www.ijarp.com ISSN 2456-9992 Page: 01-29

Research Article

International Journal Advanced Research Publications

Volume: 02
Issue: 10

GENDER DISCRIMINATION AND HUMAN RIGHTS IN INDIAN SOCIETY A SOCIO-LEGAL ANALYSIS OF EQUALITY, DIGNITY, SOCIAL JUSTICE AND INCLUSIVE DEVELOPMENT

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Article Received: 14 September 2026, Article Revised: 24 September 2026, Published on: 14 October 2026

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Doi: https://doi-doi.org/101555/ijarp.2129

ABSTRACT

Although this is guaranteed by the Constitution, protected by many statutes and even shaken by judicial interventions and an ever-growing public programme, gender discrimination is still a perennial issue with human-rights dimensions in Indian society. It is manifested in unequal access to education, paid employment, property, political decision-making, health care and justice, gender-based violence, child marriage, dowry and other traditional gender-based practices, sexual harassment, unpaid care work responsibilities, and the exclusion of transgender and gender diverse people. This is a paper which critically addresses gender discrimination from a human-rights and social-work approach in the context of India. It uses a secondary, narrative-review and conceptual approach relying on the provisions of the Constitution, Indian laws, judgments by the Supreme Court, data from national surveys, and reports from public institutions and international organisations. There are significant gaps that remain as evidenced by the available indicators: the World Bank Gender Data Portal, based on ILO modelled estimates, indicates a gender gap in labour force participation in India of 77.6 per cent men to 32.4 per cent women in 2025. There is also a disparity in paid employment and caregiving in the unpaid sphere, as captured in the 2024 Time Use Survey. According to the NCRB data for 2023, there were around 4.48 lakh registered cases of crimes against women and according to analysis of NFHS-5 data, child marriage is a serious concern, even though it has dropped. Care needs to be taken that these indicators reflect administrative cases which are a result of reporting and registration rather than incidence. The authors contend that legal prohibition of gender discrimination is not enough:

implementation, remedial options, economic autonomy, social norm change and intersectional responses are all crucial. It explores the connection between equality, dignity, autonomy and substantive justice, examines the disconnect between rights-based claims and actual occurrences, and concludes that there is a need for concerted action from government, education, employment, community groups and social support services. The main finding is that human rights are meaningful when women and gender diverse people are able to enjoy them safely, equally and without social or institutional discrimination.

INDEX TERMS: Discrimination on the basis of gender; human rights; gender equality; women's rights; Indian society; substantive equality; intersectionality; gender based violence; social justice; social work; rights of transgender.

I. INTRODUCTION

Gender equality is a precondition for ensuring a fair, democratic and inclusive society. It is not just about being treated equally in formal law, but it is about the dignity and freedom of all people, irrespective of their gender, to participate in social, economic, cultural and political life. Gender discrimination: A disadvantage a person suffers due to their sex, gender identity, gender expression, socially assigned roles or stereotypes. It may be expressed outright (e.g., a statement denying employment to a woman who is pregnant) or it may be disguised (e.g., the use of a formally neutral statement that has a disproportionate effect on those with different care responsibilities).

Gender relations in India are influenced by a variety of cultural, religious, social and economic histories. Family, caste, class, tribal identity, disability, location, education, employment status are all factors that impact women's lives. Patriarchal norms may limit access to resources, including property, movement, choice of partner, reproductive decisions, and household resources. This does not mean that all women are similarly restricted, a privileged woman could be subject to gender bias in leadership roles and a Dalit/Adivasi/woman with a disability/migrant/poor woman could be subject to multiple types of discrimination. Transgender and gender diverse individuals can face exclusion within the areas of family acceptance, identity documents, education, employment, healthcare, housing and public services.

The Constitution of India has made equality before the law, has banned certain form of discrimination and has allowed positive discrimination for women and children. Equality, non-discrimination, equal opportunity and dignified life is central to articles 14, 15, 16 and

21; other articles such as Directive Principles and fundamental duties to promote social justice and equal participation [1]. India also has ratified international human rights documents, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which mandates that governments respond to discrimination in the law and in practice [2, 3]. But the continued disparities show that there is a disparity between promises and substantive equality.

Thus, gender discrimination must be seen as a violation of the rights of individuals and as an obstacle to development. When a girl is obliged to drop out of school due to early marriage; when women are not paid equal wages; when a women survivors are not able to access protection; and when a transgender individual is excluded from public services, the repercussions are far-reaching. They influence autonomy, intergenerational opportunity, social participation, income, and health. Human-rights analysis is a tool that helps to reveal the individual experience, and asks questions about how institutions, norms and public policy create or perpetuate inequities.

In this paper the author discusses the forms, causes and consequences of gender discrimination in Indian society. It examines the constitutional and legal structures, looks at national statistics and judicial evolution, and explores how social work can help to make legal protection more available as social work practice. The paper does not present original survey or fieldwork results, but it is a secondary study of a narrative nature and a conceptual study.

II. NEED AND SIGNIFICANCE OF THE STUDY

The need for this study is due to the fact that there exists an extensive legal framework and persisting inequalities between men and women. Having a law does not necessarily mean that everyone knows about it, can afford it, is trusted by institutions or receives timely protection. Being reluctant to report due to social stigma, fear of retaliation, economic reliance, inaccessible police station and court, and low legal literacy, and slow court processing. A human-rights perspective not just looks at whether a right is formally recognised, but also at whether the institutions through which it is supposed to be protected are accessible, accountable and effective.

Current measures of labor and time use are structural measures of inequality. According to estimates of the World Bank Gender Data Portal based on ILO modelled data, India's female labour force participation rate is estimated at 32.4 per cent for the age group 15 and above compared to 77.6 per cent for males in the same age group by 2025 [4]. The level of participation does not reflect the quality of work or all unpaid economic contributions, but the

gap does reflect unequal access to income generating opportunities. As per the findings of the Ministry of Statistics and Programme Implementation's Time Use Survey 2024, 75 percent of the males and 25 per cent of the females engaged in all activities related to work during the reference period, meanwhile women engaged more in unpaid domestic services and caring [5]. These patterns are important for the ability to be economically independent, to receive pensions, to have bargaining power, and to escape abusive situations.

Violence and harmful practices continue to be very important factors. Reported crime against women is an important indicator of institutional demand, but cannot be used as a full indicator of prevalence due to under-reporting, as well as access to police and registration practices. According to the data released by the NCRB on 'Crime in India 2023', the numbers of crimes against women rose to 4.48 lakh in the country in 2023, up 0.7 per cent from the previous year, with 'cruelty' by husband or relatives being the top category [6]. Analysis based on the NFHS-5 reveals that the proportion of women married before age 18 was 23.3 per cent of all women aged 20-24, which shows improvement over the previous decades but also the extent of the issue [7].

The subject matter is important for social work because gender discrimination is usually manifested and experienced together with poverty, family conflict, violence, disability, migration, social exclusion and access to services. Social workers help people and families, mobilise communities, link people to institutions and promote change in policy. These roles are provided a good ethical framework through a gender-sensitive human-rights approach, which emphasizes: respect for dignity, self-determination, equality, participation, confidentiality, accountability, and non-discrimination.

III. OBJECTIVES OF THE STUDY

1. To understand the term gender discrimination and its key aspects, as well as the link with Human Rights in India.
2. To analyse relevant constitutional safeguards, legislation, international obligations and judicial developments.
3. To look at a range of indicators concerning women's employment, unpaid care, violence and child marriage, taking on the caveat that data are limited.
4. To investigate the socio-cultural, economic, political and institutional drivers of gender inequality.
5. To explore the effect of intersectional discrimination on women and gender-diverses.

6. To understand gaps in access to justice, implementation and institutional accountability and social protection.
7. To make 'social-work' oriented recommendations for substantive equality, dignity, agency and inclusive development.

IV. RESEARCH QUESTIONS

1. What are the forms of gender discrimination in the Indian context of the family, education, employment, health, politics and access to justice in the digital era?
2. Which constitutional, legal and international human-rights protections do exist for people who are discriminated against on the basis of gender?
3. Why are women's rights so far from reality?
4. How do these categories of caste, class, disability, age, religion, rurality, sexuality and gender identity contribute to gender disadvantage?
5. How can social work, community institutions, public agencies and civil society contribute to the realization of legal rights into substantive equality?

V. CONCEPTUALISING GENDER DISCRIMINATION AND HUMAN RIGHTS

5.1 Meaning of gender discrimination

Gender discrimination is defined as differences, exclusions, restrictions or unequal treatment related to gender, sex, gender identity or socially determined gender roles which impede equal recognition or enjoyment of the rights. It can be known or unknown, overt or covert, or deliberate or inadvertent. Direct Discrimination is treatment based on an unfair consideration on a prohibited ground. Indirect discrimination can be found when a neutral policy or practice has a disproportionate impact on a particular group, and cannot be justified on a legitimate, necessary and proportionate basis. Structural discrimination is defined as the cumulative effect of rules, practices and social structures that discriminately disadvantage a particular group over a long period of time.

Gender stereotypes are "generalisations about the attributes or behaviours that are typically associated with each gender or gender group. These may be societal beliefs such as women's role of care-giving, a man's role to manage the family income or the leadership and technical jobs being exclusively male domains. Stereotypes influence recruitment processes, expectations for education, inheritance, promotion in the workplace and the social reaction to victims of violence. They can also impact men by punishing their emotional expression,

caregiving, and forcing them into specific roles. But many existing systems of exclusion and violence impact women and gender-diverses more than others.

5.2 Human rights perspective

Human rights are a set of rights that are due to the human person based on his or her dignity. They are universal, indivisible and interdependent, civil and political rights are connected with economic, social and cultural rights. Education, health, livelihood, bodily autonomy, housing, justice are factors of right to equality which are hard to realise without it. Similarly, when a person is not safe, has no freedom of movement or is not protected from violence, then economic opportunity is reduced. A rights-based approach considers the individual as the holder of the right and the public authorities as the duty-bearer and the one that should respect, protect and fulfil rights.

Respect is respecting public institutions not to discriminate in an arbitrary manner. It is necessary for them to be protected from the harm caused by private persons, such as domestic violence, harassment and discrimination in the workplace. Positive action is needed for fulfilment – accessible services, education, social protection, institutional training and/or legal assistance. This framework acknowledges that gender discrimination may be exercised by individuals or may also be reinforced on the level of workplaces, schools, markets, media and systems of justice.

5.3 Formal equality and substantive equality

Formal equality is treating everyone equally (in similar circumstances). Important, but may not be enough if individuals start from unequal positions. Substantive equality asks the question of whether, at the level of practice, institutions and policies match up to the disadvantage and whether they allow for equal participation to be practiced. For instance, a formal recruitment process could be the same for both a male and female who are coming back from a care career break, but might be unfair because it doesn't take into account the need for the job to require a period of continuous employment. To make opportunity 'equal' reasonable adjustments, including maternity protection and childcare, and targeted skill development may be required.

That substantive equality does not mean that each individual will get the same results. It demands fair opportunity, acknowledging structural barriers, and meaningful participation and remedies in instances of unequal treatment. The Supreme Court's equality jurisprudence has increasingly taken into account stereotyping and the effects of rules instead of just the wording of the rules. The discussion in Lt. Col. Nitisha v Union of India (2021) on the

concepts of indirect discrimination and substantive equality underscore the fact that facially neutral criteria can have unequal effects.

VI. THEORETICAL FRAMEWORK

6.1 Feminist theory

The feminist theory focuses on the ways that power, institutions, norms and material resources influence gender relations. Liberal feminism focuses on equal opportunity, access to education and equal legal rights. One way of understanding dependence is through the lens of socialist and materialist perspectives on the role of property relations and labour markets, as well as on unpaid care work. The focus of radical feminist approaches is on patriarchy, control of sexuality and gender based violence. While not the same, these methods help to illuminate the reasons why the exercise of choice is limited in social structures. In India, feminist perspectives have focused on the linkage between the hierarchical structure of the household, caste, labour and public participation [9].

6.2 Intersectionality

Intersectionality is about the dynamics of intersecting systems of power. Crenshaw's basic formulation revealed that an analysis relying on one category could not adequately account for the experiences of individuals who are disadvantaged by multiple systems [10]. Gender in India can be combined with caste, class, tribal, religious affiliation, disability, gender identity, age, sexual orientation and migration status/geography. For instance, a woman agricultural worker from a low-income caste group can experience gender-based wage discrimination, caste-based exclusion, and insecure employment and lack of access to institutional remedies simultaneously. A universal policy will not solve this compound disadvantage, unless there is disaggregation to consider and effected communities are involved in designing.

6.3 Capability approach

Sen and Nussbaum's capability approach focuses on what people are actually capable of doing and being and not just what they have in the formal sense or income [11, 12]. But if a girl cannot safely travel to school, she is not equally capable due to an entitlement to education. Economic freedom is not guaranteed if the right to work is undermined by absence of childcare facilities or by a lack of respect for a worker's right to work. The concept of capability analysis is tied to notions of gender justice, such as body integrity, education, practical reason, social affiliation, political voice and control over one's environment.

6.4 Human-rights-based and social-work approaches

Participation, accountability, equality, empowerment and legality are the cornerstones of a human-rights-based approach. Social work adds to this on a personal level, within the family, in the community, through social action and social policy advocacy. Social work does not look at discrimination as an individual issue but considers how individual experience relates to the barriers in institutions. This dual orientation is crucial in situations in which immediate safety planning is coupled with longer-term social norms, public services, and economic change reforms are needed in the response.

VII. REVIEW OF LITERATURE

Gender equality is clearly set out in international human rights instruments. The UDHR recognises equal dignity and rights, and CEDAW establishes a definition of discrimination against women and states do have to take measures to ensure its elimination in public and private life [2, 3]. The right to access to justice is not just about the availability of courts; it also relates to 'justiciability' (tripod of justice), 'availability' of courts, 'accessibility' of courts, the 'good quality' of courts, the 'accountability' of courts and the 'remedies' courts provide [13]. These principles offer a compass to measure the success of Indian institutions in providing access to legal protection.

In its concluding observations on the compliance of India with the Convention on the Elimination of All Forms of Discrimination against Women of 1979, the CEDAW Committee noted the constitutional protections of equality of women but also stated that it was concerned by the lack of comprehensive legal protections against direct, indirect and intersectional discrimination, and the persistence of harmful practices and stereotypes [14]. This review does not provide an exhaustive description of subsequent policy developments, but the observations are relevant for the analysis of the implementation. They remind and stress the need for continuing public education and gender-inclusive services and action on harmful practices.

The data from national surveys in India musters evidence of inequitable outcomes. The National Health Systems (NFHS-5, 2019-21) has a lot of information regarding health, nutrition, marriage, household decision making and gender-based violence [15]. UNFPA further analyzed NFHS-5 data and found that 23.3 per cent of women aged 20-24 were married before 18, which it attributed to social norms, restricted educational and livelihood opportunities and poverty [7]. The findings show that child marriage is not an individual or

cultural issue and that it limits the enjoyment of rights to education, health, autonomy and development.

Labour-market and time-use data indicate that paid and unpaid labour is still segregated by gender. The size of the gap for labour-force participation in India in 2025 is estimated using ILO models and reported via a World Bank Gender Data Portal [4]. Women's time use is, according to the Time Use Survey 2024, still higher than men's in unpaid and domestic and care activities [5]. In studies of women's empowerment, resource access has been suggested to be related to agency and meaningful choice-making [16]. Formal equality cannot be used to solve the problem when unpaid care prevents a woman from attending school, from having a paid job or taking part in public life.

There is another prism, the official crime statistics. As per press coverage of the report, the NCRB Crime in India 2023 reported around 4,48,000 crimes against women in 2023, with the category of cruelty committed by a husband/husbandly being the highest recorded [6]. Care needs to be taken when interpreting these administered data; rises can indicate changes in reporting, policing and/or classification of incidents as well as increases in incidence, and many cases of violence are not reported. Despite this, the number of cases reported shows the importance of effective prevention and protection, investigation, survivor support and accountability.

Equality is also a subject of legal scholarship and Supreme Court decisions. In Vishaka v State of Rajasthan (1997) the workplace sexual harassment was linked with fundamental rights and laid down guidelines prior to the enactment of the specific legislation. In NALSA v Union of India (2014) transgender persons right to self-identified gender and equal protection was recognised. Joseph Shine (2018) struck down the discriminatory offence of adultery and exposed gender bias in it. The case Navtej Singh Johar v. Union of India (2018) decriminalized consensual same-sex relations for adults (section 377, not applicable to married persons) and brought dignity and autonomy [17-20]. These decisions reveal the importance of constitutional interpretation in countering stereotypes, but institutional and social change are needed to back up constitutional decisions.

Literature thus highlights a consistent gap in research: the approach of talking about the law and literature on the one hand, and about data and court decisions on the other hand, is not necessarily the same as the lived experience of discrimination. A rights-based, social-work perspective can link structural causes, legal remedies and material inequality and community-level intervention.

VIII. RESEARCH METHODOLOGY

The approach used in this paper is a secondary, narrative, review and conceptual approach. It draws upon constitutional provisions, Indian legislation, pertinent Supreme Court decisions, national surveys, official data, UN human-rights publications and pertinent academic scholarship. It is not an original empirical study as it does not include original interviews, questionnaires, observations or experiments. The goal is analytical; that is, to uncover patterns of gender discrimination, to consider the connection between formal rights and substantive results, and to consider practical implications for social work and public policy.

Relevance to gender equality, human rights, and Indian law and social indicators were used to select the sources. Official legislation and judgments, government statistics, and international human-rights instruments and recognised institutional reports were accorded priority. Thematic analysis involved grouping texts into subthemes, namely: legal protection, education, employment, violence, family relations, political involvement, intersectionality, institutional access and social-work intervention. The paper differentiates between population survey estimates and administrative counts of crime; it does not consider crime figures as a direct indicator of overall rates of violence.

A narrative review cannot be said to be exhaustive like a systematic review. The paper's limitations are due to the lack of disaggregated, comparable, up-to-date data and the different ways in which gender is experienced across states and communities. The findings therefore must be interpreted with the perspective of a conceptual synthesis and policy analysis, rather than as causal estimates.

IX. CONSTITUTIONAL AND INTERNATIONAL HUMAN-RIGHTS FRAMEWORK

9.1 Constitutional guarantees

The right to equality before the law and equality of protection of the law is guaranteed by Article 14. Article 15 does not prohibit discrimination by the State on certain grounds, including sex and makes special provision for women and children. The principle of equality of opportunity in public employment is guaranteed by Article 16. The Supreme Court has imbibed to Article 21 the parameters of dignity of life, autonomy of life and personal liberty. Protection of some of the freedoms (Article 19), of their livelihoods, of equal pay for equal work and of humane conditions of work (Articles 39(a) and 39(d) of the Constitution) and protection of maternity relief (Article 42 of the Constitution) are dealt with in other articles. Article 51A(e) calls on citizens to give up acts that are degrading women [1]. The provisions provide a general constitutional basis for gender equality.

The Constitution does not require that the same be done to everyone. Article 15(3) provides for special measures for women and children and equality jurisprudence recognises the need for tackling disadvantage. Some maternal protection, safe workplace provisions and programs to reach historically underrepresented groups may therefore be positive steps in the wrong direction of affirmative action programs, so long as they are applied in an anticompatible manner. The challenge is to make sure that protective measures are not implemented in a way that reinforces the dependency image and/or inabilities of women.

9.2 International instruments

The equality and non-discrimination is considered as one of the basic principles and is formulated in the Universal Declaration of Human Rights (1948). CEDAW (1979) calls for the elimination of discrimination against women in political, economic, social, cultural and civil life [3]. The other covenants of interest are the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights which protect civil and political rights and social and economic rights relating to equality, liberty, work, education, health and participation. The Beijing Declaration and Platform for Action 1995 has a wide range of women's rights and empowerment issues.

For the effectiveness of the commitments it is essential for implementation, monitoring and remedies in international commitments. The social customs and stereotypes that can perpetuate discrimination and the identification of discrimination as being in the private sphere as well as the public sphere are important and recognised elements of CEDAW's approach. This underscores the State's obligation to exercise due diligence by taking its responsibility and ensuring that the rule of law is accessible to all who need it, in the struggle against gender-based violence.

9.3 protections

summarises selected Indian laws relevant to gender equality and protection.

Law's

Protection of Women from Domestic Violence Act, 2005

Dowry Prohibition Act, 1961

Prohibition of Child Marriage Act, 2006

Sexual Harassment of Women at Workplace Act, 2013

Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994

Maternity Benefit Act, 1961, as amended

Transgender Persons (Protection of Rights) Act, 2019

Code on Wages, 2019

X. MAJOR FORMS OF GENDER DISCRIMINATION IN INDIAN SOCIETY

10.1 Discrimination before birth and in childhood

Son preference may have an impact on reproductive choices, expectations of inheritance from parents, investments in children and use of household resources. Where gendered lineage, age support, property, ritual expectations or dowry pressures exist, preference for sons can still be observed despite the law banning sex selection. A girl may face discrimination as early as in nutrition, health care, and education, as well as in household responsibilities, before she steps into the labour market. To shift these patterns, enforcement and social change in the social incentives that make daughters less valued are necessary.Child marriage is a very special concern for children's rights as it can stop children from going to school, affect their chances of getting good jobs, expose them to early pregnancy and limit their independence. According to NFHS-5 based analysis, 23.3 per cent of female aged 20-24 were married before their 18th birthday [7]. The Prohibition of Child Marriage Act gives a legal basis to the prevention and redress [23]. This is a measure of the number of children from a specified age group and survey time period, and does not include numbers of child marriages that are currently happening in the year of the survey. It shows us that a practice that is rooted in poverty, insecurity, norms related to sexuality and family honour, and a low value to a girl's continued education remains persistent. Prevention needs to be done through law enforcement and school retention, safe transport, livelihood security, and engaging with and supporting girls to empower them to make their own choices.

10.2 Education and digital access

Education is a right and is the key to participation. Issues of gender discrimination can emerge in the form of unequal household spending, early marriage, unequal division of domestic labour, unsafe travel, lack of sanitation, gendered career expectations and harassment in educational institutions. Wherever enrolment increases, girls might not be able to access science, technology, vocational education or higher education due to limited family resources. Equality of education needs to be addressed with the quality of learning, retention, safety, subject choice, access to digital learning and transition into employment.Inequalities can be re-created in new forms through digital inequality. Access to learning, banking or public services may not be private when using a shared family telephone. Women and girls can be subjected to online harassment, surveillance and restrictions to Internet access. Accessibility to technology without relying on others, privacy, cybersecurity, local-language services and device access and affordability, therefore, must be part of the definition of

digital inclusion. Digital safety and gender respect should be included as part of the rights education in schools, colleges and community institutions.

10.3 Employment, wages and economic dependence

Gender discrimination in employment is seen in recruitment, salary, occupational segregation, promotion, job security, treatment and harassment in the workplace due to motherhood. Men can be promoted to leadership or technical positions, and women into lower-paid jobs in the informal sector or into care work. For those who do not get reasonable accommodation from their employers, interruptions in employment due to childbirth or child care responsibilities can be interpreted as a lack of commitment. Often informal workers have no formal contract, do not have social insurance, maternity protection and no grievance mechanisms.

The two most recent estimates for the labour force participation rate for women in India, from the World Bank Gender Data Portal, are based on ILO estimated figures and report a rate of 32.4 per cent in 2025 and 77.6 per cent for men [4]. This difference does not make one single cause; rather, it is a factor that interplay with education, demand for labour, measurement, care responsibilities, safety, social norms, and available jobs. Time-use information contributes a further dimension: Men and women bear unequal burdens of unpaid domestic work and care responsibilities, thereby restricting their ability to engage in paid work and training and in public participation [5]. The issue of childcare, safe transport, social security, equal opportunity in hiring, transparency of wages, and representation of women in decision making are therefore issues that need to be taken into account in a rights-based labourpolicy..

10.4 Unpaid care work and time poverty

Cooking, cleaning, water collection, and care for the elderly & sick relatives, childcare and care of sick children are all vital aspects of social reproduction that are not included in the traditional measures of the economy. According to the 2024 Time Use Survey, 41 per cent of females aged 15-59 were engaged in caregiving activities, while 21.4 per cent of males were engaged in the same activity; females spent an average of 140 minutes a day in caregiving activities as compared to males spending an average of 74 minutes a day in caregiving activities [5]. The figures reflect an imbalance in unpaid work not a difference in capacity or in responsibility.

The impacts of poverty are cumulative. It can limit the ability of a woman to engage in paid work, training, local governance, rest and/or legal action. Public child and elder care as well as public services is needed, along with flexibility of workplaces with no discrimination, and a shift in social protection and expectations around men's domestic responsibilities. It also

needs to have data systems that can acknowledge unpaid work as a large contribution to families and the economy.

10.5 Gender-based violence and domestic abuse

Gender based violence comprises of physical, sexual, psychological and economic violence, as well as coercive control, stalking, harassment, trafficking and harmful practices. Domestic violence is sometimes regarded as a personal family matter, but in line with human-rights principles, it is recognised that domestic violence may have an impact on the rights to life, equality, security and dignity. Financial reliance, parenting responsibility, social stigma, and worry about retribution or lack of safe shelter can make it challenging for the survivors to leave and/or seek protection.

Media reports based on NCRB's Crime in India 2023 indicate that an estimated 4.48 lakh cases of crimes against women were registered in 2023 of which the maximum reported crimes were those of cruelty by husband or relatives [6]. The numbers should be interpreted as registered cases of violence and not as an exact measure of all violence. They are significant for planning services but must be considered in conjunction with the data from the surveys, survivor testimony and registration at the institution. A survivor centred response involves confidential reporting, emergency protection, medical and psychosocial care, shelter, legal support, and a respectful investigation and follow up support.

10.6 Sexual harassment in workplaces and public spaces

Sexual harassment can restrict freedom of movement, educational participation and employment. This can include unwanted behaviour, sexual demands, hostile work environments, retaliation against complainants, and more. Women may not have as many practical options as those employed in large formal organizations, if they are working outside of the formal economy, as domestics, or in agriculture, or in small businesses, or within an isolated workplace. The Sexual Harassment of Women at Workplace Act, 2013 introduced there are Internal Committees and Local Committees to prevent and redress sexual harassment [21]. Its efficacy is reliant on institutional awareness, committee independence, due process, confidentiality and protection from victimisation.

There is a social cost to harassment in public places, too. Instead of dealing with the perpetrator or unsafe environment, families might shrink the movement of women.Families may react by limiting women's movement rather than intervening in the perpetrators or unsafe environments. This may prevent women from getting a good education, job, leisure or participating in politics. Safe transport, street lighting, responsive policing, urban planning,

complaint mechanisms and community accountability are all enabling rights and not a reason to limit women's freedom.

10.7 Health, bodily autonomy and reproductive rights.

Gender discrimination impacts health in several ways, including through different access to nutrition, a later age at which people can access treatment, reproductive coercion, and the stigma attached to it, unsafe working conditions, and reduced decision-making ability. Women's symptoms may be ignored, and family or social norms may influence their health care decisions. Adolescents might not have access to age-appropriate and confidential information and services. Barriers can be faced by people with disabilities and transgendered people if the facilities are not accessible, or if the provider is not trained.

Bodily autonomy is enabled by informed decision making, dignity, privacy and access to appropriate health care. Policies must not only view women as mothers and carers; women are autonomous individuals with varying needs throughout their life cycles. Community health programmes can enhance confidentiality and increase awareness and referral, but they should be non-coercive and non-moralistic.

10.8 Property, inheritance and decision-making within families

The bargaining power, economic security, and resilience to crises are affected by the control over land, housing, savings, and other assets. Women do not necessarily get or control their inheritance rights to property. Daughters may be pressured to waive their rights in favour of their brothers, and assets may be less available to the daughter because of the location of marital residence and family dependence. Access to credit and the opportunity to exit financially abusive settings is also influenced by asset ownership.

10.9 Political participation and leadership

Women's involvement in elected bodies and in public institutions is a prerequisite for democratic equality, but participation could be inhibited by funding limits for female candidates, party bias, gendered expectations of care, violence, misogynistic abuse of women leaders online, and the perception of women representatives as lack of autonomy because they are treated as proxy for male family members. Representation is significant when women can establish agendas, exercise authority and influence budgetary and policy decisions, not just occupy seats.

The requirements for gender-responsive governance are safe and accessible political processes, training, financial transparency, mentoring and accountability for intimidation. There are opportunities for local women's collectives and civil society groups to establish opportunities for women's leadership. There is also a need to analyse gender representation in

higher civil service, judiciary, universities, police and corporate leadership in public institutions. Discrimination is a root problem and cannot be solved by diversity, but it will be more difficult to see and fix the gendered impacts when people are excluded from decision making.

10.10 Discrimination against transgender and gender-diverse persons

Transgender and gender-diverse individuals must be part of a human-rights approach to gender discrimination. Discrimination can manifest as family rejection, school bullying, exclusion from the workplace, housing discrimination, humiliating treatment in health care, failure to document an identity and failure to protect in public spaces. These can lead to a cumulative disadvantage in education, livelihoods, mental health and participation.

The Supreme Court, in NALSA v Union of India (2014), affirmed the right to transgender people, and the significance of the self-identified gender [18]. The Transgender Persons (Protection of Rights) Act, 2019 bans certain discriminations and provides legal mechanism, however, the implementation and access to services is important [22]. Adopting an inclusive language perspective does not necessarily mean that a gender diverse individual has the same needs as another, which will mean shaping policy through meaningful consultation, confidentiality, respect and effective remedies.

10.11 Digital discrimination and emerging technologies

Harassment, threats, non-consensual sharing of intimate images, impersonation and deepfakes and coordinated attacks can all be exacerbated in digital spaces. Automated systems can also perpetuate stereotypes when they are based on data inequality or design. The virtual space can be a place of online harassment and silencing for women in public life, including journalists, academics, activists and elected officials. These harms relate to the right to privacy, expression, and security and public participation.

There needs to be a balance of technology and law and survivor support. Reporting systems must also be accessible and the procedures transparent, law enforcement agencies must have cyber-investigation capacity with gender sensitivity, and schools and universities must educate students about digital consent and digital safety, while survivors should receive psychological support and legal referrals. Technology should never be used for the purpose of overseeing women excessively, or closing off their access to online information for protection reasons.

XI. INTERSECTIONAL DISCRIMINATION AND MARGINALISED GROUPS

Gender inequality is connected in various facets with caste and untouchability, tribal marginalisation, class inequality, religion, disability, age, migration, and region and sexual orientation. Caste-based violence and economic exploitation could also be an issue for Dalit and Adivasi women. Women with disabilities may face inaccessible shelters, police station(s), health facilities and legal processes. Local support systems or documentation may be missing for migrant women. Elderly women may lose their property, or be neglected, and widows might be socially ostracized and economically vulnerable.

Intersectional analysis has an impact on evidence and intervention. Within groups, there can be high levels of inequality that mask the national averages. Data should be broken down in an ethically and statistically responsible way, while ensuring that individuals are not placed at risk. Programmes must not demand disclosure of sensitive information about the identity, unless necessary and protected. Involve those directly affected, but not merely those who supposedly represent them in committing to a policy of consultation.

The central message being implied here is that universal rights need individualized assistance. The same treatment to everyone can perpetuate exclusion as there are barriers that are not equal. Remedies need to be delivered in accessible formats, interpreted in the language of the party who is seeking it, provided to people with disability, by legal aid, and delivered by safe transport and culturally respectful services and community-based support.

XII. CAUSES AND STRUCTURAL DRIVERS OF GENDER DISCRIMINATION

12.1 Patriarchal norms and socialisation

The roles played by males and females are learned in the family, school, religious and community organisations, media, peer groups and labour markets. Boys might be socialised into a desire to have authority, and girls, into a sense of care. The expectations might shape the school subjects selected, the freedom of mobility, marriage choice, employment and inheritance. Socialisation is not universal in India and there are differences within the traditions; what is important analytically is that there is nothing inherent in any norm that blocks equal dignity or free choice.

Social change in norms needs to be more than the mere dissemination of awareness materials targeted at women. Men and boys need to be involved as partners to non-violence, shared care, equal parenting and consent. Stereotypes can be challenged by doing and by messaging for teachers, community leaders, health workers, media professionals and employers.

12.2 Poverty and economic dependence

Discrimination can be linked to poverty, as limited options may lead to greater exposure to discrimination. A family might decide to focus on educating their sons and have planned marriages for their daughters to avoid financial hardships or the daughter may be forced to take on dangerous work as there is not an alternative. Without a steady income and property of her own, a woman without money may not be able to leave an abusive partner or file a lawsuit. However, without economic independence, discrimination will not end if working conditions are unsafe or home power is coersive.

Effective policy is a mix of education, quality jobs and work, social security, and asset ownership and easy access to public services. Women collectives and livelihood programmes can boost confidence and access to credit but training must be related to demand, market access and safe work. Economic empowerment should not be about handing men and women additional paid work responsibilities without also providing them with greater access to unpaid care.

12.3 Institutional bias and weak implementation

Institutional bias may manifest itself in the way complaints are ignored, the victims of abuse are blamed, stereotyped, disability needs are not prioritised, no interpreter or disability access is provided or action is taken without an explanation. A law could be a good document, but budgets, staff training, monitoring and grievance processes are still poor. The disjointed delivery of services may require a survivor to visit a number of offices and share trauma with each service provider.

To hold people accountable, there needs to be a way to track cases, respect privacy, have a system in place for complaints to be reviewed independently, and have consequences for not adhering to it. Training should be continuous not a one-off activity as it should be tied to performance review. Actively collect and publicly report data that is suitably anonymisedwith regard to: access to services, disposal time, protection orders and satisfaction of survivors.

12.4 Unequal care arrangements and workplace design

If employers assume that the best employee is always on duty, without regard to pregnancy or parenthood, or the responsibilities of caring for children, women might be punished for taking maternity or parental leave. Families may not have paid leave or caring backup or arrangements for informal workers. A flexible working time arrangement may be helpful, but also may result in isolation, or demotions if not done fairly. Equal opportunity involves a change in the organisational norm, rather than efforts to make individual women change.

The issue of care infrastructure is a public and economic one. There is a way to increase women's options, in terms of accessing affordable childcare, eldercare, parental leave, and safe transport and social insurance, and a way to make it possible for men to be more involved in parenting and caregiving. Pay, promotion, retention and training decisions should be based on a gender comparison of pay and promotions, and employers are required to investigate any differences in pay they see, rather than assuming that this is just a choice.

XIII. JUDICIAL DEVELOPMENTS AND THE EVOLUTION OF GENDER JUSTICE

The Indian judiciary has helped to elucidate the meaning of equality and dignity. The Supreme Court in Vishaka v State of Rajasthan (1997) treated sexual harassment at workplace as a violation of a fundamental rights and laid down guidelines on sexual harassment in the absence of specific legislation. The litigation can also shape the legal development, as was witnessed by the enactment of the Sexual Harassment of Women at Workplace Act, 2013 by Parliament. Later, the enactment of the Sexual Harassment of Women at Workplace Act, 2013 by Parliament was evidence enough to illustrate how litigation has affected the legal development.

NALSA v. Union of India (2014) affirmed the rights of transgender persons and the importance of self-identified gender and concluded that constitutional equality and dignity goes beyond a binary understanding of gender [18]. The Transgender Persons Act, 2019 provided for a legislative framework, but implementation by the administrative process is ongoing [22].

In Joseph Shine v Union of India (2018), the Supreme Court of India has abolished the adultery crime in the Indian Penal Code, which was based on the premise that a woman's sexual activity was under the control of her husband [19]. Navtej Singh Johar v. Union of India (2018) recognized dignity and constitutional rights of consensual sex between two adults of the same sex [20]. The relevance of these judgments lies in the fact that gender stereotypes can limit autonomy even when the discrimination is in a rule that is supposedly protecting or moral.

The Supreme Court in Secretary, Ministry of Defense v. Babita Puniya (2020) did not accept the stereotypical notions of women's fitness for permanent commission in the Army and stressed for equal opportunity [24]. The Court in Lt. Col. Nitisha v. Union of India (2021) has discussed indirect discrimination and the impact of selection criteria which could appear

neutral but is likely to affect negatively women. Those decisions are a sign of progress from formal equality to a more substantive examination of the "how" of rules in the real world.

Judicial rulings are conditionally required but they can not put to an end social relations in themselves. Rights are only realised if institutions put the law in practice and if public officials are aware of their responsibilities and services are adequately resourced and affected people can use the system without fear of reprisals. There should be a continuing process of evaluation of the gap between judgments, departmental rules, workplace practices and access to opportunity.

XIV. GAPS BETWEEN LEGAL PROTECTION AND LIVED REALITY

One constant implementation issue is a lack of awareness of rights. Individuals might not know who to contact to file a complaint, what documents are required, what interim protection exists or how to overturn a decision. Those with the biggest disadvantage are often the least familiar with the law. Information should be in accessible local languages, formats and trusted communities.

A second existing issue is the accessibility of remedies. Even if there is a formal right to complain, this is of little benefit if it is not accessible due to travel costs, loss of wages, fear of retribution, family pressure and repeated questioning. Legal aid, survivor-centred services, safe housing, counselling and referrals need to be in place to reduce the 'cost of seeking justice' from a practical perspective.

A third shortfall is an institutional accountability. Protection officers and support services may be overloaded, internal workplace committees may be absent or inactive, or there may be a lack of independence of these committees; and complaint systems may be ineffective in communicating progress. The aim of monitoring should be to measure the quality and outcomes, and not the number of committees established and/or awareness events conducted.

The fourth gap is in relation to the unequal protection in informal and private spaces. Employer systems or the usual grievance procedures might not be available for agricultural workers, platform workers, domestic workers, and/or home-based workers. Practical support needs to be offered to workers in non-traditional workplaces and services need to be adapted for rural and remote service delivery.

Fifthly, it's intersectional invisibility. Overall progress may be reported in the national level of progress but certain communities may still continue to report barriers. Monitoring tools are not necessarily safe to track disability, caste, rurality, age or other factors and policies may

miss the target audience. The answer should be a mix of effective universal protection and targeted support and participatory monitoring.

XV. SOCIAL WORK INTERVENTIONS FOR GENDER JUSTICE

15.1 Individual and family-level practice

Social workers can at the individual level offer psychosocial support, risk assessment or planning, information and referral for legal, health, shelter and livelihood services. Confidentiality, informed consent, respecting autonomy, and weighing the potential for retaliation, are required for ethical practice. Practitioners should not pressure survivors into making a decision and enlist their assistance in helping them to understand their options and consequences.

At the family level, work may be done to tackle issues of unequal care, gender stereotypes, violence, and barriers for girls' education. The use of such intervention shall not be considered where the use of joint counselling or mediation raises the risk, especially where there is coercive control or violence. Decisions made in the context of safety and with the survivor's wishes. Shared men's and boys' engagement in work can foster non-violence, consent and respect for different gender identities and shared parenting.

15.2 Community organisation and collective empowerment

Collective capacity of community organisation can help in identification of discriminatory practices, links people to services and accountability. Self-help groups, youth groups, women's collectives, school committees and local governance institutions can provide rights-literacy, address child marriage prevention and encourage education retention and facilitate safe referrals. Collective strategies are especially useful when there is stigma associated with the individual or they have less bargaining power.

Participation should be substantial and not symbolic. Women from marginalised communities, persons with disabilities and gender diverse women should be involved in priority setting, evaluating the quality of services, and developing local prioritised action plans. Community monitoring can detect issues in the public transport system, health facilities, schools, complaints at workplaces, and access to the police.

15.3 Legal literacy and institutional linkage

Social workers can help individuals to navigate through appropriate institutions, without taking on the mantle of the law. Practical support can be providing information about referral pathways, helping to arrange legal-aid appointments, supporting with paperwork, ensuring that survivors are linked to support services, and follow-up on any remaining impediments.

Fragmentation can be minimised through partnerships with child protection structures and commissions, health facilities, police, One Stop Centres and District Legal Services Authorities.

It is important to now consider the point of referral, rather than the actual point of referral, when determining whether or not a person received an assisted response. To achieve a coordinated approach, consent-based information sharing, privacy protections, and understanding of responsibility among agencies is needed. Users can provide feedback on the treatment if it is disrespectful, delays or inaccessibilities in the procedure.

15.4 Policy advocacy and research

Social workers can identify patterns of service provision and service gaps, engage in gender audits and advocate for increased funding and rights-respecting policies at a policy level. Participatory research can be undertaken at the universities or social-work departments; programmes can be evaluated and frontline workers trained in gender-sensitive practice. Research should be focused on those likely to not be represented in administrative data and should not engage in "extractive" research methods that take stories from the community without giving back.

Safety, autonomy, timely remedy, continued education, income control, access to property, reduction in time poor, satisfaction with services should be among the outcome measures. The number of awareness sessions or cases registered may be suitable outputs, but are not necessarily measures of reducing discrimination.

XVI. POLICY RECOMMENDATIONS

Improve rights education: Include gender equality, consent and respect, constitutional values/digital safety and non-discrimination in school, college, vocational and community education. Boys and men should be included in programmes, as should be women and girls.

Improve the implementation of existing legislation: Staff, monitor and provide protection officers, Local Committees, legal aid, shelter, One Stop Centres (Osc) and other necessary services – including in rural areas.

Create survivor-centered systems of services: Provide confidential services which are trauma-informed, safe places to stay, medical, counseling, legal and coordinated referrals. Avoid blame and recounting traumatic events.

Address Economic dependency: Create more opportunities for decent work, social insurance, child protection, safe transport, skills development, affordable childcare, and equal pay enforcement. Provide support to women in informal sector and women entrepreneurs.

- Re-distribute unpaid care: Enhance childcare and elder care facilities, encourage men to perform domestic tasks, assess the effects of policies based on time-use data.
- Avoid child marriage and school dropouts: Tie child marriage prohibition to school retention, scholarships, school transportation, adolescent health care and family involvement and empowerment measures.
- Follow an intersectional approach – develop programmes that are accessible for Dalit and Adivasi women, women with disabilities, migrants, rural women, older women and gender-diverse persons. Seek advice from impacted parties for planning and evaluation.
- Improve accountability in the workplace: Ensure that Internal Committees are functioning and independent; make it easier for complainants to make their complaints; provide complainants with protection from retribution; monitor gender trends in pay, hiring, promotion and retention.
- Improve gender disaggregated data: Improve availability of comparable data on education and employment, time use, property, violence, complaint handling and services, with privacy safeguards and minimizing the effects of under-reporting and methodological issues.
- Promote access to justice – make information accessible, provide legal assistance and provide for disability access and interpretation, reduce unnecessary delays and improve procedures which are victim and survivor-friendly within police, courts and service agencies.
- Strengthen digital rights: Combat the use of fake media via non-consensual use of synthetic images, online harassment, and protect women's freedom of expression, privacy and online access. Put in place practical, reporting & referring systems.
- Establish gender responsive institutions: Ensure government institutions, universities, police and health institutions and large employers conduct gender audits and accountability plans. Think in terms of effectiveness, not simply 'formal compliance'.
- Raise men and boys participation: Put in place programmes on respectful relationships, consent, emotional literacy, shared care and non-violence; make sure that women are not only targeted to men and boys to end discrimination.
- To increase women's participation in decision making: Ensure representation of women in local government, unions, professional associations, research/policy institutions and promote women leadership

XVII. DISCUSSION

The analysis reveals a multi-faceted and cumulative nature of gender discrimination. Education, employment, unpaid care, violence, health, property and access to justice are not discrete policy boxes but rather are interdependent. An young girl who has been married can drop out of school, no longer be able to get paid employment or become financially reliant. If a woman is experiencing workplace harassment, she may choose to terminate her employment, which will lessen her income and bargaining power. A transgender person who is not accepted by his or her families or school may experience a lack of housing security, health care security, because of the lack of not having a place to live, or having no job. Any interventions can address one of these points in the chain and have an impact, but will have a short term impact only if the institutions are working together.

If there is anything that can help differentiate measuring legal change and lived equality, it is from this evidence that lived equality is found. India has constitutional protection, numerous pieces of legislation and courts have interpreted the fundamental rights to attack gender based stereotypes. These are important institutional resources. But the statistics of crime and the figures of a lack of participation in the labour market and of unpaid care indicate that there are still unequal structures. In addition to the legal rules that set standards and remedies, the implementation of the public, affordability and trust, social acceptance, administrative capacity and public awareness are needed.

It is important to carefully interpret data. Estimates of the labour force participation rate are indicators that are modelled and should not be taken to reflect the benefit of all work women do. Time-use data contain data on unpaid contributions that is not collected from employment data. The number of crimes reported to the police agencies in NCRB recordsdo not necessarily reflect the extent of victimisation. A responsible analysis isn't based on any one number to see the whole picture of gender relations, but considers these numbers.

There is a need for differentiated and coordinated action to achieve substantive equality. Universal protections are vitally important but for some, they must be provided with extra support to reach them. Removing barriers encompasses measures for people with disabilities, language support, rural legal services and safe housing and targeted skill programmes. These measures should be planned in consultation with communities, and assessed for their effectiveness on a defined outcome.

Social work offers a tangible way of connecting rights to reality. Its techniques enable focus on the immediate needs of individuals, family and community power relations, institutional response and policy design. However, the ability of social workers to fill gaps in service

provision due to state and institutional irresponsibility should not be required. There is a need for resources, training, supervision and referral pathways for practitioners, and public accountability and rights protection.

XVIII. KEY FINDINGS

- Gender bias in India is not only about the individual incidents; it is in the interrelated social, economic, cultural, political and institutional structures.
- Equality, dignity and non-discrimination rests on a strong foundation in the Constitution, in statutory provisions and in the Supreme Court's jurisprudence.
- There are significant differences between formal protections and outcomes, especially in terms of paid employment, unpaid care, violence prevention, and remedies.
- Child marriage and gender-based violence persist and continue to be a major obstacle to education, health, autonomy and social participation despite preventive programmes, even though there are laws banning it.
- Gender discrimination is intersectional – caste, class, disability, rural location, age, migration, sexual orientation and gender identity may exacerbate disadvantage.
- The amount of violence is understated in administrative crime statistics as registration and reporting can affect the statistics.
- For substantive equality, legal literacy, accessible services, institutional accountability, economic independence and social norm change are all required.
- Social work could help to empower rights-holders, improve collective agency, make referrals, track services and act as a driver for systemic change.

XIX. CONCLUSION

Equal dignity and equal autonomy, security, participation and opportunity are human rights concerns and gender discrimination is a violation of both. Discrimination may be expressed through decision making by family, childhood experiences, school attendance, employment, unpaid care, public safety, property, health care, and political and online engagement in India. These practices are encouraged by structural conditions and stereotypes which can't be abolished by law.

The constitutional and statutory framework offers key provisions to challenge discrimination and judicial developments have enhanced the principle of dignity, autonomy and substantive equality. These safeguards should be provided in the form of accessible, timely and effective remedies, however. The data analyzed shows that there are persistent inequalities in the

employment rates and unpaid care, child marriage is still an issue and a significant number of registered women crimes. This evidence needs "collective prevention, response and accountability" as well as an understanding of the "limitations of statistical collection and use.

Rights-based response needs to go hand in hand with more robust implementation and economic and social arrangements change. Girls and women must have access to safe and uninterrupted education, decent work and control over income and assets, protection from violence and institutions should have tools to recognise and respond to direct, indirect and intersectional discrimination. Men and boys need to play a role in changing the negative norms and responsibilities that need to be shared more equally.

Social work has an important role in connecting people and communities to their legal rights, community programmes, social and psychosocial support and collective action. It should be supported and take responsibility for the work of the public services. A real indicator of progress is whether people can exercise their rights without fear, without being excluded from decision making, and can be equal participants. Gender Justice in this context is a key element to the realization of human rights and of India's overall democratic and developmental commitments.

XX. This study has its own set of limitations.

The information presented in this paper is based on secondary sources and does not include primary field data or causal estimates. Data sources are various and use different methods for the different reference periods. Organized crime figures are based on registered crime and provided for a specified period of time; measures of crime experience are based on a defined population and time period. State, district and community-level variation may not be apparent in national averages. The paper thus provides a conceptual synthesis and practical recommendations; these propositions could be tested with empirical studies using disaggregated and ethically collected data.

XXI. FUTURE RESEARCH AGENDA

- District level research on challenges to reporting and access to remedies for GBViP.
- Studies on the link between unpaid care and quality of work, income control and women agency.
- Review and assessment of legal literacy and social-work approaches to survivors and individuals experiencing intersectional discrimination.

- Research on gender segregated property ownership, social protection, education and digital services.
- Research into discrimination against transgender people and people with disabilities in education, health and employment.
- Participatory research into experiencing police, courts, work complaint committees and welfare offices by women and marginalised groups.
- Studies with an impact agenda that test whether policy changes are effective in achieving substantive equality, not merely formal compliance.

XXII. DECLARATION

This Research Paper is a secondary study using published literature, legislation, judicial decisions and publicly available reports. It does not report primary human-participant, animal or plant research, nor did the primary survey or interview data were collected.

ACKNOWLEDGMENT

There is no external funding or specific institutional support that is stated for this Research Paper.

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