



Sociedad Internacional de Derecho del Trabajo y de la Seguridad Social

XXIII Congreso Mundial

7 - 10 de Septiembre de 2021 - Lima, Perú

RETOS DE LOS SISTEMAS DE LEGISLACIÓN LABORAL Y SEGURIDAD SOCIAL

- Transformación del trabajo: desafíos para el Derecho del Trabajo
- Comercio internacional y trabajo
- Nuevos retos de la Seguridad Social
- Trabajadores migrantes
- Trabajadores atípicos e informales
- Igualdad en el trabajo
- El Estado y las nuevas formas de voz colectiva

SPDTSS

SOCIEDAD PERUANA DE DERECHO DEL TRABAJO Y DE LA SEGURIDAD SOCIAL



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PATROCINADORES



AUSPICIADORES



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<p>Autores: Alberto Pizzoferrato / Sergio Torres Teixeira / Wilfredo Sanguinetti Raymond / Kurt Paerli / Masahiko Iwamura / Helga Špadina / Petra Herzfeld Olsson / Pamhidzai Bamu / Roberto Fragale Filho / María Luisa Molero Marañón / Bernd Waas / Oscar Raúl Chuquillanqui Aragón / Carlos De Fuentes García-Romero De Tejada / Marina Fernández Ramírez / Carmen Ferradans Caramés / Giovanni Gaudio / Francisca Moreno Romero / María Olaya Martín Rodríguez / Rodrigo Palomo Vélez / Adrián Pérez Pastrana / César Alfredo Puntriano Rosas / María Carmen Tatay Puchades / Mireia Llobera / Dulce María Cairós Barreto / Carlos García Gallego / María Katia García Landaburu / Luis Gordo González / Oscar Hernández Álvarez / José Eduardo López Ahumada / Priscila Martín Vales / Rosa María Morato García / Daniel Peres Díaz / Gastón López Argonz / Matthieu Chabannes / Leopoldo Gamarra Vilchez / Miguel Ángel Martínez-Gijón Machuca / Javier Paitán Martínez / Leiso Fasney Restrepo Aguirre / Gaye Burcu Yıldız / Francisca Bernal Santamaria / Karla Giamnina Cánova Talledo / Chiara Cristofolini/ Vincenzo Cangemi/ Roberto Pettinelli / Ljubinka Kovačević/ Boško Latković / Kwang-Taek Lee / Jovana Rajić-Čalić / Jovana Misailović / Carlos Eduardo Saco Chipana / Daniel Ulloa Millares / Christa Caro Palacios / Ángela Sofía Bilbao Pazmiño / Laura Sofía Pérez Pianda / Stefano Guadagno / Chiara Hassemer / Flávia Souza Máximo Pereira / Luis Mendoza Legoaas / Fiorella Peyrone Villacorta / Ivan Ramiro Campero Villalba / Lilli Carollo / Macarena Castro Conde / Emilio De Castro Marín / Viviana Mariel Dobarro / María Begoña García Gil / Luciana Guaglianone / María Laura Parisi / Balwinder Kaur / Diego Megino Fernández / Pedro Oliveira / Ccantu Stefany Osorio Velarde / Luz Pacheco Zerga / María Gema Quintero Lima / Carmen Grau Pineda / Concha Sanz Sáez / Sarai Rodríguez González / Fernando Varela Bohórquez / Juan Manuel Moreno Díaz.</p>
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IGUALDAD EN EL TRABAJO

EQUALITY AT WORK

EQUALITY AT WORK IN INDIA

BALWINDER KAUR

Assistant Professor at Hidayatullah National Law University, Nava Raipur, Chhattisgarh. (India).

ABSTRACT: Out of 144 countries of the world, India ranks 135 when it comes to women's labour force participation.¹ Women's participation is going down day by day. As per the year 2018-19 the Periodic Labour Force Survey (PLFS) of the National Sample Survey Office (NSSO) the estimates display a borderline upgrading in participation percentage for rural women (up from 18.2 percent in 2017-18 to 19.7 percent in 2018-19). There is an improvement even in the case of Urban female labour force participation rates from 15.9 to 16.1 percent.² This data gives relief from the reducing female labour force participation in the Indian economy, especially in rural areas. But what is astonishing that female participation is now much lower than immediately after Independence.³ In India, very few percentages of women are employed. The two major milestones achieved by India in 2017 are (i) India is measured as the fastest-growing economy in the world. Since 2011-12 India has the growth rates above 7 percent. The second major setback for India was the decline in female labour force participation and employment levels. The participation of females and employment level cut down to their lowest levels since Independence.⁴ The pandemic has worsened the situation. Women are the victim of the early lockdown. According to CMIE data between March-April 2020, around 26.6 percent of the female workforce, thrown out of the labour force as compared to 13.4 percent of men. The female labour force in December 2020 continued to be 14 per cent lower than December 2019 as compared to one per cent of men.⁵ It is a fact that in India men consider as the main earning member of a household, women are unlikely to agree with the poor quality jobs. The Indian female faces inequality on the wage gap, unpaid care work, leadership positions, and on other grounds. India is a developing country. The Indian Constitution guarantees gender equality in the workplace. The Constitution promises equality to all persons within India; it also forbids discrimination by the state on the ground of sex. India's Eleventh Five Year Plan identifies women not just as equal citizens but treat them as agents of social-economic development and suggests many policies for gender equality.⁶ India's draft on national employment policy has a special chapter on women workers.⁷ India is a founding member of the International Labour Organization. Equality for women and men in the work is the core focus of the ILO. The 2009 International Labour Conference reaffirmed ILO's commitment to equality between women and men in the work as it is supported by the

- 1 Global Gender Gap Report available at https://reliefweb.int/sites/reliefweb.int/files/resources/WEF_GGGR_2020.pdf visited on 12.2.21
- 2 *Data from published reports of NSSO's employment-unemployment surveys (EUS) and Annual Reports of PLFS by Ministry of Statistics and Programme Implementation (MOSPI)*
- 3 IWWage 'How has India's female labour force fared since Independence?' Available at <https://iwwage.org/how-has-indias-female-labour-force-fared-since-independence/> retrieved on 6.7.21.
- 4 The Financial Express 'Unseen reasons for the fall in women's labour force participation in India' By *Mitali Nikore, March 02, 2021 1:32 PM.*
- 5 Available at <https://www.cmie.com/kommon/bin/sr.php?kall=warticle&dt=20201214124829&msec=703&ver=pf> retrieved on 6.7.21
- 6 Available at https://niti.gov.in/planningcommission.gov.in/docs/aboutus/committee/wrkgrp12/wcd/wgrep_women.pdf accessed on 15.1.21
- 7 <https://www.niti.gov.in/niti/content/national-employment-policy-india-perspective> accessed on 13.2.21

2008 Declaration on social justice for globalization.⁸ India is conscious of gender equality and it has ratified ILO Conventions which is towards gender equality.⁹ Understanding gender in the Indian context has been a difficult task because of social structure. The paper is an attempt to capture gender inequality in the workplace and various issues and challenges faced by women. Further, the paper highlights the various national and international frameworks and support systems to empower women. The last part of the paper includes a suggestion to overcome gender inequality at work.

KEYWORDS: Equality, Gender- discrimination, workplace, working-woman, society.

1. INTRODUCTION

Gender inequality means when there are disparities between two individuals because of Gender. This practice is not new, India has witnessed it's for a long because of its socio-economic and religious practiced. According to the World Economic forum's 2020 on Global Gender Gap Index India ranks 112th out of 153 countries.¹⁰ It is noted that studies on gender issues in India are not having a long history. It was in the 1970s the Research Centre for Women Studies was started in SNDT Women's University, Mumbai. This resulted in women's movements and their struggle for gender equality. Gender discrimination starts before a girl is born in India. The girls are considered to be a burden. They do not reach to education and health care professions in contrast to the men. According to the 2021 report of LinkedIn Opportunity Index 2021, it is the larger number of women who have practiced the influence of gender on their career growth in India as compared to the APAC region.¹¹ In the UN Gender Inequality Index India was ranked below several sub-Saharan African countries.¹²

8 https://www.ilo.org/global/about-the-ilo/mission-and-objectives/WCMS_099766/lang--en/index.htm accessed on 15.1.21

9 Available at https://www.ilo.org/wcmsp5/groups/public/@ed_norm/@normes/documents/publication/wcms_088023.pdf visited on 14.1.21

10 Global Gender Gap Report available at https://reliefweb.int/sites/reliefweb.int/files/resources/WEF_GGGR_2020.pdf visited on 12.2.21

11 The Economics Times '85% of women in India have missed out on a raise, promotion because of their gender: LinkedIn Opportunity Index 2021', By Sreeradha Basu ET Bureau Last Updated: Mar 02, 2021, 09:44 AM IST Available at: https://economictimes.indiatimes.com/jobs/85-of-women-in-india-have-missed-out-on-a-raise-promotion-because-of-their-gender-linked-in-opportunity-index-2021/articleshow/81286630.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst Visited at 21.6.21

12 Indicators for Gender Equality and Women's Empowerment – An Introduction, available at <https://www.oecd.org/dac/gender-development/43041409.pdf> visited on 2.7.21

2. CONCEPT OF GENDER

Before we discuss Gender inequality in context with India it's pertinent to know what does the term 'Gender' means? Scholars have defined this term in their ways and creating a lot of confusion. Generally, gender and sex are interrelated but both have two different meanings. Lorber's work (1994) gives the conceptual aspects of gender it means "The gender is commonly described as the way the society is organized rather than just as an attribute of individuals. Whether the difference between men and women are biologically or socially governed is less important than the way the society is generally organized around those differences within this perspective, gender is viewed as a set of social and cultural practices that affect the lives of men and women in every society. Because culture helps to construct gender and it differs greatly from one society to another."

3. GENDER INEQUALITY

As defined by the Merriam-Webster dictionary (n.d.), "Inequality in its most basic sense refers to the quality of being uneven or unequal. This can be highlighted in instances of social disparity, the disparity in the distribution of opportunities. Inequality occurs in various areas of life about the economy, society, race, gender, etc."¹³ According to the European Institute of Gender Inequality (2004), "Gender inequality refers to legal, social and cultural situation in which sex and/or gender determine different rights and dignity for women and men, which are reflected in their unequal access to or enjoyment of rights, as well as the assumption of stereotyped social and cultural roles."

India has been recognized as the fastest-growing large economy in the world¹⁴ and it is expected to develop as the fifth-largest economy in the world¹⁵ by 2020. Despite this India's economic growth is damaged by prevalent gender discrimination, exploitation, and societal pattern that underestimate female's roles in the social order and the labor force. Gender disparity is one of the reasons in India barring women from inflowing in the recognized labor force, and

13 Available at <https://www.merriam-webster.com/> retrieved on 7.7.21

14 World Economic Forum 'These are the world's fastest-growing economies in 2017' by Alex Gray, 09 Jun 2017. Available at <https://www.weforum.org/agenda/2017/06/these-are-the-world-s-fastest-growing-economies-in-2017-2/> visited on 6.7.21.

15 The Economics Times, 'India to become 5th largest economy in 2025, 3rd largest by 2030', PTI Last Updated: Dec 26, 2020, 01:10 PM IST.

worries of exploitation are keeping females out of the workforce¹⁶. In recent years India's female employment rate has dropped. It has dropped from the low rate of 35% in 2005 to 26% today.¹⁷ The concept of gender parity had emphasized by the United Nations Charter in the year 1945.¹⁸ Even the United Nations Declaration of Human rights in the year 1948 recognized gender parity and took initiatives. In the year 1975, the first time United Nations of Conference of Women and Development took place in the city of Mexico. The slogan of this Conference was 'Equality, Development, and Peace'. In 1995 Beijing Conference, was held. The main outline was for women's empowerment and considered the key comprehensive strategy document on gender parity. The conference outlined planned aims and activities for the development of females and the accomplishment of gender parity. The purpose of the Conference remained to integrate females into the growth process.¹⁹

4. WORK

The labor force participation of women is low 23.6 percent as opposed to 78.6 percent in men.²⁰ The division of labor in India appears to be based on sex. Women's position is not good. Globally, the women face a two-fold responsibility for doing household work in the home, such as child-rearing, cleaning, cooking, and working outside the home. Globally, female is less probable to work in the organized sector then compared to men. Women are expected to be employed mainly in the unorganized sector. A large number of female workers in India are involved either in agriculture and traditional rural industries or service occupations. Mainly women's primary focus is on her family and home. The women's participation in work depends upon few factors such as her needs, and the kinds of employment available, this is one of the reasons the framers of the Constitution included parity of status and opportunity in employment for all persons. According to gender statistics,²¹ India has the worst gender gap in the

16 The Economics of Gender Equality in India, available at <https://www.bloomberg.com/news/features/2018-05-28/sexual-violence-is-holding-back-the-rise-of-india> retrieved on 6.7.21

17 The Economist 'Why India needs women to work' Jul 5th 2018.

18 Available at <https://www.history.com/this-day-in-history/u-n-charter-signed> retrieved on 8.7.21.

19 UN WOMEN 'World Conferences on Women' available at <https://www.unwomen.org/en/how-we-work/intergovernmental-support/world-conferences-on-women> retrieved on 8.7.21.

20 International Labour Organisation, InfoStories, Published in December 2017 · Updated in March 2018. Available at <https://www.ilo.org/infostories/en-GB/Stories/Employment/barriers-women#intro> visited on 2.7.21.

21 Available at <https://www.weforum.org/reports/gender-gap-2020-report-100-years-pay-equality>

developing world. India has the lowest female labor force participation in the world. Most of the working women are in the unorganized sector or irregular work. According to International Labour Organisation, this employment group is known as “vulnerable employment”, this sector was demolished during the pandemic. Many women exist in the labor market. The World Bank researcher suggested that the Covid-19 pandemic will push around 12 million Indians into poverty. Women would be over-represented among the new poor. This will affect household food security and the well-being of small and adolescents children.²²The impact of the pandemic widens the gender inequalities in the case of access to healthcare. The government data shows that 55 percent of women are not having access to health services.²³ The study depicts that in India about one-third of families have only one member covered under health insurance schemes, which showcases a gender prejudice.²⁴Women were excluded from the health system. It is evident that parents invest first in and maximum in boys than in girls, which increases gender inequalities.²⁵ The social biases are evident, we often ignore them because such behavior has prevalent in our social order for so long that it is now treated as normal.

According to the report of McKinsey & Company, it finds that the female workers in India contribute 18 percent to its GDP. It figures out in India a mere 25 percent of the female are indulging in the total workforce. Regrettably, the women’s GDP involvement is far below the worldwide average of 37 percent.²⁶ The incidents of exploitation of unorganized sector workers are very common. The National Commission on Self-Employed Women in its report found that the majority of rural women in the unorganized sector work in the farms are involved in food production forestry, looks after their animals. Some of them work in construction work, works in mines, and engage in trade and fending. In addition to this, they have the burden of bearing and rearing children, fetching

visited at 26.06.21

- 22 Available at <https://blogs.worldbank.org/opendata/impact-covid-19-coronavirus-global-poverty-why-sub-saharan-africa-might-be-region-hardest> visited on 26.06.21
- 23 Report on National Family Health Survey (Nfhs-4) 2015-16, available at <http://rchiips.org/NFHS/NFHS-4Reports/India.pdf> visited on 26.6.21.
- 24 Scroll-in ‘There’s a glaring inequality between health insurance benefits given to men and women,’ *Oommen C Kurien, qz.com*, Jul 12, 2016 · 07:30 pm
- 25 American Economic Association ‘Child Gender and Parental Investments in India: Are Boys and Girls Treated Differently’ Silvia Helena Barcellos, Leandro S. Carvalho, Adriana Lleras-Muney, *American Economic Journal:Applied Economics* Vol.6,No 1, January 2014.
- 26 MGI India parity Full report November 2015.ashx.

water gathering firewood, and cooking which is time-consuming.²⁷ In India, the incidents of exploitation of women workers are very common. The National Commission on Self-Employed Women pointed out that females work for stretched hours and contribute significantly to the family income, they are not considered as workers. The employers ignore to recognize the multitasking role of women which comprises their creative and generative labor. Women are quite often the main earners for their families, sometimes this goes unrecognized.²⁸ As per the 1971 census work is divided into paid and unpaid, primary and secondary. Unpaid workers are generally engaged in secondary work and they are not considered as economically active. This segregation underestimates the number of women workers. In addition to this the Census of India, 1981 exclude domestic work and unpaid economic work from the definition of work. Further, it is observed that a woman works from dawn to dusk. She earns a small income from it. In 'manpower planning statistics it is not considered as employment and she does not get a status as a worker. It is the women who generally increased the income of the poor household by working, but statistics do not recognize it. The question arises why does women's work go unaccounted, unrecognized, and unaccepted? The explanation is given by a different section of people that many of the activities performed by women lack official visibility in statistics. Women dominate the informal sector. Unfortunately, many of the activities in the informal sector are not quantified because they are considered to be an extension of family and domestic functions.²⁹ Gender inequality in the workplace is deep-rooted. Working women across the globe face including juggling work and family responsibilities, unequal wage and sexism at the workplace, and unsafe work environments. Even in many cases, women are economically active there is no acknowledgment of their status as workers. The women's work is seen as an extension of housework and they are treated as supplementary earners.³⁰ There are several studies on gender wage discrimination in India. According to Madhwaran and Attewell (2007), it was pointed out that "occupational discrimination was more pronounced than wage discrimination among workers in the

27 Report of the National Commission on Self-Employed Women and Women in the Informal Sector 1989 Sharm Shakti, New Delhi: Ministry of Women and Child Welfare.

28 Humanities and Social Sciences Communication, 'Unfolding unpaid domestic work in India: women's constraints, choices, and career' Pushpendra Singh & Falguni Pattanaik.

29 Patel, Vibhati. 1989. 'Visibility of Women in Statics and Indicators: Changing Perspective'. Paper Presented at National Workshop, SNDT, Bombay.

30 Patel, Vibhati. 1989. 'Visibility of Women in Statics and Indicators: Changing Perspective'. Paper Presented at National Workshop, SNDT, Bombay.

scheduled tribe (ST) and scheduled caste (SC) social groups.”³¹ In his study Das et al (2009), with the help of data from National Sample Survey (NSS) domestic investigations, detected that as far as the position of women of all age groups is concerned there had been no development in the Indian market since 1990.³² It was noted that economic liberalism policy unable to shrink gender parity in private and public areas of work.³³ It is seen that most women grieve in silence in a male-controlled society. They are destitute of personal liberty and assured by rulebooks prepared by the males.

The Covid-19 pandemic has unreasonably affected working women. According to the analysis led by McKinsey Global Institute in the year 2020, it shows that “women are more vulnerable and susceptible to COVID-19-related economic effects because of the already existing gender inequalities. Using the unemployment data, trends and surveys in the United States and India, the study estimates that female job loss rates owing to COVID-19 are about 1.8 times higher than the male job loss rates globally, at 5.7% versus 3.1%, respectively.”³⁴ According to the Centre for Monitoring Indian Economy, “the labor participation rate for women which was already low has withered even further after the pandemic to 11% compared to 71% for men. In India, where inequalities against women are naturally practiced, the inequality has only worsened due to the lockdown imposed by the government to contain the COVID-19 outbreak.”³⁵ According to Priti Jha & Niti Nagar, (2015)³⁶ “the gender inequality that exists among every region, social class, which prevents the growth of Indian economy from improving the lives of Indian people. The

31 Madheswaran S and Paul Attewell (2007): “Caste Discrimination in the Indian Urban Labour Market: Evidence from the National Sample Survey”, *Economic & Political Weekly (India)*, 13 October, 4146-53

32 Das, P, Dasgupta B and P K Biswas (2009): “Gender and Labour: Post-reform Scenario in India” in M K Sanyal et al (ed.), *Post-Reform Development in Asia - Essays for Amiya Kumar Bagchi* (Hyderabad: Orient Blackswan).

33 Das, P (2012): “Wage Inequality in India: Decomposition by Sector, Gender and Activity Status”, *Economic & Political Weekly*, 47(50), PP 58-64.

34 Available at <https://www.empowerwomen.org/en/resources/documents/2020/07/covid-19-and-gender-equality-countering-the-regressive-effects?lang=en> visited on 29.6.21. (*COVID-19 and gender equality: Countering the regressive effects*, conducted by McKinsey Global Institute in the year 2020.)

35 The Times of India ‘Covid-19 aggravates gender inequality – Burning at the stake are women’, March 22, 2021, 8:51 PM IST Dr. Soumitro Chakraborty in *Voices, India, TOI*

36 The International Journal of INDIAN PSYCHOLOGY ‘A Study of Gender Inequality in India’, by Priti Jha, Niti Nagar, Published: June 25, 2015.

reality of gender inequality in India is very complex and diversified because it exists in every field like education, employment opportunities, income, health, cultural issues, social issues, economic issues, etc.” Dr. (Smt.) Rajeshwari M. Shettar,(2015) ³⁷ analyzes the status of Women’s Empowerment in India and pointed the matters and challenges of Women’s Empowerment. The study detects how women become victimized by various social evils in daily life and discloses that Indian women are neglected and have a lower position than that men despite many initiatives undertaken by Government. G. ArunaDevi, (2016), her research work highlights that women are the most rising and impressive entrepreneurs today in a male-dominated society and discusses the problem in the base for a starting business enterprise, day-to-day problems of their businesses.

5. CONSTITUTIONAL PROVISIONS

The feeling of inequality had sunk deep into the consciousness of the people of India during the colonial era. Therefore, the main responsibilities before the framers of the Constitution were to guarantee equality of status and opportunity for all and to provide a basis for ultimately a classless society. The drafters of the constitution achieve these objectives by incorporating a set of fundamental principles in the Constitution.

The following provisions of the Indian Constitution safeguard women’s rights:

- Article 14 of the Constitution states Equality before law for women;³⁸
- Article 15(1) ensures that the State shall not discriminate against any citizen on grounds of religion, race, caste, sex, place of birth, or any of them;³⁹
- Article 15 (3) State to make special provision in favor of women and children;⁴⁰

37 Dr. (Smt.) Rajeshwari M. Shettar, ‘A Study on Issues and Challenges of Women Empowerment in India.’ IOSR Journal of Business and Management (IOSR-JBM) e-ISSN: 2278-487X, p-ISSN: 2319-7668. Volume 17, Issue 4.Ver. I (Apr. 2015), PP 13-19

38 Article 14 of the Indian Constitution.

39 Article 15(1) of the Indian Constitution.

40 Article 15 (3) of the Indian Constitution.

- Article 16 provides Equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State;⁴¹
- Article 39 (a) ensures that State direct its policy towards securing for men and women equally, the right to an adequate means of livelihood;⁴²
- Article 39 (d) Equal pay for equal work for both men and women;⁴³
- Article 39 A states that 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 because of economic or other disabilities;⁴⁴
- Article 42 ensures State to make provision for securing just and humane conditions of work and for maternity relief;⁴⁵
- Article 46 ensures that the State 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 ;⁴⁶
- Article 47 provides the State to raise the level of nutrition and the standard of living of its people and the improvement of public health;⁴⁷
- Article 51 (A) (e) provides 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; Apart from that, those seats are reserved for a marginalized group.⁴⁸

41 Article 16 of the Indian Constitution.

42 Article 39 (a) of the Indian Constitution.

43 Article 39 (d) of the Indian Constitution.

44 Article 39 A of the Indian Constitution.

45 Article 42 of the Indian Constitution.

46 Article 46 of the Indian Constitution.

47 Article 47 of the Indian Constitution.

48 Article 51 (A) (e) of the Indian Constitution.

6. POLICY FRAMEWORK AND OTHER SUPPORT SYSTEM

The connection between economic growth and inequalities between men and women has become one of the most discussed subjects in policymaking arenas. The World Bank, accepted that “economic growth has proved a slow instrument of change in the status of women there is need of public policies that may have an important role to play in breaking down institutional and cultural mechanisms of discrimination against women.”⁴⁹ During the first Five Year Plan⁵⁰(1951-56) the government noted the position of women in society. The government took initiative and the needs of women were merged with the disadvantaged, weaker, and handicapped sections who needed community aid. It was during this period welfare-oriented schemes towards women initiated. These schemes were related to maternity and child care health, family planning schools, and women’s education were introduced. Then in Second Five Year Plan⁵¹brought a comprehensive social welfare program and social legislation. The aim of this plan to carry forward and quicken the process of development initiated in the first plan period. It was noted that till the end of the Fifth Plan the welfare-oriented schemes continued. there were only three specific schemes related to women as follows:

- a. The condensed course of Education for women who cannot attend the regular schools.
- b. Short Stay Homes for sexually abused women; and
- c. Working Girl’s Hostel.

The Committee on the Status of Women in India was set up in 1971 to analyze the progress of Five Year Plans it reported that dynamics of development had badly affected a maximum number of women and generated new imbalances and disparities. In the Fifth Year Plan, the women were not seen as productive activities or in terms of their roles in productive activities. It was the International Women’s Year 1975 which mandated to report on the various dimension of women’s development. The Sixth Five Year Plan⁵² (1980-85) after

49 World Bank, World Development Report 1995: Workers in an Integrating World (New York: Oxford University Press, 1995), p. 44.

50 Five Year Plans, Planning Commission, Government of India available at <http://planningcommission.nic.in/plans/planrel/fiveyr/ist/welcome.html/>

51 Second Five Year Plans, Planning Commission, Government of India available at <http://planningcommission.nic.in/plans/planrel/fiveyr/2nd/welcome.html/>

52 Sixth Five Year Plan 1980-85, available at <https://niti.gov.in/planningcommission.gov.in/docs/>

the recommendation of the report of CSWI incorporated a separate chapter on women's development focusing on various areas of social and economical development. The Ninth Five Year Plan (1997-2002) acknowledged the importance of addressing women as agents of change and as per of strategies to achieve the objectives of empowerment.⁵³The tenth Five Year Plan laid stress on the empowerment of women. It was during this plan emphasis was given on gender justice this plan was committed to eliminating all forms of gender discrimination. To achieve gender justice the plan focused on certain measures and strategies. To combat the challenges for gender equality and roadmap for the eleventh five-year plan, a five-four agenda was formulated. The purpose of this plan is to strengthening women-related legislation, institutional mechanisms and empowering women. Like the previous five-year plan the twelfth five-year plan (2012-17) has large vision priorities and strategies.

To address the women issues and they should get benefits a special mechanism of monitoring 27 beneficiary-oriented schemes were implemented in 1986. Various women-related policies are as follows:

1. The National Policy on Education-This policy was announced in 1986 and ensures basic education for all.
2. The National Agriculture Policy-It is announced in 2000 and the main objective was to mainstream the gender concerns in agriculture.
3. The National Nutrition Policy-This policy emphasis on a comprehensive strategy for eradicating the under/malnutrition for all section of society with special priority for women.
4. The National Policy for Empowerment of Women- The Policy was announced in the year 2001. The policy was focused on the advancement, development, and empowerment of women.
5. The Draft National Health Policy 2001-this policy guarantees access to women to basic health care.
6. The National Population Policy-The NEPP2000 calls for the empowerment of women for health and nutrition.

plans/planrel/fiveyr/6th/6planapp.html retrieved on 7.7.21.

53 Ninth Five Year Plan 1997-2002, Vol.II, Thematic issues and Sectoral Programmes in Sarala Gopalan toward equality-The Unfinished Agenda-Status of Women in India -2001, National Commission on Women at 18(2002).

In addition to this a large number of programs and schemes for the welfare and development of women, girls, and children were implemented by the Government of India and State Governments such as Support to training and Employment Programme for Women (STEP), Setting Up of Employment-cum-Income Generating Units for Women (NORAD), Indira Mahaila Yojana and many more for their uplift man. On 31st January 1992 to safeguard the interests of women in India the National Commission for women was established.⁵⁴

7. INTERNATIONAL EFFORTS

In 1979 The United Nations Convention on the Elimination of all Forms of Discrimination against Women was adopted. It covered the right to vote, equality in education, political participation, employment, healthcare as well as economic and social rights. In 1995, at the Fourth World Conference on Women in Beijing, United Nations Secretary-General Boutros Boutros Ghali had said that “violence against women is a universal problem. The conference highlighted that in all societies many women and girls are subjected to physical and psychological abuse and remedial action needs to be taken at the national level.” As far as the United Nations declarations are concerned, they are not enforceable by law, they do shape public opinion and many states have taken steps to include them at the national level. India is conscious of gender equality and it has ratified ILO Conventions which is towards gender equality.⁵⁵ The main Conventions are as follows:

1. Convention No. 100, Equal Remuneration, (ratification:1958);
2. Convention No. 111, Discrimination (Employment and Occupation), 1958(ratification: 1960).
3. Convention No.89, Night Work (Women) Revised,1948;
4. Convention No. 4, Night Work (Women) Convention, 1919;
5. Convention No. 45, Underground Work (Women), 1935;
6. Convention No.89, Night Work (Women) Revised,1948;
7. Convention No. 41, Night Work (Women) (Revised), 1934.

54 National Commission for Women available at http://ncw.nic.in/brief_history.htm. Visited on 29.06.21.

55 https://www.ilo.org/wcmsp5/groups/public/@ed_norm/@normes/documents/publication/wcms_088023.pdf

Sex is an unchallengeable characteristic determined mainly by the birth. The burden of any incapacities or denial of any rights based on this is against the system of nature as also against the system of any civilized society.⁵⁶ Under a variety of behaviors and situations, the concept of gender injustice, gender inequality, and discrimination, which are violative of basic Human Rights may be highlighted. Despite various international conventions and treaties recognizing equal rights for women, as a basic human right and the same has been incorporated in The Constitution of India, yet gender justice is far from reality.

8. SUGGESTIONS & CONCLUSION

India can increase its income if females joined the workforce in equal measure. For this, we have to alter our old and old-fashioned social patterns. Women should be given Education and Employment opportunities on par with men. They shall be represented equally in all well-paying sectors. The main reason for prejudice against females arises from the market being male-controlled and dominated. The Directive Principles of State Policy are articulated in Part-IV of the Constitution, though non-justiciable, impose an obligation on the state to take positive action in certain directions towards the welfare of the people and are fundamental in the governance of the country. Some of them are “women-specific” while some are indirectly concerned with women. The International Labour Organisation had completed more than 100 years. The ILO had recognized the rights of women in the workplace. It’s the time the Government shall bring such a policy where the employer gives female preferences in jobs. The employer shall have a pay-parity clause and do not differentiate based on gender.

56 Sharron A. Frotiero V.Elliot L.Richardson ,36 L.ED.2d 583(1973).