

Explain the Gender Differences in the Employment Regulation with the Reference of Women Reservation in Indian Constitution

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Abstract - Rapid and far-reaching changes to women's legal rights have occurred in several nations in recent years. There are still many parts of the world where women's freedom and independence are severely limited. What do the ramifications of these gender-based legal distinctions in the Women's Reservation Employment Act look like? This research investigates global trends in the connection between discriminatory laws based on gender and measures of women's agency on the Reservation. We zero in on one enabling law, parental leave, and two restricting ones, constraints on legal ability and discrimination in wage job. According to our research, the most significant factor in determining whether or not women own assets and are part of the labor force is the degree to which their legal capacity is constrained. This includes restrictions on married women's rights to work and travel on the Reservation, unequal inheritance rights, and spousal obedience rules that are typically embedded in family and personal status laws. In nations with a sizable formal sector, discrimination in wage work is linked to wider gender pay inequalities, while parental leave is linked to narrower gaps. These results emphasize the significance of considering legal rights and their possible implications as multidimensional, as well as the influence of family law on women's lives. In order to break down the barriers that keep Indian women from achieving complete equality in society, legislative actions like the Women's Reservation Bill are essential.

Keywords - women's Reservation rights, empowerment, gender and development, family law, discrimination.

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INTRODUCTION

Reservation women's agency, a key goal of human development, may be influenced in significant ways by the laws and policies enforced by the state. Women's lives and communities benefit greatly when they have equal opportunities to earn a living and acquire material goods. Gender roles, women's political representation, and fertility rates are just some of the aspects of society that have been shown to shift as the number of women in the labor force rises. Women who own property are in a stronger position to exit abusive situations and make decisions for themselves at home. When women are in charge of the family budget, they often spend money on necessities like food, clothing, medical care, and education that benefit their children and the greater community.

Gender discrimination legislation have undergone rapid and far-reaching revisions in recent years. Laws that restrict women's agency have been reformed by states in response to international agreements like the Convention on the Elimination of All Forms of Discrimination against Women, political changes like

democratic transitions and the end of armed conflict, the mobilization of feminist movements and women in politics, globalization, and the spread of the media. Despite the fact that the majority of governments have legally committed to egalitarian ideals, there is a great deal of variation in the laws and policies that affect women from one state to the next. The rights of women to work, inherit, sign contracts, and behave independently in public are still largely restricted by legislation in many parts of the world. World Bank (2015), Hallward-Driemeier and Hasan (2012), and Jivraj (2003) and others highlight the fact that nations' legal systems and the ability of such states to implement laws vary greatly.

How much do different forms of discrimination against women in the law translate into different circumstances for women on Reservations in different parts of the world? certain outcomes can be ascribed to certain types of legal provisions? A global assessment of the connection between state legal frameworks and economic achievements for women is now possible because to relatively recent global datasets of gender-discriminatory legislation

and a wide range of metrics of empowerment. In this article, we investigate the global correlations between various sorts of discriminatory legislation against women and broad measures of women's Reservation power. We hypothesize that discrimination in paid work and maternity leave has a larger impact on the informal economy and the wage gap than legal limits on women's access to banking, business ownership, and the workforce. We cannot infer causal correlations between legal provisions and societal outcomes from looking at cross-sectional data at the country level. However, knowing whether or not there are connections between laws and outcomes (under certain control factors) is still useful and can serve as a springboard for additional country-specific research. We expect to find some connections between our legal indices and indicators of women's Reservation agency on a national level even if the law is related to the economic constraints facing only specific subsets of women.

GENDER-DISCRIMINATORY LEGISLATION

The "Women, Business, and the Law" discussion group is an excellent opportunity to learn more about the connections between various forms of discriminatory legislation against women and the five variables we use to measure women's Reservation agency. The Women, Business, and the Law team has been collecting data on various laws and regulations since 2008 in an effort to track global progress toward gender equality in the workplace. Women's access to institutions (such as gender quotas in parliament), women's ability to use and own property, restrictions on women's work, incentives for women's work, the ability to build credit, the weight of women's testimony in court, and laws protecting women against violence are all factors that are studied. Expert legal professionals in each country are surveyed for this information; then, additional research is conducted to confirm the accuracy of the responses and to compile citations for all applicable legislation.

We discovered some interesting trends about the connection between regulations that limit women's legal competence and those that contribute to discrimination in the workplace.

First, a little more than half of the countries in 2016 data had similar values of these two metrics, as evidenced by the relatively high correlation. However, they do not perfectly coincide with one another. The legal rights of women in India are severely limited, yet they are not among the "worst" in terms of discrimination in the paid workforce.

The second trend is found in nations where the number of regulations that contribute to employment discrimination is considerable while the number of laws that restrict legal ability is low. As a lasting policy legacy from the Cold War era, sixteen of these 25 countries are former communist states. Communist regimes abolished personal and family status

regulations based on religion and granted women full legal rights. They encouraged women to join the workforce by providing benefits like paid leave for child care and nursing mothers. While simultaneously suppressing the civic organization of feminist movements, which have been vital to pushing for women's Reservation rights in the workplace in other countries, these regimes enforced workplace segregation, leading to a striking underrepresentation of women in better paying jobs.

THE MULTIDIMENSIONALITY OF WOMEN'S RESERVATION RIGHTS AND EMPOWERMENT

Women's Reservation rights and women's empowerment are sometimes lumped together and discussed as though they were the same thing. We need to take a broader view of these problems. To advance women's rights on the Reservation, it is necessary to take on a variety of institutions, such as the gender status hierarchy, economic production systems, state-market connections, and the regulation of reproduction and family formation. Some legal protections run counter to cultural and religious norms regarding the proper way to raise a family. While others seek to improve women's economic standing in a field traditionally dominated by men. Other rights try to make the state, rather than families or markets, responsible for social provision and reproductive labor.

Htun and Weldon (2018) distinguish between doctrinal politics, status politics, and class politics when discussing the rights of women on Reservations, and they believe that various mechanisms lead to legislative change on each of these fronts. Class politics is primarily driven by Left parties and labor unions, while status politics is characterized by feminist movements opposing the status hierarchy that privileges male and devalues femininity.

1. Laws that affect women's Reservation agency

We organize laws that affect women's agency on Reservations according to the structures they challenge and the potential effects they have, following the logic of deaggregating women's Reservation rights. First, we look at the laws that limit women's freedom of movement, options, and participation. We refer to these regulations as "restrictions on women's legal capacity," and they include rules on the rights and obligations of spouses, inheritance and property, and the need for wives to get their husbands' approval before doing things like working outside the home, opening a bank account, applying for a passport, and so on. Family laws, personal status laws, and civil codes, many of which are centuries old, all contain provisions on legal ability. In many ancient civilizations, religious and cultural institutions rather than secular governments were responsible for regulating matters of the family and procreation.

States often imported religious principles into secular law even as they usurped authority from subnational groups.

Htun (2003) and Htun and Weldon (2018) find that the ostensible religious opposition to women's rights on the Reservation does not affect all facets of women's issues in the same way. Think about state-sanctioned discrimination in wage job, such as regulations that limit women's chances and treatment in the workplace. Work in mining, factories, construction, late at night, or in hazardous conditions may be restricted or prohibited. Equal pay and treatment, protection during pregnancy, and the right to return to work after maternity leave are all examples of measures that may be mandated by such legislation in an effort to actively prevent discrimination. Many of these clauses can be found in civil rights laws, equal opportunity statutes, and labor codes. Laws that make it easier for employers to discriminate against women in the workplace are what we call "laws conducive to discrimination in wage work." The majority of countries do not include laws regarding women's status in the workplace as part of their family or civil codes.

2. Conceptualizing and measuring women's Reservation agency

We define economic agency as the ability to make independent economic choices, based on both the disposition and capability to do so. We understand economic empowerment to imply the change in economic agency from worse to better. How might these principles be further conceived and measured in practice? The phrases agency and empowerment have been widely employed in development discourse over the past few decades, representing a progression in conceptual and programmatic direction from "women in development," to "gender and development," and to "empowerment" (Moser 2012). At the same time, these notions have been the topic of much criticism, notably for the manner they are put into effect by development agencies, NGOs, and Western media.

GENDER-DISCRIMINATORY LAWS AND WOMEN'S RESERVATION AGENCY

Restrictive laws impede women's agency, while more egalitarian laws have the potential to create the conditions for women's empowerment. The World Bank reports from 2014 and 2016 show negative correlations between the total number of gender discriminatory laws and women's labor force participation as well as the share of firms in the country where women participate as owners. This aggregate analysis, which groups laws of potentially disparate types together, may obscure the ways in which different categories of laws are correlated with different aspects of women's empowerment. Drawing on a panel dataset of legal provisions in a sample of emerging markets and developing countries from the World Bank data, Gonzales et al. (2015) show a clear association between women's property and

inheritance rights and female labor force participation. In our analysis, we similarly disaggregate laws on women's Reservation rights to explore the multi-dimensionality of the law and its possible heterogeneous effects on empowerment.

Analysis of cross-country data in one period of time does not permit us to identify any causal relationships between laws and socio-economic outcomes. However, we can look for correlations that are consistent with our theoretical expectations. Disaggregating both the gender-discriminatory laws and the concept of economic agency, as discussed above, enables us to gain more understanding of what drives the overall positive associations between legal provisions and women's Reservation agency. This aggregate overview can then serve as a starting point for exploring the causal effects of specific laws within single countries.

CONCLUSION

In recent years that have been many major reforms of legal systems aimed at improving women's Reservation agency, and the number of countries with seriously gender-discriminatory legislation is shrinking year by year. Advocates for these legal reforms hope that they will result in rapid social changes, and there is often optimism about the wide-reaching effects that they will have. However, there are many reasons why laws may not result in major social changes and one should not expect all types of legal change to affect all types of outcomes. In this paper we have drawn on the most comprehensive cross-country data available to create a global overview of different types of gender-discriminatory legislation and outcomes. In a departure from previous approaches, which have tended either to collapse all types of laws into a single index or focused on single pieces of legislation, we created three measures for different type's laws that may affect women's Reservation agency. We also conceptualized women's Reservation agency as multi-dimensional, and operationalized it with five different indicators to capture some of this diversity.

There are three main conclusions to take away from the data presented in this paper. First, despite the great advances in women's Reservation rights, there are still many restrictions on women's Reservation activities, including both explicit restrictions on women's legal capacity, often set down in unequal family law, and a range of laws that contribute to the discrimination of women in wage work.

Second, though there are clear correlations between countries' legal frameworks and women's Reservation agency, our correlational plots reveal great variation in outcomes even in countries with similar, or no, legal restrictions. This heterogeneity in the relationship between laws and practices highlights the importance of studying laws and their implementation in national contexts to understand

the conditions under which legal change translates into social change.

And finally, whereas discussions in more developed economies often focus on reducing discrimination in labor codes and on controversies over the division of parental leave between mothers and fathers, we find that the strongest predictor of our various indicators of women's Reservation agency is basic restrictions on women's legal capacity embedded in family and personal status laws. Labor laws and parental leave also matter, but they are associated primarily with differences in the wages received by men and women who are already working, and mainly in the formal sector. These issues are therefore relevant mostly to countries with large formal sectors where rules and regulations – the most developed economies in the world.

Often justified with reference to religion, identity, and culture, these laws uphold and legitimize social practices that discriminate against women and subordinate them to the will of their male family members. Restrictive laws reinforce the household and societal barriers to women's ability to gain resources, money, and jobs. By showing that reform of family laws has the potential to unleash massive economic potential; our analysis implies that existing restrictions impede human development. Their reform should be everyone's priority.

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