

The Critical Role of Legal Education in Achieving Financial Independence for Women in India: Breaking the Glass Ceiling

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Abstract

Financial independence stands as the cornerstone of women's empowerment, yet millions of Indian women remain economically dependent due to deeply entrenched patriarchal norms, social barriers, and a pervasive lack of legal awareness. This paper examines the critical role of legal education in enabling women to achieve economic autonomy by equipping them with knowledge of property rights, employment laws, equal remuneration provisions, and entrepreneurial opportunities. Through an analysis of constitutional safeguards, legislative frameworks including the Hindu Succession (Amendment) Act, 2005 and the Equal Remuneration Act, 1976, as well as landmark judicial pronouncements like *Vineeta Sharma v. Rakesh Sharma* (2020), this paper argues that legal literacy constitutes the essential tool for dismantling the glass ceiling that restricts women's economic participation. The paper highlights the persistent gap between legal provisions and their implementation, examines existing government schemes, and proposes strategies for strengthening legal education to promote women's financial independence. The paper concludes that empowering women through legal education represents not merely a matter of individual advancement but a transformative force for building an equitable and prosperous Indian society.

1. Introduction

The relationship between legal education and women's financial independence in India merits serious scholarly attention. Despite constitutional guarantees and legislative protections, Indian women continue to face significant barriers to economic autonomy. Justice Sanjay Kishan Kaul of the Supreme Court of India aptly observed that "women's emancipation is two-fold. We have to make them educated and financially independent. This observation underscores the interconnected nature of education, legal awareness, and economic empowerment.

The "glass ceiling" metaphor captures the invisible yet formidable barriers that prevent women from achieving economic equality. These barriers operate at multiple levels: social norms that restrict women's mobility and career choices, legal provisions that remain unknown or inaccessible to most women, and institutional practices that perpetuate gender discrimination in employment, property ownership, and access to credit. Legal education serves as the key that can unlock these barriers by equipping women with knowledge of their rights and the confidence to assert them.

The Constitution of India, through Articles 14, 15, and 16, guarantees equality before the law, prohibits discrimination on grounds of sex, and ensures equality of opportunity in matters of public employment. Article 39 directs the state to ensure that men and women have equal rights to an adequate means of livelihood and equal pay for equal work. Yet, as the original article observed, there exists a significant "discrepancy between the law and its actual application". This gap between constitutional idealism and social reality constitutes the central challenge that legal education must address.

This paper examines the specific ways in which legal education can contribute to women's financial independence in India. It analyzes key legislative frameworks, judicial interventions, and government initiatives, while also identifying the challenges that impede effective implementation. The paper argues that legal literacy, when combined with social awareness and institutional support, can break the cycle of economic dependence and create conditions for genuine empowerment.

2. Understanding Financial Independence for Women

Financial independence for women encompasses the ability to earn, own, manage, and inherit property; freedom from economic dependence on male family members; and the capacity to make autonomous decisions regarding financial resources. It represents not merely the possession of income but the agency to control and utilize economic resources according to one's own priorities.

The importance of financial autonomy extends beyond economic considerations. Women who achieve financial independence experience enhanced self-respect and dignity, greater decision-making power within households and communities, and increased protection against domestic

violence and exploitation. Economic dependence often traps women in abusive relationships, as they lack the resources to leave or sustain themselves independently.

The current scenario of women's financial participation in India presents a mixed picture. According to data from the Periodic Labour Force Survey, average monthly earnings for men in urban areas stand at ₹26,105 compared to ₹19,879 for women, with similar disparities in rural areas. Women remain concentrated in lower-paying roles and are underrepresented in leadership positions across sectors. Career interruptions due to maternity and caregiving responsibilities further widen long-term earnings differences. The percentage of female workers engaged in proprietary and partnership enterprises in the non-agricultural sector stands at 56.5%, indicating significant but largely informal sector participation.

3. Barriers to Women's Financial Empowerment

The barriers to women's financial empowerment in India operate at social, cultural, economic, and legal levels. Understanding these barriers is essential for designing effective interventions through legal education.

3.1 Social and Cultural Barriers

Patriarchal norms continue to restrict women's work outside the home in many communities. The preference for sons affects daughters' inheritance rights and educational opportunities. Social taboos, the dowry system, and the purdah system further limit women's economic participation. As noted in the original article, "male-dominated mindsets, social evils, rigid traditions, and superstitions" constitute significant obstacles to women's empowerment. These social attitudes are often internalized by women themselves, leading them to accept subordinate economic positions.

3.2 Economic Barriers

Women face significant economic barriers, including limited access to credit and banking, restricted entrepreneurial opportunities, and the economic invisibility of unpaid domestic work. The absence of collateral, lack of formal employment history, and limited financial literacy prevent many women from accessing institutional credit. Entrepreneurship, which could offer a path to economic independence, remains constrained by these factors.

3.3 Legal Barriers

Perhaps the most significant barriers operate at the legal level, not because laws are discriminatory but because legal awareness remains alarmingly low among women. As the original article noted, "fear, lack of knowledge about justice systems, or lack of knowledge about the law stops many women from leaving abusive relationships". Women who are unaware of their property rights, employment protections, and legal remedies cannot effectively assert these rights. The gap between legal provisions and their implementation compounds this problem, as even knowledgeable women may face obstacles in accessing justice.

4. The Role of Legal Education in Financial Empowerment

Legal education serves as the bridge between constitutional guarantees and actual economic empowerment. It provides women with the knowledge, skills, and confidence to assert their rights in various economic spheres.

4.1 Knowledge of Property Rights

Property ownership constitutes the foundation of economic independence. For Hindus, the Hindu Succession Act, 1956, as amended in 2005, represents a transformative legal intervention. The Hindu Succession (Amendment) Act, 2005, which came into force on September 9, 2005, fundamentally altered the position of daughters in relation to ancestral property.

The amendment to Section 6 of the Act provides that "the daughter of a coparcener shall by birth become a coparcener in her own right in the same manner as the son". This means daughters now have:

- The same rights in the coparcenary property as a son
- The same liabilities in respect of such property
- The right to be allotted the same share as a son
- The right to demand partition of coparcenary property

The Supreme Court in *Vineeta Sharma v. Rakesh Sharma* (2020) clarified that this amendment operates retrospectively. The Court held that a daughter's coparcenary rights are "by birth" and

therefore the father coparcener doesn't need to be alive on the date of commencement of the Amendment Act. This judgment effectively overruled earlier decisions in *Prakash v. Phulavati* (2016) and *Mangammal v. T.B. Raju* (2018) that had restricted the application of the amendment.

The significance of this legal knowledge for women's financial independence cannot be overstated. Daughters can now claim their share in Hindu Undivided Family property, participate in family decisions regarding property, and achieve economic security through inheritance. However, legal education is necessary to disseminate this knowledge, as many women remain unaware of these rights.

4.2 Employment Rights and Equal Pay

Constitutional provisions and legislative enactments protect women's rights in employment. Article 39(d) of the Constitution directs the state to secure "equal pay for equal work for both men and women." The Equal Remuneration Act, 1976 (now subsumed in the Code on Wages, 2019) provides a comprehensive framework for ensuring gender equality in remuneration and employment.

The Equal Remuneration Act, 1976, prohibits employers from paying different wages to men and women performing the same work or work of a similar nature. Section 4 of the Act mandates that "no employer shall pay to any worker remuneration at rates less favourable than those at which remuneration is paid to the workers of the opposite sex for performing the same work or work of a similar nature". Section 5 prohibits discrimination against women in recruitment, promotions, training, or transfer.

The Act defines "same work or work of a similar nature" as work in respect of which "the skill, effort and responsibility required are the same, when performed under similar working conditions". Judicial interpretation has expanded this scope, with courts examining skills, responsibilities, effort, and working conditions rather than merely job titles.

Despite these legal protections, enforcement remains uneven. The 1976 Act has been criticized for allowing employers to set different terms relating to retirement, marriage, or death for men and women. Penalties for violation are minimal, and advisory committees contemplated under

the Act have rarely been established. Women's legal education must therefore extend beyond knowing the law to understanding how to enforce it.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 provides additional protection by ensuring safe working conditions. This Act, along with various judicial pronouncements, including the landmark Vishaka guidelines, establishes that sexual harassment violates women's fundamental rights to equality, dignity, and the right to work.

4.3 Entrepreneurship and Business Rights

Legal education empowers women to pursue entrepreneurial opportunities by providing knowledge of business laws, contract rights, and regulatory frameworks. The government has introduced various schemes to promote women's entrepreneurship, including:

- The Support to Training and Employment Programme for Women (STEP)
- Mahila Shakti Kendras (MSK)
- Pradhan Mantri Mudra Yojana
- Stand-Up India Scheme

Legal awareness enables women to access these schemes, understand contractual obligations, protect their business interests, and navigate regulatory requirements. As one legal educator observed, "true empowerment comes from independence—financial, intellectual, and emotional".

4.4 Protection from Economic Exploitation

Legal education also protects from various forms of economic exploitation. The Dowry Prohibition Act, 1961 criminalizes the giving and receiving of dowry, addressing a practice that often results in economic drain on women's families and exploitation of women in marriage. The Prohibition of Child Marriage Act protects girls from early marriage, which often terminates their education and economic opportunities.

Article 23 of the Constitution prohibits trafficking in human beings and forced labour. Labour laws, including the Minimum Wages Act, 1948 and the Maternity Benefit Act, 1961 (which now provides 26 weeks of paid maternity leave), protect women workers from exploitation.

5. Government Initiatives and Policy Framework

The Indian government has introduced numerous initiatives to promote women's economic empowerment through legal awareness and support services.

The National Commission for Women, established in 1992, monitors and reviews constitutional and legal safeguards for women. The 73rd Constitutional Amendment Act reserves one-third of local elected office seats for women, creating opportunities for political participation that can lead to economic policy influence.

The Beti Bachao Beti Padhao Scheme addresses gender discrimination at the earliest stages. The One Stop Centre Scheme and Women Helpline Scheme provide support services for women facing violence or distress. The Pradhan Mantri Matru Vandana Yojana provides financial support to pregnant and lactating mothers.

The KARM Law Fellowship initiative, launched at the Delhi University Law Faculty, exemplifies efforts to support women from economically disadvantaged homes in pursuing legal careers. The Fellowship provides not only financial support but also mentoring, internships, and networking opportunities. As the founder observed, "the job market looks markedly different for girls studying Political Science, History, or Geography honours compared to those pursuing a BCom or an Economics degree," making law a strategic choice for enhancing employability. The initiative recognizes that "law is profoundly empowering for women in every aspect" and aims to provide "degrees that will give them staying power" in their careers. Such initiatives reflect a growing recognition that legal education serves as a pathway to financial independence and career longevity for women.

6. The Implementation Gap: Challenges and Realities

Despite comprehensive legal frameworks and government initiatives, significant challenges impede the achievement of women's financial independence.

6.1 The Gap Between Law and Enforcement

The most fundamental challenge is the gap between legal provisions and their implementation. As the original article noted, despite "landmark constitutional judgments that have laid the

foundation for legal education related to women's empowerment," there remains "an urgent need to empower women to achieve true self-dependence". Laws may exist on paper, but without effective enforcement, they remain mere promises.

6.2 Lack of Legal Awareness

Legal awareness among women, particularly in rural and marginalized communities, remains alarmingly low. Many women are unaware of their property rights, employment protections, or legal remedies. As one initiative noted, "the girls come from places where they really have no intellectual exposure". This lack of awareness prevents women from asserting their rights and perpetuates economic dependence.

6.3 Judicial Delays and Costs

Even when women are aware of their rights and willing to assert them, judicial delays and high litigation costs pose significant obstacles. The slow pace of justice and the expense of legal proceedings deter many women from pursuing legal remedies. As the original article observed, "effective implementation and swift justice processes are needed to truly empower women".

6.4 Social Resistance and Patriarchal Norms

Deeply entrenched social norms continue to resist women's economic independence. As the founder of one legal education initiative observed, "If you look at the data, you see that girls are getting educated, and getting jobs. But the problem is that by the ages of 30-35, they start dropping off". This attrition reflects social pressures, caregiving responsibilities, and workplace discrimination that force women out of the workforce.

7. Strategies for Strengthening Legal Education

Addressing these challenges requires a multi-pronged approach to strengthening legal education for women's financial empowerment.

7.1 Integrating Legal Education at the School Level

Legal education must begin early, integrating basic legal literacy into school curricula. Students who understand their constitutional rights, property laws, and employment protections from an early age are better equipped to assert these rights as adults. The original article emphasized "the need to tackle the ills of the society against women through active participation of all men, women, society, and governments" and to "make women empowerment a people's movement" .

7.2 Community Outreach and Legal Awareness

Legal awareness initiatives must reach women in their communities through workshops, legal aid clinics, and outreach programs. As the original article noted, "initiatives that provide free legal workshops, online courses, community outreach programs, and legal aid services can significantly bridge the gap". Collaboration with local organizations and governments is essential to "ensure that legal literacy reaches the most marginalized women".

7.3 Strengthening Legal Aid Infrastructure

The legal aid infrastructure must be strengthened to provide accessible, affordable legal assistance to women. Legal Services Authorities Act, 1987, provides the framework, but implementation remains inadequate. Pro bono legal services, legal aid clinics, and paralegal training can expand access to justice.

7.4 Reform in Legal Academia

Legal academia itself must reform to address gender bias and produce lawyers sensitive to women's economic rights. The original article noted that "the academic world holds one more dimension of power beyond being a space for discussions and critical understanding". Universities need to "recognise and rectify these inbuilt vices and biases proactively to correct the imbalances in favour of men and against women".

Legal education must incorporate feminist jurisprudence, address gender issues comprehensively, and create "better opportunities and facilities for women" within the profession. As one professor observed, "When women rise, families and communities rise with them".

7.5 Leveraging Technology

Technology offers new opportunities for legal education through online courses, mobile applications, and digital platforms. The COVID-19 pandemic demonstrated the potential of digital learning to reach remote areas. Bilingual and vernacular content can make legal education accessible to non-English speakers.

7.6 Mentorship and Support Networks

Mentorship and support networks are essential for sustaining women's participation in legal careers. The KARM initiative emphasizes that "beyond just funding education, it is a complete support system". Networking opportunities, internships, and career guidance help women navigate legal careers and achieve financial independence.

8. Conclusion

Legal education plays a critical role in achieving women's financial independence in India. By equipping women with knowledge of property rights, employment protections, and entrepreneurial opportunities, legal education provides the tools to break the glass ceiling that restricts economic participation.

The constitutional and legislative framework for women's economic empowerment is comprehensive. The Hindu Succession (Amendment) Act, 2005 and the Equal Remuneration Act, 1976, along with supporting legislation and judicial interpretations, provide strong legal foundations. The Supreme Court's judgment in *Vineeta Sharma v. Rakesh Sharma* (2020) affirming daughters' coparcenary rights represents a landmark achievement for gender equality in property rights.

Yet the gap between law and implementation remains significant. Legal awareness remains low, enforcement is weak, and social resistance persists. The goal of the original article—to "empower women to achieve true self-dependence"—requires sustained effort across multiple fronts.

The path forward involves integrating legal education at the school level, expanding community outreach, strengthening legal aid infrastructure, reforming legal academia, leveraging technology, and building mentorship networks. "Educating women about their legal

rights and responsibilities has the potential to change entire communities and create a ripple effect of empowerment," as the original article concluded.

Women's financial independence is not merely a matter of individual advancement but a transformative force for building an equitable and prosperous society. When women achieve economic autonomy, they contribute more fully to economic development, participate more effectively in political decision-making, and create better opportunities for future generations. Legal education, as the key to unlocking these possibilities, deserves sustained attention and investment.

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