

Time to “Walk the Talk” on Gender Equality for a Resilient India

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There is no chance for the welfare of the world unless the condition of women is improved. It is not possible for a bird to fly on only one wing.
- Swami Vivekananda

INTRODUCTION

Come March 8 and we see symposiums, seminars, webinars, workshops and talks on celebrating it as the *Women's Day*. While the spirit behind recognition and celebration of this day has definitely electrified and galvanised the efforts and initiatives at a Global level towards ‘Women empowerment and Gender Equality’, the fact remains that much needs to be done and many miles have to be crossed before we reach the base camp of this *Herculean Mount Everest climb*. If the almighty creator of this universe has indeed created all humans as equal, then why should we confine this celebration to a single chosen day? Ensuring equality of all Humans in all spheres of life has to be adopted and adapted as a way of life and ingrained into our culture itself.

It is important to quote Hon’ble Justice Bela Trivedi who while speaking on the occasion of the first ever International Day of Women Judges hosted by the Supreme Court made the following observations on the need to ensure gender equality which could lead to ensure *gender justice*.

“A miniscule representation of women in the judiciary will nurture a belief that women do not belong to leadership, though the symbol of justice is a lady. It is said that the whole world is nothing but the cosmic dance of Lord Shiva, and one of the forms of Shiva is Ardh Narishwar, which is the lord who is half-woman. This form of Lord Shiva represents the wholeness

and completeness of human existence. In my opinion, the wholeness and completeness of justice also demands equal representation of Shiva and Shakti, that is men and women judges on the bench.”

BIRTH OF THE INDIAN CONSTITUTION: RECOGNITION OF WOMEN’S RIGHTS & GENDER EQUALITY

Our Constitution which came into force w.e.f 26th January 1950 secures for all its citizens “justice” – social, economic and political, “liberty” – of thoughts, expression, belief, faith and worship, “equality” – of status and of opportunity..... and dignity of the individual and the integrity of the nation’ with such wordings, the preamble of the Indian constitution ensures the basic human rights of all men as well as women.

While the term ‘*Gender Equality*’ has been buzzing nowadays, the Right to equality was recognized by the Constitution vide Article 14 which stipulates that *The status of women is equal to men in the eyes of law*

The Constitution of India also recognizes the principle of gender equality in its Preamble, Fundamental Rights, and under the Directive Principles of State Policy. One of the most significant provisions in the Indian Constitution is Article 15(3) which empowers the State to adopt measures of positive discrimination in favour of women. It is also notable that the National Commission for Women was set up in the year 1992 for dealing with complaints of women’s rights violation, to advise on the aspect of socio-economic development of women and to protect the legal rights of women, etc.

At the international level, India has ratified and endorsed various conventions, instruments, initiatives, and strategies that aim to secure equal rights for women, the most significant among them being the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) which was ratified by India in 1993. Gender Equality’ is the 5th goal among the 17 Sustainable Development Goals (SDGs) adopted by the United Nations.

THE INDIAN CONSTITUTION AND GENDER EQUALITY

The Indian Constitution has guaranteed the following rights to women:

- Equality before law and equal protection of laws.
- Prohibition on discrimination.

*Views of the author are strictly personal.

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- Right to live with Dignity.
- **Right against exploitation:** Article 23 protects against human trafficking and bonded labour, which works as a shield for women's safety and ensures their right to work.
- **Right to livelihood** provides that the citizen, whether men or women, equally have the right to an adequate means to livelihood.
- **Equal pay for equal work:** Under Article 39 (d), the state shall direct its policy towards securing that there is equal pay for equal work for not only men but also women.
- **Right to health: Article 39 (e),** guarantees that the state shall direct its policy towards securing that the health and strength of workers, men as well as women and the tender age of children are not abused and none of them are not forced by economic necessity.
- **Just and human conditions of work and maternity relief:** Article 42 of the constitution directs that the state shall make provision for securing just and human conditions of work and for maternity relief.

SPECIAL LAWS ENACTED TO PROTECT WOMEN AGAINST CRIMINAL ACTS & UPHOLD THEIR PERSONAL RIGHTS

The Central Govt and State Govts have also enacted special legislations to deal with *Immoral Trafficking, Dowry Prohibition, Indecent Representation, Protection of children from sexual offences, Protection from Domestic violence, Women's Health & Safety – Medical termination of Pregnancy Act: and Pre-Conception and Pre-Natal Diagnostic Techniques (Regulation) Act (PCPNDT) 1994, Prevention of Sexual harassment at Workplace, Benevolent labour enactments which provide Maternity benefits and protection of employment, Minimum Wages, Equal Pay* and many others.

HAVE THE WOMEN PROTECTIVE LAWS YIELDED THE DESIRED RESULTS? WHAT IS THE STATE OF AFFAIRS AFTER MORE THAN 70 YEARS OF THE BIRTH OF THE CONSTITUTION? BOTTOM OF FORM

The Constitution was brought into force w.e.f 26th January 1950 and even after 70 years of its enactment, the condition and status of women remains a matter of concern. No doubt an eminent philosopher has remarked “*It is not the gender which is destroying our culture.... it is our interpretation of culture which has destroyed gender equality.*”

Some statistics in this regard are worth noting:

- As per Gender Inequality Report generated by the World Economic Forum 2022, India ranks amongst the last – at 135 of 146 countries in the Global Gender Gap Index which includes criteria such as economic participation and opportunities. Women account for paltry 18% of labour income (as reported by Business Line dated 16th August 2022).
- Unequal pay:** Women in India often earn less than men for doing the same work, and they are also underrepresented in higher-paying jobs. According to the World Inequality Report 2022, men in India earn 82% of the labour income while the share of women's earnings stands at a mere 18%.
- Lack of education:** Girls in India often do not get the same education as boys, which causes a big difference in literacy rates between men and women. In India, 187 million women are illiterate, making up a third of all illiterate people in the world. There is a 24-percentage point difference in literacy rates between men and women in India: about 75% of men are literate, while only 51% of women are literate.
- Violence against women:** Violence against women is a major problem in India. According to the National Crime Records Bureau, there were over 371 503 reported cases of violence against women in India in 2020. This includes cases of sexual assault, domestic violence, and other forms of abuse.
- Health care discrimination:** Health care discrimination is a serious issue that affects many women in India. Women may have difficulty accessing quality health care due to a number of factors, including poverty, lack of education, and lack of access to transportation. In addition, women in India are often more likely to experience discrimination and mistreatment when seeking medical treatment, which can further discourage them from seeking the care they need;
- The Prohibition of Child Marriage Act** remains a paper tiger as per data generated by the Institute for Competitiveness and Social Progress Imperative submitted to the EAC-PM. The National Commission for Protection of Child Rights (NCPCR) has recently moved the S.C against a High Court ruling of the Punjab & Haryana H.C which ruled that a Muslim minor girl who has attained the age or puberty (16 years) can marry . This is apparently in violation of the Prohibition of Child Marriage Act and the Protection of Children from Sexual Offences (POSCO) (reported by E.T dated 29th August 2022 & TOI dated 22nd Dec 2022) ;
- As per the *India Discrimination* Report generated by Oxfam India “Women having equivalent educational qualifications and work experience are being discriminated against in terms of salary and job opportunities in Labour market;

ARE WE HOPING TO SEE A VIBRANT AND RESILIENT INDIA WHICH IS MOVING TOWARDS RESTORING THE EQUAL STATUS OF WOMEN?

There have been concerted efforts on part of the Central Govt to ensure empowerment of women at the lower rung of the social strata. These initiatives are beyond the realms of gender equality. They espouse to motivate women to take up fresh challenges and inspire women to chase their dreams in a secure environment. Some crucial initiatives in this regard which are finally showing positive results are as under:

- Beti Bachao Beti Padhao (BBBP)** This Scheme focuses on ensuring the protection, survival, and education of the girl child and preventing gender-biased sex selective elimination;

- (ii) **Deendayal Antyodaya Yojana-National Urban Livelihoods Mission (DAY-NULM):** - This scheme aims to provide shelters equipped with essential services to the urban homeless in a phased manner. The Mission covers the urban poor and the families of disadvantaged groups including women.
- (iii) **Sukanya Samridhi Yojna (SSY):**- It aims at the economic empowerment of women. Launched as a part of the ‘Beti Bachao Beti Padhao’ campaign, this Scheme is a small deposit scheme for a girl child in order to secure her future.
- (iv) **The Women Helpline Scheme** came into effect on April 1, 2015. The Scheme provides a 24-hour emergency response to all women who are affected by violence both in the public and private spheres.

While the Govt initiatives to support and upgrade the status of women are laudable, much needs to be done still. These schemes and the benefits therefrom need to be percolated downwards to reach the lower strata of the society, the rural and backward areas, and the responsibility for this lies on all of us as Indian citizens.

INDIA'S GENDER BUDGET 2023-24: MOVING TOWARDS WOMEN-LED DEVELOPMENT

India's Finance Minister announced that the top-most priority of the Govt is inclusive development, which is also the first “*Saptarishis*” or the seven principles guiding her outlook the government recognises “the importance of Nari Shakti (women power) as the harbinger of our bright future and for women-led development during the *Amrit Kaal* (the 25-year-long lead-up to India@100).”

The success of the Deendayal Antyodaya Yojana National Rural Livelihood Mission that mobilised rural women into 81 lakh Self Help Groups (SHGs).

The budget provided financial assistance under the *Pradhan Mantri Kisan Samman Nidhi*, benefiting about three crore women farmers, who will now have access to INR 54,000 crore as a part of the scheme.

Besides, in a special gesture to women and commemorating *Azadi Ka Amrit Mahotsav* (to celebrate India's 75 years of Independence), a new one-time small savings scheme *The Mahila Samman Savings Certificate* has been launched, which will be made available for a period of two years up to March 2025.

DIGITAL TECHNOLOGY: - THE MOST POTENT WEAPON FOR WOMEN EMPOWERMENT

The theme for International Women's Day, 8 March 2023 (IWD 2023) is, “DigitALL: Innovation and technology for gender equality”. This theme is aligned with the priority theme for the upcoming 67th Session of the Commission on the Status of Women (CSW-67), “*Innovation and technological change, and education in the digital age for achieving gender equality and the empowerment of all women and girls*”. The United Nations Observance of IWD recognises and celebrates the women and girls who are championing the advancement of transformative technology and digital education. IWD 2023 will explore the impact of the digital gender gap on widening economic and social inequalities.

As the IWD website states:

“For IWD 2023 let's all fully #EmbraceEquity. Imagine a gender

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equal world. A world free of bias, stereotypes, and discrimination. A world that's diverse, equitable, and inclusive. A world where difference is valued and celebrated. Together we can forge women's equality. Collectively we can all #EmbraceEquity.”

HOW CAN DIGITAL TECHNOLOGY HELP CREATE A GENDER EQUAL SOCIETY?

Digital competencies lead to greater participation by women in the community and political life. They also ensure their safety, both online and offline. As shown in several studies, the development of digital competencies increases women's confidence, independence, social prestige, and power. According to some studies, fostering digital competencies can help close the wage gap, as women who have them also have higher salaries. A recent report by UNESCO produced in collaboration reveals that Digital competencies help women engage in economic activities and obtain employment.

Digital payment and ID systems can help empower women in many different ways including Increased privacy, bargaining power, household welfare, and female labour force participation.

INDIA'S DIGITAL GENDER GAP: RESTRICTED ACCESS TO DIGITALIZATION

According to *India Inequality Report 2022: Digital Divide* Indian women are 15 per cent less likely to own a mobile phone and 33 per cent less likely to use mobile internet services than men. The report analyses the primary data from Centre for Monitoring Indian Economy's (CMIE) household survey held from Jan 2018 to Dec 2021 as per which Rural India faces an even more pronounced digital divide, with men being about twice as likely as women to have used the internet (49% vs 25%).

Despite rapid advancements in internet access in India, particularly via mobile internet use, which has nearly doubled from 2018-2020, the digital divide between Indian men and women remains stark. The report analyses the primary data from Centre for Monitoring Indian Economy's (CMIE) household survey held from Jan 2018 to Dec 2021 as per which Rural India faces an even more pronounced digital divide, with men being about twice as likely as women to have used the internet (49% vs 25%).

The government of India has declared IT as one of the trust areas for the country's development and has recognised it as an “essential service.”

Using digital technologies can truly transform not only women's ability to earn money but their health and welfare. Remote delivery of healthcare is spreading. In India, NGO Swayam Shikshan Prayog's Arogya Sakhi programme uses a mobile application that assists women in becoming health entrepreneurs delivering antenatal and infancy care.

WHAT NEEDS TO BE DONE ON A WAR FOOTING TO BRING IN GENDER EQUALITY IN INDIA?

A McKinsey Global Institute recently points out that *improving women's status and initiating gender equality in India could add \$12 trillion to global growth. Increasing women's labour force participation by ten percentage points could add \$700 billion to India's GDP by 2025.* There is ample proof that valuing females is essential towards making a prosperous society and Nation and making communities more prosperous. The above statistics are reasons enough

to declare an all-out war against Gender Inequality. The methodology could be as under:

By every responsible citizen of India:- Before we deliberate on the role of the Govt. and corporates to empower women, *every citizen of India must start treating son(s) and daughter(s) equally and without any discrimination. To put it in plain words:* The objective should be to have the courage to raise your son like your daughter rather than raising your daughter like a son.

By the Govt:-

1	ENFORCEMENT and not merely ENACTMENT of the women protective laws to prevent Crimes and violence against women	<p>Stringent enforcement of women protective laws through special courts and prescribing strictly time bound summary proceedings with elimination of adjournments and cutting down on appeals to ensure speedier justice. Special provisions need to be made for providing free legal aid to women who come from financially backward strata. The best mechanism to make this work is to spread massive awareness about the Laws and the rights of women which are protected. Unless safety and security of Women is assured and ensured, we cannot expect increase in the percentage of working women. Stringent enforcement of women protective laws through special courts and prescribing strictly time bound summary proceedings with elimination of adjournments and cutting down on appeals to ensure speedier justice. Special provisions need to be made for providing free legal aid to women who come from financially backward strata. The best mechanism to make this work is to spread massive awareness about the Laws and the rights of women which are protected. Unless safety and security of Women is assured and ensured, we cannot expect increase in the percentage of working women.</p> <p>Well intentioned campaigns like “<i>Beti Bachao, Beti Padhao</i>”; need to be enforced with all dedication and commitment. The Govt should periodically bring out ‘Report Cards’ to inform the countrymen about the progress made Women Helpline Scheme The Women Helpline Scheme came into effect on April 1, 2015. The Scheme provides a 24-hour emergency response to all women who are affected by violence both in the public and private spheres. This will help prevent crimes against women.</p>
2	Amend the Companies Act, 2013 to require companies to contribute CSR funds for upliftment of women AS TOP PRIORITY	<p>The Companies Act, 2013 and the CSR Rules made thereunder may need amendments to provide that priority and preference should be given by corporates to make CSR contributions towards women upliftment and protection of their rights. Thus, it could be made mandatory to spend a minimum amount on this cause. The CSR Committee should be mandatorily headed by a woman director as Chairperson to ensure that women upliftment is a top priority of the CSR initiatives.</p>
3	Introduction of the Uniform Civil Code (UCC)	<p>UCC will create equal laws for both men and women in terms of personal rights. Article 44 of the Constitution lays down that the state shall endeavour to secure a UCC for the citizens throughout the territory of India. Article 44 is one of the Directive Principles of State Policy (DPSP Having a Uniform Civil Code allows children to understand the rules and respect the principle of equality in a better manner. This will serve manifold purposes:</p> <ul style="list-style-type: none"> (i) Prohibition of marriage of girl child unless she is 21 years old. This will per force ensure that some minority communities which have the tradition of marrying off their daughters before 18 years are prohibited from doing so. This would in turn enable the girl to study and be self-dependent by taking up some employment or self-employment, instead of being dependent on her husband; (ii) Prohibition on having more than two children, so that a woman is not treated as a child bearing machine for increasing numbers of any particular community; (iii) Prohibition and severe punishment for Bigamy This will prevent exploitation of women and their enslavement for producing more children; (iv) Uniform law to provide of maintenance of separated wife, irrespective of any religious customs.

Measures which may be adopted by Companies to foster Gender Equality and Diversity

1	Dedicated compliance function & Role of Company Secretary	<p>As the Conscience Keeper and Governance professional a Company Secretary has a paramount to discharge his responsibility towards Gender equality by ensuring that the Company complies with all Labour Laws which protect the interests of women employees/workers viz Maternity Benefits Act, Equal Remuneration Act, The Employees State Insurance Act, 1948, The Contract Labour (Regulation and Abolition) Act, 1976 and the Factories Act ensuring special transport, sanitation, creche and other facilities for women workers at Factories and Plants,</p> <p>Adequate training programs on topic of prevention of sexual harassment, safety measures etc must be worked out.</p> <p>As a part of the ESG training modules towards compliance with Sustainability initiatives the Company Secretary must make a serious effort to either organize or conduct training programs with respect to the company’s Policies regarding <i>Gender diversity, Equal opportunity and Human Rights, Inclusivity, Equal remuneration and Prevention of Sexual Harassment.</i></p>
2	Proactive and Conscious efforts to adopt best practices across top corporates in terms of Gender equality	<ul style="list-style-type: none"> • Conscious efforts to hire women employees in the effort to attain gender equality in the workplace. • Benefits and provisions to help women employees focus on work without distractions. • Introducing new positions to be able to provide women in the workforce with jobs. • Pre and post maternity benefits policy that provides priority parking, ergonomic seating, and a unique travel allowance for the mother and child. • 26-week maternity leave with pay and benefits. • Safe and private breastfeeding rooms. • Extended aid to pregnant women at work through maternity counselling, leading to a drop in maternity resignations. • Pick and drop cabs for women driven by women. • 26 weeks maternity leave with pay for new moms and 12 weeks maternity leave with pay for women employees opting for childbirth through adoption. • Crèche facility to support their employees by offering a well-supervised child-care facility. • Extended health insurance to cover infertility treatment benefits.
3	Special I.T training programs	Special I.T training programs should be conducted for women in non-managerial capacity and belonging to low-income groups (part of Labour force or doing routine or other skilled jobs) so that they have access to technology for self-improvement and growth.
4	Recognize and celebrate the achievements of women and ensure regular interface between the women employees and dedicated managements teams	Recognizing and celebrating the achievements of women in the workplace can be an effective way to promote gender equality and create a more inclusive workplace culture. The recognition can be in the form of awards, certificates, or public recognition and can help promote a sense of achievement and pride among employees.

CONCLUSION

Legislation alone cannot bring in gender parity. There must be a change in the mindset of countrymen, and this will take its own time. But then time is of essence and if India must keep pace with the Global development, then women need to be empowered. It won’t happen by holding seminars and webinars and discussions at forums or by writing thesis on the subject. It must happen and we as professionals have a paramount duty to make it happen.

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