and powerful tools of communication in India. However, the way Indian women are portrayed on television is detrimental to their image and slightly related to their real problems. Since most women working in society are housewives, they hardly see the daily changes that women make in the house, the stress of housework, and their contribution as housewives and mothers. On the contrary, they are shown as housewives and tradition-bound, passive people whose main interest is domesticity. Stereotypes and discrimination are common. News, sponsored TV series and reality shows dealing with real-life situations and characters on television have huge TRP. Given the popularity of movies in India, one can only imagine the social repercussions of such media

²² *Ibid*

representations. The way women are portrayed in Hindi films shows the sheer amount and variety of violence against them. Women in Bollywood movies are often portrayed as hysteric bimbos. Shouting, screaming and crying are part of a woman's response to stressful situations. There are many movies where a woman who stands up for herself is considered 'bad' while a man, even if he does tease and hit a woman, is considered a 'hero'. The Indian film industry is a very profitable business and patrons dictate to a large extent the directors of the films. The Indian audience is partly responsible for the acceptance of this mistreatment of women in movies. One example of media business is when Panchayat reservations for women were aired on TV, it was the men who spoke while women stood by silently. When women led dharnas in protest against the draft, not even Margaret Alva, a woman member of parliament, was asked to comment. The Indian media should be gender sensitive. The media should be proactive in promoting gender sensitivity in India. The media should not portray women in a negative light. Special slots should be created for crimes against women in India. All proactive aspects should be discussed.²³

REDRESSALS - ACTION PLAN TO ADDRESS UNDERREPRESENTATION

Promoting Women in Political Space: Despite several conversations and debates, women have not been given an equal opportunity to prove their worth in the political arena. Giving women a chance to run for office has generally been resisted by political parties. However, we have seen that many women who have had the opportunity to do so have demonstrated their leadership skills as Chief Ministers, Prime Ministers, and Presidents. As a result, an efficient mechanism must be in place to guarantee that women are given an equal opportunity to serve as public representatives in the political sphere.

Promoting Women in the Board Room of Companies: A decade ago, there was hardly any female presence on corporate boards of directors. As more than 90% of top corporations now include women on their boards, the situation has significantly improved. But they are still having trouble understanding where the chair should be. Consequently, a coordinated effort is

²³ Purnima Ojha, 'Women's Issues in India: Role and Importance of Media' (2011) 72(1) The Indian Journal of Political Science <<https://www.jstor.org/stable/42761809>> accessed 07 December 2024

needed to ensure that competent women are allowed to lead corporate boards. 'To achieve gender equality, women's participation in the boardroom is an essential but frequently disregarded step. Raising women's representation on boards improves firm performance and promotes greater diversity and inclusion in the workforce' Aashish Kasad, the EY India Region Diversity and Inclusiveness Business Sponsor, stated.

Promoting Women in the Judiciary: Due to the recruitment method that involves an entrance examination, a higher number of women tend to join the lower judiciary at the entry level. However, the higher judiciary uses a collegium system, which is opaquer and, thus, more likely to show bias. The judiciary should, therefore, take steps to make their process more transparent and fairer to encourage more women to join. Another obstacle for women entering the profession is the lack of judicial infrastructure. Improving the infrastructure by adding restrooms and childcare facilities, among other measures, can help alleviate this problem.

Changing the Mindset: Even though we live in a modern world, there are still some individuals who believe that women are not capable of holding positions of leadership in sectors such as the military or the judiciary. To alter this mindset, a transformational action is necessary at both the social and political levels of society. Women are unable to achieve their full potential unless they are given the same opportunities as men, and to judge them as unworthy without providing them with these opportunities is a travesty.

To ensure that this mindset is altered, we must inculcate progressive values that will naturally trickle down into the laws and social and religious structures of society. The media should play an active role in raising awareness among the general public about women's rights and privileges. The constitutional and legal rights of women should be regularly highlighted and discussed. The most recent decisions and judgments should be discussed so that the general public is aware of them.

The Press Council should be strengthened so that it can take effective action to counter offensive publications. Additionally, mechanisms should be put in place to sensitize Censor Boards and create a working dialogue between Censor Board members and citizen groups.

CONCLUSION

Although women's status in society has improved, progress is still slower than desired. This article indicates that women are still underrepresented in social and political arenas. However, there is hope if we focus on addressing the issue of the underrepresentation of women in governance, as discussed earlier. Promising changes are already in place, such as the 33% reservation for women in Panchayats under the 73rd and 74th amendments²⁴, as well as an increase in women-led businesses. The improved representation will ensure that women's issues receive a fair acknowledgement and their perspectives are heard. Women are more likely than men to represent the interests of women in society, making representation a tool for social empowerment. Although it is a gradual process, society must understand that empowering women is essential for our nation's prosperity, as no nation can thrive if its women are not educated and given equal opportunities to stand alongside men.

²⁴ 'From Panchayat to Parliament: How 33% Reservation Empowered Women at Grassroots Level' *The Economic Times* (24 September 2023) <<https://economictimes.indiatimes.com/news/india/from-panchayat-to-parliament-how-33-pc-reservation-empowered-women-at-grassroots-level/articleshow/103906948.cms?from=mdr>> accessed 07 December 2024