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GENDER AND GROWTH

Women Redefining
Professional Boundaries



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Dr. Kamini Vishwakarma

Dr. Fatima | Dr. Khan | Dr. Vishwakarma

GENDER AND GROWTH

Women Redefining Professional Boundaries



Gender and Growth: Women Redefining Professional Boundaries

Editors

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Dr. Sadaf Khan

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10.

Rights on Paper, Realities at Work: A Legal Perspective on Women's Professional Advancement

*Dr. Wasim Ahmad**

ABSTRACT

India has constructed an extensive legal framework for women's workplace rights spanning constitutional guarantees, equal remuneration legislation, sexual harassment law, maternity protections, and corporate board mandates. Yet India ranked 129th out of 146 countries in the World Economic Forum's Global Gender Gap Index 2024, with women constituting only 37 percent of the labour force and contributing just 18 percent of GDP. This chapter interrogates the structural distance between legislative intent and lived reality for Indian working women.

*The chapter proceeds through four analytical layers. First, it maps the constitutional and international normative foundations Articles 14, 15, 19(1)(g), 21, and 39(d) alongside India's obligations under CEDAW and ILO Convention No. 100. Second, it traces judicial evolution from the formalistic reasoning of *Air India v. Nargesh Meerza* (1981) to the substantive equality frameworks in *Lt. Col. Nitisha v. Union of India* (2021). Third, it subjects each major statute to critical scrutiny: the Equal Remuneration Act's definitional narrowness that excludes equal-value comparisons; the Maternity Benefit Amendment Act's employer-only cost structure that empirical data links directly to job losses; the Companies Act's single-woman-director minimum that produces tokenism without substantive board power; and the POSH Act's chronic non-compliance record. Fourth, it identifies two emerging frontiers entirely unaddressed by existing law the exclusion of gig workers from all protective frameworks, and the absence of any regulatory mechanism governing algorithmic bias in AI-assisted recruitment. The chapter concludes with six targeted legislative and enforcement recommendations grounded in comparative analysis and Indian empirical evidence.*

KEYWORDS: *Gender Equality, Labour Law, Workplace Rights, Gig Economy, Algorithmic Bias.*

INTRODUCTION

The connection between legislation and the professional growth of women is neither linear nor settled. In the developing world, and especially in India, legislatures have passed laws that seem to on their face, amount to a set of laws offering a comprehensive protective package: laws against pay discrimination, a law that requires workplace safety against sexual harassment, maternity benefits

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