

EMPOWERED WOMEN FOR AN EMPOWERED NATION: A CRITICAL INTERSECTION OF HUMAN RIGHTS AND SUSTAINABLE GOVERNANCE IN INDIAN LEGAL SYSTEM

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Abstract:

The present paper synthesises the legal provisions covering women empowerment in terms of ensuring human rights and their critical analysis for a sustainable governance leading to the fulfilment of strengthened nation. Despite, India has ratified numerous international covenants and place them in our municipal laws, there is a sense of lacking in the implementation of those legal frameworks. Most importantly, CEDAW which is known as the Magna Carta of women's rights is an international commitment towards women empowerment. There is no doubt that women have elevated themselves from four walls of their homes to leadership roles at different sectors pairing shoulders with men. However, there are prevalent and persistent gaps in recognising women's rights into realities. The paper further analyses the struggles women face to become empowered crossing the barriers such as patriarchy, caste, class, etc. due to which sometimes they back out in the middle of their carrier growth. There are many significant judicial pronouncements empowering women in terms of protection from domestic violence, harassment at workplace, providing maternity benefits and natural guardianship of the child. These instances have elevated the morale of women towards meaningful participation in development of nation with sustainable governance. The paper concludes with balancing the arguments that women are not mere passive beneficiaries but active architects of sustainable governance. Further, it suggests that there is a need of breaking the glass ceiling and ensuring the rights in practice not just on paper to realise the constitutional vision of justice, equality, and dignity.

Keywords: Women Empowerment, Human Rights, Sustainable Governance, Judiciary.

1.1. Introduction:

In the tapestry of India's constitutional philosophy, the empowerment² of women emerges not merely as a moral imperative but as a cornerstone of sustainable governance and human rights realization, captured in the clarion call of "Empowered Women for an Empowered Nation." Rooted in Articles 14, 15, and 39 of the Constitution, alongside landmark legislations like the Protection of Women from Domestic Violence Act, 2005, and the Prohibition of Child Marriage Act, 2006, this paradigm underscores the critical intersection when gender equity³ energises socio-economic resilience and inclusive development. As India strides towards the Sustainable Development Goals (SDGs), particularly SDG 5 on gender equality, the Indian legal system stands at a pivotal juncture—bridging traditional ethical principles like Nyaya (justice) with modern governance models to dismantle patriarchal barriers. This paper critically examines how empowered women,

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² Nielsen, R. (2012). *Sustaining legal empowerment in initiatives to support local land rights*. International Institute for Environment and Development. <http://www.jstor.org/stable/resrep18014>

³ Anjali. (1987, December). Prejudice against girls: Abuse of scientific discovery. *Social Welfare*, 1.

through enhanced participation in decision-making and access to rights, catalyze national empowerment, while interrogating enforcement gaps and proposing pathways for transformative legal reforms.

1.2. Women Empowerment

Empowerment is economic, social, political, and psychological – and it is essential for achieving gender equality⁴ and sustainable development. Women empowerment means enabling women to have equal access to education, healthcare, work opportunities, financial independence, legal rights, and leadership roles. It is about breaking systemic barriers, challenging stereotypes, and giving women the tools and freedom to shape their own lives and communities. Women empowerment plays a crucial role in achieving sustainable governance by promoting inclusive decision-making, resilience, and long-term development goals. This approach aligns with global frameworks like the UN Sustainable Development Goals (SDGs), particularly SDG 5 on gender equality.

1.3. Empowerment as a Human Right of Women

Empowered women enhance governance through economic contributions, social stability⁵, and environmental stewardship. The empowerment fosters community leadership, leading to healthier neighbourhoods and adaptive climate strategies. Women's empowerment is not just a matter of equity, but a driver of systemic transformation. When women participate fully in governance and community leadership, the current effects extend across economic resilience, social cohesion, and environmental sustainability.

The United Nations Sustainable Development Goals (SDGs) clearly recognize the centrality of women's empowerment, especially under Goal number five i.e. Gender Equality. But the impact of empowering women goes far beyond just one goal because it contributes to all seventeen SDGs, directly or indirectly. The first SDG is Ending Poverty which implies when women earn and control income, household poverty declines. Empowered women invest in health, nutrition, and education—breaking the cycle of intergenerational poverty. The second SDG is about Sustainable Agriculture and Food Security which implies that rural women are essential to agriculture. Empowering them with land rights, credit, and training improves food production and sustainable farming practices. SDGs third and fourth deals with Improving Health and Education which implies that women who are educated and economically empowered are more likely to access healthcare, send their children to school, and advocate for community health initiatives.

Fostering Economic Growth is eighth SDG which implies Gender equality in the workforce boosts GDP. Studies show that closing the gender gap in labour force participation could add trillions to the global economy. Climate Action and Resource Management is the thirteenth SDG 13 which implies women are often the primary stewards of natural resources in rural areas. Their knowledge and leadership are vital to climate resilience and environmental Conservation.

⁴ Abbott, P. (2017). Gender Equality, Human Rights And Economic And Political Development. In *Gender Equality and Men's Women's Empowerment in the Aftermath of the 2011 Arab Uprisings* (pp. 8–11). Arab Transformations Project. <http://www.jstor.org/stable/resrep14099.5>

⁵ Sedai, A. K., Nepal, R., & Jamasb, T. (2020). *Electrification and Socio-Economic Empowerment of Women in India*. Energy Policy Research Group, University of Cambridge. <http://www.jstor.org/stable/resrep30486>

1.4. Empowerment and Sustainable Governance for Better Development

To maximize the impact of women empowerment⁶ on sustainable development in India, targeted policy measures are essential. There are certain steps which includes firstly, investment in education and vocational training in which women's education and skills development must be prioritised to prepare them for diverse economic opportunities and leadership roles. Secondly, financial Inclusion and support for female entrepreneurs by facilitating access to financial services and resources for women to encourage their entrepreneurship and economic independence. Thirdly, improved Infrastructure and legal protections by providing safer public spaces, affordable housing, and stronger legal protections will create environments where women can flourish, free from discrimination and violence. These policy developments would improve women's quality of life and drive sustainable growth⁷ by enhancing their capacity to contribute to society.

1.5. Sustainable Development Vis a Vis Sustainable Governance

Sustainable development⁸ focuses on achieving balanced economic growth, social inclusion, and environmental protection to meet present needs without jeopardizing future generations. Sustainable governance, by contrast, refers to the processes, institutions, and decision-making frameworks that enable and sustain those outcomes through accountability, transparency, and stakeholder participation. Sustainable development is outcome oriented, targeting goals like poverty reduction and climate action. It focusses on end results. The scope of sustainable development ranges towards broad goals across economy, society and environment. On the other hand, Sustainable governance focusses on mechanisms, rules, and process, emphasizing effective systems such as policy coherence, inclusivity, and adaptability to implement those goals towards developing institutional structures and leadership. Sustainable development and sustainable governance are deeply interdependent, neither can be achieved in isolation. Development that is environmentally sound, socially inclusive, and economically viable requires governance structures that are transparent, accountable, and participatory. Conversely, governance that is sustainable must be oriented toward long-term developmental goals. Governance acts as the enabler for development; without strong governance, sustainable development falters. Conversely, development pressures refine governance, as seen in Germany's SDG-integrated legislation.

1.6. Women In Political Leadership

Women's political leadership⁹ is very essential to India's constitutional promise of justice, equality, and empowerment. Women in political leadership are central to building an empowered India because they bring perspectives that strengthen governance, deepen democracy, and ensure inclusive development. Their

⁶ Abbott, P. (2017). Gender Equality, Human Rights And Economic And Political Development. In *Gender Equality and Mena Women's Empowerment in the Aftermath of the 2011 Arab Uprisings* (pp. 8–11). Arab Transformations Project. <http://www.jstor.org/stable/resrep14099.5>

⁷ Thematic Group on Challenges of Social Inclusion: Gender, Inequalities, Human Rights of the Sustainable Development Solutions Network (Ed.). (2013). Pathways toward sustainable development. In *Achieving Gender Equality, Social Inclusion, and Human Rights For All: Challenges and Priorities for the Sustainable Development Agenda* (pp. 15–26). Sustainable Development Solutions Network. <http://www.jstor.org/stable/resrep15884.7>

⁸ van Tulder, R., Fortanier, F., Wetenschappelijke Raad voor het Regeringsbeleid, & SCIENTIFIC COUNCIL FOR GOVERNMENT POLICY. (2009). BUSINESS AND SUSTAINABLE DEVELOPMENT: FROM PASSIVE INVOLVEMENT TO ACTIVE PARTNERSHIPS. In M. Kremer, P. van Lieshout, & R. Went (Eds.), *Doing Good or Doing Better: Development Policies in a Globalising World* (pp. 211–236). Amsterdam University Press. <http://www.jstor.org/stable/j.ctt46n0g6.13>

⁹ WELCH, M. R. (1983). WOMEN AND POLITICAL LEADERSHIP ROLES: A CROSS-CULTURAL STUDY. *International Journal of Sociology of the Family*, 13(1), 57–77. <http://www.jstor.org/stable/23027783>

leadership is not symbolic—it directly shapes policy outcomes and institutional culture. Women’s political leadership matters in terms of Inclusive governance, Economic growth, social justice, and Environmental resilience. Women leaders often prioritize social welfare, education, healthcare, and grassroots empowerment by ensuring governance reflects diverse needs. Economic growth policies shaped by women in office tend to emphasize equitable resource distribution, boosting participation in the workforce and local entrepreneurship. Social justice supports women leaders challenge entrenched hierarchies, advancing gender equality and protecting marginalized communities. Environmental Resilience is ensured when women in leadership provides assistances in achieving sustainable practices¹⁰, climate adaptation, and community-based resource management.

1.7. Women as Directors and Independent Directors

Women as Directors and Independent Directors are pivotal for building both an empowered India and a developed India. Their presence in corporate governance strengthens accountability, transparency, and inclusivity qualities that directly influence national progress. Towards corporate governance, independent women directors bring diverse perspectives, reducing groupthink and enhancing ethical decision-making¹¹. In respect of Economic Empowerment, women in boardrooms ensure that corporate strategies align with inclusive growth, expanding opportunities for women in the workforce. In regards to Social Responsibility, female directors often emphasize CSR initiatives in education, healthcare, and sustainability, reinforcing social stability. Women leaders are more likely to advocate for climate-conscious policies, renewable energy adoption, and sustainable practices with environmental stewardship.

India’s Companies Act, 2013 mandates for at least one-woman director on the boards of certain classes of companies. SEBI Regulations further require listed companies to appoint at least one independent woman director, ensuring women’s voices are part of critical oversight functions. These legal reforms implant gender diversity into corporate governance, aligning with constitutional principles of equality and justice. Women directors symbolize institutional recognition of gender equality, empowering women across sectors. Their leadership drives responsible capitalism, balancing profit with social and environmental obligations serves as a key to sustainable development and rendering positive impact on empowered and developed India. Thereby, women as directors and independent directors are not just fulfilling a compliance requirement. They are shaping the moral and strategic compass of Indian corporations. This strengthens both democratic values and developmental goals.

1.8. Intersection of Women Empowerment with Human Rights

Undoubtedly, women empowerment is the subject matter of human rights. Still, they seem to be intersected at multiple crossroads. Women are not mere passive beneficiaries but active architects of sustainable governance. There is a genuine need of breaking the glass ceiling and ensuring the rights in practice not just on paper to realise the constitutional vision of justice, equality, and dignity. The true achievement lies in education of girl children. They upon reaching womanhood must be paid equally to ensure workplace dignity. There must be motivation with faith in women when they are in leadership, governance, and innovation. Women led

¹⁰ Lesley Abdela. (2000). From Palm Tree to Parliament: Training Women for Political Leadership and Public Life. *Gender and Development*, 8(3), 16–23. <http://www.jstor.org/stable/4030458>

¹¹ Arora, N. (2023). Law on Independent Directors and Women Directors under the Companies Act.

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businesses and their self-help groups must be supported to ensure them strength¹². Once women are empowered in the mainstream, they would be able to face any kind of violence and defy the discriminations.

1.9. Women Empowerment and Sustainable Governance in India

Women's empowerment and sustainable governance are deeply interconnected in India's development journey. Empowering women not only strengthens democracy and social justice but also ensures that governance systems are inclusive, equitable, and sustainable¹³. Looking into the Constitutional & various legal foundations, their rights are strongly reserved such as equality before law under article 14 and prohibition of discrimination under article 15 provide the legal basis for gender justice. Reservation in local governance through 73rd & 74th Amendments provide at least one-third of seats in Panchayats and Municipalities to be reserved for women, ensuring grassroots participation. Legal Protection laws such as Protection of Women from Domestic Violence Act, 2005, Prevention of Sexual Harassment of Women at Workplace (Protection, Prohibition and Redressal) Act, 2013, Bhartiya Nyaya Sanhita, 2023 and Bhartiya Nagarik Suraksha Sanhita, 2023 safeguard women's rights.

There are certain Government Initiatives such as Mission Shakti as Umbrella scheme for safety, security, and empowerment of women; the mission Beti Bachao Beti Padhao to Promotes education and combats gender bias; Gender Budgeting Framework to ensures allocation of resources for women-centric programs; Self-Help Groups (SHGs) under National Rural Livelihood Mission to encourage financial independence and community leadership among women. These initiatives are linked to Sustainable Governance to achieve

Economic Growth through women's participation in the workforce that boost productivity and innovation. Social Progress is ensured when empowered women achieve improvements in health, education, and community welfare. Sustainable governance is observed through Environmental Sustainability wherein women would lead grassroots movements for resource conservation, water management, and biodiversity protection.

However, there are certain challenges such as socio-cultural barriers as patriarchal norms still restrict women's mobility and decision-making; prevalence of employment gap as despite progress, female labour force participation remains low; women are underrepresented in higher political offices and corporate leadership. Therefore, it is seen that women empowerment is not just a social goal but it is a pillar of sustainable governance. By ensuring women's equal participation in political, economic, and social spheres, India strengthens its ability to achieve long-term sustainable development.

1.10. Women Empowerment through Co-Operative Institutions

Ministry of Cooperation, since its inception on 6th July, 2021, has undertaken several initiatives to realize the vision of "Sahakar-se-Samridhi" and to strengthen & deepen the cooperative movement from Primary to Apex level Cooperatives in the country. The ministry of cooperation is working for the betterment, empowerment, and income generation for women in the cooperative sector¹⁴. The Multi-State Cooperative Societies (Act) 2002 has been amended to mandate requirement of women Directors in the Board of Multi-State Cooperative Societies. This will ensure representation of women in the Board of more than 1,550 Multi-State Cooperatives across the country. Model Bye Laws for the Primary Agriculture Cooperative Credit

¹² Tesoriero, F. (2006). Strengthening communities through women's self-help groups in South India. *Community Development Journal*, 41(3), 321–333. <http://www.jstor.org/stable/44258980>

¹³ Press Information Bureau. (2025, March 8). National level conference on theme "Nari Shakti Se Viksit Bharat" being organised by Ministry of Women & Child. pib.gov.in.

¹⁴ Press Information Bureau. (2023, December 20). *Women empowerment through Co-operative institutions* [Press release]. Ministry of Cooperation. pib.gov.in.

Societies (PACS) has been prepared by the Ministry of Cooperation and adopted by the States/UTs across the country. It mandates requirement of women Directors in the Board of PACS to ensure representation of women and their decision making. Nandini Sahakar Scheme of National Cooperative Development Corporation (NCDC) under Ministry of Cooperation is a financial assistance scheme for project formulation, hand- holding and capacity development of women cooperatives.

1.11. Women-Run Community Businesses in India

India has many remarkable examples of women-led cooperative¹⁵ and community-based enterprises that showcase how collective effort can transform lives and create sustainable businesses. In India there have been many instances when women have been successfully running the businesses individually and collectively. For instance, the women working in Shri Mahila Griha Udyog Lijjat Papad collectively which was founded in 1959 in Girgaon, Mumbai by 7 women led by Jaswantiben Jamnadas Popat with a meagre amount as starting capital of just Rs. 80 she borrowed to make papads on a small terrace. The working model was on Cooperative structure where profits are shared among members. This cooperation has been one of the most famous and most trusted brands in Indian families. The present impact today is that Lijjat Papad is a ₹1600+ crore enterprise employing over 45,000 women across India. In terms of empowerment, it has entrusted women with financial independence, dignity, and a voice in society.

Another success story is of Amul (Anand Milk Union Limited) which was founded in 1946 in Anand, Gujarat as a cooperative movement. The women dairy farmers played a crucial role in milk collection and management. The Model works on Cooperative federation which is owned by millions of farmers, many of them are women. The impact of this cooperation is that Amul became the backbone of India's "White Revolution," making India the largest milk producer in the world. In terms of Empowerment, women gained financial stability, education opportunities for children, and social recognition.

There are other emerging examples where women have proven their determination. Millet-Based Women Cooperatives are emerging models where women in rural areas are leading millet processing and value-addition businesses, promoting sustainable agriculture and nutrition. These stories highlight how community-driven, women-led enterprises can scale from humble beginnings to national icons. They combine economic empowerment, social dignity, and sustainable governance, proving that when women lead, communities thrive.

1.12. Women Self-Help Group (SHG) Businesses in India

Self-Help Groups (SHGs)¹⁶ have become one of the most powerful grassroots movements in India, enabling women to pool resources, access microfinance, and run community-based enterprises. These businesses not only generate income but also foster social empowerment and sustainable governance. In India, over 9 million SHGs¹⁷ exist, with nearly 100 million women members. On average, there are 14 SHGs per village, meaning every eighth Indian woman is part of one. SHGs are considered the world's largest microfinance project, driving rural development and women's empowerment. There are many types of Self-Help Group businesses being run in India namely, Agro-based enterprises, Dairy cooperatives, Organic farming and millet processing units, Spice and pickles production, Handicrafts & cottage industries, Weaving, embroidery, bamboo crafts,

¹⁵ Hainard, F., & Verschuur, C. (2001). Filling the Urban Policy Breach: Women's Empowerment, Grass-Roots Organizations, and Urban Governance. *International Political Science Review / Revue Internationale de Science Politique*, 22(1), 33–53. <http://www.jstor.org/stable/1601284>

¹⁶ S. Galab, & N. Chandrasekhara Rao. (2003). Women's Self-Help Groups, Poverty Alleviation and Empowerment. *Economic and Political Weekly*, 38(12/13), 1274–1283. <http://www.jstor.org/stable/4413378>

¹⁷ Press Information Bureau. (2025, February 3). *Mobilisation of households into Self-Help Groups (SHGs)* [Press release]. Ministry of Rural Development. pib.gov.in.

pottery, Local textile cooperatives, Food processing, Papad-making, Bakery and snack production, Services, Rural catering groups, Community-run shops and small retail outlets, Eco-friendly businesses, Waste recycling, vermicomposting, and biogas units, Women-led water management and solar energy cooperatives.

SHGs have impacted broadly on women & communities through economic independence where women gain steady income and reduce reliance on moneylenders; Social empowerment by giving women collective bargaining power and leadership roles; Community resilience through which women learn reinvesting profits in education, healthcare, and local infrastructure; Entrepreneurship growth shows women own 20.5% of India's MSMEs, a significant rise linked to SHG¹⁸ support. Thereby, it is seen that women-led SHGs are not just businesses, they are social movements that combine economic empowerment with sustainable governance. From papads to solar energy, these enterprises prove that when women organize collectively, they can transform entire communities.

1.13. Barriers in the Pace of Women's Empowerment

Despite enormous progress, multiple challenges hinder the empowerment of women not only in India but across the world. The very deep-rooted barriers are Patriarchal mindsets, Gender norms such as roles in family, Limited access to education, Wage discrepancy and professional discrimination, Lack of access to finance and business networks resulting into financial illiteracy, Low representation in leadership roles and policymaking, and Lack of digital literacy.

These barriers are interconnected, reinforcing one another and creating a cycle of disempowerment. For example, lack of education leads to limited economic opportunities, which in turn reduces women's ability to participate in leadership roles. Addressing these challenges requires not only legal reforms but also cultural transformation, economic inclusion, and technological empowerment.

1.14. Strengthening Women Empowerment through Judiciary

The Indian judiciary has been committed towards women empowerment and their emancipation. There have been many instances when judiciary has recognised the need to implement the international laws in domestic laws. The supreme court has established equality by emphasising that gender could not form the basis of differential treatment in employment and created a milestone in advancing equal opportunities for women in government services like Indian Foreign Services¹⁹. Later justices Syed Fazal Ali, A Varadraj and AP Sen upheld the dignity of Nargesh Mirza²⁰ holding the service conditions as unconstitutional which require air hostesses to resign upon marriage, retire at the age of 35 years, or leave upon first pregnancy as these policies are harsh, arbitrary, unreasonable, and violative of fundamental rights of women employees. In State of Maharashtra and Another v. Madhukar Narayan Mardikar²¹, Justices K Jagannath Shetty and AM Ahmadi held that the right to privacy and bodily integrity applies to every woman, regardless of her background or reputation. It emphasized that even a woman of "easy virtue" is entitled to equal protection under the law and that her testimony could not be disregarded based on her social standing.

In Vishaka and Others v. State of Rajasthan and Others²² Chief Justice JS Verma, Justices Sujata V Manohar, and BN Kirpal uphold the dignity of women at work places and issued Vishakha guidelines. This case eventually led to the enactment of POSH Act, 2013. In another case²³, the restrictions imposed by Mumbai

¹⁸ Press Information Bureau. (2025, February 11). *Self-help groups*. Ministry of Rural Development. pib.gov.in

¹⁹ Justices V R Krishna Iyer and PN Shingal in *CB Muthamma v. Union of India and Others* (1979)

²⁰ *Air India v. Nargesh Mirza*, AIR 1981 SC 1829

²¹ AIR 1991 SC 207

²² AIR 1997 SC 3011

²³ Justices KM Joseph and S Ravindra Bhat in *Hotel Priya, A Proprietorship v. State of Maharashtra and Others* (2022 INSC 206)

Police on the female performers in orchestra and bands in licensed bars were held unconstitutional as such restrictions are rooted in gender-based stereotypes and violate the fundamental rights of equality and freedom under the Constitution of India.

The judiciary has empowered women in terms of their reproductive choices as fundamental right to privacy and autonomy under Art 21 of the Constitution²⁴. The decriminalising of adultery under Section 497 IPC, stating that the law treated women as property of their husbands and violated their dignity. The Court held that the provision was unconstitutional as it perpetuated gender inequality and denied women their autonomy, reinforcing the principle of equal dignity under Article 21²⁵. While in the process of empowerment, women never forget their responsibilities towards families and children even at work places or public places. Therefore, the creche or child care rooms are mandatory at public places. The apex court in *Maatr Sparsh An Initiative by Aavyaan Foundation v. Union of India & Ors*²⁶ emphasised that “breastfeeding is integral to a child’s right to life under Article 21, and since a child’s right to be breast-fed is linked with the mother, she also has the right to breast-feed without stigma or inconvenience”

1.15. Conclusion

The discourse on women’s empowerment within India’s constitutional and legal framework reveals both remarkable progress and persistent challenges. While international commitments such as CEDAW and domestic legislations have laid a strong foundation for gender justice, the gap between law and lived reality underscores the urgency of effective implementation. Judicial pronouncements have undeniably advanced women’s rights, yet structural barriers rooted in patriarchy, caste, and class continue to hinder full participation. Sustainable governance demands not only the recognition of women as beneficiaries but as active architects of national development. Breaking entrenched glass ceilings, ensuring enforcement of rights beyond paper, and fostering inclusive decision-making are essential to realizing the constitutional vision of justice, equality, and dignity. Ultimately, empowering women is not a peripheral agenda but it is central to building a resilient, equitable, and truly empowered nation.

By adopting measures to eradicate barriers in growth of women empowerment, India can move beyond symbolic empowerment and ensure that women’s rights are lived realities, thereby fulfilling the constitutional promise of justice, equality, and dignity while building a truly sustainable governance model.



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²⁴ Chief Justice KG Balakrishnan and Justices BS Chauhan and P Sathasivam in *Suchita Srivastava and Another v. Chandigarh Administration* (2009)

²⁵ Chief Justice Dipak Misra and Justices Rohinton Nariman, AM Khanwilkar, DY Chandrachud, and Indu Malhotra in *Joseph Shine v. Union of India* (2018)

²⁶ 2025 INSC 302