

ROLE OF THE INDIAN LEGAL SYSTEM IN PROTECTING GENDER EQUALITY IN INDIA

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INTRODUCTION

Law is everywhere, and it has an impact on all facets of people's life. With the spread of the legal domain into the public and private spheres, the importance of law and rights in affecting people's lives is growing. Individuals benefit from the law because it gives them the right to live lawfully and as free and autonomous members of society. Disparities in access to rights are addressed by social and legal norms and institutions that are established or result from such regulations. These inequalities, however, affect both men and women, with women lagging behind males in numerous sectors. These inequities may be restricting women's financial prospects, economic productivity, and negotiating leverage in the home by denying them the opportunity to acquire, administer, and dispose of assets in their name. Law must consider how gender inequalities in social, economic, and legal rights affect how women and men experience law and justice in their daily lives. Men and women confront similar challenges when it comes to getting justice, but women suffer additional obstacles.

THE ROLE OF THE JUDICIATURE IN PROMOTING GENDER EQUALITY

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When the judiciary functions without gender bias and supports gender equality, it has the potential to make significant changes in society. Through established mediums of state-citizen engagement, the judiciary's rulings become the norm for all members of society, and the court's influence extends beyond those who come into direct touch with them. However, the court is not always efficient in promoting gender equality because a majority of people may not be influenced by judicial decisions, for example, customary rules may govern a large number of people.

JUDICIAL RULINGS

The courts have the primary responsibility of deciding matters by interpreting the constitution and ensuring gender equality in such rulings. Courts have the authority to invalidate law measures that promote discrimination based on gender, such as uneven rights to property

inheritance. In the absence of domestic legislation, countries, where the judiciary is responsible for the enforcement of rights, have established rules. The Nepalese Supreme Court had ordered the government to present a new bill to Parliament in conjunction with women's groups and sociologists, as well as by researching regulations in other nations. The Supreme Court of India declared sexual harassment illegal under the Indian constitution and international conventions and issued directives and guidelines to be followed in all workplaces and other organizations until sexual harassment legislation is passed by parliament.

GENDER GAP INDEX:

More coordinated efforts at local and national levels, as well as by the private sector, are required for India to preserve its position as a global growth leader. While boosting women's participation in the public sphere is necessary and might be achieved through affirmative action, an attitude shift is required for women to be treated equally at home and in society. The Global Gender Gap Index 2019-2020, published by the World Economic Forum, assesses the number of gender-based disparities in economic participation and opportunity, educational achievement, health and survival and political empowerment. The report highlights the extremely low level of women's economic involvement.

REGULATIONS AND LAWS

Typically, the judiciary drafts the rules and regulations that govern court procedures. These guidelines can create a gender-sensitive environment by allowing a woman who has been the victim of sexual violence to testify in private chambers, providing waiting rooms for victims, protecting the victims' secrecy and privacy, and requiring basic evidence. For women, these norms provide a welcoming and non-discriminatory environment.

RESOURCE DISTRIBUTION AND PHYSICAL ACCESS

Physical access to justice is critical, and measures aimed at increasing the number of courts or judges, or establishing mobile courts, may benefit women more than males, as women are more likely to have limited mobility and time. Women's claims are additionally hampered by the high cost of going to court.

THE JUDICIARY IN INDIA AND ITS ROLE IN GENDER EQUALITY

In a country where gender imbalance is prominent in practically every area of society, the Indian judiciary has a critical role to play in empowering women and ensuring gender fairness. The Indian judiciary has aided women in obtaining what is due to them as a matter of right through its legal decisions and has demonstrated that discrimination against women in Indian society would not be accepted. The judiciary's job is to interpret and enforce the constitution's laws. The laws' fundamental goal is to provide justice to those who have been wronged. The legislative can write the laws, but it is up to the judiciary to carry them out in a way that ensures that all people are treated fairly, following the values of equity, justice, and morality. The judiciary scrutinizes all of the provisions before putting them in the place where they are needed for society's progress. The Indian Constitution through the judiciary has protected women from injustice. The Constitution of India has always uplifted the rights of women. Women have been safeguarded from injustice by the Indian Constitution and the courts. Women's rights have long been a priority in India's constitution.

PROVISION OF THE CONSTITUTION AND STATUTES

Gender equality is enshrined in the Indian Constitution's Directive Principles, Fundamental Duties, Preamble, and Fundamental Rights. The Indian Constitution not only guarantees equal rights for women but also empowers the government to implement effective anti-inequity measures in their favor. Within the context of an equal polity, our laws, growth strategy, plans, and initiatives have all been designed to help women in various ways. The central government has also ratified a slew of international human rights treaties and agreements aimed at promoting women's equality. However, only a small percentage of people are aware of these provisions. Everyone, especially those who work with children, should be aware of their rights and remedies if they are violated.

Article 14: States that the state must not deny any individual equal protection under the law or impartial enforcement of the laws inside India. The "equality before the law" method seeks out a place in all written texts that guarantees universal rights to all persons, regardless of their birth, ethnicity, gender, or race. Equal protection of the law refers to the uniform application of the law to every individual in India's region.

Article 15(1): It prohibits the state from discriminating against anyone solely based on sex, ethnicity, race, nationality, caste, or any combination of these factors.

GOVERNMENT PROGRAMS TO PROMOTE GENDER JUSTICE

The government has implemented a variety of programs to achieve gender equality and women's empowerment. These Schemes primarily target weak women. These programs are aimed at improving their general socioeconomic situation. Of circumstances Only a few of these schemes are, To address the falling Child sex ratio, Beti Bachao Beti Padhao was created & other concerns concerning women's empowerment throughout their lives Such as empowering women in the field of education.

Pradhan Mantri Matru Vandana Yojana (formerly Maternity Benefit Scheme)Benefit program): to contribute to a more enabling environment By providing monetary incentives for bettering one's health and Pregnant and breastfeeding mothers with nutrition. The National Nutrition Mission intends to achieve "Suposhit Bharat" by increasing the nutritional status of pregnant women and breastfeeding mothers, as well as lowering anemia among women. As well children Mahila e-Haats is a one-of-a-kind direct online digital marketing platform for women. For female businesses, S. Gs, and NGOs. Ujjwala is a comprehensive strategy to prevent women from being trafficked and children for commercial sexual exploitation, to make the rescue process easier for victims and relocate them to a secure location, etc. In addition, Mahila Shakti Kendra was established to empower rural women in community engagement, and training of the women was conducted. Trainers for Panchayati Raj elected women representatives; Rashtriya Mahila Kosh for providing microfinance services to women in rural areas. Poor women's socioeconomic upliftment. Providing "Women Helpline-1091" services; Mahila Police establishing "One-Stop Centers" for simplifying access to an integrated range of services including police, medical, legal, psychological support, and temporary housing to women victimized by abuse. Volunteers, for example, are all enthusiastic about taking actions to preserve women's rights and thereby ensure gender justice.

➤ Health-related initiatives such as Moromi and Majoni, as well as others such as the Arundhati Scheme, which provides for the giving of gold to the bride, and the Swavalamban Scheme, all play an important part in ensuring gender justice in Assam.

OTHER GOVERNMENT INITIATIVES:

In addition to different schemes and acts, the government has taken several other steps to ensure gender equality in the country, including: Incorporation of the concept of Gender Budgeting in India, which involves gender-sensitive legislation, programs, and policies, as well as follow-up corrective action to address gender inequities. The UNMDGs and UNSDGs must be followed and implemented. Commissions such as the National Commission on Women should be established. State rankings are based on gender, government rewards deposited in the name of the female head of household rather than the male head, and so forth.

JUDICIAL ACTIVISM AND REVIEW OF THE SUPREME COURT'S RECENT DECISIONS

The court demonstrates the new issues that emerge in the field of gender. Delivering justice Supreme Court has issued a directive to the states and the union.

Areas must establish proper regulations for the sale of acid, The Sabarwalia verdict, in which the Court dismisses an age-old case, Women are not allowed to enter the Lord Ayyapa Temple in Kerala, as evidenced by the ban. Safeguarding equality as a fundamental right Besides, Decriminalization of the LGBTQ community under Section 377 of the Indian Penal Code After years of struggle, the group has managed to protect its basic gender rights and the very essence of its identity. In a recent assessment, women were given command positions in the military.

Areas that require additional attention:

The Indian government and judiciary have made significant attempts to achieve gender justice in society. However, there are a few issues that still need to be addressed, such as the lack of strict rapist regulations.

- To cope with such offenses, it is necessary to establish Fast Track Courts and have a rapid trial.
- Despite the Supreme Court's directive to states to enact legislation prohibiting the sale of acid, India has yet to pass a comprehensive ban on the substance.
- Several private-sector businesses are still failing to follow the modified Maternity Act's rules and revisions.
- In 2019, the Indian Parliament passed the Protection of Children from Sexual Offences (Amendment) Act, which aims to reduce child sexual oppression, child pornography,

and other forms of child pornography. However, oppression persists, as evidenced by the recent Muzaffarpur Shelter House case in Bihar.

- In addition, there is more to be done to defend women's dignity and rights in places of armed conflict.
- There is still a lot of work to be done on issues such as honor killings, property rights, and adequate participation of women in the workforce.
- The concerned authorities must also pay attention to the preservation of essential human rights and work dignity for sex workers, LGBTQ people, and manual scavengers.
- The topic of religion and gender justice must be addressed, as religion is utilized as a tool for gender oppression. The government will look into things like not permitting a specific gender to enter a religious building, genetic mutilations, and so on.
- Although the Prohibition of Inadequate Representation of Women Act was passed, women are still seen as a commodity in this day of globalization, which needs to change.
- These are just a few of the numerous areas in which the judiciary and legislation need to focus more attention to provide justice to all people, regardless of gender identification.

CONCLUSION

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Gender equality in India was rated 112th out of 153 countries in the World Economic Forum's Global Gender Gap Report 2020, as it underperformed in areas such as women's economic engagement, education, health, and political empowerment. Gender-specific spending has decreased over time as well. As a result, more money must be spent to improve these criteria, as well as the government's programs and programs being implemented effectively and on time, and correct justice being delivered by the courts in a long-term manner. Only then will society develop a true trust in gender fairness. Discrimination based on gender is a social blight that must be eradicated at all costs. A nation's judiciary must stand forward and interpret the laws in such a way that the ideal of equality is upheld. Constitutional efforts must be made to empower women in our society and alter all existing laws that prevent women from making choices and making use of all life's opportunities. Governments must implement programs, schemes, funding, and welfare policies aimed at empowering women on social, economic, and educational levels. Initiatives must be taken to affect a shift in society's thinking.

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