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SOCIETY FOR PUBLIC WELFARE AND INITIATIVES

H. No. 5-11-559, Srinagar Colony, Naimnagar,
Hanmakonda, Warangal- 506009. Telangana State (India)

spwi.ngo.2014@gmail.com / sjsw.jp.spwi@gmail.com

devathsuresh@gmail.com Ph: 9959026635



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WOMEN IN WORK PARTICIPATION IN INDIA



Shanganti Swathi

Research Scholar, Department of Public Administration
& HRM, Kakatiya University,
Warangal (TS)

Abstract: *The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. The Constitution not only grants equality to women but also empowers the State to adopt measures of positive discrimination in favour of women. Within the framework of a democratic polity, our laws, development policies, plans and programs have aimed at women's advancement in different spheres. India has also ratified various international conventions and human rights instruments committing to secure equal rights of women. Key among them is the ratification of the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) in 1993.*

Keywords: *Constitutional and Legal safeguards, Work Participation*

Introduction

Gender equality is enshrined in the Indian Constitution and the Constitution not only grants equality to women but also empowers the State to adopt measures of positive discrimination in favour of women. Within the framework of a democratic polity, our laws, development policies, plans and programs have aimed at women's advancement in different spheres. India has also ratified various international conventions and human rights instruments committing to secure equal rights of women. Key among them is the ratification of the EDAW in 1993.

Constitutional Safeguards

The Constitution of India provides various safeguards for the empowerment of women with equal men.

- (i) Equality before law for women (Article 14)
- (ii) The State not to discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them (Article 15 (i))
- (iii) The State to make any special provision in favour of women and children (Article 15 (3))
- (iv) Equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State (Article 16)
- (v) The State to direct its policy towards securing for men and women equally the right to an adequate means of livelihood (Article 39(a)); and equal pay for equal work for both men and women (Article 39(d))
- (vi) To promote justice, on a basis of equal opportunity and to provide free legal aid by suitable legislation or scheme or in any other way to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities (Article 39 A)
- (vii) The State to make provision for securing just and humane conditions of work and for maternity relief (Article 42)
- (viii) The State to promote with special care the educational and economic interests of the weaker sections of the people and to protect them from social injustice and all forms of exploitation (Article 46)
- (ix) The State to raise the level of nutrition and the standard of living of its people (Article 47)
- (x) To promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of women (Article 51(A) (e))
- (xi) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat to be reserved for women and such seats to be allotted by rotation to different constituencies in a Panchayat (Article 243 D(3))
- (xii) Not less than one- third of the total number of offices of Chairpersons in the Panchayats at each level to be reserved for women (Article 243 D (4))
- (ix) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality to be reserved for women and such seats to be allotted by rotation to different constituencies in a Municipality (Article 243 T (3))

- (x) Reservation of offices of Chairpersons in Municipalities for the Scheduled Castes, the Scheduled Tribes and women in such manner as the legislature of a State may by law provide (Article 243 T (4))

Legal Provisions

To uphold the Constitutional mandate, the State has enacted various legislative measures intended to ensure equal rights, to counter social discrimination and various forms of violence and atrocities and to provide support services, especially to working women.

Although women may be victims of any of the crimes such as 'Murder', 'Robbery', 'Cheating' etc, the crimes, which are directed specifically against women, are characterized as 'Crime against Women'. These are broadly classified under two categories.

(1) The Crimes Identified Under the Indian Penal Code (IPC)

- (i) Rape (Sec. 376 IPC)
- (ii) Kidnapping & Abduction for different purposes (Sec. 363-373)
- (iii) Homicide for Dowry, Dowry Deaths or their attempts (Sec. 302/304-B IPC)
- (iv) Torture, both mental and physical (Sec. 498-A IPC)
- (v) Molestation (Sec. 354 IPC)
- (vi) Sexual Harassment (Sec. 509 IPC)
- (vii) Importation of girls (up to 21 years of age)

(2) The Crimes identified under the Special Laws (SLL)

Although all laws are not gendered specific, the provisions of law affecting women significantly have been reviewed periodically and amendments carried out to keep pace with the emerging requirements. Some acts which have special provisions to safeguard women and their interests are:

- (i) The Employees State Insurance Act, 1948
- (ii) The Plantation Labour Act, 1951
- (iii) The Family Courts Act, 1954
- (iv) The Special Marriage Act, 1954
- (v) The Hindu Marriage Act, 1955
- (vi) The Hindu Succession Act, 1956 with an amendment in 2005
- (vii) Immoral Traffic (Prevention) Act, 1956
- (viii) The Maternity Benefit Act, 1961 (Amended in 1995)

- (ix) Dowry Prohibition Act, 1961
- (x) The Medical Termination of Pregnancy Act, 1971
- (xi) The Contract Labour (Regulation and Abolition) Act, 1976
- (xii) The Equal Remuneration Act, 1976
- (xiii) The Prohibition of Child Marriage Act, 2006
- (xiv) The Criminal Law (Amendment) Act, 1983
- (xv) The Factories (Amendment) Act, 1986
- (xvi) Indecent Representation of Women (Prohibition) Act, 1986
- (xvii) Commission of Sati (Prevention) Act, 1987
- (xviii) The Protection of Women from Domestic Violence Act, 2005

Special Initiatives for Women

- (i) **National Commission for Women:** In January 1992, the Government set-up this statutory body with a specific mandate to study and monitor all matters relating to the constitutional and legal safeguards provided for women, review the existing legislation to suggest amendments wherever necessary, etc.
- (ii) **Reservation for Women in Local Self –Government:** The 73rd Constitutional Amendment Acts passed in 1992 by Parliament ensure one-third of the total seats for women in all elected offices in local bodies whether in rural areas or urban areas.
- (iii) **The National Plan of Action for the Girl Child (1991-2000):** The plan of Action is to ensure survival, protection, and development of the girl child with the ultimate objective of building up a better future for the girl child.
- (iv) **National Policy for the Empowerment of Women, 2001:** *The Department of Women & Child Development in the Ministry of Human Resource Development has prepared a “National Policy for the Empowerment of Women” in the year 2001. The goal of this policy is to bring about the advancement, development, and empowerment of women.*

With the support of the constitutional and legal provisions and women empowerment institutions the women empowerment grown invisible position.

According to the statistics of the National Statistical Organization on Women and Men in India 2012, women participation in the economy is:

- The workforce participation rate of females in the rural sector was 26.1 in 2009 10 (NSS 64th Round) while that for males was 54.7. In the Urban sector, it was 13.8 for females and 54.3 for males. Among the States/UTs, workforce participation rate of females in the rural sector was the highest in Himachal Pradesh at 46.8% and in the urban sector, it was the highest in Mizoram at 28.8%.

- In the rural sector, 55.7% females were self employed, 4.4% females had a regular wage/salaried employment and 39.9% females were casual labours compared with 53.5%, 8.5% and 38.0% males in the same categories respectively.
- A total of 20.4% of women were employed in the organized sector in 2010 with 17.9% working in the public sector and 24.5% in the private.
- The labour force participation rate of women across all age groups was 20.8 in the rural sector and 12.8 in the urban sector compared with 54.8 and 55.6 for men in the rural and urban sectors respectively in 2009 10 (NSS 64th Round).
- The unemployment rate for women of all ages was 2.4 compared with 2.0 for men in the rural areas in 2009 10. It was 7.0 for women and 3.1 for men in urban areas during the same period. Among the States/UTs, the highest unemployment rate for women in the rural sector was observed in Chandigarh (51.1%) and in the urban sector in Dadra and Nagar Haveli (60.0%) in 2009 10.
- Of the total job seekers registered with employed exchanges, women constituted 32.5% in 2009.
- The female share of total Central Government employment stood at 10.0% in 2009.
- The share of female employees in the scheduled commercial banks was 15.9% in 2009 which rose slightly to 16.6% in 2010.
- In 2009 10, the average wage/salary received by regular wage/salaried employees of age 15 59 years was Rs. 155.87 per day for females compared with Rs. 249.15 per day for males in rural areas. For urban areas, it was Rs. 308.79 and Rs. 377.16 per day for females and males respectively.
- In 2010, the number of accounts operated by females in all commercial banks was 153.18 crores compared with 487.37 crore accounts operated by males. The deposit amount was Rs. 517209.74 crore for females and Rs. 1838826.25 crore for males.
- In 2011 12, the share of women Swarojgaris in the total Swarojgaris assisted under the Swarnjayanti Gram Swarojgaar Yojna (SGSY) stood at 69.4%.
- The share of women in the person-days employed through MGNREGA stood at 48.3% in 2011 12 (all districts with rural areas).
- According to the pilot Time Use Survey conducted in 18,620 households spread over six selected States, namely, Haryana, Madhya Pradesh, Gujarat, Orissa, Tamil Nadu and Meghalaya during the period June 1998 to July 1999, women spent about 2.1 hours per day on cooking food and about 1.1 hours on

cleaning the households and utensils. Men's participation in these activities was nominal. Taking care of children was one of the major responsibilities of women, as they spent about 3.16 hours per week on these activities as compared to only 0.32 hours by males.

Participation in Decision making

- In 2012, women occupied only 8 out of 74 Ministerial positions in the Central Council of Ministers. There were 2 women judges out of 26 judges in the Supreme Court and there were only 54 women judges out of 634 judges in different High Courts.
- According to National Family Health Survey–III (2005 06) in the rural sector currently married women take 26% decisions regarding obtaining health care for herself and 7.6% in case of purchasing major household items. 10% of decisions are taken by females in respect of visiting their family or relatives. For urban areas, these figures are 29.7%, 10.4%, and 12.2% respectively.

In the age group of 15 19 years, 46% of women are not involved in any kind of decision making. In the rural sector, 23.4% of females are not involved in any decision making while, in the urban sector, only 13.9% of urban resident women are not involved in any decision making. It is found that 32.7% illiterate women, 21.6% of unemployed women are not involved in any decision making. For the country as a whole, 59.6% have access to money.

Recent Trends

Stressing on the need to increase women participation in labour force, the Economic Survey said that lower women engagement adversely affects the growth potential of the economy. The survey pointed out that the lower participation of women in economic activities adversely affects the growth potential of the economy. It noted that the government has been taking measures to increase the participation of women in productive economic activities by schemes to provide support services to working women and also through legislative measures to enhance maternity benefits.

The survey observed that women workers are the most disadvantaged in the labour market as they constitute a very high proportion among the low skilled informal worker category, and are engaged in low-productivity and low paying work. Owing to this, it said that women earn very low wages, mostly piece rates in highly insecure jobs. India had the largest gender gap in median earnings of full-time employees in 2015, in comparison to countries like South Africa, Brazil, and Chile, it added. The survey also stressed for political empowerment of women saying their representation in Parliament and in decision making roles in the public sphere is one of the key indicators of empowerment.

As per the report 'Women in Politics 2017 (IPU & UN)', the Lok Sabha had 64 (11.8% of 542 MPs) and the Rajya Sabha had 27 (11% of 245 MPs) women MPs (Members of Parliament). As in October 2016, out of the total 4,118 MLAs across the country, only 9% were women. Among the state assemblies, the highest percentage of women MLAs were from Bihar, Haryana, and Rajasthan – 14% – followed by Madhya Pradesh and West Bengal – 13% – and Punjab with 12%, as per Women & Men in India – 2016 report, Ministry of Statistics and Programme Implementation). The survey pointed out that in India, between 2010 and 2017 women's representation rose by 1 percentage point to 11.8% in the Lok Sabha.

It also pointed out that there are developing countries like Rwanda, which has more than 60% women representatives in Parliament in 2017, while countries like Egypt, India, Brazil, Malaysia, Japan, Sri Lanka, and Thailand have less than 15% representation of women. Recognizing the significance of roles of women in the decision-making process in the society is critical to strengthen women's agencies for building a progressive society with equality of opportunities among all citizens, it added. On labour reforms, the survey said the codification of the labour laws is expected to remove the multiplicity of definitions and authorities leading to ease of compliance without compromising wage security and social security to the workers.

The government is in the process of rationalizing 38 Central Labour Acts by framing relevant provisions of existing laws into 4 labour codes viz Code on Wages, Code on Safety and Working Conditions, Code on Industrial Relations, and Code on Social Security and Welfare. The draft code on Wages Bill 2017 has been introduced in the Lok Sabha on August 2017 and referred to the Standing Committee on Labour for examination. The other three Codes are at the pre-legislative consultation stage.

Conclusion

The female labour force participation in India has fallen to 26% in 2018 from 36.7% in 2005, amid lack of access to quality education and underlying social, economic barriers limiting the opportunities for women, says a Deloitte report. According to the Deloitte report titled 'Empowering Women & Girls in India' for the Fourth Industrial Revolution, 95% or 195 million women are employed in the unorganized sector or are in unpaid work. As per the report, the education ecosystem needs to go through a set of system strengthening initiatives, including the introduction of digital and STEM (science, technology, engineering, and mathematics) education in schools, which in turn will introduce girls to various career choices. "Specifically in the India context, the female labour force participation has had a decadal fall from 36.7% in 2005 to 26% in 2018, with 95% (195 million) women employed in the unorganized sector or in unpaid work," the Deloitte report noted. "The range of challenges for women and girls echoes across Asia and India - lack of education, access to quality education, digital divide, which limits them from gaining employable skill sets and entering the workforce

or establishing an enterprise," the report said. It further added that a set of underlying social, economic and political barriers limits opportunities for women. The report highlighted the need to empower women in India through quality education and re-skilling. With regards to the fourth industrial revolution, the report said, "a definite concern arises from the advent of technology, digitization and automation that women who are largely employed in low skills and low paying jobs will lose their place in the workforce". The fourth industrial revolution influences the future of work in terms of the nature of organizational realities and leading skill types - complex problem solving, creativity, people management, and emotional intelligence - providing opportunities for gender-inclusive work cultures to emerge," the report said.

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