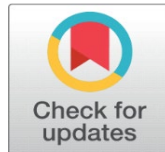


STUDY OF THE SOCIAL JUSTICE CHANGES MADE IN THE INDIAN CONSTITUTION AND CIVIL LAWS TO IMPROVE THE SOCIAL STATUS OF GIRLS IN THE PRESENT SOCIETY

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ABSTRACT

The status of girls in Indian society has undergone significant transformations over the years, driven in large part by changes in the Constitution of India and various civil laws aimed at ensuring gender equality and social justice. This paper explores the social justice measures embedded in the Indian Constitution and civil laws designed to enhance the social standing of girls in modern-day India. Through an examination of constitutional provisions, landmark legal reforms, and evolving societal norms, the paper highlights the progress made while identifying the challenges that remain in achieving complete gender equality.

This paper aims to explore the social justice changes made in the Indian Constitution and civil laws that specifically target the empowerment of girls. It analyzes key constitutional provisions, such as the Right to Equality and special protections under Articles 15 and 46, which lay the foundation for gender equality. The study further examines landmark legal reforms, including the Right to Education Act, the Prohibition of Child Marriage Act, and the Protection of Children from Sexual Offences Act, which directly benefit girls by ensuring better access to education, protecting them from exploitation, and promoting their overall welfare. Additionally, the paper evaluates governmental policies like the Beti Bachao Beti Padhao initiative and the Sukanya Samriddhi Yojana, which incentivize education and financial security for girls. Through a comprehensive review, the paper highlights the successes of these reforms in improving girls' education, health, and legal protection. However, it also identifies the persistent challenges, such as entrenched cultural biases, gender-based violence, and In conclusion, while significant progress has been made, the study underscores the need for further efforts to bridge the gap between legal provisions and actual societal change, urging for a more comprehensive, multidimensional approach to tackling gender inequality in India. This paper contributes to understanding the legal and social mechanisms at play and the ongoing struggle for gender justice for girls in contemporary Indian society.

1. INTRODUCTION

India, with its rich cultural heritage, has long faced deep-rooted social inequalities, particularly with respect to gender. The status of girls has historically been lower than that of boys, influenced by patriarchal traditions, limited access to education, and discriminatory practices in inheritance and property rights. However, since the adoption of the Indian Constitution in 1950, the country has made notable strides toward improving the social, educational, and economic status of girls. The Indian Constitution and civil laws have undergone significant reforms, which aim to secure gender justice, and protect and promote the rights of girls in the country. These reforms have targeted various spheres of life, such as education, marriage, health, and employment, thereby facilitating the empowerment of girls. This paper will analyze the constitutional changes, laws, and policies designed to improve the social status of girls in India and assess their effectiveness in the present society. India, a country known for its diverse culture, rich traditions, and rapid economic growth, has long struggled with gender inequality. Throughout much of Indian history, the social status of girls

and women has been dictated by deeply ingrained patriarchal norms, which relegated them to secondary positions in families, communities, and society at large. Discriminatory practices, such as child marriage, limited access to education, poor healthcare facilities, and a lack of legal protections, have often hindered the development and well-being of girls in India. Despite these challenges, post-independence India has undertaken significant legal and policy reforms aimed at improving the status of girls and promoting gender equality.

The Indian Constitution, adopted in 1950, laid the foundation for these reforms by enshrining fundamental rights that guaranteed equality for all citizens, irrespective of gender. Over time, various constitutional amendments and legislation have reinforced these principles and addressed the pressing needs of girls, ranging from their right to education and protection from child marriage to securing reproductive rights and preventing violence. The Constitution's emphasis on social justice, combined with an evolving set of civil laws and national policies, has been pivotal in reshaping the legal landscape for girls, offering them the opportunity for a better future.

One of the core objectives of these reforms has been to address the entrenched gender disparities that have historically marginalized girls in every aspect of life—be it education, health, employment, or family dynamics. Although significant progress has been made in certain areas, the transformation is far from complete. In rural areas, where cultural and societal norms are often more rigid, and among economically disadvantaged groups, girls still face significant barriers to equal opportunities.

This paper aims to critically examine the changes made to the Indian Constitution and civil laws that have directly and indirectly contributed to improving the social status of girls. By focusing on key constitutional provisions, legal reforms, and national initiatives that target the rights and welfare of girls, this study explores how these legal instruments have attempted to uplift their social, economic, and political standing.

The analysis also extends to assessing the effectiveness of these reforms in real-world scenarios, identifying gaps in implementation, and understanding the persistent challenges that continue to affect girls in contemporary Indian society. For instance, while the legal framework has evolved to support the rights of girls, societal attitudes towards gender roles often remain deeply entrenched, limiting the potential impact of these laws. Furthermore, challenges like child marriage, female infanticide, dowry, and gender-based violence continue to hinder the full realization of gender justice.

Moreover, this paper seeks to highlight the government's role in addressing these challenges through policies such as the Beti Bachao Beti Padhao (Save the Daughter, Educate the Daughter) scheme, the Sukanya Samridhi Yojana, and other welfare measures designed to ensure the safety, education, and economic empowerment of girls. By critically analyzing the intersection of legal reforms, policies, and societal attitudes, the paper will provide a nuanced understanding of how legal instruments can be leveraged to improve the status of girls in India.

In conclusion, while the Indian Constitution and various civil laws have laid a robust foundation for promoting gender equality and safeguarding the rights of girls, the road ahead remains fraught with challenges. The success of these reforms will depend not only on legal and policy changes but also on societal transformation, where gender equality becomes a shared vision across all sectors of life. This paper contributes to the ongoing discourse on gender justice and offers insights into the progress made, the gaps that remain, and the future prospects for girls' empowerment in India.

Constitutional Provisions and Gender Justice

1. Right to Equality (Article 14-18)

Article 14 of the Indian Constitution guarantees equality before the law and equal protection of the laws, irrespective of gender. This has been a fundamental principle in judicial interpretations regarding gender discrimination. Article 15 prohibits discrimination on the grounds of sex, which has played a crucial role in ensuring that laws and policies do not discriminate against girls.

2. Directive Principles of State Policy (Article 39 and 42)

The Directive Principles of State Policy (DPSPs) outline the socio-economic goals that the state must work towards. Articles 39(a) and 39(d) specifically focus on securing adequate livelihood and equal pay for equal work for men and women. Article 42 directs the state to ensure just and humane conditions of work, including maternity relief, which indirectly benefits women and girls.

3. Fundamental Rights (Article 21)

Article 21 guarantees the right to life and personal liberty, which has been interpreted to include the right to a dignified life, education, and health. This provision has been crucial in promoting the welfare of girls, ensuring that they have access to education, health care, and opportunities for personal growth.

4. Special Provisions for Women and Children (Article 15(3), Article 46)

Article 15(3) allows the state to make special provisions for women and children, providing a constitutional basis for affirmative action and social welfare schemes for girls. Article 46 emphasizes the promotion of the educational and economic interests of scheduled castes, scheduled tribes, and other weaker sections, which has had significant benefits for girls from marginalized communities.

Legal Reforms and Civil Laws Impacting Girls:

1. Right to Education Act (2009)

The Right of Children to Free and Compulsory Education (RTE) Act, 2009, mandates free and compulsory education for children aged 6-14. The law has been instrumental in improving school enrollment rates for girls, especially in rural areas, and in reducing dropout rates. Gender-sensitive provisions in the act ensure that schools provide a safe and supportive environment for girls, which is a key factor in improving their educational outcomes.

2. Prohibition of Child Marriage (2006)

The Prohibition of Child Marriage Act, 2006, aims to prevent the marriage of girls below the legal age of 18. This law has contributed to raising awareness about the harmful effects of child marriage and protecting girls from exploitation. The act also provides for the annulment of child marriages and offers legal protection to girls who are married before reaching the age of maturity.

3. Juvenile Justice (Care and Protection of Children) Act (2015)

The Juvenile Justice Act provides a comprehensive framework for the care, protection, and rehabilitation of children, including girls, who are in need of care and protection. The act ensures that girls in difficult circumstances, such as those who are victims of trafficking or abuse, are given proper care, shelter, and legal support.

4. Maternity Benefit (Amendment) Act (2017)

The Maternity Benefit (Amendment) Act, 2017, extended the paid maternity leave period to 26 weeks for women employed in the organized sector. This law is significant for improving the well-being of working mothers and, by extension, the girls they care for, ensuring better maternal health and child care.

5. The Protection of Children from Sexual Offences (POCSO) Act (2012)

The POCSO Act specifically addresses the sexual abuse of children and provides a legal framework for the protection of children from sexual offenses, including girls. The law mandates the creation of special courts for the speedy trial of child sexual abuse cases, and it strengthens the punishment for offenses related to child sexual exploitation.

6. The Dowry Prohibition Act (1961)

Though not directly focused on girls, the Dowry Prohibition Act was enacted to prevent the practice of dowry, which historically has been a significant burden on girls and their families. By making dowry demands illegal, the act helps protect girls from exploitation and abuse in marriage.

Policy Interventions for Girls' Empowerment

In addition to the constitutional and legal provisions, the Indian government has implemented various policies aimed at the social empowerment of girls. Some key initiatives include:

1. Beti Bachao Beti Padhao (BBBP) Scheme (2015)

Launched by the Indian government in 2015, the Beti Bachao Beti Padhao scheme aims to address the declining child sex ratio and encourage the education of girls. The scheme seeks to improve the survival, protection, and education of the girl child by raising awareness and providing financial incentives.

2. Sukanya Samriddhi Yojana (2015)

This initiative encourages parents to invest in the future of their daughters by providing them with financial security. The Sukanya Samriddhi Yojana is a savings scheme for the girl child, which offers tax benefits and a high interest rate.

3. National Policy for Children (2013)

The National Policy for Children, 2013, recognizes girls as one of the most vulnerable groups in society and advocates for special measures to ensure their protection and well-being. The policy prioritizes reducing child marriage, improving access to health care, and ensuring that girls have equal access to education.

Challenges and Gaps

Despite the legal and policy frameworks in place, several challenges remain in improving the social status of girls in India. These include:

While India has made significant strides in improving the legal and social status of girls through various constitutional provisions, civil laws, and government policies, several persistent challenges continue to hinder the full realization of gender justice for girls. These challenges are deeply embedded in social, cultural, economic, and institutional structures, and require sustained and multifaceted efforts for effective resolution. Despite the existence of progressive laws and policies, the following key issues highlight the gaps that remain in improving the status of girls in contemporary Indian society: Despite the legal and policy frameworks in place, several challenges remain in improving the social status of girls in India. These include:

- **Deep-rooted Cultural Practices:** Patriarchal norms and customs often result in girls being denied equal opportunities in education, health care, and employment.
- **Gender-based Violence:** Despite legal protections, girls continue to face high rates of violence, including domestic abuse, sexual harassment, and trafficking.
- **Economic Inequality:** The economic empowerment of girls remains a significant challenge, as many girls, especially in rural areas, continue to face barriers to education and employment.
- **Social Stigma:** In many parts of India, the birth of a girl is still seen as less desirable than the birth of a boy, which can lead to neglect, malnutrition, and limited access to resources.

Some of the problems currently being faced in the Indian context are as follows....

Deep-rooted Patriarchal Norms and Cultural Biases :- One of the most significant barriers to achieving gender equality in India is the pervasive patriarchal mindset that dominates many communities. In numerous parts of the country, particularly in rural and semi-urban areas, traditional gender roles are strictly adhered to. These roles often dictate that boys are given preference over girls in matters such as education, healthcare, inheritance, and family decisions. Such deeply ingrained cultural biases continue to impact the opportunities available to girls, even when legal frameworks promote equality. For example, in some communities, girls are still considered a financial burden due to dowry practices or the perceived lower value of their education. The societal preference for sons remains a driving force behind the selective neglect of girls, particularly in rural areas. Despite legal prohibitions like the Dowry Prohibition Act, 1961, and the Pre-Conception and Pre-Natal Diagnostic Techniques (PCPNDT) Act, female infanticide and neglect of girls at birth continue in certain regions, exacerbating gender imbalances.

Gender-Based Violence and Harassment:- Violence against girls remains alarmingly prevalent across India, despite the existence of legal safeguards such as the Protection of Children from Sexual Offences (POCSO) Act, 2012, and the Criminal Law (Amendment) Act, 2013, which aims to prevent sexual harassment, trafficking, and assault. According to various reports, incidents of child sexual abuse, female genital mutilation, trafficking, and domestic violence against girls have continued to rise in many parts of the country. The public and private spaces where girls are most vulnerable—schools, homes, and workplaces—remain unsafe despite legislative efforts to protect them.

The lack of effective enforcement mechanisms and timely justice has been a significant obstacle. The criminal justice system remains slow, and many survivors of gender-based violence are often left without adequate legal, medical, or psychological support. Social stigma, victim-blaming, and the reluctance to report such crimes, especially in rural or conservative communities, further perpetuate this issue.

3. Child Marriage and Early Pregnancy

Despite legal frameworks like the Prohibition of Child Marriage Act (2006), child marriage remains a widespread practice in many regions, particularly in rural and tribal areas. According to the National Family Health Survey (NFHS), a significant number of girls are still married off before the legal age of 18, often due to familial, cultural, and economic pressures. Early marriages often lead to early pregnancies, which carry significant health risks for the girls involved, including maternal mortality, malnutrition, and social isolation.

Child marriage not only limits the potential of girls but also perpetuates a cycle of poverty, as early marriage often leads to reduced educational opportunities and economic independence for girls. These marriages can also lead to the increased vulnerability of girls to domestic violence and sexual abuse. While the law prohibits the practice, its implementation is inconsistent, and the socio-cultural pressures that support child marriage remain deeply entrenched in certain communities.

4. Access to Education and Healthcare

While the Right to Education (RTE) Act (2009) has made great strides in ensuring that children, including girls, receive free and compulsory education, there are still significant gaps in implementation. The enrollment of girls in primary and secondary schools has improved, but dropout rates remain high, particularly in rural areas.

Factors such as early marriage, gender-based violence, inadequate sanitation facilities in schools, and societal pressure to prioritize boys' education contribute to girls leaving school early. Moreover, the quality of education available to girls is often subpar in underprivileged areas, and there are substantial regional disparities in access to quality schooling. The disparity in access to education is even more pronounced for girls from marginalized communities, such as Scheduled Castes (SCs), Scheduled Tribes (STs), and other backward classes (OBCs), where social discrimination, economic hardship, and lack of infrastructure contribute to higher dropout rates.

In terms of healthcare, girls face limited access to adequate medical care, especially in rural areas where healthcare infrastructure is weak. Lack of access to menstrual hygiene management, reproductive health services, and maternal healthcare continues to pose significant challenges for girls. High rates of malnutrition and undernutrition in adolescent girls further affect their growth and well-being, leading to lifelong health issues.

5. Economic Inequality and Employment Barriers

Despite legal provisions aimed at ensuring equal pay and economic opportunities for women, such as those laid down in Article 39(d) of the Indian Constitution and the Equal Remuneration Act (1976), girls and women face considerable barriers in accessing equal economic opportunities. Gender biases in the workplace, limited access to vocational training, and lack of support for girls to pursue non-traditional career paths often result in lower economic status for women and girls, even when they have access to education.

The gender gap in labor force participation remains significant, with many girls limited to low-paying, informal, or part-time work. Many girls are also discouraged from pursuing higher education or professional careers due to cultural attitudes that prioritize domestic roles for women. The economic inequalities that girls face are compounded by the challenges posed by sexual harassment in the workplace and insufficient workplace protections for female employees.

6. Implementation and Enforcement Challenges

One of the critical challenges in achieving gender justice for girls lies in the inconsistent implementation of existing laws. While the legal framework has undergone extensive reforms, there is often a gap between policy and practice, primarily due to inefficient enforcement mechanisms, lack of political will, and bureaucratic inertia. For instance, despite the existence of laws like the Prohibition of Child Marriage Act, 2006, and the POCSO Act, enforcement in remote or conservative areas remains a significant problem.

Corruption, inadequate training for law enforcement personnel, and under-resourced judicial and child protection systems further weaken the implementation of gender justice laws. Additionally, there is a lack of coordination among various stakeholders—government agencies, civil society organizations, and local communities—which further limits the impact of laws and policies designed to improve the status of girls.

7. Social Stigma and Victim Blaming

Social stigma is another substantial challenge that hampers the progress of gender justice for girls. Girls who are survivors of sexual violence, trafficking, or early marriage often face intense societal backlash, with many communities engaging in victim-blaming. In such environments, girls are reluctant to report abuse, seek legal redress, or access healthcare due to fear of social ostracism and retribution.

This stigma is often amplified by caste, class, and religious factors, particularly for girls from marginalized communities. The societal reluctance to challenge traditional norms about gender roles and the subordinate position of girls perpetuates a culture of silence and complicity around gender-based violence, further hindering efforts to secure justice for girls.

CONCLUSION: ADDRESSING THE GAPS

The progress made through constitutional provisions, civil laws, and government schemes has undoubtedly improved the social status of girls in India. However, significant challenges persist in bridging the gap between policy and practice. To fully address these gaps, a holistic approach is required—one that involves not only enforcing existing laws but also transforming societal attitudes toward gender equality. This includes dismantling patriarchal structures, improving access to education and healthcare, providing safe environments for girls, and empowering them economically and socially. Only with a multi-dimensional approach can India create a society where girls are truly valued, protected, and empowered to reach their full potential.

The Indian Constitution and civil laws have undergone significant changes to improve the social status of girls. Legal reforms in education, child marriage, sexual violence, and maternity leave have contributed to greater social justice for girls. However, challenges remain, and the implementation of these laws must be strengthened. More importantly, social attitudes toward gender equality must evolve to ensure that girls truly enjoy the benefits of these legal protections. For real progress, a concerted effort is required from all sectors of society—government, civil society, and individuals—to break down cultural stereotypes, reduce gender-based violence, and create a society where girls can flourish equally with boys.

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CONFLICT OF INTEREST

None.

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