

WOMEN'S PARTICIPATION IN ECONOMIC AND INSTITUTIONAL GROWTH

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Abstract:

In modern India, women's involvement in institutional and economic development is a crucial indicator of social fairness, inclusive progress, and the strengthening of democracy. Even though Articles 14, 15, and 16 of the Indian Constitution guarantee equality before the law and equal opportunity in public employment, structural injustices and sociocultural barriers still limit women's meaningful participation in the workforce and institutions that make decisions. This study examines how institutional practice, policy, and legislation interact to shape women's economic agency and representation. The Equal Remuneration Act of 1976, the Maternity Benefit Act of 1961, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act of 2013, and the Code on Wages of 2019 are just a few of the important labour laws that are examined in this study. In order to improve institutional representation, it also assesses corporate governance improvements under the Companies Act of 2013, specifically the requirement for female directors on business boards. The study identifies enduring differences in wage parity, labour force participation rates, vulnerability in the informal sector, and leadership inclusion by evaluating the implementation gaps in these frameworks. Additionally, the study places India's domestic responsibilities in the context of the larger international human rights framework, specifically in relation to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). It investigates how national law reforms and judicial interpretation are impacted by international commitments to gender equality. The promise of non-discrimination and substantive equality in the constitution has been strengthened by judicial rulings that have revolutionised workplace dignity and equality jurisprudence. The study contends that formal equality has not resulted in egalitarian outcomes despite advancing legal architecture. Women's economic empowerment is weakened by ingrained patriarchal attitudes, unpaid care responsibilities, restricted access to skill development, and insufficient institutional enforcement mechanisms. The paper examines the gap between legislative purpose and ground realities using a doctrinal and analytical approach, supported by gender-disaggregated data and contemporary policy developments. The study comes to the conclusion that a multifaceted approach is necessary to achieve true economic and institutional inclusion. Important actions include bolstering enforcement, increasing employer and institutional accountability, investing in gender-responsive budgeting, encouraging safe and flexible work conditions, and increasing the presence of women in governance structures. Furthermore, eliminating systemic prejudice will require sustained sociocultural change brought about by education, awareness-raising, and capacity-building programs. In the end, the study emphasises that women's economic involvement is a constitutional need and a developmental necessity rather than just a welfare issue. Realising the transformative ambition ingrained in India's constitutional democracy and international commitments requires advancing gender-inclusive prosperity.

Keywords: Gender equality, women's representation, economic empowerment, institutional development, constitutional legislation, and labour rights

1.1. Introduction:

Despite making up about half of India's population, women continue to participate at a disproportionately low rate in the institutional and economic spheres. Without gender inclusion, economic progress leads to the underutilisation of important human resources and maintains structural inequalities. A country cannot attain sustainable growth if a sizable portion of its populace is excluded from leadership, decision-making, and

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positions of productive economic activity. Therefore, gender inclusion is a constitutional and developmental need rather than just a social goal. When women actively participate in governance, the courts, business boards, public administration, academia, and policy-making bodies, this is referred to as institutional growth. Although women's visibility in these fields has gradually improved in India, their presence is still insufficient, especially in positions of higher decision-making. Systemic obstacles include patriarchal norms, restricted access to professional networks, work-life imbalance, and discriminatory workplace practices continue to impede women's advancement notwithstanding constitutional provisions under Articles 14, 15, and 16 of the Indian Constitution.

In order to rectify these discrepancies, legal reform has been crucial. Laws like the Equal Remuneration Act of 1976 aimed to end wage discrimination, while the Maternity Benefit Act of 1961 protected women workers' reproductive rights and provided them with protection at work. An important step in guaranteeing workplace safety and dignity was the passage of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. Additionally, a step toward institutional inclusion was signalled by corporate governance reforms under the Companies Act, 2013, which required the nomination of at least one female director on some firm boards.

By reserving seats in Panchayati Raj Institutions and Municipalities, constitutional changes like the 73rd and 74th changes enhanced women's involvement in local self-governance at the grassroots level. These actions have greatly expanded the number of women in local government, which has led to policy decisions that are frequently more sensitive to issues of health, education, and community welfare. Nonetheless, issues like limited capacity-building methods and proxy representation continue to exist.

By viewing equality as substantive rather than merely formal, judicial interventions have significantly broadened the extent of women's institutional participation. Courts have stressed that equal access to opportunities and the elimination of structural obstacles are necessary for equality. Implementation gaps, however, continue to be a significant barrier. Weak enforcement, ignorance, bureaucratic hold-ups, and insufficient monitoring systems are common problems with laws. Workers in the informal sector, who make up a sizable share of India's female labour, sometimes lack enough legal protection.

Furthermore, institutional inclusion and employment trends are still influenced by sociocultural attitudes. Women's movement and economic independence are limited by unpaid caregiving, social norms, and safety concerns. Coordinated policy action, including gender-sensitive budgeting, skill development programs, digital inclusion, childcare facilities, and secure public transport systems, is needed to address these structural limitations.

1.2. Research Methodology

In order to investigate the role of women in institutional strengthening and economic development, the current study on Women's Participation in Economic and Institutional Growth uses a descriptive and analytical research technique. The majority of the research is doctrinal in character, and it heavily relies on secondary sources of information. Books, peer-reviewed journals, research articles, government reports, policy documents, and publications from international organisations including the World Bank, UNDP, ILO, and OECD have all been used in a thorough evaluation of the literature. To assure authenticity and dependability, statistics on female labour force participation, salary disparities, entrepreneurship, and representation in governance have been gathered from official databases and national surveys.

While the analytical method aids in assessing the connection between gender inclusion and economic growth indicators like GDP contribution, productivity, and institutional performance, the descriptive approach explains the current state of women's participation in institutional and economic sectors. Differences across areas or nations with different rates of female participation have also been investigated using comparative

analysis. When appropriate, policy frameworks, constitutional clauses, and legislative changes intended to advance gender equality have all been interpreted using qualitative analysis.

In order to obtain useful insights into possibilities and difficulties, the study may also include empirical components, such as surveys or interviews with working women, entrepreneurs, and institutional leaders. Respondents are chosen using purposive or stratified sampling techniques, and descriptive statistical tools like percentages and theme interpretation are employed to analyse the data. Strict adherence to ethical principles has been maintained, including accurate source citation and objectivity in gender-related analysis. The chosen technique guarantees a methodical, impartial, and thorough analysis of women's contribution to institutional and economic growth, despite the fact that the research mostly relies on secondary data and may encounter obstacles like data availability and geographical variances.

1.3. Constitutional Framework

Because it incorporates the values of equality, decency, and social justice, the Indian Constitution offers a solid and revolutionary basis for women's empowerment. The goal of the constitutional vision is to achieve substantive equality through affirmative action and protective discrimination, going beyond formal equality.

1.3.1. Constitutional Clauses Concerning the Empowerment of Women:

1.3.2. Equal protection under the law and equality before the law are guaranteed by Article 14. Because it forbids capricious state action, it serves as the cornerstone of gender justice.

1.3.3. Article 15(1): Prevents discrimination based on race, religion, caste, sex, or birthplace.

1.3.4. Article 15(3): Gives the state the authority to provide further protection for women and children. Affirmative action practices like reserves and women's welfare programs are constitutionally justified by this clause.

1.3.5. Article 16: Prevents gender-based exclusion from government services by guaranteeing equality of opportunity in matters pertaining to public employment.

1.3.6. Article 21: This guarantees the right to life and personal liberty, which has been judicially extended to encompass the right to a secure workplace, dignity, and bodily integrity.

1.3.7. Article 23 protects women from exploitation and outlaws forced labour and human trafficking.

1.3.8. Article 39(a) requires the State to guarantee both men and women an equal right to a sufficient means of subsistence.

1.3.9. Equal compensation for equal work is required for both men and women under Article 39(d).

1.3.10. Article 39(e): The State is required to safeguard the health and well-being of both men and women who work.

1.3.11. Article 42: The State must provide for maternity relief and fair and decent working conditions.

1.3.12. Article 44: Promotes the State's creation of a Uniform Civil Code, which is frequently discussed in relation to personal laws and gender equity.

Every citizen is obligated by Article 51A(e) to abstain from actions that diminish the dignity of women.²

Furthermore, by granting reservations in Panchayats and Municipalities, the 73rd and 74th Constitutional Amendments enhanced women's political engagement and institutionalised grassroots empowerment.

² Organization for Economic Cooperation and Development (OECD), *Women's Economic Empowerment* (Paris: OECD Publishing, 2020), 12–13.

International Labour Organization (ILO), *World Employment and Social Outlook: Trends 2024* (Geneva: ILO, 2024), 45–47.

The expansion of women's rights in the judiciary Women's rights has been expanded by the judiciary's revolutionary interpretation of constitutional provisions.

The Supreme Court acknowledged that sexual harassment at work violates Articles 14, 15, 19(1)(g), and 21 in *Vishaka v. State of Rajasthan*. Workplace safety and subsequent legislative action were made possible by the Court's formulation of the Vishaka Guidelines.

Discriminatory employment practices against air hostesses, including pregnancy termination and disproportionate retirement age, were declared unlawful in *Air India v. Nergesh Meerza* because they violated equality principles.

Furthermore, the Supreme Court ruled in *C.B. Muthamma v. Union of India* that service laws requiring female employees to get government approval prior to marriage were discriminatory.

The Court ruled in *Anuj Garg v. Hotel Association of India* that regulations that forbade women from working in facilities that served alcohol were unconstitutional, highlighting the fact that protective discrimination cannot be used as a means of exclusion.

The Supreme Court decriminalised adultery in *Joseph Shine v. Union of India*, acknowledging women as equal partners rather than their husbands' property.

By guaranteeing that constitutional protections result in actual empowerment, these court rulings show a transition from formal equality to substantive equality.

As a result, the constitutional framework offers a thorough legal basis for increasing women's institutional, social, and economic participation in India, and it is reinforced by progressive judicial interpretation. To fulfil the constitutional promise of gender justice, however, successful implementation, institutional accountability, and social change are still essential.

1.4. Legal Framework Promoting Women's Economic Participation

a. Laws Concerning Labour and Employment:

The same Remuneration Act (now included in the 2019 Code on Wages) forbids gender-based wage discrimination in hiring and working circumstances and guarantees the idea of "equal pay for equal work." Maternity Benefit Act, 1961 (modified in 2017): This law promotes work-life balance and maternal health security by offering 26 weeks of paid maternity leave, crèche facilities, nursing breaks, and protection against termination during pregnancy.

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c. Institutional and Corporate Representation firms Acts, 2013:

This law encourages gender diversity, inclusive governance, and equitable corporate leadership by requiring the nomination of at least one-woman director on the board of specific classes of firms, especially listed and big public companies.

d. Securities and Exchange Board of India (SEBI) Regulations: These regulations improve corporate responsibility, transparency, and balanced decision-making at the institutional level by requiring listed businesses to appoint at least one independent woman director.

1.5. Participation in Local Institutions and Politics

- a. The 73rd and 74th Amendments to the Constitution set aside one-third of the seats in Panchayats and Municipalities for women.
- b. The Women's Reservation Bill, which is currently the Constitution (106th Amendment) Act, 2023, sets aside 33% of seats in state legislatures and parliament.

India has made several legally binding and non-binding pledges to advance gender equality and prevent discrimination against women as a responsible member of the global community. India has ratified the following:

Often referred to as the international bill of rights for women, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) requires State Parties to end discrimination against women in the areas of employment, civil society, politics, economics, social culture, and equality, including equal opportunity and participation in institutions that make decisions.

The Equal Remuneration Convention, 1951 (ILO Convention No. 100) urges states to promote wage equality through legislative and regulatory measures and mandates that men and women workers get equal compensation for work of equal worth.

Goal 5 (Gender Equality) of the Sustainable Development Goals calls for the attainment of gender equality, the abolition of violence and discrimination against women, and the guarantee³ of women's full and effective participation and equal opportunities for leadership at all levels of decision-making in public, political, and economic life.

1.6. Challenges to Women's Participation

1.6.1. Gender wage gap:

Women's effective involvement in the workforce and institutional governance is nevertheless hampered by a number of structural and socioeconomic impediments, notwithstanding constitutional provisions and progressive laws.

1.6.2. The gender wage gap:

The ongoing difference in pay between men and women for work of equivalent value is known as the "gender wage gap." Due to occupational segregation, the devaluation of "feminised" labour, restricted access to leadership positions, and disruptions in career advancement brought on by unpaid caregiving duties, women in India frequently earn lower earnings. Despite the existence of statutory protections under the 2019 Code on Wages and India's commitments under the 1951 Equal Remuneration Convention, enforcement flaws, the predominance of the unorganised sector, and a lack of wage transparency all contribute to the persistence of inequality.

Women's economic empowerment and substantive equality are undermined by the wage gap, which not only reflects economic discrimination but also perpetuates larger trends of social and institutional inequality.

1.6.3. Informal sector dominance

In India, a sizable fraction of women work in the unorganised or informal sector, which includes small-scale business ownership, domestic labour, agriculture, and home-based industries. Low pay, no written contracts,

³ World Bank, *World Development Report 2012: Gender Equality and Development* (Washington, DC: World Bank, 2012), 89. Susan K. Wolcott and Christine B. Lynch, *Gender and Entrepreneurship: An Annotated Bibliography* (Washington, DC: U.S. Small Business Administration, 2019), 23–24. United Nations Conference on Trade and Development (UNCTAD), *Entrepreneurship and Innovation Policy Framework* (Geneva: UNCTAD, 2019), 32.

no social security benefits, and little legal protection are common characteristics of employment in this industry.

Welfare-oriented laws, such the Code on Social Security, 2020, have been introduced, but their effective implementation is still difficult because of poor registration, lax enforcement, and low awareness among female employees.

Women's economic fragility and marginalisation are sustained by the prevalence of informal employment, which limits their access to health insurance, maternity benefits, provident funds, and grievance redressal procedures.

1.6.4. Limited Leadership Representation and the Glass Ceiling

The term "glass ceiling" describes the imperceptible institutional and structural barriers that keep women from rising to top managerial and decision-making roles, even when they are qualified and competent.

Women are still disproportionately under-represented in top executive positions, despite the Companies Act of 2013 requiring some companies to have at least one female director and the Securities and Exchange Board of India (SEBI) requiring listed companies to appoint an independent female director.

1.6.5. Workplace harassment

One of the biggest barriers to women's involvement in institutional and economic advancement is workplace harassment. It describes any unwanted behaviour that makes a workplace scary, hostile, or offensive, whether it be verbal, physical, psychological, or sexual. Sexual harassment, in particular, includes both quid pro quo harassment, where employment benefits are conditioned on sexual favors, and hostile work environment harassment, where repeated inappropriate behavior affects a woman's dignity and ability to work. Such conduct violates the constitutional guarantees of equality and dignity under Articles 14, 15, 19(1)(g), and 21 of the Constitution of India.

1.6.6. Lack of childcare infrastructure is a major structural barrier to women's participation in economic and institutional growth. Although women are increasingly entering the workforce, inadequate access to affordable, safe, and quality childcare services forces many to withdraw from employment or opt for part-time and informal work. The burden of unpaid care work disproportionately falls on women, limiting their ability to engage in full-time employment, leadership roles, or career advancement. This directly affects female labour force participation rates and contributes to gender inequality in income and institutional representation's-cultural barriers.

1.7. Impact on Institutional and Economic Growth

Increased female labour force participation has a transformative effect on both economic performance and institutional strength, as empirical research and assessments on global development constantly show. A country's entire productive capacity grows when women actively engage in economic activity, which results in quantifiable gains in GDP. A workforce that is bigger and more diverse fosters innovation, entrepreneurship, and industry diversity, all of which support robust and sustainable economic growth.⁴

The quality of governance is enhanced when more women are included in positions of decision-making in the courts, corporate boards, governmental institutions, and governance structures. Ethical decision-making,

⁴ Claudia Goldin, "The Gender Wage Gap: Extent, Trends, and Explanations," *Journal of Economic Literature* 55, no. 3 (2017): 789–865.

socially conscious administration, and balanced policy formulation are all encouraged by gender-diverse leadership. According to research, women leaders frequently give welfare, healthcare, education, and community development top priority, which improves the systems that provide public services.

1.8. Conclusion

Women's involvement in economic and institutional development is a constitutional requirement based on the values of equality, dignity, and fairness; it is not just a question of social reform or welfare policy. The Indian Constitution envisions a revolutionary framework in which women are entitled to equal protection under the law (Articles 14 and 15), equal job opportunities (Article 16), and the right to a dignified life (Article 21). Together with the Directive Principles of State Policy, these constitutional provisions place a positive duty on the State to establish the framework necessary for women to fully and successfully engage in institutional and economic life. As a result, gender inclusion is a moral and legal obligation of the state and society rather than a discretionary development plan.

India has developed a thorough legal framework throughout the years with the goal of enhancing women's involvement. The State's dedication to guaranteeing workplace safety, maternity protection, and representation in corporate governance is shown in laws like the Companies Act, the Maternity Benefit Act, and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act. The reach of women's rights has been further extended by judicial action. The Supreme Court showed judicial attention to gender equity in *Vishaka v. State of Rajasthan* by recognising workplace sexual harassment as a violation of fundamental rights and establishing legally obligatory standards. The legal foundation protecting women's rights has been strengthened in large part by such progressive interpretations.

Even with these developments, there is still a significant disconnect between the law and practice. Real progress is nevertheless hampered by implementation issues such institutional bias, poor enforcement, lack of awareness, and sociocultural opposition. A large percentage of women continue to work in the unorganised and informal sectors, where there are either no legal safeguards at all or insufficient ones. Women's rise into leadership and decision-making roles is further hampered by wage discrepancies, occupational segregation, the glass ceiling, and unequal caregiving obligations. These structural barriers highlight that formal equality alone is insufficient; substantive equality requires proactive policy interventions and continuous monitoring.

Economically speaking, the underutilisation of women's human capital causes a significant loss for the country. Slower growth, less innovation, and diminished competitiveness in international markets are all consequences of economies that do not adequately incorporate women into economic activities. On the other hand, higher female labour force involvement boosts intergenerational human development outcomes, increases productivity, broadens the tax base, and increases consumer demand. Economic empowerment of women also improves household welfare, health and education indicators, and poverty reduction. As a result, empowering women is essential to successful economic strategy and is not just a gender problem.

To sum up, women's involvement in institutional and economic development is essential to achieving sustainable development and constitutional democracy. Genuine transformation necessitates effective implementation, institutional accountability, and societal change, even if India has a robust legislative architecture backed by progressive judicial interpretation and international obligations. Only when women actively shape policy, governance, and economic advancement rather than just being recipients of development can substantive equality be attained. Gender inclusion is essential to social fairness, institutional stability, and sustainable progress. Therefore, empowering women as equal stakeholders is not only required under the constitution but also essential to a fair, wealthy, and forward-thinking country.

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