

**CURRENT POSITION OF WOMEN IN NATIONAL DEVELOPMENT:
CHALLENGES, PROGRESS, AND JUDICIAL PERSPECTIVES**

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Abstract

Women play a crucial role in the overall development of a nation by contributing to its economic growth, social progress, political governance, and cultural advancement. In India, the constitutional framework guarantees equality, dignity, and equal opportunities for women through various Fundamental Rights and Directive Principles of State Policy. Over the years, significant legislative reforms, judicial interventions, and government initiatives have enhanced women's participation in education, employment, entrepreneurship, politics, and public administration. Despite these achievements, women continue to encounter numerous challenges, including gender discrimination, unequal pay, workplace harassment, limited political representation, gender-based violence, unequal access to healthcare and education, and socio-cultural barriers that hinder their full participation in national development.

This paper critically examines the current position of women in India's development by analysing their contribution across different sectors while identifying the major obstacles that continue to impede gender equality. It further evaluates the constitutional and legal framework designed to protect women's rights and promote their empowerment. The study also analyses landmark judicial decisions, including *Vishaka v. State of Rajasthan* (1997), *Anuj Garg v. Hotel Association of India* (2008), *Joseph Shine v. Union of India* (2018), *Secretary, Ministry of Defence v. Babita Puniya* (2020), and *Vineeta Sharma v. Rakesh Sharma* (2020), which have significantly advanced women's rights and reinforced the principles of equality, dignity, and non-discrimination.

The research adopts a doctrinal methodology based on constitutional provisions, statutes, judicial precedents, government reports, and scholarly literature. It concludes that although India has made remarkable progress in promoting women's empowerment and participation in national development, substantial challenges remain in achieving genuine gender equality. The paper recommends stronger implementation of existing laws, gender-sensitive

policymaking, increased awareness, and institutional reforms to ensure that women can participate equally and effectively in the nation's sustainable and inclusive development.

Keywords: Women empowerment, Gender equality, National development, Legal rights, Workplace discrimination, Case law analysis

1. Introduction

Women are indispensable to the progress and development of any nation. Their active participation in economic, social, political, educational, and cultural activities significantly contributes to sustainable development and national growth. In India, the Constitution guarantees equality, dignity, and equal opportunities for women through Articles 14, 15, 16, and 21, while also permitting the State to adopt special measures for their welfare and empowerment. Over the years, various legislative reforms, government schemes, and judicial pronouncements have strengthened the legal status of women and encouraged their participation in nation-building.

Despite these constitutional and legal safeguards, women continue to face numerous challenges, including gender discrimination, unequal wages, workplace harassment, gender-based violence, limited political representation, inadequate access to quality education and healthcare, and social stereotypes. These barriers restrict their full participation in the country's development and hinder the realization of gender equality.

This paper examines the current position of women in national development by analysing their contributions in various sectors and identifying the major challenges affecting their progress. It also evaluates the constitutional and legal framework protecting women's rights and discusses significant judicial decisions that have expanded the scope of equality, dignity, and empowerment. The study highlights the need for effective implementation of laws and gender-sensitive policies to ensure the meaningful participation of women in India's inclusive and sustainable development.

2. Objectives of the Study

1. To analyse the present socio-economic, political, educational, and legal position of women in India.
2. To examine the constitutional and legislative framework relating to women's rights and empowerment in India.

3. To assess the contribution of women to national development in economic, social, political, and administrative sectors.
4. To identify the major challenges and barriers that hinder women's equal participation in the nation's development.
5. To examine the role of government policies and welfare schemes in promoting women's empowerment and gender equality.
6. To analyse significant judicial decisions that have strengthened women's rights, equality, dignity, and access to justice.
7. To evaluate the effectiveness of existing laws and institutional mechanisms in protecting women's rights.
8. To study the impact of education, employment, healthcare, and political participation on the overall development of women.
9. To examine the existing gaps between constitutional guarantees and the practical realization of women's rights.
10. To suggest legal, policy, and institutional reforms for enhancing women's participation and ensuring inclusive and sustainable national development.

3. Methodology

This research is **doctrinal** in nature, based on secondary sources such as:

- Statutory provisions (e.g., Constitution of India)
- Judicial decisions (case laws)
- Books, journals, and reports
- Government policy documents and UN reports

4. Literature Review

Several Indian scholars have examined the role of women in national development from constitutional, legal, and social perspectives. **Flavia Agnes**, in her book *Law and Gender Inequality: The Politics of Women's Rights in India* (2011), argues that despite constitutional guarantees and legislative reforms, women continue to face discrimination due to patriarchal social structures and ineffective implementation of laws. **Nivedita Menon**, in *Seeing Like a Feminist* (2012), emphasizes that true gender equality requires structural and social

transformation rather than merely equal legal treatment. **Kalpana Kannabiran**, in *Tools of Justice: Non-Discrimination and the Indian Constitution* (2014), highlights the importance of constitutional rights, access to justice, and equal opportunities in promoting women's empowerment. **M. P. Jain**, in *Indian Constitutional Law* (9th ed., 2023), explains that the constitutional guarantees under Articles 14, 15, and 16 have been progressively interpreted by the judiciary to strengthen women's rights. Further, the **National Family Health Survey-5 (2019–21)** reports improvements in women's education and health indicators but identifies continuing disparities in employment, economic participation, and decision-making. The literature collectively concludes that legal reforms, effective implementation, and gender-sensitive policies are essential for enhancing women's participation in national development.

5. Women's Contribution to National Development

5.1 Economic Participation

Women play a vital role in India's economic development by contributing significantly to agriculture, manufacturing, services, entrepreneurship, and the informal sector. According to various government reports, women constitute a substantial portion of the agricultural workforce, engaging in activities such as cultivation, livestock management, dairy farming, and food processing. Their contribution is essential to ensuring food security and rural development. In urban areas, women are increasingly participating in sectors such as banking, information technology, healthcare, education, retail, hospitality, and professional services, thereby strengthening the country's economic growth.

In recent years, women entrepreneurship has also witnessed remarkable growth. Government initiatives such as the **Stand-Up India Scheme**, **Pradhan Mantri Mudra Yojana (PMMY)**, **Start-up India**, and various self-help group (SHG) programmes have encouraged women to establish micro, small, and medium enterprises. Women entrepreneurs are contributing to innovation, employment generation, and local economic development. Despite these positive developments, women continue to face significant challenges, including limited access to institutional credit, unequal property ownership, lack of financial literacy, gender-based discrimination, and restricted market opportunities. Addressing these barriers is essential for enhancing women's economic participation and maximizing their contribution to national development.

5.2 Education and Skill Development

Education is one of the most powerful instruments for women's empowerment and national progress. Over the past two decades, India has made considerable progress in improving female literacy and educational attainment through initiatives such as the **Beti Bachao Beti Padhao Scheme**, **Samagra Shiksha Abhiyan**, **National Education Policy, 2020**, and scholarship programmes for girls. As a result, an increasing number of women are pursuing higher education and entering professional fields such as law, medicine, engineering, management, research, civil services, and information technology. Skill development initiatives, including the **Pradhan Mantri Kaushal Vikas Yojana (PMKVY)**, **Skill India Mission**, and various vocational training programmes, have further enhanced women's employability and entrepreneurial capabilities. Educated and skilled women contribute significantly to economic productivity, innovation, family welfare, and social development. Moreover, female education has a multiplier effect by improving health outcomes, reducing poverty, promoting gender equality, and increasing children's educational attainment.

However, disparities continue to exist, particularly in rural and economically weaker regions, where girls often face challenges such as school dropout, child marriage, inadequate digital access, safety concerns, and limited access to quality higher education and vocational training. Strengthening educational infrastructure and promoting equal access to quality education remain essential for ensuring women's full participation in national development.

5.3 Political Participation

Women's participation in political decision-making is a key indicator of democratic development and inclusive governance. The Constitution of India guarantees equality before the law and equal political rights to all citizens. The **73rd and 74th Constitutional Amendments** significantly enhanced women's participation by providing reservation for women in Panchayats and Municipalities, enabling millions of women to enter local governance and contribute to grassroots democracy.

At the national level, women have served in important constitutional and political positions, including the offices of the President, Prime Minister, Governors, Chief Ministers, Cabinet Ministers, Speakers, and Members of Parliament. Their leadership has contributed to policymaking, social welfare, public administration, and legislative reforms. The enactment of the **Constitution (One Hundred and Sixth Amendment) Act, 2023 (Nari Shakti Vandan Adhiniyam)**, providing for the reservation of one-third of seats for women in the

Lok Sabha and State Legislative Assemblies after the delimitation process, marks a significant step towards strengthening women's political representation.

Despite these advancements, women remain under-represented in Parliament, State Legislatures, political parties, and senior decision-making positions compared to their proportion in the population. Socio-cultural barriers, financial constraints, gender stereotypes, political violence, and limited opportunities within party structures continue to restrict women's effective participation in electoral politics. Enhancing women's political leadership through education, leadership training, institutional support, and effective implementation of reservation policies is essential for ensuring inclusive governance and sustainable national development.



6. Constitutional and Legal Framework

The Constitution of India guarantees equality and dignity to every citizen, including women. It provides a strong legal foundation for protecting women's rights and promoting their participation in all areas of national development. The constitutional provisions not only prohibit discrimination but also allow the State to take special measures for the welfare and empowerment of women.

Article 14 guarantees equality before the law and equal protection of the laws. It ensures that women and men are treated equally and that no person is denied justice because of gender. This Article has been widely used by the courts to strike down discriminatory laws and practices affecting women.

Article 15 prohibits discrimination on the grounds of religion, race, caste, sex, or place of birth. At the same time, Article 15(3) allows the Government to make special provisions for women and children. This enables the State to introduce welfare measures, reservations, and protective laws to improve the status of women.

Article 16 guarantees equal opportunity in matters of public employment. Women have the right to compete for government jobs without discrimination based on gender. Courts have

repeatedly held that women cannot be denied employment or promotion because of stereotypes about their abilities.

The **Directive Principles of State Policy**, particularly **Article 39**, direct the State to ensure equal livelihood opportunities for men and women, equal pay for equal work, and protection against exploitation. **Article 42** further requires the State to provide just and humane working conditions and maternity relief. Though these principles are not enforceable in courts, they guide the Government in making laws and policies for women's welfare.

To strengthen constitutional guarantees, Parliament has enacted several important laws for the protection of women. The **Protection of Women from Domestic Violence Act, 2005** provides legal protection against physical, emotional, verbal, sexual, and economic abuse within the family. The **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013** ensures a safe working environment by requiring every employer to establish a complaint mechanism for workplace harassment. The **Maternity Benefit Act, 1961** protects the employment rights of pregnant women by providing paid maternity leave and other benefits. Similarly, the **Prohibition of Child Marriage Act, 2006** seeks to prevent child marriages and protect the rights and health of young girls.

Together, these constitutional provisions and statutory laws form a comprehensive legal framework that aims to promote equality, dignity, safety, and empowerment of women in India.

7. Case Law Analysis

The Indian judiciary has played an important role in protecting women's rights by interpreting constitutional provisions in a progressive manner. Through several landmark judgments, the Supreme Court has expanded the scope of equality, dignity, and protection available to women.

7.1 Vishaka v. State of Rajasthan, (1997) 6 SCC 241

This landmark case arose after the brutal gang rape of Bhanwari Devi, a social worker who was attacked while performing her official duties. At that time, India did not have any specific law dealing with sexual harassment at the workplace. Recognizing this legal gap, the Supreme Court laid down the **Vishaka Guidelines**, which provided detailed directions for employers to prevent and address workplace sexual harassment. The Court held that sexual harassment violates the fundamental rights guaranteed under Articles 14, 15, 19(1)(g), and 21 of the Constitution. These guidelines remained in force until Parliament enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

Significance: This judgment was the first comprehensive judicial recognition that a safe workplace is a fundamental right of every working woman.

7.2 Mary Roy v. State of Kerala, AIR 1986 SC 1011

In this case, Mary Roy challenged the discriminatory inheritance laws applicable to Syrian Christian women in Kerala. The Supreme Court held that the Indian Succession Act, 1925, applied to Christian women in Kerala and that they were entitled to equal inheritance rights. The Court declared that women could not be denied their lawful share in family property merely because of outdated personal laws.

Significance: The judgment strengthened the principle of equality by ensuring equal inheritance rights for Christian women.

7.3 Independent Thought v. Union of India, (2017) 10 SCC 800

The Supreme Court examined the exception under Section 375 of the Indian Penal Code, which protected husbands from prosecution for sexual intercourse with their wives if the wife was between 15 and 18 years of age. The Court held that this exception violated the rights of minor girls and read it down to protect girls below the age of eighteen years from sexual exploitation within marriage. The decision emphasized that child marriage cannot deprive a minor girl of her constitutional rights.

Significance: The judgment strengthened the protection of minor girls against sexual abuse and upheld their right to dignity and bodily integrity.

7.4 Randhir Singh v. Union of India, (1982) 1 SCC 618

Although this case was not exclusively about women, the Supreme Court recognized the principle of **equal pay for equal work** as a constitutional goal flowing from Articles 14, 16, and 39(d). The judgment has been widely relied upon in cases involving wage discrimination against women workers.

Significance: The decision reinforced the constitutional principle that women performing the same work as men should receive equal remuneration.

8. Challenges Faced by Women

Despite constitutional guarantees and various welfare laws, women in India continue to face several challenges that limit their full participation in national development. These problems affect their social, economic, and political progress.

8.1 Workforce Discrimination

Many women continue to receive lower wages than men for similar work. They are often concentrated in low-paying jobs and have limited opportunities for promotion to senior management or leadership positions. Women also face workplace discrimination, lack of

flexible working conditions, and career interruptions due to family responsibilities. These factors reduce their economic independence and overall participation in the labour market.

8.2 Violence Against Women

Violence against women remains one of the most serious barriers to their development. Many women continue to experience domestic violence, sexual harassment, rape, trafficking, cyber harassment, and other forms of abuse. Fear of violence often restricts women's freedom, education, employment opportunities, and participation in public life. Although several laws have been enacted to address these crimes, effective implementation and timely justice remain major concerns.

8.3 Socio-Cultural Barriers

Deep-rooted social customs and patriarchal attitudes continue to limit women's opportunities. Practices such as child marriage, gender discrimination, preference for male children, female foeticide, and unequal household responsibilities affect women's education, health, and economic participation. In many communities, traditional beliefs still discourage women from pursuing higher education, employment, or leadership roles. Changing these social attitudes is essential for achieving true gender equality.

9. Government Initiatives and Policies

The Government of India has introduced several schemes and programmes to improve the status of women and encourage their active participation in national development.

The **Beti Bachao Beti Padhao** scheme aims to improve the child sex ratio and promote education for girls by creating awareness against gender discrimination. The **Mahila Shakti Kendra Scheme** supports rural women by providing skill development, employment opportunities, and awareness about legal rights and government welfare programmes.

The **Stand-Up India Scheme** encourages women entrepreneurs by providing bank loans for establishing new business ventures. This initiative promotes self-employment, financial independence, and economic growth.

In addition, various **skill development programmes**, including the **Skill India Mission** and the **Pradhan Mantri Kaushal Vikas Yojana (PMKVY)**, provide vocational training to women, particularly those living in rural and economically weaker areas. These programmes improve employability, encourage entrepreneurship, and contribute to women's economic empowerment.

10. Recommendations

Women-friendly laws should be implemented more effectively by ensuring strict enforcement, speedy justice, and safe working environments in both public and private

sectors. Regular monitoring should be carried out to ensure compliance with laws relating to workplace safety, equal wages, and protection against violence.

The Government should expand skill development and vocational training programmes, especially in rural and backward areas, to improve women's employment opportunities and financial independence. Special support should also be provided for women entrepreneurs through easier access to credit, training, and market facilities.

Educational institutions should promote gender-sensitive education by creating awareness about equality, constitutional values, and women's rights from an early stage. Such education can help reduce gender stereotypes and encourage equal opportunities for boys and girls.

Women's participation in politics and public decision-making should be strengthened by effectively implementing reservation policies and encouraging greater representation in Parliament, State Legislatures, and local self-government institutions.

Financial inclusion should also be improved by increasing women's access to banking services, digital finance, entrepreneurship schemes, and government welfare programmes. Economic empowerment plays a key role in achieving gender equality and national development.

11. Conclusion

Women are equal partners in the development of the nation and make valuable contributions to every sector of society, including the economy, education, politics, science, healthcare, agriculture, and public administration. The Constitution of India, along with various laws and progressive judicial decisions, has significantly strengthened the legal position of women and promoted their rights.

However, legal protection alone is not sufficient to achieve genuine gender equality. Challenges such as discrimination, violence, unequal opportunities, and social stereotypes continue to limit women's full participation in national development. Therefore, greater efforts are required to ensure effective implementation of laws, improve education and employment opportunities, strengthen institutional support, and create awareness about gender equality.

Empowering women is not only a constitutional responsibility but also a key requirement for sustainable economic growth, social justice, and inclusive national development. A society where women enjoy equal rights, dignity, and opportunities will be better equipped to achieve long-term progress and prosperity.

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