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WOMEN-LED DEVELOPMENT: INCLUSION OF WOMEN IN ECONOMIC EMPOWERMENT THROUGH LEGAL PROVISIONS

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ABSTRACT

Women-led development is a progressive framework that prioritizes women's active participation in shaping economic, social, and political advancements. Empowering women involves granting them autonomy, enabling them to make independent choices, and fostering their ability to drive meaningful societal change. It is centered on enhancing their self-esteem, decision-making power, access to opportunities, control over personal and professional spheres, and influence over broader social and economic reforms.

Women's empowerment encompasses three key dimensions:

Social and Cultural Empowerment – Equipping women with the confidence and authority to challenge societal norms and make impactful decisions within their cultural context.

Economic Empowerment – Facilitating financial independence by ensuring equal access to employment, entrepreneurship opportunities, and economic resources.

Political Empowerment – Encouraging women's active engagement in governance, policymaking, and leadership roles to create a more inclusive decision-making landscape.

Despite progress, patriarchal structures and gender biases continue to shape women's experiences, particularly in India. While societal narratives often glorify women's roles in families, restrictive stereotypes persist, reinforcing their dependence on men. This gives rise to two opposing views:

Biological Determinism of Gender Roles – The belief that gender inequality stems from natural differences between men and women.

Social Construction of Gender Disparities – The perspective that societal norms and traditions perpetuate gender inequality rather than inherent biological differences.

Economic independence is fundamental to achieving gender parity, allowing women to access fair employment, financial resources, and leadership positions. Bridging economic disparities and fostering financial inclusion are essential to meeting global development objectives, including the United Nations' Sustainable Development Goals (SDGs).

India's legal and policy frameworks play a crucial role in advancing women-led growth. Strengthening gender-responsive laws, promoting financial inclusion, and implementing inclusive economic strategies can help establish a more equitable society where women contribute as equal partners in national development.

Keywords: Women Leadership, Gender Parity, Economic Inclusion, Social Transformation, Women's Rights, Sustainable Development, Policy Reforms, India, Empowerment.

INTRODUCTION

Jawaharlal Nehru once remarked, *"The status of a nation can be judged by the condition of its women."* A glance at India's history reveals that women once held respected and influential positions in society, playing crucial roles in shaping civilization's progress. However, due to repeated invasions, cultural shifts, and societal changes, their status gradually declined, leading to centuries of oppression and gender-based disparities. The journey toward women's empowerment remains an ongoing struggle, making gender equality a focal point in global discussions today.

Modern India presents a complex picture of progress and persistent gender challenges. While remarkable advancements have been made in women's rights, education, and economic participation, deep-seated societal norms and systemic inequalities continue to create barriers. Ironically, in a country where goddesses are revered, many women still face discrimination, restricted opportunities, and unequal treatment in various spheres of life.

One of the most critical aspects of gender equality is economic empowerment, which enables women to become financially independent and exercise control over their personal and professional lives. Achieving economic empowerment requires access to quality education, skill development, employment opportunities, and financial resources. Despite the existence of legal frameworks designed to safeguard women's rights, their effectiveness is often undermined by a lack of awareness and inadequate implementation.

Legal reforms serve as powerful tools for driving social transformation, yet their impact is not always immediately visible in everyday life. Laws created to promote gender equality often face challenges in enforcement, making it essential to understand the factors that influence their success. Three key insights emerge in this regard:

Cultural Compatibility – Legal reforms that align with existing cultural norms tend to have a higher success rate in improving women's social and economic status.

Enforcement and Accountability – Even in restrictive environments, legal provisions can create meaningful change if strong enforcement mechanisms and accountability frameworks are in place.

Influence of Socio-Economic Factors – Some economic and social conditions play a more decisive role than others in determining the effectiveness of legal interventions.

Women's economic participation is directly linked to national economic growth. Enhancing their access to employment and financial resources not only fosters economic diversification but also helps reduce income inequality, benefiting society as a whole. However, outdated legal restrictions and gender-biased policies continue to limit women's ability to fully participate in the workforce. Reforming these barriers has been proven to be an effective way of promoting gender-inclusive growth. When legal frameworks ensure equal treatment, they can serve as catalysts for changing societal perceptions, motivating women to seek financial independence, and compelling institutions to uphold gender equity.

The global movement for women's rights has led to significant progress in policy development, placing women's empowerment at the centre of socio-economic agendas. In India, these efforts have resulted in substantial improvements in literacy rates, healthcare access, and maternal well-being. Women have significantly narrowed the educational gap with men, and better healthcare systems have contributed to increased life expectancy and reduced population growth. Yet, despite these achievements, challenges such as low workforce participation and persistent wage disparities continue to undermine economic equality.

Women's contributions to the economy often remain undervalued and overlooked, despite their crucial role in both formal and informal sectors. From entrepreneurship and skilled labour to unpaid caregiving and domestic work, women actively drive economic progress. However, structural barriers prevent them from accessing fair wages, secure employment, and financial autonomy. Even when women enter the labour force, they are frequently confined to low-paying jobs with minimal job security.

To achieve true economic empowerment in India, it is crucial to address the challenges faced by women in the informal sector, where the majority of female workers are employed. Agriculture remains the largest source of employment for women, with more than 70% engaged in farming, livestock rearing, and related activities. Additionally, a significant proportion of women work in construction, domestic labour, and home-based businesses, often under precarious conditions.

The **Sustainable Development Goals (SDGs) for 2030** advocate for the principle of "*Leaving No One Behind*." However, women in the informal economy continue to be marginalized, lacking

access to labour protections, fair wages, and financial inclusion. For India to bridge this gap and foster inclusive economic growth, policies must focus on integrating women into mainstream economic activities. Providing them with legal safeguards, equitable pay, and opportunities for professional development will be essential. Through targeted reforms and inclusive economic policies, gender equality can become a reality, paving the way for a more just, progressive, and prosperous society.

THE IMPORTANCE OF WOMEN'S ECONOMIC EMPOWERMENT

Enabling women to unlock their full economic potential is not only a step toward achieving gender equality but also a crucial driver of economic growth and global competitiveness. Research indicates that reducing gender disparities leads to positive economic outcomes, including accelerated growth, decreased income inequality, enhanced productivity, and greater financial stability. On the other hand, obstacles such as restricted access to education, healthcare, financial services, and discriminatory legal frameworks hinder progress and weaken overall economic resilience.

While significant improvements have been made in women's access to education and employment, gender inequality remains prevalent, with legal and structural barriers still in place. Removing legal discrimination is a critical first step, but it alone is not enough to guarantee true empowerment. Legal reforms must not only uphold equal rights but also create incentives for greater female workforce participation. Policies should encourage organizations to embrace gender diversity and ensure workplace protections against discrimination, particularly concerning maternity rights. Additionally, measures such as parental leave policies and workplace facilities—including lactation rooms—can support women in maintaining long-term careers.

For women to achieve true economic empowerment, a comprehensive approach is required. Integrating gender-sensitive policies, such as gender mainstreaming and gender-responsive budgeting, can help eliminate systemic barriers and create a more equitable economic environment. Targeted interventions and structural reforms are essential in fostering sustainable and inclusive development.

WOMEN'S INCLUSION – ECONOMIC EMPOWERMENT THROUGH LEGAL FRAMEWORKS

A strong link exists between gender equality and overall economic development. Providing women with equal job opportunities and fair wages helps reduce workplace inequality while increasing the **Female Labour Force Participation Rate (FLFPR)**. Higher participation rates contribute to a more diverse and dynamic workforce, driving innovation and improved decision-making. When women are included in the economy on equal terms, businesses and industries benefit from a wider range of skills and perspectives, leading to enhanced productivity and creative problem-solving.

India's constitutional and legal framework plays a vital role in supporting women's empowerment and ensuring their economic inclusion. Several key provisions exist to promote gender equality and protect women's rights, thereby facilitating their economic progress. Some of the most significant legal safeguards include:

I. CONSTITUTIONAL LAW AND CIVIL RIGHTS

FUNDAMENTAL RIGHTS

- Article 14 guarantees equality before the law or the equal protection of the laws to all citizens, including women.
- Article 15(1) prohibits discrimination on grounds only of sex.
- Article 15(3) permits the state to make affirmative discrimination in favor of women in order to mitigate their cumulative socio-economic and political disadvantages.
- Article 16 provides for equality of opportunity for all citizens, including women, in matters of employment or appointment to any office under the State.
- Article 21, which provides for the Protection of Life and Personal Liberty, ensures the right of women to be treated with decency and dignity.
- Article 23 prohibits traffic in human beings, including selling and buying of women, immoral trafficking in women, and prostitution.

DIRECTIVE PRINCIPLES OF STATE POLICIES

- Article 39 directs the State to secure equal pay for equal work for men and women.

- Article 42 directs the State to make provision for just and humane conditions of work and maternity relief.
- Article 44 directs the State to secure for all citizens a uniform civil code, ensuring equal rights for women in personal matters.
- Article 45 directs the State to provide early childhood care and education for all children, including female children.

FUNDAMENTAL DUTIES

- Article 51A casts a Fundamental Duty on every citizen to renounce practices derogatory to the dignity of women.
- Article 51A also mandates parents/guardians to provide educational opportunities to children, including girls.

OTHER CONSTITUTIONAL PROVISIONS

- Article 243D provides for reservation of not less than 1/3rd of seats for women in various levels of Panchayati Raj Institutions.
- Article 243T provides for reservation of not less than 1/3rd of seats for women in various levels of Urban Local Bodies.
- Nari Shakti Vandan Adhiniyan (Women's Reservation Act) 2023 [128th Constitutional Amendment Act]:
 - Article 239AA provides for reservation of 1/3rd of seats for women in Delhi Legislative Assembly.
 - Article 330A provides for reservation of 1/3rd of seats for women in Lok Sabha.
 - Article 332A provides for reservation of 1/3rd of seats for women in State Legislative Assemblies.

II. FAMILY LAW

Family law governs key aspects of personal life, including marriage, divorce, adoption, and child custody. It is deeply influenced by cultural traditions and societal perceptions regarding the roles of men and women within the household. Efforts to reform family law in favor of gender equality often face resistance, as such changes are perceived as threats to cultural identity. This resistance

reinforces unequal power dynamics between men and women, ultimately impacting women's economic opportunities.

Studies indicate that when men share childcare and domestic responsibilities more equitably, female labour force participation rates tend to be higher. This is because shared responsibilities allow women to balance professional aspirations with family life more effectively. However, in many legal systems, family law continues to reflect gender inequality. For instance, in several countries, the legal age for marriage is lower for girls than for boys. Early marriage frequently results in early motherhood, limiting girls' access to education and reducing their future employment opportunities.

Article 16 of the **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)** guarantees equality in marriage and family matters. However, this provision has faced the most resistance globally, with many countries maintaining reservations against its implementation. Such opposition highlights the deep-rooted societal norms that continue to disadvantage women within family structures.

III. PROPERTY LAW

Property laws regulate an individual's right to acquire, own, manage, and transfer assets. These rights are essential for economic independence, as property ownership provides financial security, enables wealth accumulation, and serves as collateral for credit. When women are denied the ability to own and control property, their economic participation is severely restricted, discouraging them from engaging in entrepreneurial and professional activities.

Marriage laws often intersect with property rights, particularly in the distribution of assets during marriage and following divorce. In many legal systems, women face discrimination in property division, especially when non-monetary contributions, such as domestic labour and caregiving, are undervalued or not considered at all. This disparity disproportionately affects women, as land and property ownership play a critical role in financial stability, securing credit, and business development. Ensuring equal property rights is therefore fundamental to promoting economic empowerment and gender equality.

IV. LABOUR LAWS

Employment remains one of the most significant avenues for women's participation in economic activities. However, restrictive labour laws continue to limit women's access to the workforce. In several countries, legal barriers prevent women from entering certain professions or industries

based on outdated gender norms. In some cases, women require spousal or male guardian approval to work, further restricting their financial independence. Currently, nearly 90 economies worldwide impose at least one restriction on the types of jobs women can pursue. For example, laws prohibiting women from working in underground mining or operating industrial machinery contribute to occupational segregation and reinforce gender pay disparities.

The gender wage gap is closely linked to discriminatory labour policies. Research indicates that fewer than half of all countries have laws mandating equal pay for equal work. The absence of robust workplace protections against gender-based discrimination and sexual harassment further discourages women from seeking employment or advancing in their careers. Additionally, hiring biases and workplace policies that penalize women for maternity leave or pregnancy often result in job insecurity. Many employers perceive female employees as costlier than male counterparts due to maternity benefits, leading to lower retention rates and fewer leadership opportunities for women.

To ensure equitable labour conditions, comprehensive legal reforms are needed to eliminate occupational restrictions, enforce equal pay regulations, and strengthen workplace protections. Removing these barriers will allow women to participate fully in the economy, driving sustainable growth and social progress.

GENDER JUSTICE AND THE INDIAN CONSTITUTION

Eliminating gender-based discrimination is a fundamental principle enshrined in the Indian Constitution. The Constitution not only prohibits discrimination against women but also empowers the state to implement affirmative action to counteract historical disadvantages and inequalities that women have faced over time.

The Preamble of the Constitution upholds the principles of justice (social, economic, and political), equality of status and opportunity, and individual dignity. Recognizing women as a distinct group deserving of legal protections, the Constitution allows for special provisions to uplift them. Various articles explicitly mandate gender equality, ensuring women have equal access to education, employment, and participation in all spheres of life. The commitment to gender justice is deeply embedded in India's highest legal framework.

RIGHT TO EQUAL EMPLOYMENT OPPORTUNITIES - WOMEN CANNOT BE DENIED JOBS SOLELY BASED ON GENDER

In a landmark ruling in **Air India v. Nergesh Meerza**, the **Supreme Court of India** held that women cannot be denied employment opportunities solely because of their gender, as it violates Article 14 of the Constitution.

This case involved female air hostesses from Indian Airlines and Air India who challenged discriminatory service rules, which included:

A prohibition on marriage for the first four years of employment.

Termination of service upon pregnancy.

Mandatory retirement at 35 years of age, with an extension subject to the discretion of the Managing Director.

While the Supreme Court upheld the restriction on marriage for the first four years, citing its alignment with family planning policies, the provisions related to pregnancy and early retirement were declared unconstitutional. The Court denounced them as unethical, arbitrary, and an insult to Indian womanhood. This decision significantly advanced workplace rights for women in India.

GENDER DISCRIMINATION IN PROMOTIONS - DENIAL OF PROMOTION BASED ON GENDER

Another pivotal case addressing gender discrimination in promotions was **Miss C.B. Muthamma V. UNION OF INDIA**

In this case, Muthamma, a member of the **Indian Foreign Service (IFS)**, challenged rules that prevented her promotion due to her gender.

A particular provision in the Indian Foreign Service (Conduct and Discipline) Rules, 1961, required that:

Unmarried female officers obtain government approval before marriage.

If a married female officer's family life was deemed to affect her efficiency, she could be forced to resign.

The Supreme Court ruled that these provisions violated Article 15 of the Constitution, which prohibits discrimination based solely on gender. It further condemned the persistence of male-dominated attitudes that hindered women's career advancement. As a result, these discriminatory rules were removed, ensuring greater gender parity in government employment.

EQUALITY IN PUBLIC EMPLOYMENT - ARTICLE 16: RIGHT TO EQUAL OPPORTUNITIES

Article 16 of the Indian Constitution guarantees equal opportunities in public employment:

All citizens have an equal right to be considered for jobs and public offices.

No individual can be discriminated against in public employment on grounds of religion, race, caste, sex, descent, birthplace, or residence.

These provisions ensure gender-neutral opportunities in government jobs. However, courts have observed that while legal equality (*de jure* equality) exists, practical equality (*de facto* equality) remains a challenge. Women continue to face biases, lack of confidence in their abilities, and cultural prejudices, particularly in male-dominated industries.

Although women have made inroads into traditionally male-dominated professions, stereotypes about their capabilities persist. Achieving true gender justice requires not only constitutional protections but also societal change to recognize and value women's contributions in every field.

SPECIAL INITIATIVES FOR WOMEN

- **National Commission for Women (NCW)** – Established in **January 1992**, this statutory body monitors constitutional and legal safeguards for women, reviews existing laws, and suggests amendments to enhance women's rights.
- **Reservation for Women in Local Governance** – The 73rd Constitutional Amendment (1992) ensures one-third reservation for women in elected local bodies, both rural and urban.
- **National Plan of Action for the Girl Child (1991-2000)** – Aimed at the survival, protection, and development of the girl child to build a better future for them.
- **National Policy for the Empowerment of Women (2001)** – Formulated by the **Ministry of Women & Child Development**, this policy focuses on advancing, developing, and empowering women across various sectors.

RECENT GOVERNMENT SCHEMES FOR WOMEN'S EMPOWERMENT

- **Beti Bachao Beti Padhao** – Promotes girl child education and gender equality.
- **One Stop Centre Scheme** – Supports women facing violence, helping them reintegrate into society.
- **Women Helpline Scheme** – Provides 24/7 emergency assistance for women in distress.
- **Working Women Hostel** – Offers safe and affordable accommodation for working women.
- **Pradhan Mantri Matru Vandana Yojana** – Provides financial assistance to pregnant and lactating mothers.
- **Swadhar Greh** – Supports women in difficult circumstances by providing shelter and rehabilitation.
- **STEP (Support to Training and Employment Programme for Women)** – Focuses on skill development and employment training.
- **Mahila Shakti Kendras (MSK)** – Empowers women through vocational training and leadership programs.
- **Nirbhaya Fund** – Enhances women's safety and security.
- **Mahila Police Volunteers** – Encourages women's participation in community policing.

Women's rights are fundamental to human dignity and are safeguarded by various provisions of the Indian Constitution. As the foundation of the nation's legal framework, the Constitution includes multiple provisions aimed at empowering women. Recognizing the need for gender equality, the framers of the Constitution took essential steps to ensure that women could achieve independence and social strength. Today, these efforts have significantly transformed the role and status of women in society.

Government schemes and legal reforms continue to play a vital role in advancing women-led development. By ensuring legal protection, economic inclusion, and leadership opportunities, these initiatives create an environment where women can actively participate in nation-building.

CONCLUSION

Women's economic empowerment is not only a matter of social justice but also a crucial pillar of sustainable and inclusive development. The legal provisions, constitutional safeguards, and government initiatives discussed in this paper reflect India's structured approach toward fostering

gender equality in economic participation. From constitutional guarantees of equal rights to progressive policies that promote workplace security, financial independence, and leadership opportunities, India has been making steady strides towards creating an inclusive economic framework.

Women-led development marks a significant shift from seeing women as passive beneficiaries of policies to recognizing them as active leaders and drivers of economic growth. Ensuring gender-responsive laws, enforcing equal pay, eliminating workplace discrimination, and expanding social security measures are essential to accelerating this transformation. Government initiatives like Beti Bachao Beti Padhao, Mahila Shakti Kendras, and the Nirbhaya Fund demonstrate India's commitment to empowering women not just through economic opportunities but also by ensuring their safety and social well-being.

Women-led development represents a paradigm shift from women's development to development driven by women. It ensures that women are not just beneficiaries of policies but active leaders, innovators, and economic contributors. In India, fostering women's participation in governance, business, and workforce is essential to accelerating national growth and achieving sustainable development goals (SDGs).

KEY PILLARS OF WOMEN-LED DEVELOPMENT

Economic Inclusion and Entrepreneurship

- Access to credit, land, and business opportunities for female entrepreneurs.
- Expansion of women-led start-ups through special financial schemes and mentorship programs.

Education and Skill Development

- Providing STEM education and vocational training to ensure women's participation in high-growth industries.
- Expanding digital literacy programs to enhance technological access

Political and Social Leadership

- Increased representation of women in Parliament, corporate boards, and local governance.
- Leadership training for women in rural and urban sectors

Workplace Equality and Labour Rights

- Stronger laws on equal pay, workplace safety, and maternity benefits.
- Flexible work policies and affordable childcare support for working mothers

Safety, Security, and Legal Empowerment

- Stronger enforcement of anti-harassment laws and increased support for survivors of gender-based violence
- Legal provisions ensuring women's land and property rights

LEGAL RIGHTS THAT SHOULD BE AVAILABLE TO WOMEN IN INDIA

While India has progressive laws for women's rights and empowerment, additional legal measures can further enhance their economic participation and security.

1. Equal Representation in Decision-Making Bodies

- Mandating at least 50% representation of women in Parliament, State Assemblies, and local bodies.
- Ensuring equal representation in corporate leadership and government policymaking roles

2. Strengthening Wage Equality and Workplace Protection

- Enforcing pay transparency laws to eliminate gender wage gaps
- Expanding workplace protections under the POSH Act to include informal sector workers, gig workers, and domestic workers
- Implementing stronger penalties for gender-based discrimination in hiring and promotions

3. Recognition of Unpaid and Care Work

- Introducing legal provisions to recognize and compensate unpaid domestic work through tax benefits or social security schemes
- Ensuring equal economic rights for homemakers, including access to credit and financial planning resources

4. Equal Property and Inheritance Rights

- Strengthening laws to guarantee equal inheritance rights across all religions and personal laws

- Providing women with independent land ownership rights and making property inheritance automatic and non-discriminatory

5. Expanding Financial and Business Rights

- Easier access to low-interest loans and financial assistance for women entrepreneurs
- Expanding government-backed schemes for women-owned businesses in all sectors
- Strengthening legal support for women facing financial discrimination in banks and credit access

6. Comprehensive Maternity and Parental Leave Policies

- Extending paid maternity leave to 9 months and introducing mandatory paternity leave to promote equal caregiving responsibilities
- Ensuring job security and return-to-work support programs for new mothers

7. Protection Against Digital and Cyber Harassment

- Strengthening cyber laws to prevent online harassment and abuse
- Providing legal aid and faster judicial processes for women facing digital exploitation

THE PATH FORWARD

Stronger Law Enforcement – Ensuring strict implementation of existing laws with faster legal processes and stronger penalties

Increased Funding for Women-Led Initiatives – Expanding budget allocations for women's entrepreneurship, education, and safety programs

Social Awareness and Mindset Shift – Large-scale campaigns to promote women's leadership and economic participation

- Legal awareness plays a crucial role in empowering women, especially those in rural areas. Many remain unaware of their legal rights, societal and familial status, and the solutions available to address the challenges they encounter. Raising awareness about these rights is essential for their upliftment and overall well-being.
- Conducting legal literacy camps in rural and urban areas can help women understand their rights and the legal provisions designed to protect them.
- Government initiatives, NGOs, and legal aid clinics play a vital role in spreading awareness about laws related to women's rights, such as protection against domestic violence, workplace harassment, and inheritance rights.

- Digital platforms, social media campaigns, and helpline numbers can serve as effective tools for educating women about legal protections and how to seek assistance when needed.
- Collaborations between legal professionals, social activists, and community leaders can help bridge the gap between women and the legal system, ensuring they receive the support they need.
- Special legal awareness programs should be introduced in schools and colleges to educate young girls about their rights from an early age.
- Efforts must be made to ensure that women in marginalized communities, who are often unaware of legal resources, receive targeted legal education and support.
- Free legal aid services and women's help desks in police stations should be strengthened to provide accessible assistance to women facing legal challenges.
- A collective effort from society, legal experts, and policymakers is necessary to ensure that every woman, regardless of her background, is aware of her rights and empowered to utilize the laws available for her protection and well-being.

A strong legal framework that ensures equal rights, financial inclusion, workplace security, and leadership opportunities is critical for empowering Indian women. The transition from women's empowerment to women-led development marks a crucial step in India's economic and social transformation. By guaranteeing equal legal rights, expanding financial access, and removing systemic barriers, India can achieve true gender equality and economic progress.

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