
FEMINIZATION OF POVERTY IN INDIA: LEGAL GAPS IN ADDRESSING GENDERED ECONOMIC INEQUALITY

Reham Fatima, Bennett University

Aryan Thakur, Bennett University

ABSTRACT

Poverty in India has increasingly taken a gendered character where women face deeper economic deprivation as compared to men. This phenomenon is described as feminization of poverty but it is not just the result of social disadvantage but is closely related to law and policy structure access to work, property, and welfare. This paper examines how despite strong constitutional guarantees and judicial interpretations, legal frameworks in India fail to address the gendered economic inequality in practice. Drawing on various provisions, laws, and welfare schemes, the paper argues that the problem is not in the absence of laws but rather than in its limited gender-sensitive application and weak enforcement.

The paper highlights how poverty measurement and welfare delivery is household centric which doesn't give women an independent economic agency. It analyses the gap between formal equality in inheritance and labour laws, and the lived realities of women, particularly those in informal work. While it acknowledges certain institutional success, it also shows that they haven't been sufficient to reverse structural economic disadvantage. Ultimately, the paper contends that feminized poverty persists because law continues to treat women as dependents. It concludes by providing the recommendation of shifting from welfare-based approach to a legal framework which is justice oriented so that it recognizes women's economic rights as central to all the other constitutional guarantees.

INTRODUCTION

According to the latest Periodic Labour Force Survey, only 34.1% of Indian women aged 15 and above were engaged in the labour force as of September 2025, compared to much higher rates for men. In urban India, women also faced an unemployment rate of 9.3%, which is substantially above their male counterparts.¹ This clearly shows that poverty in India is still deeply feminized. However, the exact definition of ‘feminization of poverty’ depends on the meaning of poverty and feminization. Poverty itself is not just about lack of income, but also lack of resources, capabilities and freedoms. Feminization in this context means that these deprivations are increasingly gendered. So, the feminization of poverty refers to poverty becoming more concentrated among women, especially female-headed households.²

The problem is particularly severe in India because of the deep-rooted structural inequalities. Patriarchy, wage discrimination, unequal access to assets, and the burden of unpaid caregiving all intensifies poverty for women. Yet, at the same time, Indian law is not entirely silent on this issue. The Constitution affirms in its Preamble to “sought to secure to citizens of India equality of status & of opportunity.”³ Similarly, Article 21 guarantees the right to life and personal liberty⁴, and through judicial interpretation, the Supreme Court has expanded this to include the *right to livelihood* in *Olga Tellis v. Bombay Municipal Corporation* (1985)⁵. Similarly, in *PUCL v. Union of India* (2001), the Court recognized the *right to food* as part of the right to life and emphasized the protection of vulnerable groups like pregnant women, widows, and destitute women.⁶ In *Arun Kumar Agarwal v. National Insurance Co. Ltd.* (2010), the Court recognized the economic value of unpaid domestic work, and stated that the value of such work should not be devalued when awarding compensation to homemakers.⁷ These interpretations make it clear that if a woman is pushed into poverty, then her situation will no longer simply be an economic problem, but rather a constitutional violation of her dignity under Article 21.

There is more to the constitutional basis to challenge structural inequalities like wage discrimination and patriarchy. Article 39, which is a Directive Principle of State Policy, directs

¹ Ministry of Statistics and Programme Implementation, Gov't of India, *Periodic Labour Force Survey (PLFS) Monthly Bulletin: Key Findings for September 2025*, Press Release (Nov. 8, 2025), <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2179394>

² United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), *Feminization of Poverty* (Dec. 31, 2006), <https://www.un.org/womenwatch/daw/poverty/>

³ INDIA CONST. pmb1.

⁴ INDIA CONST. art. 21.

⁵ *Olga Tellis v. Bombay Mun. Corp.*, (1985) 3 SCC 545.

⁶ *People's Union for Civil Liberties v. Union of India*, (2001) 5 SCC 728.

⁷ *Arun Kumar Agarwal v. Nat'l Ins. Co. Ltd.*, (2010) 9 SCC 218.

the State to secure an adequate means of livelihood for both men and women and ensure equal pay for equal work.⁸ Beyond constitutional principles, India has introduced various laws and welfare schemes to address gender-based economic inequality. Initiatives like the National Rural Livelihood Mission (NRLM) work through self-help groups to enhance credit access for village women.⁹ MGNREGA guarantees rural employment and has also increased the number of females involved in paid labour.¹⁰ Gender budgeting was introduced to push ministries to allocate resources specifically towards reducing gender gaps.¹¹ International obligations have also played an important role. After ratifying CEDAW in 1993, India passed protective laws such as the Protection of Women from Domestic Violence Act, 2005, providing safeguard from domestic abuse.¹² The Sustainable Development Goals, especially Goal 5 on gender equality, have also pushed India to adopt policies like Mission Shakti.¹³

So, even though India has constitutional guarantees, judicial precedents and welfare schemes, they still have not been enough to prevent the feminization of poverty. Obviously, it is not because of lack of laws alone as seen from the above analysis of legal provisions, but because of their limited gendered perspective, uneven enforcement, and alignment with women's lived experiences. The following section explores how legal and policy shortcomings continue to reinforce gendered poverty.

LEGAL GAPS AND GENDERED ECONOMIC INEQUALITY

The way in which poverty is measured and dealt with faces several initial challenges. The schemes, for instance, PDS, MGNREGA, and PMUY, regard the household as one entity. This makes it impossible to see that in some families, women do not really influence financial matters or property rights. The Rangarajan Committee on Poverty (2014) also admits that within-household inequality is neglected by poverty assessments based at household level.¹⁴ The same mismatch occurs in relation to inheritance and property rights. Although daughters are supposed to get equal shares on coparcenary property by virtue of Hindu Succession Amendment Act 2005¹⁵, its enforcement is very poor. Many factors including patrilineal

⁸ INDIA CONST. art. 39(a), (d).

⁹ See, e.g., Ministry of Rural Dev., Gov't of India, *National Rural Livelihoods Mission: Programme Implementation Plan* (June 2011).

¹⁰ Mahatma Gandhi National Rural Employment Guarantee Act, No. 42 of 2005, INDIA CODE.

¹¹ See, e.g., Ministry of Women & Child Dev., Gov't of India, *Gender Budgeting Handbook* (2d ed. 2019).

¹² Protection of Women from Domestic Violence Act, No. 43 of 2005, INDIA CODE.

¹³ See, e.g., Ministry of Women & Child Dev., Gov't of India, *Mission Shakti Guidelines for Implementation During 15th Finance Commission Period 2021-22 to 2025-26* (2022).

¹⁴ Gov't of India, Planning Comm'n, *Report of the Expert Group to Review the Methodology for Measurement of Poverty* 2014).

¹⁵ Hindu Succession Act, No. 30 of 1956, § 6 (as amended by Act No. 39 of 2005), INDIA CODE.

practices, ignorance, male-oriented land policies as well as non-inclusion of married daughters still deny genuine title in many cases. It is true that daughters are born equals entitled to a share in their father's property as ruled in *Vineeta Sharma v. Rakesh Sharma* (2020)¹⁶ but this has made little impact in changing the situation on the ground: most lands are still owned by men resistance persists both on social level and in countryside. Research published in EPW in 2024 reveals that women's actual land ownership might even fall below 5.5% as opposed to 31.7% indicated by available records.¹⁷ This statistic highlights a significant discrepancy between what is legally owned and what is actually possessed.

Another major problem is that women have more representation in informal employment. About 61% of females who are not employed in agriculture are engaged in this form of activity as per the Periodic Labor Force Survey findings of 2023-24.¹⁸ A sector that is largely unregulated is the informal sector in which women do not have the privilege of getting reasonable wages like it is in the formal sector, they also lack social security and legal protection available to them in such places. Although the Equal Remuneration Act is now part of the 2019 Code on Wages, such reform does little to ensure an enforceable right to comparable pay among informal. It is a constitutional slogan that does not work in practice. Failures in enforcement have also been extensively recorded. CAG audits on MGNREGA reveal non-compliance, delays, administrative lapses, as well as diversion of funds and money misuse issues.¹⁹ These challenges stop even effective social security schemes from operating the way they were intended to.

Successes and Failures

However, there are also some key achievements that people often overlook. One of them is Supreme Court's interventions into the enhancement of socio-economic rights through Public Interest Litigation. The Court's consideration of poverty from a constitutional perspective has enhanced the position of women who seek their right to food, housing, employment, and reproductive freedom in the legal sense. One more strength is the growth of collectives of women under NRLM.²⁰ Unlike one-time subsidies, self-help groups build bargaining power

¹⁶ *Vineeta Sharma v. Rakesh Sharma*, (2020) 9 S.C.C. 1.

¹⁷ K.R. Malarchitra & P. Sasirekha, Status of Women's Landownership in India: A Comparison of Estimates from NFHS and AIDIS, 59 *ECON. & POL. WKLY.* 16 (Apr. 20, 2024).

¹⁸ Ministry of Statistics & Programme Implementation, Gov't of India, *Periodic Labour Force Survey: Annual Report 2023–2024* (2024).

¹⁹ Comptroller and Auditor Gen. of India, *Performance Audit Report on the Mahatma Gandhi National Rural Employment Guarantee Scheme*, Rep. No. 6 of 2013.

²⁰ Min. of Rural Dev., *supra* note 9.

and financial independence over time, and the model has actually shown improvements in resilience among rural women. India's gender budgeting framework, though is uneven, has at least introduced a formal expectation that government spending should be justified with regard to gender.

Nonetheless, these successes are overshadowed by inherent deficiencies. The main one being that the majority of legislation and programs treat gender without taking into account its economic dimensions. Even today's policies continue to assume that assisting in a household automatically means supporting women, although numerous studies for over several decades now indicated that women must have separate and secure rights of access to both income and property. The problems of corruption, low level of legal awareness, digital divide, and so on prevent women from enjoying their officially guaranteed rights, which again affects mostly those from scheduled castes, tribes, OBCs or other backward classes.

India has a lot to learn when compared with what happens internationally. In Brazil and Mexico, money is given straight to women so that they become stronger in matters of finance. Unpaid care work is viewed as a social obligation in some European countries where childcare is part and parcel of the social welfare. A number of Latin American and African nations have effectively experimented with giving women special property rights. On its part, India tends to provide "access" or formal equality that does not involve real transfer of power. This is seen even in cases where there are similar property rights as the legal system steers clear of addressing how women are denied their rights by men in society.

To be honest, the issue lies in the failure to recognize women as separate individuals who have their own rights and who are reasonable enough to make decisions about them, in the sphere of economics. Women are considered under the current system of law as persons who require care and attention rather than members of a state with rights to their own economic independence. The legislation is designed to share out privileges and advantages, and not to change who has got control over what. So long as people continue to see feminized poverty as a byproduct of women's low status rather than an economic institution unto itself, it will persist even in the face of constitutional protections for women's rights.

Recommendations

To start with, there is need for stricter application regarding gender in the labor and social laws at the individual levels. The informal sector should have legal protection, as well as mechanisms for wage documentation, grievance-redress, and equal remuneration policing with

severe penalties for discrimination. It is wrong to assume that just enacting the Wage Code alone will ensure equality, therefore monitoring authorities for gender wage differentials must be established so that same salary is awarded to a person with the same skills and position, irrespective of their gender. In the same way, property rights and inheritance laws should apply in reality. Government programs should introduce compulsory joint land titles, simplify property registration procedures, offer legal assistance on inheritance matters, and carry out awareness programs aimed at moving ownership rights from documents to real property.

Unpaid care should be seen in social policies as labor that contributes to Gross Domestic Product (GDP). This involves payment for such services, state-sponsored childcare, time off work for taking care of family members, as well as backing up those who provide care. Gender budgeting must have an independent audit and be held accountable. The design of welfare measures should prefer women as direct recipients entitled to their own share rather than giving everything through household consumption units. It could also enhance implementation if officers work closely with women groups, SHGs, panchayats, and local leaders.

The feminist jurisprudence driving the evolution of legal theory would argue that power underlies everything and the law is anything but neutral. It demands that laws consider such questions as who gains, who loses out, and who has authority or dominance? Applying this kind of legal reasoning will enable policy makers recognize women not as passive recipients but economic agents entitled with rights like men.

CONCLUSION

The feminization of poverty in India is not a mere accident. It arises from laws and economic systems that have not recognized women for who they are. Despite constitutional backing, judicial pronouncements, and numerous social support schemes, females are still seen to prevail in informal sectors while missing out on rightful share at home. It is not that laws are absent rather they are there but without any concern for gender.

This paper shows that there are rights in theory but their enforcement is weak. There is a difference between gender *neutral* laws and gender *just* laws. The continued existence of feminized poverty with all its forms depends on whether such disparities of poor women, who are also tripled marginalized (by their low economic class, specific ethnic group, and living in remote areas) as the men surrounding them, can ever be recognized.

We should do more than just introduce new plans. It is necessary to change the economic rights to allow women really influence the resources allocated to them. A legal system which values

unpaid work, implements same pay for same work, gives a fair deal for informal workers and includes inheritance rights among them could help put an end to women's impoverished state. These are available resources. India requires political willingness, feminist jurisprudence, and moving away from welfare to justice. Only then constitutional equality will be experienced in daily life.