

## **A sociological study on the role of human rights in creating gender equality in India**

**MANDEEP KAUR**

MA Sociology, UGC-NET

VPO Babyal, Mohan Nagar, Ambala Cantt (Haryana) India

### **ABSTRACT**

Despite India's economic development and numerous governmental initiatives to address gender disparities, gender inequality remains deeply entrenched in society. This paper explores gender inequality through a sociological lens, focusing on the historical evolution of women's status, the structural and cultural causes of inequality, and the critical role of human rights in promoting gender parity. The study also reviews governmental policies, legal frameworks, and international commitments aimed at empowering women and promoting social justice. Policy recommendations are proposed to bridge the gender gap and foster a more equitable society.

**Key Words :** Gender equality, Human rights, Society, governmental policies, Legal frameworks

### **INTRODUCTION**

Gender equality is not merely about ensuring equal legal rights between men and women, it is about transforming the deep-rooted social structures, norms, and institutions that perpetuate gender-based disparities. It involves interrogating how power is distributed in society, how gender roles are socially constructed and maintained, and how these roles influence individuals' access to education, employment, healthcare, and participation in public life. West and Zimmerman argue that gender is not a biological destiny but a social process, something done through daily interactions and institutional expectations (Jurik and Siemsen, 2009). From early socialization in the family and schools to representations in media and the division of labour in the workplace, societal norms continuously reinforce traditional gender roles. Not only but, these socially embedded expectations often limit women's opportunities and autonomy, making gender inequality not an isolated issue but a systemic one. Institutions such as religion, education, the legal system, and the economy play a dual role: they can either uphold patriarchal structures or become sites of resistance and change. While legislative efforts and international human rights frameworks (like CEDAW and the ICESCR) have laid the foundation for gender justice, real equality requires structural transformation (India and International Human Rights Treaties | Legal Service India - Law Articles - Legal Resources, n.d.). This includes dismantling power hierarchies, redefining gender roles, and ensuring the redistribution of resources and opportunities. Furthermore, a sociological approach emphasizes intersectionality, the idea that

gender intersects with other social categories such as caste, class, ethnicity, and religion. In India, for instance, the experiences of Dalit or Adivasi women differ significantly from those of upper-caste women, highlighting the need for gender policies that are context-sensitive and inclusive. Therefore, achieving gender equality through the lens of sociology is not limited to the implementation of rights, but involves redefining societal values and reshaping the collective consciousness to promote a truly egalitarian social order. Thus, Gender equality is central to the realization of human rights and social justice. From a sociological standpoint, gender is a social construct that influences roles, behaviours, and access to power and resources. Empowerment of women is not merely a policy issue but a transformative process involving changes in societal norms, legal structures, and cultural attitudes. Also, As Ban Ki-moon emphasized in “We the Peoples,” gender equality is not just a moral imperative but a driver of sustainable development (Gender Equality and Women’s Empowerment: Sustainable Development Knowledge Platform, n.d.).

### **Understanding of Gender Equality and Human Rights:**

Gender equality means that people of all genders have equal rights, responsibilities, and opportunities in all areas of life. This includes access to education, employment, political participation, healthcare, and protection from discrimination or violence. It does not mean that everyone becomes the same, but that everyone is treated fairly and given equal chances regardless of whether they are male, female, or non-binary. Gender Equality defines “achieving gender equality means eliminating socially constructed roles that define certain behaviours, responsibilities and expectations for men and women.” Oakley focused on how socialization into traditional gender roles perpetuates inequality (Oakley, 2016).

Human rights are the basic freedoms and protections that every person is entitled to simply because they are human. These rights include the right to life, freedom of expression, education, work, and protection from abuse or discrimination. Human rights are universal, meaning they apply to all people, everywhere, at all times. Human rights are protected by international laws and agreements, such as the Universal Declaration of Human Rights (UDHR) adopted by the United Nations in 1948. In short, human rights are the basic standards that allow people to live with dignity, freedom, and equality (United Nations, n.d.).

Gender equality is a core part of human rights. Without gender equality, the human rights of women, girls, and gender-diverse people cannot be fully realized.

### **Theoretical Frameworks:**

The present study attempts to include the following perspectives to provide the theoretical basis to the study

#### **Feminist Structuralism Perspectives:**

##### ***Sylvia Walby:***

Sylvia Walby made a significant contribution to understanding gender inequality by identifying six interconnected structures that uphold patriarchy: the state, household, violence, paid work, sexuality, and culture. Through the lens of feminist structuralism, Walby argued that these institutions systematically disadvantage women and maintain male dominance across both public and private spheres. Her framework shifted the focus from individual discrimination to the institutional and structural roots of gender inequality, helping scholars and policymakers recognize the need for comprehensive, system-level interventions to advance women’s rights and equality (Duncan, 1994).

### **Liberal Feminism Perspectives:**

#### ***Ann Oakley:***

Oakley (2005), exploring how gender roles are socially constructed and maintained through institutions like family, medicine, and academia. In *Sex, Gender and Society*, she distinguished biological sex from socially learned gender roles, challenging assumptions of innate differences between men and women. Her studies in *The Sociology of Housework and Housewife* revealed how domestic labour is undervalued, gendered, and central to the division of labour in marriage. In *Becoming a mother and Women Confined*, she examined childbirth and motherhood as socially shaped experiences, critiquing medical control over women's bodies. Oakley also exposed sexism in sociology and highlighted the challenges of conducting feminist research, especially the contradictions in interviewing women within male-dominated methodologies. Across her work, she emphasized that gender inequality is sustained not by nature, but by social norms, expectations, and institutional biases making her a key voice in feminist sociology and human rights.

### **Symbolic Interactionism Perspectives:**

#### ***Erving Goffman:***

Goffman, E. (1959), introduced the idea that identity including gender is not fixed but performed through everyday social interactions. As a foundational figure in symbolic interactionism, Goffman viewed social life as a stage where individuals present themselves based on context and audience. Though he did not focus solely on gender, his work laid the groundwork for later feminist theorists like Judith Butler to conceptualize gender as performative rather than inherent. Goffman's insights highlight how societal expectations and norms shape the way individuals "do" gender, making his work crucial to understanding how gender inequality is reproduced through routine behaviour and symbolic communication.

### **Sociological Indicators of Gender Inequality:**

Sociological indicators are essential tools for understanding how gender inequality is manifested and maintained within society. These indicators; such as sex ratio, literacy rates, occupational patterns, and access to resources, highlight the disparities between men and women in various spheres of life and reflect the broader social structures and cultural norms that perpetuate inequality. Some social indicators following are:

***Sex Ratio:*** A skewed sex ratio remains a powerful indicator of gender bias. In many regions, girls are perceived as economic liabilities due to dowry traditions and inheritance laws, leading to practices like female infanticide and neglect of female children.

***Literacy and Education:*** Despite progress, literacy rates among women lag behind men, particularly in rural and marginalized communities. Sociological studies reveal that education for girls is often deprioritized due to cultural norms, economic constraints, and early marriage practices.

***Employment and Occupational Status:*** The gendered division of labour places women in undervalued and unregulated sectors. Most female workers are engaged in informal, low-paying jobs without social security. This reflects societal undervaluation of women's economic contributions and systemic barriers to upward mobility.

### **Human Rights as a Framework for Gender Equality:**

Human rights provide a universal and legal foundation for promoting gender equality, recognizing that all individuals are entitled to dignity, freedom, and equal opportunity regardless of gender. The

following are:

***United Nations and Gender Justice:*** International human rights instruments such as the Universal Declaration of Human Rights (1948) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) affirm gender equality as a fundamental human right. These frameworks advocate for civil, political, economic, social, and cultural rights without discrimination (Text of the Convention on the Elimination of All Forms of Discrimination Against Women, n.d.).

***Civil and Political Rights:*** These include rights to life, liberty, security, and political participation. From a sociological lens, access to these rights enables women to challenge patriarchal structures and claim space in public and political life.

***Economic, Social, and Cultural Rights:*** Rights to education, health, employment, and cultural participation are essential for addressing structural inequality. These rights help dismantle the socio-economic barriers that perpetuate gender disparities.

***Economic, Social, and Cultural Rights:*** Economic, social, and cultural rights are a critical part of the human rights framework and are enshrined in the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966). These rights are designed to ensure that all individuals, regardless of gender, can live with dignity and fully develop their potential. From a sociological perspective, these rights are essential to challenging and transforming structural inequalities embedded in social institutions, norms, and power relations. It includes Right to Education, Right to Health, Right to Employment, Right to Cultural Participation etc.

### **Factors Contributing to Gender Inequality:**

Gender inequality is sustained by a complex interplay of social, cultural, economic, and institutional factors that shape unequal power relations between men and women. These factors are deeply embedded in everyday practices, traditional norms, and systemic structures, making inequality not just an individual issue, but a societal problem reinforced across generations. There are various factors contributing to gender inequality which are following:

***Patriarchal Social Structure:*** India's society is largely patriarchal, where men hold primary power in family, politics, and property. Also, this structure assigns women subordinate roles, limiting their autonomy and decision-making power.

***Gender Socialization:*** From birth, individuals are taught gender-specific roles (e.g., boys = strong, girls = nurturing). Families, schools, and media reinforce stereotypes that normalize male dominance and female dependence.

***Cultural and Religious Norms:*** Traditional customs often limit women's mobility, education, or participation in the workforce. Practices such as dowry, son preference, and early marriage continue to persist, especially in rural areas.

***Unequal Access to Education and Employment:*** Girls often have lower enrolment and higher dropout rates, especially in secondary and higher education. Women are concentrated in low-paying, informal, or unpaid care work, and face a gender pay gap in formal employment.

***Legal and Policy Gaps:*** While India has progressive laws, implementation is weak due to lack of awareness, poor enforcement, and social resistance. Many women are unaware of their rights or lack access to legal recourse.

***Intersectionality:*** Gender inequality is compounded by caste, class, religion, and regional disparities. Dalit, tribal, and minority women often face multiple layers of discrimination.

### **Challenges to Achieving Gender Equality:**

Despite significant legal reforms and policy initiatives, achieving gender equality remains a complex challenge due to deeply entrenched social norms, institutional biases, and structural inequalities. These challenges are:

***Entrenched Patriarchal Mindsets:*** Changing social attitudes and behaviours is difficult because they are deeply ingrained and passed down generations. Resistance to gender equality often comes from within families and communities.

***Economic Dependency:*** Many women are financially dependent on male family members, making it difficult to leave abusive relationships or demand equal rights.

***Violence and Safety Concerns:*** Gender-based violence, domestic abuse, workplace harassment, and lack of safety in public spaces restrict women's freedom and mobility.

***Lack of Female Representation:*** Women are underrepresented in political, corporate, and decision-making positions, which affects gender-responsive policymaking.

***Poor Implementation of Laws:*** Although laws like the Domestic Violence Act and Equal Remuneration Act exist, legal protections are often not enforced, especially in rural and marginalized areas.

***Digital Divide:*** Women have less access to digital tools and the internet, which limits their access to education, information, and digital employment opportunities (Gorski, 2005).

These factors and challenges show that gender inequality is systemic and multifaceted. It is not just about individual attitudes, but about changing institutions, social norms, power dynamics, and resource distributions.

### **Government Policies And Strategic Initiatives:**

The Indian government has launched several policies and initiatives aimed at promoting gender equality and women's empowerment. These are:

***National Policy for Women Empowerment (2001):*** Aims to create an enabling environment for women to realize their full potential through equal participation and decision-making (National Policy for Women, n.d.).

***Beti Bachao, Beti Padhao (2015):*** Seeks to combat gender bias and improve educational outcomes for girls, particularly in high-risk states like Haryana and Bihar (Empowering India's Daughters, n.d.).

***Skill Development Schemes:*** Programs like Support to Training and Employment Programme (STEP) aim to provide market-relevant skills and promote women's economic independence (Support Training & Employment for Women | Department of Women and Child Development, n.d.).

***Ujjwala Scheme (2007):*** Targets trafficking and sexual exploitation by providing rescue, rehabilitation, and reintegration support to victim (Ujjawala Scheme for Prevention of Trafficking and Rescue, Rehabilitation and Reintegration of Victims of Trafficking | National Portal of India, n.d.).

***UNICEF Collaborations:*** Focus on providing adolescent girls with life skills, education, and safe environments to reduce vulnerabilities and empower decision-making (Adolescent Education and Skills, n.d.).

### **Policy Recommendations and Suggestions:**

To effectively address gender inequality and promote human rights, policies must go beyond legal reforms and target the underlying social, cultural, and institutional structures that perpetuate

discrimination. The following recommendations are:

***Reform Education Systems to Promote Gender Sensitization:*** Integrate gender studies into school curricula to challenge stereotypes from early ages. Also, promote inclusive and intersectional content that reflects the experiences of marginalized women (e.g., Dalit, tribal). Moreover, increase female enrolment and address dropout rates by providing sanitation facilities, free uniforms, menstrual support, and conditional scholarships.

***Strengthen Economic Empowerment Policies:*** Expand women's access to vocational training, entrepreneurship programs, and microfinance services. Although, enforce equal pay for equal work and close the gender wage gap. Also, Recognize and remunerate unpaid care and domestic work through social security schemes or credits in pension systems.

***Enhance Legal Protection and Enforcement:*** Ensure proper implementation of existing laws e.g., Sexual Harassment of Women at Workplace Act, Domestic Violence Act (Aggarwal, 2016). As well as, create fast-track courts and mobile legal aid units for gender-based violence cases, especially in rural areas. Not only but, train police, judiciary, and healthcare workers in gender sensitivity and victim support protocols.

***Promote Women's Political Participation and Leadership:*** Introduce mandatory quotas for women in local governance and political parties. Also, support women leaders through capacity-building programs, mentorship, and protection against political violence. Moreover, institutionalize gender budgeting in public spending to ensure resources address women's needs.

***Expand Healthcare and Reproductive Rights:*** Improve access to maternal and reproductive health services, especially in underserved areas. Although, promote gender-sensitive mental health support. So, provide comprehensive sex education that addresses consent, safety, and bodily autonomy.

***Tackle Digital Gender Divide:*** Ensure equal access to mobile devices and the internet through digital literacy programs targeted at women and girls. So, support online safety tools and laws to combat cyber harassment and abuse (Antonio and Tuffley, 2014).

***Engage Men and Boys in Gender Equality:*** Launch public awareness campaigns that challenge toxic masculinity and promote gender-equitable attitudes. Not only but, involve men in conversations about caregiving, non-violence, and shared responsibility.

***Culturally Sensitive Community Engagement:*** Work with local leaders, NGOs, and faith-based groups to shift harmful gender norms while respecting cultural identities. As, promote community-based dialogues that empower women and men to question tradition in constructive ways.

## **Conclusion:**

Gender equality is not merely a legal or political issue, it is a deeply rooted sociological challenge that requires the transformation of cultural norms, institutional practices, and everyday interactions. Through the insights of key thinkers like Sylvia Walby, Ann Oakley, and Erving Goffman, we understand that gender is socially constructed, maintained by power structures, and performed in daily life. The persistence of inequality in education, employment, family, and health systems reflects the enduring impact of patriarchy and intersectional discrimination. Government policies such as Beti Bachao, Beti Padhao, the National Policy for Women Empowerment, and legal protections under the Indian Constitution show a strong intent to promote gender justice. However, these initiatives must be supported by effective implementation, gender-sensitive education, economic empowerment programs, and inclusive social reforms. Ultimately, achieving gender equality and securing women's human rights requires more than isolated reforms, it demands a systemic,

intersectional, and participatory approach. Only by reshaping the social fabric through collective action and informed policy can we build a society where all individuals, regardless of gender, live with dignity, freedom, and equal opportunity.

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