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Sharma, SLS Noida (B.A. LL.B, LL.M. in Criminal Law),
Co-Authored By: Ms. Shivanshi Gupta, SLS Noida (BBA, LL.B) & O.P. Jindal
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**“Virtual International Conference on
Gender Barriers in Entrepreneurship:
Emerging Global Trends”**



Prof.(Dr) Priya Sepaha

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ABSTRACT:

“Entrepreneurship is the backbone of business activity. Similarly, the willing act of leading the business by a woman who makes herself responsible for the management of the business and voluntarily accepts the risk of losses is called the woman entrepreneur. Equality is not merely limited to equality of rights but also equal opportunity to enjoy such rights and practice them. The societies of the world are trying hard to bridge the gap between gender and the differences in opportunities available to them but still, there are various steps yet to be taken. When it comes to challenging the role of entrepreneurship which can also be called the building block of human economics and development, women are seen to be lagging their male counterparts. The reason could range from societal issues to tradition or economies, but we need to understand the legal aspect of the problem. In most part of the world, the scenario needs to shift towards augmenting the productive capacity of women and increasing their participation in the workforce. Legal laws need to be seamlessly implemented and deviations by stringently penalized. A successful woman is one who knows how to derive maximum benefit from the dynamic societal changes and therefore should always be aware of what is happening around them and in the business environment in which they are working and since laws are the guiding principle behind working of society whether it is a business organization or the economy as a whole, a basic idea of all such laws is must for them. They need not be an expert in it but surely shouldn't be ignorant about it. There is a need to fight unconscious bias in society with respect to a successful working woman. It is just the awareness that is the key in this regard.

*There are several reasons behind that, which varies from societal issues to tradition or economies, but we need to understand the legal aspect of the problem. To deal with this concern there are laws created by our government for women for empowering women at micro and macro level enterprises for building the equitable future and loosening stranglehold of patriarchy such as **Equal Remuneration Act, 1976, The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 The Payment***

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of Gratuity Act, 1972 The Contract Labor (Regulation and Abolition) Act, 1970 The Employees & Provident Funds and Miscellaneous Provisions Act, 1952 The Employees & State Insurance Act, 1948, Sexual Harassment of women at workplace (Prevention, Prohibition and redressal) Act, 2013, The Maternity Benefit Act, Company Act, 2013 etc. Further, certain constitutional safeguards such as Article 14, Article 15, Article 16, Article 19, Article 21, Article 39(a), Article 39(d), Article 42, Article 51(A) (e), Article 243 D etc. grants equality to women and also empowers the State to adopt measures of positive discrimination in favor of women for neutralizing the cumulative socio economic, education and political disadvantages faced by them. Education has been a great leveler in gender equality. The democratization of education has empowered women with knowledge and skills to take up roles and responsibilities that were long regarded beyond their ken. This paper will reiterate the gender equality that prevails in business entrepreneurship of women and will also throw a light on the gender gap in entrepreneurship and current legal measures, recent trends or policies made by the government to overcome this gender gap challenge in our country”.

Keywords: gender; inequality; entrepreneur; law; constitution; challenges; patriarchy.

“Women entrepreneurship is based on women participation in equity and employment of a business enterprise.”

I. INTRODUCTION:

Indian entrepreneurship has been viewed as a paradoxical dichotomy. Entrepreneurs are created in India to serve as role models for others on how to attain innovation and success while overcoming basic obstacles. India's family business and entrepreneurial spirit have greatly boomed and reshaped the country's industry and commercial interface. Women in India have worked hard to advance to positions of leadership. Indian women are evolving, and they are quickly emerging as prospective entrepreneurs. Women's role modelling in non-

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traditional business fields to challenge gender stereotypes. Women-owned businesses are driving economic growth in practically every country. The increased understanding of the function and position of economic society has gradually modified women's latent entrepreneurial potential. The economy's skills, expertise, and adaptability led to a significant cause for women in business. Women are entering the business world with ideas for small and medium-sized firms. They are open to being motivated by role models, such as other women in business. Women have proven themselves egalitarian in many areas in order to reach economic independence and respectable positions, despite additional challenges such as balancing duties, access to entrepreneurial opportunities, control over resources, and many more. *Micro, Small, and Medium Enterprises (MSMEs)* are a solid foundation for India's economic development and progress. In the World Bank's Women, Business, and the Law 2023 study, India outperformed the regional average. For India, the research used data on laws and regulations in Mumbai, India's primary commercial hub. India obtained a perfect grade for legislation pertaining to freedom of movement, women's employment decisions, and marital limits. In *Women, Business, and the Law 2023, data and indicators* are used to generate proof of the link between legal gender equality and women's entrepreneurship and employment. Women, Business, and the Law has been advancing gender equality research and educating dialogues about increasing women's economic possibilities and empowerment since 2009. India is a Lower Middle-Income country with a WBL index score of 74.4 out of 100, with 100 being the best attainable score. India's total score is better than the regional average for South Asia (63.7). The highest observed score in the South Asia area is 80.6 (Nepal). It is scarcely surprising, therefore, that the World Economic Forum's Gender disparity Report finds India's gender disparity to be most pronounced in the indicator group "economic participation and opportunity," where the country ranks 142nd out of 149. India is ranked 108th overall, taking into consideration three more indicator categories. Uneven schooling is a barrier for women, and it is no accident that states with greater literacy rates also have more female entrepreneurs. *Tamil Nadu, Kerala, Andhra Pradesh, West Bengal, and Maharashtra* have the greatest

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percentage of female entrepreneurs¹. The male gender still predominates in entrepreneurship even if these businesses are owned and run by women and every task that must be completed in a firm is handled by the female equivalent. The kind and extent of work, political engagement, levels of education, condition of health, representation in decision-making bodies, access to property, and other relevant indicators of an individual's position in a society are some important indications of that individual's status in a society. However, not all members of a society, particularly women, have equal access to the status markers. Patriarchal standards limit Indian women's educational and job opportunities, from obtaining an education to entering the labour force and the sort of work. This paper will reiterate the gender inequality that prevails in business entrepreneurship of women and how Indian laws are not comprehensive enough to deal with this disparity in entrepreneurship. Further, this study will also throw a light on the gender gap in entrepreneurship and the measures that can be undertaken to overcome this gender gap through various Schemes by Government.

II. CONSTITUTIONAL LAW ABOUT WOMEN EMPOWERMENT:

The ideal of gender equality is established in the Indian Constitution. The Constitution not only guarantees women's equality, but also gives the State the authority to enact positive discriminatory measures in their favour in order to reduce their cumulative socioeconomic and political disadvantages. Women have the basic right not to face sex discrimination (*Article 15*) and to equal legal protection (*Article 14*). It also puts a basic obligation on every citizen to condemn practices that are offending the dignity of women. The Directive Principles of State Policy {*Part IV, Articles 36-51*} are the instructions or principles given to the federal agencies administering the state of India to be cited while drafting laws and policies. The Indian Constitution forbids sex discrimination, but it also mandates and enables the government to adopt particular measures for women. The principles were inspired by the

¹ Dangi.N. and Ritika, 2014. Women Entrepreneurship and Growth and Performance of MSMEs in India, International Journal of Advance Research in Computer Science and Management Studies, Vol. 2, Issue 4, April 2014.

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Directive Principles of the Irish Constitution, which address social fairness, economic wellbeing, foreign policy, and legal and administrative issues.

The rights and safeguards enshrined in the constitution for women in India are listed below²:

1. *The state shall not discriminate against any citizen of India on the ground of sex [Article 15(1)].*
2. *The state is empowered to make any special provision for women. In other words, this provision enables the state to make affirmative discrimination in favour of women [Article 15(3)].*
3. *No citizen shall be discriminated against or be ineligible for any employment or office under the state on the ground of sex [Article 16(2)].*
4. *Trafficking in human beings and forced labor are prohibited [Article 23(1)].*
5. *The state to secure for men and women equally the right to an adequate means of livelihood [Article 39(a)].*
6. *The state to secure equal pay for equal work for both Indian men and women [Article 39(d)].*
7. *The state is required to ensure that the health and strength of women workers are not abused and that they are not forced by economic necessity to enter avocations unsuited to their strength [Article 39(e)].*
8. *The state shall make provision for securing just and humane conditions of work and maternity relief [Article 42].*
9. *It shall be the duty of every citizen of India to renounce practices derogatory to the dignity of women [Article 51-A(e)].*
10. *One-third of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women [Article 243-D(3)].*
11. *One-third of the total number of offices of chairpersons in the Panchayats at each level shall be reserved for women [Article 243-D(4)].*

² <https://madhavuniversity.edu.in/women-rights-in-india.html>.

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12. One-third of the total number of seats to be filled by direct election in every Municipality shall be reserved for women [Article 243-T(3)].

13. The offices of chairpersons in the Municipalities shall be reserved for women in such manner as the State Legislature may provide [Article 243-T(4)].

It is a universally recognized notion that everyone has the right to work, to free choice of employment, to reasonable and favorable working conditions, and to protection from unemployment. As a signatory to the Convention on the *Elimination of All Forms of Discrimination Against Women (CEDAW)*, an international Bill of Rights for Women ratified by 186 nation-states, India is legally obligated to incorporate gender equality into its domestic legislation, repeal all discriminatory provisions in its laws, and enact new provisions to protect women from discrimination. The right to labour for women is outlined in Article 11 of the Convention as an unalienable right of all human beings. It requires equal compensation for equal effort, as well as the right to social security, paid leave, and maternity leave *"with or without loss of former employment, seniority, or social allowances."* Dismissal on the grounds of maternity and married status are likewise illegal³.

II.I CONSTITUTIONAL CASE LAWS REGARDING EQUAL PROTECTION OF LAWS FOR WORKING WOMEN:

- **Madhu Kishwar and others vs. State of Bihar and others:**

The petitioners who were members of Oran tribes of Bihar challenged the Chhota Nagpur Tenancy Act, 1908 on the ground that under the said Act the succession of property was confined to male only. It was contended by the petitioner that that the Act was violative of fundamental rights to equality. The court held that as citizen of the country, the female members of these tribes were entitled to Constitutional guarantee given to them under Article 14. However instead of deciding the case on merits the court directed the state of Bihar to

³ Making gender equality at work a justiciable right for women in the private sector – the leaflet, The Leaflet – An independent platform for cutting-edge, progressive, legal, and political opinion. Available at: <https://theleaflet.in/making-gender-equality-at-work-a-justiciable-right-for-women-in-the-private-sector>. (Accessed: 18 May 2023).

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explore the possibilities of inheritance to female also⁴.

- **Air India vs. Nargesh Meerza:**

The court held that the termination of service on pregnancy was unreasonable and arbitrary and was therefore, clearly violative of fundamental right Under Article 14 of the Constitution. Having taken in service and after having utilized her services for four years to terminate her service if she becomes pregnant amounts to compelling the poor air hostess not to have any children and thus interfere with and divert the ordinary course of human nature⁵.

- **Dattatreya Motiram vs. State of Bombay:**

Chief Justice Chagla held that as per Article 15(1) and 15(3) the state could discriminate in favour of women against men, but it could not discriminate in favour of men against women⁶.

- **Vishakha vs. State of Rajasthan:**

It was a landmark one as it laid down elaborate guidelines to deal with the menace of sexual harassment against women at workplaces. The ruling was delivered by a three-judge bench comprising of *Chief Justice Verma, Justice Sujata vs. Manohar and Justice B.N. Kripal*. The Supreme Court was to delve into the deep-rooted gender inequality in Indian society which manifests itself in the form of violence against women (*in the form of sexual harassment at workplaces and rape*). The Supreme Court while looking into the issue also had to decide whether it was willing to lay down elaborate guidelines to deal with the same. The Court rose to the occasion and did come up with several guidelines to stop sexual harassment at workplaces and these guidelines are popularly known as *Vishakha Guidelines*⁷.

- *The Court ruled that sexual harassment leads to depravity among the victims and was a gross violation of their fundamental rights as provided under Articles 14, 19 and 21.*
- *The Court declared that in order to meaningfully dispose of the case, a set of guidelines are necessary. The Union of India also gave its consent for the guidelines through the*

⁴ 1992, SCC 102.

⁵ AIR 1981 SC 1829.

⁶ AIR 1953, Bom 311.

⁷ (1997) 6 SCC 241.

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Solicitor General, in addition to making a commitment to devise a women's policy that would make sure that women's rights are protected to provide them with a safe atmosphere to flourish in various fields of life.

The Court also defined sexual harassment as any physical touch or conduct, any unpleasant taunt or misbehaviour, showing of pornography and asking for any kind of sexual favours.

III. LAWS GOVERNING WOMEN ENTREPRENEURSHIP IN

INDIA:

*"Equal pay for equal work" has been every state's most fundamental entitlement. With the industrial revolution, women began working in factories alongside men, but they were paid less for the same work due to the belief that they were less efficient or physically weak in physical labour, despite clear evidence to the contrary. This mentality endures, causing a salary gap between men and women. **The Equal Remuneration Act, 1976** which prohibits wage reductions. **Section 4** mandates that men and women doing the same job must be paid equally, required all establishments to raise women's wages to parity with men. However, as the non-organized sector abuses labour and employees, women working there don't get equal compensation. The salary gap is also visible in entertainment and sports industries. Thus, each woman entrepreneur must follow this guideline to protect the rights of other women in the sector and advance it. **Section 5 of the Equal Remuneration Act, 1976** mandates that there be no discrimination in the hiring process, and that men and women should be given equal opportunities to find job. By expanding its scope to include condition of service subsequent to recruitment such as promotions, training, or transfer. The Act now protects women's rights not only at the time of appointment, but at all stages thereafter as well. This is to ensure that the act retains its original intent. **Article 16** continues this line of thinking by guaranteeing all citizens an equal shot at holding public office. This provision is essentially an expanded version of the Right to Equality, but it's been separated out into its own article so that its significance may be emphasized. It should also be made clear to all*

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women that there will be legal repercussions for failing to comply with these provisions⁸.

III.I THE SUPREME COURT ISSUED THE VISHAKHA

GUIDELINES IN 1997:

Vishakha vs. State of Rajasthan, to ensure the protection of women in the workplace. With the passage of the *Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redress) Act of 2013*, these guidelines have been rendered ineffective. It provided, for the first time, a definition of sexual harassment, along with a list of actions that constitute such harassment, and prohibited such acts, particularly by those in the workplace who exercise power of authority over women, which is common in organizational structures, in order to protect women from sexual exploitation in both public and private organizations. Therefore, an entrepreneur must be aware of the rights of all working women in relation to such conduct⁹.

III.II THE MATERNITY BENEFIT ACT OF 1961:

As recently updated in 2017, stipulates that female employees who are expecting their first or second child are eligible for paid leave for a period of up to 26 weeks during their pregnancy. In contrast to other countries, where the menstrual cycle may last anywhere from 8 to 17 weeks. An entrepreneur in India is required to be aware of the fact that the "employer only" is responsible for making this payment for a period of 26 weeks, rather than the state or any other agency, as is the case in countries like France, Brazil, the United States of America, Canada, and Singapore. This might be one of the reasons why there is a low selection of women in the first place, particularly among those who are planning to have a kid in the not-too-distant future, as the company will have to pay costs associated with female workers but will receive no work in return. Therefore, the government needs to make an effort to adopt a strategy that is more balanced by learning from the practices of other countries, such as those in which insurance companies and public funds also contribute to

⁸ Drishti IAS (2022) Status of Women in India, Drishti IAS. Available at: <https://www.drishtiiias.com/daily-updates/daily-news-editorials/status-of-women-in-India> (Accessed: 18 May 2023).

⁹ Id.

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the payments that are borne¹⁰.

III.III. All entrepreneurs must be familiar with labour rules, and women must be as well. These rules may pertain to minimum salaries, gratuity, PF payment, weekly holidays, maternity benefits, harassment, bonus payment, and so on. A startup registered under the Start-up India programme has the option of completing self-declaration for nine labour regulations within one year and obtaining an exemption from the labour review. The nine laws are as follows: *Industrial Disputes Act, 1947, The Trade Union Act, 1926, Building and other Construction Workers' (Regulation of Employment and Conditions of Service) Act, 1946, the economic Employment (Standing Orders) Act, 1946, The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, The Payment of Gratuity Act, 1972, The Contract Labour (Regulation and Abolition) Act, 1970, The Employees & Provident Funds and Miscellaneous Provisions Act, 1952, The Employees & State Insurance Act, 1948.* Thus, to continue with the exemption, the start-up will file the self-declaration for the second and third year conjointly. Also, if a start-up options a well-defined worker policy, then it might give a footing over different start-up. This policy may facilitate talent acquisition and retention. Moreover, this may boost the employee's morale and overall productivity.

III.IV Winding up a company all depends on proper compliance with company law. Women entrepreneurs, like males, should have a firm grasp of Company law because an entrepreneur is often the company's promoter. According to *Section 149(1) of the Company Act of 2013*, all publicly traded firms must include a female representative on their board of directors. This is a crucial piece of legislation that should be remembered by all business owners, but notably women, and it must be completed within 6 months of the date of establishment of such firms. This action was taken to improve women's access to decision-making positions and expand their engagement at higher levels. Despite this, no substantial progress has arisen from it since companies are only appointing acquaintances as rubber stamps to comply with the requirement, which must be changed to include them as

¹⁰ 5 Must know Legal Aspects For A Startup In India, GEEKOPEDIA (2020), <https://geekopedia.me/resources/legal-aspects-startup-india>.

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independent directors outside the firm or relation. Company law although deals with this part as well however a Code of Insolvency and Bankruptcy is there for declaring a company bankrupt as per legal sanction and moving forward with liquidation. The liability of individuals attached to it and the share they might get all depends on this law and therefore women entrepreneurs should also know this very piece of legislation for long run and success¹¹.

III.V India is the second most populous and the seventh biggest country in the world. Note that India lacks a robust **Intellectual Property Rights** law as well. Our Copyrights Act from 1957, Trademarks Act from 1999, and Patents Act and Patent Rules from 1970 and 2003 all exist, but there is no constitutional backing for our IP legislation¹².

III.VI FOLLOWING ARE THE OTHER LEGISLATIONS DEALING WITH PROTECTION OF WOMEN RIGHTS AT WORKPLACE¹³:

- *Minimum Wages Act (1948) does not allow discrimination between male and female workers or different minimum wages for them.*
- *Mines Act (1952) and Factories Act (1948) prohibits the employment of women between 7 P.M. to 6 A.M. in mines and factories and provides for their safety and welfare.*
- *Employees’ State Insurance Act (1948)*
- *Plantation Labour Act (1951)*
- *Bonded Labour System (Abolition) Act (1976)*
- *Legal Practitioners (Women) Act (1923)*
- *National Commission for Women Act (1990) provided for the establishment of a National Commission for Women to study and monitor all matters relating to the constitutional and legal rights and safeguards of women.*

¹¹ Jatin Kapoor, 7 Basic legal complications for startup entrepreneur (2020), <https://yourstory.com/mystory/7-basic-laws-every-startup-entrepreneur-should-know>.

¹² Swetha, T., Rao, V.K., 2013. Entrepreneurship in India, International Journal of Social Science & Interdisciplinary Research, Vol. 2 (7), July 2013.

¹³ Vijayakumar, A. and Jayachitra, S., 2013. Women entrepreneurs in India - emerging issues and challenges, International Journal of Development Research, Vol. 3, Issue, 04, pp.012-017, April, 2013.

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IV. CHALLENGES AND WHY LAWS ARE INSUFFICIENT FOR PROTECTING WOMEN:

ENTREPRENEURSHIP:

IV.I All women have different experiences, and it is difficult to generalize those experiences into a specific perspective shared by every woman. There is growing evidence of the fact that women are grossly betrayed in the field of IP laws and hence, are subjugated to an inferior position in the legal domain. Unfortunately, the IP law has dramatically failed to create a large group of women creators, thus making it an exclusive domain of the male gender in society. What history reveals is that in the legal genre, many of the formal roles might be associated to women. If not exclusive to men, but still much of the creative occupations such as art forms, literature, engineering, scientist, and musician were dominated by men. This is a gross form of inequality in society. On the one hand, our supreme law of the land, i.e., the Constitution envisages the Right to Equality under Articles 14 to 18, specifically Articles 14, 15 and 16 of the Constitution; whereas on the other hand, the society itself traps the women into her narrow web by cabining, confining and cribbing her to the four walls of the household. Intellectual Property law, as it developed, followed such social prohibitions. Female entrepreneurs and business leaders drive innovation and progress. Properly utilized, IPRs may help women entrepreneurs succeed by providing a means to obtain funding, promote their innovations, and gain access to the IPRs owned by others. Feminist contributions to indigenous and traditional knowledge should be recognised and protected via IP systems. Without some sort of legal protection for creators, innovation halts. This is why having robust and effective intellectual property legislation is so crucial. There is far less of an economic motivation for the owners of the intellectual property to generate revenue. It is true that there would be infringement on creative works if it were possible to copy those works and sell them without the author's consent or payment^{14, 14}

IV.II Despite women's claims that they are just as committed to their jobs, if not more so,

¹⁴ Chatterjee, S. (2022) Women and intellectual property law, Law Corner. Available at: <https://lawcorner.in/women-intellectual-property-law/>. (Accessed: 18 May 2023).

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after having children, they are nevertheless generally given less respect in the workplace than males. The tasks assigned to them at work are a reflection of this discrimination. Before women in the workforce ever reach the infamous "*glass ceiling*," legal and social scientists have long warned of a "*maternal wall*" standing in their way. Therefore, current maternity laws should also cover provisions for post pregnancy provisions for at least next three years after delivery so that woman can participate in office and work from home facility or visit office thrice a week should be provided for encouraging participation.

IV.III There are a number of important laws that have been passed, such as the *Maternity Benefits Act of 1961, the Equal Remuneration Act of 1976, and the Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act of 2013*, all of which address specific problems that women face. However, there is a clear gap in the legislation that can lend a voice to the entire gamut of challenges that women face in the workplace. In India, the pay gap between men and women is extremely unfavourable, with women working and earning an average of 19% less than men, who earn 46.19 rupees per hour more than women. Beginning in 2019, India is ranked 112th in the Global Gender Gap Ranking, a decline of 4 positions from the previous year. In addition to the wage gap between men and women, India faces a massive pay discrepancy between organized and unorganized sectors, rural and urban areas, and employees earning a constant wage versus hourly wages. Even though the per capita income in India has increased significantly, it appears to have had little effect on the gender pay disparity. The rise of discriminatory rates in the current economic climate has led to a widening of the wage divide. As instances of disparity between employees and labourers in the same workplace performing the same task in the same position have been observed, this has become a major cause for concern. Further, under reporting of sexual harassment cases and false and vexatious claims are major hindrance in implementing Sexual harassment laws in India¹⁵.

IV.IV Unconscious gender bias is defined as mental associations based on gender that are formed unconsciously and automatically as a result of customs, norms, beliefs, culture,

¹⁵ R. G. Garg. (2021, November 8). All you need to know about equal remuneration enforcement. <https://blog.ipleaders.in/all-you-need-to-know-about-equal-remuneration-enforcement/>.

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and/or experience. Due to the pervasiveness of gender bias, many female entrepreneurs believe that they faced entrepreneurship- related obstacles rather than gender discrimination. Even senior female entrepreneurs who performed miracles were not given credit for their success. The Supreme Court of India ruled in the important case of *F.A.I.C. and C.E.S. vs. Association of India*¹⁶, that distinct pay scales can be made stable for government employees holding the same post and performing indistinguishable work based on the contrast in the level of liability, dependability, and secrecy. This decision was a landmark in the history of the legal system in India. Later on, the court added that equal remuneration is based not on the insignificant quantity of work that was completed but rather the concept of the amount of work that was completed. There is a possibility of subject-based discrepancies with regard to unshakable quality and obligations.

IV.V In spite of the efforts made by the government to guarantee that men and women in our society have equal access to educational opportunities, the literacy rate of women in India, particularly in rural regions, continues to be extremely low even now. Because of the lack of robust local law and order, it is dangerous for women in rural India to travel significant distances to attend school because schools are located at substantial distances from their homes. Traditional practices such as female infanticide, dowry, and early marriage have all contributed to the problem, as have the economic circumstances of many families, which make it impossible for them to afford to educate their female children¹⁷

IV.VI There is still a significant discrepancy in the numbers of financially literate men and women, despite several efforts to close the gap. Women currently account for 44.84 percent of the population, yet just a few of them possess substantial sway over the "how" and "where" of household financial decision-making. This is because of structural and cultural barriers that prevent women from gaining financial literacy. The National Statistical Office reports that 70.3% of Indian women can read and write, however this number does not account for

¹⁶ F.A.I.C and C.E.S. v. Union of India, (1988) 3 SCC 91.

¹⁷ Economic empowerment and financial literacy of women in India. Times of India Blog. (2022, November 12).

<https://timesofindia.indiatimes.com/readersblog/introspectivetales/economic-empowerment-and-financial-literacy-of-women-in-india-46561/>.

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their lack of financial literacy. The Reserve Bank of India (RBI) established financial literacy requirements to educate the public about basic money management. However, research by the Asian Development Bank discovered that just 27% of Indian adults, and only 24% of women, meet the basic criteria for financial literacy. *FEPA (Financial Education Programme for Adults)* is one of the government's financial literacy programmes for adults. However, most women are unaware of their financial options. Lack of awareness hinders financial freedom and financial institutions are far from residential areas, which becomes time consuming and expensive for women¹⁸.

V. SUGGESTIONS AND RECENT INITIATIVES BY GOVERNMENT TO ENCOURAGE:

WOMEN ENTREPRENEURSHIP:

V.I For good leadership to be inclusive, diverse, and reasonable, investments need to be reevaluated. The government is expected to offer further incentives, including as tax relief, interest-free loans, and funding specifically designated for women entrepreneurs, to the workforce, particularly entrepreneurs who are female. Given that the focus has now switched to technology-based professions, the budget should also include initiatives for women to acquire their skills and receive pay equity with men. In order to create their own businesses or pursue careers outside of the typical professions dominated by women, entrepreneurs also want to see improved educational possibilities and skill-based learning for women. To give woman entrepreneurial growth significance, an effective and practical women-centric industrial strategy is needed.

V.II The government has declared that its *Mudra programmes* and NABARD will provide strong assistance for the women's self-help groups (SHGs) in the countryside, known as the *Daanyalakshmis* (seed distributors). Additionally, it is emphasised the accomplishments of the government's *Beti Bachao, Beti Pado* campaign and provided a total of Rs 28,600 crore

¹⁸ <https://news.abplive.com/business/international-womens-day-womens-day-financial-literacy-among-women-how-to-close-the-gender-gap-and-raise-general-awareness-1586470>.

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for women-specific programmes. In order to further streamline credit flow and increase financial inclusion, the government recommended lowering the margin money requirement from 25% to 15% and include loans for agriculturally related activities under the Stand-Up India initiative for SCs, STs, and women¹⁹.

V.III Our administration has completely redesigned the programmes of the Ministry of Women and Child Development to support development led by women. To give women and children comprehensive advantages, three programs—*Mission Shakti, Mission Vatsalya, Saksham Anganwadi, and Poshan 2.0*—were recently introduced.

V.IV Educating women also entails educating the family as a whole. Women's self-confidence is significantly boosted by education. Additionally, it permits individuals to alter their social position. Education gives people the ability and confidence to make better judgements. For females to have access to school and to be protected from discrimination in educational settings, the education policy has to be more inclusive. Additionally, young men and boys should be the focus of education policy in order to positively alter their perceptions of women and girls.

V.V Certain loan schemes such as *Mudra Loan for Women, Annapurna Scheme, Street Shakti Yojana, Dena Shakti Scheme, Bhartiya Mahila Bank Business Loan, Mahila Udyam Nidhi Yojana, Orient Mahila Vikas Yojana Scheme, Cent Kalyani Scheme, Udyogini Scheme, Pradhan Mantri Rozgar Yojana, Synd Mahila Shakti Scheme* etc. are implemented with the goal of fostering the growth of female business leaders. These schemes allow the bank's credit services to serve as a safety net for women business owners, professionals, and shopkeepers who are engaged in small company, retail, or independent enterprise. The goal of such government programme is to help women become financially independent by providing them with access to business loans to cover expenses and fuel growth.

V.VI Certain amendments in the current laws are needed and universal policy, legal

¹⁹ Balakrishnan, R. (2023, January 23). Skilling, micro-loans, concessions: What women want from budget 2023. YourStory.com. <https://yourstory.com/herstory/2023/01/skilling-micro-loans-concessions-women-budget-2023>.

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legislation should be created for protecting rights of women entrepreneur, reserving certain patent ideas only for woman etc. Further, IPR laws need to be properly drafted, amended for giving additional provisions for rural and urban women specially in case of giving GI tags for certain regional arts. Women’s ability to have their artistic and scientific creativity protected depends on their having the economic resources and legal capacity to exercise their rights to IP protection. Therefore, women’s economic empowerment could be embedded as an objective in countries’ national implementation strategies, schemes and laws for women-owned enterprises, systemic bottlenecks, limiting gender norms, and tackling capacity-building issues.

V.VII There are 14 countries in the world which offer full legal protections to women, according to the report Women, Business and the Law 2023, recently published by the World Bank. Belgium, Canada, Denmark, France, Greece, Iceland, Ireland, Latvia, Luxembourg, Portugal, Spain and Sweden as well as Germany and the Netherlands were the nations offering full equal rights for men and women, at least from a legal perspective. Germany and the Netherlands were the newcomers among those rated at 100 points this year. Both countries equalized parental leave entitlements between the sexes. In the case of Germany, the law changes occurred before the past 12 months but the country received a revised score as part of this year's report, hitting 100 percent equality for the first time²⁰. India can also take instances from other countries for reforming current schemes and laws to encourage women entrepreneurs and increase their influence over how business legislation and policies are being shaped. For e.g., a gender clause was recently included to Egypt's investment law. This clause protects against discrimination on the basis of gender, promotes equitable investment possibilities, and supports micro-investors, most of whom are women. In addition, the Investors Services Centre now serves as a one-stop shop where women investors may go to get all the documentation and information they need. Similarly, Morocco has passed a law establishing the auto- entrepreneur status in an effort to encourage more women company owners to register their enterprises formally. Since women run the vast majority of

²⁰ Only 14 countries have full equal rights for women. World Economic Forum. (23).
<https://www.weforum.org/agenda/2023/03/only-14-countries-have-full-equal-rights-for-women/>.

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companies run out of their homes, Jordan has revised its legal and institutional structures to support the formalization of such enterprises²¹.

V.VIII The Ministry of Women and Child Development has conceptualized these initiatives to promote the safety of women in their living spaces, working spaces, and public spaces. The Ministry of Telecom mandated a physical panic button on all mobile phones in the country in 2015. It was noted that such a panic button must be backed by an emergency response mechanism through the local police when the panic button message would alert the specified family members etc. of a woman in distress situation. Now a dedicated Emergency Response Centre has been established through which the entire system will be operated.

VI. CONCLUSION:

There are various examples of women entrepreneurship in India such as Indu Jain, Ekta Kapoor, Indra Noori, Kalpana Saroj, Anita Dongre etc. who have already proved the multitasking capacity of woman but we need a universal legislative framework, proper implementation of schemes for protecting legal rights and encouraging women participation for startups and overcoming the goals of Constitutional status. Any statute that guarantees non-discrimination and equality of opportunity to women at the workplace must clearly spell out three essential mandates: What is discrimination? What kinds of discrimination are illegal? How can it be remedied and penalized? This basic framework will serve as the foundation for both the substantive and procedural elements. It would be legally necessary for the aim of such legislation to be accomplished if a quasi-judicial body and an administrative structure that will help to the substantive provisions. Furthermore, it's critical to expressly defend against any potential employer punishment and retribution in the remedial measures in the event of complaints. To address any complaints from working women in the private sector, the law may consider creating an Equal Employment Opportunity Commission as a corrective legislative body of first resort. Women should be

²¹ Women at work – entrepreneurship - OECD. [2021] Available at: <https://www.oecd.org/mena/competitiveness/Changing-Laws-Breaking- Barriers-MENA-women-entrepreneurship.pdf> (Accessed: 18 May 2023).

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reimagined as architects of India’s progress and development, rather than being passive recipients of the fruits of development. The ripple effects of Women Led Development are undeniable as an educated and empowered woman will ensure education and empowerment for future generations.

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