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Working women and human rights

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The status of Indian women has undergone considerable change. Though Indian women are far more independent and aware of their legal rights, such as right to work, equal treatment, property and maintenance, a majority of women remain unaware of these rights. There are other factors that affect their quality of life such as of marriage, extent of literacy, role in the family and so on. In many families, women do not have a voice in anything while in several families: the women may have a dominating role. The result is that the empowerment of women in India is highly unbalanced and with huge gaps. Those who are economically independent and literate live the kind of life that other women tend to envy about. This disparity is also a cause for worry because balanced development is not taking place.

Final Legal Take Away Tip:

The legal rights of a women pertaining to equal pay at the work place remains unaddressed mostly Women related laws and issues continue to shock us. News reports are getting worse each day. Couples who decide to run away and get married are electrocuted by the girl's parents. A girl who tries to relieve herself on the side of a lonely road is molested by a drunken policeman who promises to pay her well if she complies. A mother and son are put in jail and forced by the police to have sex with each other inside the prison cell. A young girl is killed in her own home and the evidence around her death disappears, due to which investigating agencies remain clueless about who the actual murderer is. These real life stories get worse and worse, particularly for Indian women and their safety while traveling on their own. It is an accepted fact that no female is safe to travel or be on her own after in this country. The increasing number of crimes being committed against women in India continues to be a matter of concern as Indian law is unable to deliver justice to victims speedily.

INTRODUCTION

Working women have to be provided safety and a sense of dignity- Delhi Chief Minister "Sheila Dikshit" "It's also essential to develop sensitivity amongst others to ensure women safety and overcome instances of any harassment of women", said Dikshit, inaugurating a two-day training workshop on prevention of sexual harassment at work place.

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Saarth

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According to Dikshit' Delhi has a large number of working women who on certain occasions are forced to face unpleasant situations in their office and while traveling.

“We have to provide them safety and a sense of dignity” she said. The workshop was organized for members of departmental complaints committees at Delhi Secretariat.

“Around 100 government employees and women activists are participating in the workshop which has been organized with an aim to bring awareness on the issue and instill a sense of confidence and safety in women employees”, said the statement.

There is a pressing need to examine the aspect of sexual harassment at workplace from the perspective of emancipation of women as well as the abuse of the image in which a woman is cast. Furthermore, this definition of sexual harassment at workplaces is not restricted to women alone, as there are more and more cases where the victims are men. However, I shall be dealing only with the women's perspective.

India doesn't have any legislation to deal with sexual harassment at work places at the moment. The sexual harassment of women at work place (prevention, prohibition and redressal) bill, 2006 is still under consideration. Various women's groups have been lobbying with Parliamentarians to get it passed at the earliest. However, only time will reveal as to when it shall actually come into force.

Till then, the guidelines that the Supreme Court has laid down in the Vishaka case are to be followed. These guidelines encompass a comprehensive definition of sexual harassment, directions for establishment of a complaint mechanism and the duty under which employers are obligated to obviate any such act. It also directs the legislators to formulate law on the basis of these guidelines. Abstract guidelines by the Supreme Court Without any established mechanism to protect women in form of legislation mean that the only legal remedy available to fight this evil is approaching the Court under Art. 32 for violations of gender equality, right to life and liberty and right to profession which is subject to the condition of a safe environment safeguarded as fundamental rights under the constitution under Art 14, 15 and 21.

In light of the legal scenario that surrounds sexual harassment, working women need to follow a code to protect themselves. Here are a few things you can do to keep yourself safe:

1 Be Aware: It's the simplest thing for safety that one can pursue, rigorously and consciously. By being alert and detecting any signs of this heinous evil in your

Saarth

E-Journal of Research

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immediate surroundings, one can prevent such events from taking place. Precautions like dressing appropriately, compliment the need for awareness.

2 Trust your gut: No definition can comprehensively include all aspects of sexual harassment and it is subjective as well. There is no bracket formula to determine whether an act. Perhaps bordering on somewhat “friendly” constitutes an act of sexual harassment or not. But, for you, anything that puts you in a discomfort zone, some place that you’d want to extricate yourself from is sexual harassment.

3 Say no: The thin line of demarcation between sexual interest and sexual harassment shouldn’t be disregarded. A sexual interest can be doused by a negative reply. Also, just because the person concerned is a senior, does not mean you cannot say no. Sometimes, a stinging retort may work wonders; however, it can worsen the attention-craving situation of the perpetrator at times.

It is essential to remember that these are only the basic things that one can do to prevent such events from taking place and the first sign kind of serious trouble, should necessitate a proper complaint at official level; either within the organization or before the police under section 354 of the Indian Penal Code dealing with assault or criminal force to a woman with the intent to outrage her modesty, section 509 dealing with word, gesture or act intended to insult the modesty of a woman or section 209 which deals with obscene acts or songs.

Night Shifts for Woman:

Before the amendment in the Factories Act, under sec. 66 women were not allowed to work night shifts. However after the amendment was approved, woman are permitted to work between 10 p.m to a.m in sectors including the Special Economic Zone, IT sector and Textiles subject to the condition that the employers shall be obligated to perform the duty to protect them. This is clearly given in the proviso to the section which is as following: “provided adequate safeguards in the factory as regards occupational safety and health, equal opportunity for women workers, adequate protection of their dignity, honors and safety and their transportation from the factory to the nearest point of their residence”.

Hence, women can now work night shifts in these sectors. If you work the night shift, here are some things you have the right to expect, along with some tips for you:

1 You can demand that your employer have any or all of the following: female wardens, proper lighting, secure transport facility, security at entry and exit points etc.

2 Be extra careful to prevent any mishap by staying alert.

Saarth

E-Journal of Research

ISSN NO: 2395-339X

- 3 Always ensure you have company while going to and from work.
- 4 Keep the contacts of family, friend or relatives who can quickly be contacted taking self defense classes.
- 5 If possible taking self defense classes.

Equal Opportunities for Women:

Not getting equal pay, denied opportunities for growth and promotion are some examples of the kind of economic exploitation that women are subjected to in certain sectors. In spite of legislation in place (Equal Remuneration Act, 1976) it is widely observed that women are usually underpaid as compared to their male counterparts performing the same job. Delhi High Court in 2005 in its ruling in *The Cooperative Store Ltd. (Super Bazaar) v. Bimla Devi* and other laid down that unequal pay is not only a violation of the said act but also, of Article 14 of the Constitution, Right to Equality. Farther more, India is a signatory to the International Labor Organization Convention for the Elimination of all Forms of Discrimination Against Women, to which India is a signatory, specifically to Article 11 that deals with the elimination of discrimination in the field of employment.

However, in spite of allegiance to an International Convention, having a specific legislation in force and a high Court ruling declaring equal pay to be incorporated in fundamental rights, the stark reality of the situation is different. Women still get underpaid. However, this problem in the organizer specialized sector is guised and more subtle. Women are discriminates when it comes to promotion opportunities and not the blatant discrimination on the basis of pay for equal work.

What women can do in similarly placed situations? Here are some tips:

- 1 Be Aware and assertive: when one is aware of her rights, can one assert the same by approaching the immediate head of the organization or the concerned authority.
- 2 Be an efficient and a good worker: The organization will be reluctant to lose an employee if you have carved out a niche for yourself and are in the least indispensable.
- 3 From a Group: Collective bargaining is powerful, so by rounding up all the women in the organization who shall in probability be facing the same or similar problem and dealing with the situation collectively is quite effective as well.
- 4 Seek Help: If things get out of hand, the only solution remaining is to approach the Courts. Decade's ago, Indian Women were confined to making conventional choices, which is not the case today. Most work as professionals in some sphere or the other. Those who opted to take brief breaks for their children or family continue to stay updated about what is

Saarth

E-Journal of Research

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happening in their domain by freelancing. Unfortunately, Working women in India have to deal with the worry about reaching home safely, particularly those who work in night shifts and have to travel by cab.

Women Related Laws: Employer's Liability for women Employees Working in Night

Women related laws are meant to protect their interests but there are many social factors that affect the implementation of Indian law. An important question arose pertaining to the liability of employers to provide safe transport facility to women employees working at night, in the case, Son Mittal Government of Karnataka, (2008) 3 SCC 753.

The petitioner was the managing director of a company, in which women were employed to work at night. An employee of the company died while traveling on the night shift. Cognizance of offence was taken against the petitioner by the metropolitan magistrate under the provisions of the Karnataka Shops and Establishment Act, 1961. The petitioner filed a petition against the complaint in the High Court. However, the cognizance taken by the magistrate was only altered by the High Court and not quashed.

The appellant challenged the decision of the High Court in the Supreme Court and cited section 3(h), of the Act. It exempts a person in management. The appellant argued that the provisions of the Act were inapplicable to him. He further argued that as per a government order, his establishment was exempted from the relevant stipulations of the Act and therefore, he shall be not liable for committing any crime punishable under the Act. On behalf of the state, the counsel argued that section 3(h), of the Act excluded persons in management from seeking reliefs and benefits under the act, but does not exclude and not from the liabilities under the Act.

The Supreme Court dismissed the appeal against the order of the High Court. The apex court refused to quash the legal proceedings against the petitioner. The Supreme Court observed that the trial to be conducted by the magistrate will give rise to significant dimensions to women related laws and serve a meaningful role in establishing the liability of employers towards women employees who travel at night from their workplace to their homes.

Final Legal Take away Tip:

Women in India continue to be soft targets to perpetrators of crimes such as rape, sexual harassment and violence. Problems they face are further aggravated by dark and empty streets they have to travel through at night, inadequate service of safe public transport and poor response from the public in case of any threat to their safety. Just to mention a few. Indian law

Saarth

E-Journal of Research

ISSN NO: 2395-339X

is supposed to be implemented by the police but most Indians in the country believe that a woman is safer on the streets than near a police station

Education for women in 21st Century: Opportunities & Challenges.

Education has always been recognized as a major instrument to achieve the objectives of social, economic & political development of a nation. Today, we are living in an era where knowledge has become a tool for development. In order to compete in the global market, it is necessary to emphasize on women education as they constitute half of the humanity and play an important role in the national development of any country.

As education empowers women & gives status & confidence, government has been trying to enroll more girls in schools. The government has been also providing formal education opportunities for women.

In 1958, the National Committee on Women's Education was established to address itself to wastages and lapsing literacy. A review of women's education in 1959 recommended a bold and determined effort in the course of women's education (report of India Education Commission 1982). Variety of factors has been found responsible for poor female literacy rates. Such as, gender based inequality, social discrimination, economic exploitation, occupation of girl child in domestic chores, low retention rates and high dropout etc.

The National Policy on Education (NPE) seen education as an instrument to bring about basic change in the status of women

The recommendations of various committees have been taken into consideration and implemented during the last five decades for educating the women, such as, National Committee for Women's Education (1961) as well as, Bhaktasavan Commission (1964-66) and The National policy on Education (1968-1986).

Despite all the efforts put in by the Government, women organization, NGO's etc. Women education & Women's literacy programme are still not totally successful. So there is an urgent need to understand the importance of women education.

Table-1 Literacy Rate Males, Females & Total population of India (1901-2001)

Year	Male	Female	Total
1901	9.30	0.60	5.30
1911	10.60	1.10	5.90
1921	12.20	1.80	7.20
1931	15.60	2.90	9.50

Saarth

E-Journal of Research

ISSN NO: 2395-339X

1941	24.60	7.30	16.10
1951	27.20	8.90	18.33
1961	40.40	15.40	28.30
1971	46.00	22.00	34.45
1981	56.38	29.76	43.57
1991	64.12	39.29	52.21
2001	75.85	54.16	63.38

Source: Literacy Facts at a Glance, NLM, 2001.

The above table (Table 1) shows that during the last few decades, the female literacy rates have improved from 29.8% in 1981 to 39.3% in 1991 and to 54.1% in 2001. According to 2011 census it is 65.46% variations regionally literacy levels from Kerala to Rajasthan.

Table -2 : State wise Female Literacy Rate (2001)

Sr.No.	Name of the State	Female	Male	Ronk
1.	Bihar	33.57	60.32	35
2	Jharkhand	39.38	67.64	34
3	Jammu & Kashmir	41.82	65.82	33
4	Uttar Pradesh	42.98	70.23	32
5	Dadra & Nagar Haveli	42.99	73.32	31
6	Rajasthan	44.34	76.49	30
7	Arunachal Pradesh	44.24	65.05	29
8	Madhya Pradesh	50.28	76.49	28
9	Orissa	50.97	75.95	27
10	Andra Pradesh	51.17	70.85	26
11	Chandigarh	52.40	77.86	25
12	Assam	56.03	71.93	24
13	Haryana	57.45	79.25	23
14	Karnataka	58.60	76.29	22
15	Gujarat	59.70	80.50	21
16	Manipur	60.22	77.87	20
17	West Bengal	60.26	77.58	19
18	Uttaranchal	60.41	84.01	18
19	Meghalaya	61.46	66.14	17
20	Sikkim	61.92	76.73	16
21	Nagaland	63.55	71.77	15
22	Punjab	64.55	75.63	14
23	Tamil Nadu	65.41	82.33	13
24	Tripura	67.51	81.47	12

Saarth

E-Journal of Research

ISSN NO: 2395-339X

25	Maharashtra	68.08	86.27	11
26	Himachal Pradesh	70.37	86.02	10
27	Delhi	74.13	88.40	09
28	Andman & Nicobar Island	75.29	88.89	08
29	Goa	75.51	88.88	05
30	Chandigarh	81.56	93.15	04
31	Lakshadweep	81.56	93.15	03
32	Mizoram	86.13	90.69	02
33	Kerela	87.86	94.20	01

Source : Census 2001.

The above table (table 2) shows in Gujarat female literacy rate is 59% as compared to Male literacy rate of 80.50% and Gujarat Rank's 21st while Kerela is ranked number One.

Rank	State	Literacy rate (2011 census)	Literacy rate- Male(2011 Census)	Literacy rate- Female(2011 Census)
1	Andaman & Nicobar Islands	83.3%	90.1%	81.8%
2	Andhra Pradesh	67.7%	75.6%	59.7%
3	Arunachal Pradesh	67.0%	73.7%	59.6%
4	Assam	73.2%	78.8%	67.3%
5	Bihar	63.8%	73.5%	53.4%
6	Chandigarh	86.4%	90.5%	81.6%
7	Chhattisgarh	71.0%	81.5%	60.6%
8	Dadra & Nagar Haveli	77.7%	86.5%	65.9%
9	Daman & Diu	87.1%	91.5%	79.6%
10	Delhi	86.3%	91.0%	80.9%
11	Goa	87.4%	92.8%	81.8%
12	Gujarat	79.3%	87.2%	70.7%
13	Haryana	76.6%	85.4%	66.8%
14	Himachal Pradesh	83.8%	90.8%	76.6%
15	Jammu and Kashmir	68.7%	78.3%	58.0%
16	Jharkhand	67.6%	78.5%	56.2%
17	Karnataka	75.6%	82.8%	68.1%
18	Kerala	93.9%	96.0%	92.0%
19	Lakshadweep	92.3%	96.1%	88.2%
20	Madhya Pradesh	70.6%	80.5%	60.0%
21	Maharashtra	82.9%	89.8%	75.5%
22	Manipur	79.8%	86.5%	73.2%

Saarth

E-Journal of Research

ISSN NO: 2395-339X

23	Meghalaya	75.5%	77.2%	73.8%
24	Mizoram	91.6%	93.7%	89.4%
25	Nagaland	80.1%	83.3%	76.7%
26	Orissa	73.5%	82.4%	64.4%
27	Pondicherry	86.5%	92.1%	81.2%
28	Punjab	76.7%	81.5%	71.3%
29	Rajasthan	67.2%	80.5%	52.7%
30	Sikkim	82.2%	87.3%	76.4%
31	Tamil Nadu	80.3%	86.8%	73.9%
32	Tripura	87.8%	92.2%	83.1%
33	Uttar Pradesh	69.7%	79.2%	59.3%
34	Uttarakhand	79.6%	88.3%	70.7%
35	West Bengal	77.1%	82.7%	71.2%
-	Whole INDIA	74.04%	82.14%	65.46%

Some of the major problems concerning women's education are constrained by the socio – economic of the people, their attitude, values and culture.

Social issues like purdah System, lack of facilities in schools and hostels for girls keep the girl child away from education.

After independence the Central Government and the State Government has impendence various programmers & Schemes to popularize & spread women education which have crated awareness among people. Enrolments of girls in schools have increased still complete success is not attained due to unsatisfactory education expenditure by the Government. It can be explained through the table 3.

Table – 3

Educational Expenditure in various Five Year plan (1951-2001)

Five Year Plan	Expenditure for plan (Rs. in Crore)	Expenditure for Education (Rs.in crore)	Percentage of expenditure for education
First plan	1960	151.00	7.70
Second plan	4672	273.00	5.84
Third plan	8577	589.00	6.86
Forth plan	15779	777.4	4.92
Fifth plan	39426	1143.5	2.90
Sixth plan	109292	2618.7	2.36
Seventh plan	218730	7632.9	3.48

Saarth

E-Journal of Research

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Eighth plan	434100	21800.1	5.02
Ninth plan	8592200	24908.4	2.89
Tenth plan	1968815	42850.0	2.17

Source: Economic Survey of India 2007.

The statistical analysis shows that apart from the first five year plan, there is gradual decline in the educational expenditure.

In the first five Year plan Rs.151 Crore were spent when the population was 36 crore. While in the Tenth plan only Rs. 42850 crore were spent for population of 100 crore.

In the developed & under developed countries of the world more than 10% of the National Income is spent on education. While in India only 3% of the total National income is spent on education. Women suffer as very little is spent on education. This can be considered as an obstacle in the way of Social & economical development. For the progress of Society and fast development of any Country, education should be given prime importance and the monetary expenses for education should be increased.

Table – 4

Female literacy Rate in Gujarat

Year	Rural Area (percentage)	Urban Area (percentage)	Total (percentage)
1961	24.09	48.77	30.45
1971	28.33	54.90	35.78
1981	36.20	60.31	43.70
1991	53.09	76.54	61.29
2001	61.29	81.84	69.14

Source: Statistical Abstract of Gujarat 2009.

The Gujarat Government has also prepared various plans & effective programmers for improving the level of women education. Still at present, female literacy rate in Gujarat is 70.7% there are 30% of illiterate women in Gujarat.

When rural & urban literacy rates of women are compared it's found that literacy rate of urban region is higher than the rural region. The main reason for this is that urban region provide more facilities & opportunities for education & there is more awareness among the people.

Saarth

E-Journal of Research

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According to 2001 estimate in urban region, the female literacy rate was approximately 82% while in rural region it was nearby 61% thus; Government needs to make more efforts in the rural region to increase the literacy rate of women.

Not only the literacy rate should be improved but women should be provided good quality of higher education & technical education.

It is true that women can be empowered only if educated. If she is educated her whole family is educated. Researches show that educated women help to reduce social evils such as literacy of girl child, child labor, female infanticides and many other superstitious practices. Education strengthens man & spiritual values in women.

Education helps them challenge their traditional roles. They become aware of their health and take care of their family & children. They do not have to depend on their brothers, fathers and husband for survival.

Today, due to development in electronics, computer information & communication technology, opportunities have increased for women to become economically independent. The modern woman is slowly breaking through the shell of a narrow domestic existence and is beginning to participate in the larger life of the nation & even humanity. Women have accepted challenges of space, scientific development, IT, sports & politics.

List of Indian Women can be mentioned who are successful and famous like Mrs. Partibha Patil, Sonia Gandhi, Kiran Bedi, Arundhati Roy, Sanoa Nair, Jyoti Basu, Shilpa Dixit, Mamta Banerjee, Sushma Swaraj, Barkha Datta, Shobha De, Mrunalini Sarabhai, Milika Sarabhai, Lata Mangeshkar, P.T. Usha and so on,

Few suggestions for the improvement of women education are given below:

- 1 Women's involvement in Government related educational programmes should be increased.
- 2 Both, the central & the State Government should increase the expenditure for education.
- 3 More & more seminars & workshop on women education should be organized at National & State Level.
- 4 Hostels for girls should be established at various places which can provide girl students basic facilities and security.
- 5 In rural regions, parents of girl child should be made aware about the welfare of their girl child.
- 6 Well – facilitated schools should be established in rural areas for girl student.

Saarth

E-Journal of Research

ISSN NO: 2395-339X

- 7 Special plans should be implemented to educate girls belonging to SC & ST Categories.
- 8 Large number of female teachers should be appointed in the rural areas.
- 9 The involvement of private intuition should be increased in the women empowerment programmers organized in the state.
- 10 Tribal people should be provided education in their own languages.
- 11 A ladies forum should be formed to encourage female students in taking part in a number of activities which can empower them.
- 12 In every intuition a special ladies room with lots of reading materials such as newspapersomgazines, where female students can update their knowledge & utilize their time.

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