

2

Role of Women and Women's Organization

Introduction

"It is impossible to think about the welfare of the world unless the condition of women is improved. It is impossible for a bird to fly on only one wing."

— **Swami Vivekananda.**

The history of women in India is the story of progressive decline. Mother nature made women an equal half of human society, but unfortunately the patriarch society made them subordinates in many ways.

Under the influence of modern education, a set of social reformers campaigned for legislation which would uplift the status of women in society. However, in spite of some efforts, a lot of problems are being faced by women.

Data/facts

- According to the World Economic Forum's Global Gender Gap Index, 2021, India has slipped 28 places and has been ranked 140th among 156 nations participating in the rankings.
- More than half of the children and women are anaemic in 13 of the 22 States/uts - NFHS-5
- According to NFHS-IV (2015-16), the prevalence of anaemia among women aged 15 to 49 years is 53% and among adolescent girls aged 15-19 years is 54%.
- Crime against women showed an increase of 7.3% in 2019 from 2018 (Crime in India, 2019 NCRB report).
- As per the Periodic Labour Force Survey, 2018-19, the female labour force participation rates (LFPR) among women aged above 15 years are as low as 26.4% in rural areas and 20.4% in urban areas in India.

Evolution of the role of women in Indian Society

Rig vedic (1500 bc - 1000 bc)

- During this period women were dignified with a respectable status in early Vedic civilization.

- They enjoyed complete freedom in every sphere and were placed as central to creation of all lives in the cosmos. They were composers of hymns, they could marry the men of their choice at a mature age.

- There were women poets like Apala, Viswavara, Ghosa, and Lopamudra during this era which is also called Rig Vedic period.

The later vedic period (1000 bc-600 bc)

- In this period, larger kingdoms were formed and a need for having a large army which in turn gave more role and prestige for men. The early law books reduced the women to the status of a 'Shudra'. Except for some personal property ('stridhana') they were not entitled to any property. Women were denied to read Vedic texts. Women also lost their political rights of attending assemblies.

- However, the women in the royal and rich household enjoyed certain privileges and reached the pinnacle of fame e.g., Gargi and Maitreyi.

The jainism and buddhism period (600 bc-200 bc)

- The existence of a persistent gender equality was observed during the period of Jainism and Buddhism.
- During the period of Jainism and Buddhism, Buddhist philosophy encouraged women to lead a liberal and honorable life. During the benevolent rule of the famous Buddhist kings such as Chandragupta Maurya, Ashoka, Sri Harsha, and others, women regained a part of their lost freedom and status due to the relatively broadminded Buddhist philosophy.
- Many women took a leading role in Buddhist monastic-life, women had their sangha called the Bhikshuni Sangha, which was guided by the same rules and regulations as those of the monks.

- However, women's economic status deteriorated during the Jainism and

Buddhism period, in which they were also prohibited from political participation.

Medieval period (6th - 13th century ad)

- In the medieval period, the practice of keeping a veil on the faces for women became widespread among the upper class women.
- During the era of Muslim kings, the existing social evils became more prominent like female infanticide, no education to girls, child marriage etc.
- In this period a menace called Jauhar came into existence, under which wives and daughters of defeated warriors self-immolate themselves to avoid strain on their modesty and at the hands of the enemy.
- However, with the rise of the bhakti movement and Sufism, the status of women improved significantly across India. Various popular figures like Shankaracharya, Ramanuja, Guru Nanak vociferously voiced against ill treatment and suppression of women irrespective of caste and religion.

During the colonial period

- With the decline of Mughal supremacy and expansion of colonial structure in India, the influence of modern ideas set in motion a process of change in a different direction.
- With the efforts of Ram Mohan Roy, Radhakanta Deb, Bhawani Charan Banerji the practice of 'sati' was banned in 1829.
- In 1856, through the efforts of Ishwar Chandra Vidyasagar the first widow remarriage took place. Pandit Vishnu Shastri founded the Widow Marriage Association in 1860.
- Various measures aiming at amelioration were enacted, including Bengal Sati Regulation, 1829, Hindu Widows' Remarriage Act, 1856, Female Infanticide Prevention Act, 1870, and Age of Consent Act, 1891.

Post independence period

- The period after Independence was marked by a number of efforts undertaken both by the Government and the Voluntary sector to uplift women's status.
- Cultural and Structural changes reduce exploitation of women to a great extent and provide equality of opportunities to women in various fields.

- Fundamental Rights in the Constitution ensured that women would not face discrimination on account of their gender. Constitutional safeguards were translated into practice by enacting several legislations covering the wide spectrum of women's lives.
- The State, however, was empowered to make affirmative discrimination in favour of women due to the suppression faced by them for centuries.
- The main thrust of development efforts in post independent India has been reflected in the Five Year Plans.

Modern India

- Modern India has paved the way to position a woman's status as professionals with its greatest social upliftment reforms.
- After the LPG of the economy, the demographics of employment have been changing in India, where women are represented in the workforce in bigger numbers than ever before.
- Women also exercise their right to vote, contest for Parliament and Assembly, seek appointment in public office and compete in other spheres of life with men.
- The 73rd and 74th Constitutional Amendments of 1993 reserved 33 percent of seats for women in elections to local bodies in both the rural and urban areas.
- The Government of India declared 2001 as the year of women's Empowerment.
- However, it is also true that on one hand women are climbing the ladder of success, on the other hand, they are also suffering from atrocities of male dominated Indian Society.

Challenges Faced by Womens

Domestic violence

- Domestic violence, or intimate partner violence (IPV) as it is sometimes called, is a worldwide problem.
- The act of domestic violence towards women is a human rights violation as well as an illegal act under Indian law.
- The NFHS-4 suggests that 30% women in India in the age group of 15-49 have experienced physical violence.

Issues Involved

- **Patriarchal mindset:** The major factor behind the violent behaviour of men is the patriarchal attitude which perceives women as an object and gives her a low status in the society. Violence arises from patriarchal notions of ownership over women's bodies, labour, reproductive rights and level of autonomy.
- **Lack of awareness:** Lack of awareness of their own rights and a general social belief in women's subordination perpetuates a low self-image in women and her inferior status. Women are taught that marriage is the ultimate goal she has to achieve.

Dowry Demand And Dowry Death

- In the Indian subcontinent, dowry is the payment in cash or some kind of gifts given to a bridegroom's family along with the bride. The dowry system is thought to put a great financial burden on the bride's family. There are variations on dowry prevalence based on geography and class.
- States in the north are more likely to participate in the dowry system among all classes, and dowry is more likely to be in the form of material and movable goods.
- In the south, the bride price system is more prevalent, and is more often in the form of land, or other inheritance goods. This system is tied to the social structure of marriage, which keeps marriage inside or close to family relations.
- Dowry has become a social menace in modern India, because due to its practice women are subjected to many types of atrocity and harassment, the most brutal and inhumane of which is 'dowry death.' Dowry demand and its inadequate satisfaction is one of the most prominent reasons for domestic violence.

Government measures to curb Domestic Violence:

- **Criminal offence:** In 1983, domestic violence was recognised as a specific criminal offence by the introduction of section 498-A into the Indian Penal Code. This section deals with cruelty by a husband or his family towards a married woman.

- **Dowry Prohibition Act, 1961:** This Act prohibits the giving or taking of dowry. This is to ensure a change in the culture of dowry in India and associated violence.
- **Protection of Women from Domestic Violence Act, 2005:** Protection of Women from Domestic Violence Act, 2005 ensures the reporting of cases of domestic violence against women to a Protection Officer. The Act was to make justice available to women who may not always want criminal proceedings and would want to keep the option of reconciliation alive.

Cyber crime against women:

- Though crime against women is on a rise in all fields, being a victim of cybercrime could be the most traumatic experience for a woman. Especially in India where society looks down upon women and the law doesn't properly recognize cybercrimes.
- Women get trapped to be a victim of cybercrimes and the online podiums are now the new platform where a woman's privacy, dignity and security is more and more being challenged every moment.
- Cyber-criminals use computer technology to access personal information and use internet for harassment and exploitation purposes which includes stalking, blackmailing, threatening via emails, photo morphing, cyber pornography etc.

Some major cybercrime against women

1. **Cyber stalking:** Cyber stalking is on the rise and women are the most likely targets. Cyber stalking is a way to use the Internet to stalk someone for online harassment and online abuse.
2. **Defamation:** It involves publishing defamatory information about the person on a website or circulating it among the social and friends circle of victims or organisation which is an easy method to ruin a woman's reputation by causing her grievous mental agony and pain.
3. **Picture Morphing:** Morphing is editing the original picture by an unauthorised user or fake identity. It was identified that female's pictures are downloaded by fake users and

again re-posted /uploaded on different websites by creating fake profiles after editing it.

4. **Trolling:** Trolls spread conflict on the Internet, criminal's start quarrelling or upsetting victims by posting inflammatory or off-topic messages in an online community with the intention to provoke victims into an emotional, upsetting response.
5. **Cyber Pornography:** Cyber Pornography is the other threat to the female netizens. This would include pornographic websites; pornographic magazines produced using computers and the internet.

Government measures to curb cyber crime against women

- ➔ Cyber Crime Cells have been set up in States and uts for reporting and investigation of Cyber Crime cases.
- ➔ Government has set up cyber forensic training and investigation labs in the States of Kerala, Assam, Mizoram etc. For training of Law Enforcement and Judiciary in these States.
- ➔ Programmes on Cyber Crime investigation: Various Law schools are engaged in conducting several awareness and training programmes on Cyber Laws and Cyber Crimes for judicial officers.
- ➔ Training is imparted to Police Officers and Judicial officers in the Training Labs established by the Government.
- ➔ The Scheme for Universalization of Women Helpline has been approved to provide a 24-hour emergency and non-emergency response to all women affected by violence.

Prostitution

- ➔ Large number of women destitute or victims of rape who are disowned by family fall prey to prostitution forcibly.
- ➔ Laws related to prostitution in India:
 - Suppression of Immoral Traffic in Woman and Girl Act - 1956
 - Prevention of Immoral Traffic Act - 1956
 - Immoral Traffic Prevention act - 1956

Steps that should be taken in order to fight with prostitution:

- ➔ Normal education should be made available to those victims who are still within the school going age, while non-formal education should be made accessible to adults.
- ➔ The Central and State Governments in partnership with ngos should provide gender sensitive market driven vocational training to all those rescued victims who are not interested in education.
- ➔ Rehabilitation and reintegration of rescued victims should be done.
- ➔ Awareness generation and legal literacy on economic rights, particularly for women and adolescent girls should be taken up.

Female foeticide

- ➔ Female foeticide refers to 'aborting the female in the mother's womb'; whereas female infanticide is 'killing the girl child after her birth'.
- ➔ The low status of women goes on with the practice of infanticide, foeticide, sex-selective abortion which has become common due to the amniocentesis technology, and mal-nourishment among girl children.
- ➔ Data on sex ratio at birth (SRB) culled from the Civil Registration System, show an alarming fall over the years. From 903 girls for every 1,000 boys in 2007, it dropped to 877 in 2016.
- ➔ The Economic Survey of 2017-2018 to identify 63 million 'Missing girls' in India until 2014.

Reasons behind female foeticide:

1. **Gender discrimination:** The bias against females in India is grounded in cultural, economic and religious roots. Sons are expected to work in the fields, provide greater income and look after parents in old age. In this way, sons are looked upon as a type of insurance.
2. **Socio-ritual factors:** Females are vulnerable to brutalities of the male in the forms of physical, mental and sexual assaults and traumas in the patriarchal societal structure of India.

3. **Dowry system:** The evil practice of dowry is widely prevalent in India. As a result, daughters are considered to be an economic liability.
4. **Technological factors:** The presence of low-cost technologies like ultrasound, have led to sex-based abortion of female fetuses, and an increasingly smaller percentage of girls born each year.

Sexual harassment at the workplace

- Sexual Harassment at the workplace is one of the issues faced by women in the modern world. It not only violates their right to equality, life, and liberty but also discourages their participation in economic activities.
- **The Sexual Harassment of Women and Workplace (Prevention, Prohibition and Redressal) Act in 2013:** This Act lays down the procedures for a complaint and inquiry and the action to be taken. It mandates that every employer constitute an Internal Complaints Committee (ICC) at each office or branch with 10 or more employees. It lays down the procedures and defines various aspects of sexual harassment.

Government measures:

- **The Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994:** It was enacted to stop female foeticides and arrest the declining sex ratio in India which was amended in 2003, to improve the regulation of the technology used in sex selection.
- **Beti Bachao, Beti Padhao campaign:** The objectives of this initiative are to prevent of gender biased sex selective elimination, and to ensure survival and protection of the girl child.

Government initiatives

- **She-Box:** The Ministry of Women and Child Development has linked she-Box, the online portal to report complaints of Sexual Harassment at Workplace, to all the Central Ministries, Departments and 653 districts across 33 States/Union Territories.

- **Nirbhaya Fund:** A dedicated non-lapsable corpus fund for implementation of initiatives aimed at enhancing the safety and security of women in the country.
- **Swadhar Greh:** This scheme aims to provide basic necessities to marginalised women and girls who are living in difficult circumstances without any economic or social support. Under this scheme women are provided with emotional support and counselling.
- **Sakhi One Stop Centre (OSC):** To facilitate access to an integrated range of services including police, medical, legal, psychological support and temporary shelter to women affected by violence.
- **Women Helpline Scheme:** To provide 24-hour emergency and non-emergency response to women affected by violence including sexual offences and harassment both in public and private sphere, including e family, community, workplace, etc.
- **UJJAWALA:** For the prevention of trafficking and providing support for rescue, rehabilitation, reintegration and repatriation of women and child victims of trafficking for commercial sexual exploitation in India.

Constitutional provisions for women

- In the light of historical experiences and in consonance with the democratic ideals, our founding fathers incorporated various provisions for gender equality across the constitution they are.
- The Fundamental Rights, Fundamental Duties and Directive Principles together work towards shaping policies and putting safeguards not just for women empowerment in India but also protection.

Fundamental rights

Article 14	➤	The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.
Article 15 (1)	➤	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(3)	➤	The State to make any special provision in favour of women and children.

Article 16(2)	➤ No citizen on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated in respect of employment or office under the State.
Directive principles of state policy	
Article 39 (a)	➤ The State to direct its policy towards securing for men and women equally the right to an adequate means of livelihood.
Article 39 (d)	➤ Equal pay for equal work for both men and women.
Article 42	➤ The State to make provision for securing just and humane conditions of work and for maternity relief.
Constitutional laws for women related to panchayats & municipality	
Article 243D (3)	➤ Not less than one third of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women.
Article 243D (4)	➤ One-third of the total number of offices of chairpersons in the Panchayats at each level shall be reserved for women.
Article 243T (3)	➤ One-third of the total number of seats to be filled by direct election in every Municipality shall be reserved for women.
Article 243T (4)	➤ Offices of chairpersons in the Municipalities shall be reserved for women in such manner as the State Legislature may provide.

Legal provisions to safeguard women

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.

Equal Remuneration Act, 1976	➤ It provides for payment of equal remuneration to both men and women workers for the same work or work of a similar nature. It also prevents discrimination on the ground of sex, against women in recruitment and service conditions.
Amendment to Criminal Act, 1983	➤ It made domestic violence as an offence; rape has also been made a punishable offence.
Special Marriage Act, 1954	➤ It has been amended to fix the minimum age of marriage at 21 years for males & 18 years for females.

Hindu Succession Act, 1956	➤ Equal share to daughter from property of father; while a widow has the right to inherit husband's property. An amendment in this Act in 2005 enabled daughters to have equal share in ancestral properties.
Dowry Prohibition Act, 1961	➤ It prohibits the giving or taking of dowry at or before or any time after the marriage from women. Court is empowered to act in his own knowledge or on a complaint by any recognized welfare organization on dowry murder. ➤ Indian Evidence Act has also been amended to shift the burden of proof to husband & his family where the bride dies within 7 years of marriage.
Domestic Violence Act, 2005	➤ It seeks to determine domestic violence in all forms against women & make it a punishable offence.
Pre-conception and Prenatal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994	➤ The Act prohibits sex selection before or after conception and prevents the misuse of prenatal diagnostic techniques for sex determination leading to female foeticide.
Maternity Benefit Act, 1961 (Amended in 2017)	➤ It regulates the employment of women in certain establishments for certain periods before and after child-birth and provides for maternity and certain other benefits.
Medical Termination of Pregnancy Act, 1971	➤ Legalize abortion in case if foetus is suffering from physical or mental abnormality, in case of rape & unwanted pregnancy within 12 weeks of gestation period, and between 12th to 20th week if the pregnancy is harmful for the mother or the child born would be severely deformed.
Immoral Traffic Prevention Act (ITPA), 1986	➤ Suppression of Immoral Trafficking in women and girls Act (SITA) 1956 was amended in 1986 & renamed ITPA. It was enacted to prohibit or abolish traffic in women and girls for purposes of prostitution. It was amended to cover both the sexes & provided enhanced penalties for offenses involving minors.

Indecent Representation of Women (Prohibition) Act, 1986	<ul style="list-style-type: none"> ➤ The Act prohibits indecent representation of women through advertisements or in publications, writings, paintings, and figures or in any other manner and for matters connected therewith.
Criminal Law (Amendment) Act, 2013	<ul style="list-style-type: none"> ➤ In the backdrop of Delhi 2012 gang rape, this Act was passed amending the Crpc. ➤ The new law has provisions for increased sentence for rape convicts, including life-term and death sentence, besides providing for stringent punishment for offences such as acid attacks, stalking and voyeurism. ➤ Through the revised Bill, the government has amended various sections of the Indian Penal Code, the Code of Criminal Procedure, the Indian Evidence Act and the Protection of Children from Sexual Offences Act.
Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013	<ul style="list-style-type: none"> ➤ The Act provides protection to women from sexual harassment at all workplaces both in public and private sector, whether organised or unorganized.

Policy

A. National policy for women empowerment, 2001

- To create an environment through positive economic and social policies for full development of women to enable them to realize their full potential.
- The de-jure and de-facto enjoyment of all human rights and fundamental freedom by women on equal basis with men in all spheres - political, economic, social, cultural and civil.
- Equal access to participation and decision making of women in the social, political and economic life of the nation.
- Equal access to women to health care, quality education at all levels, career and vocational guidance, employment, equal remuneration, occupational health and safety, social security and public office etc.
- To strengthen legal systems which aimed at elimination of all forms of discrimination against women.
- To change societal attitudes and community practices by active participation and involvement of both
- Men and women Mainstreaming a gender perspective in the development process.
- To eliminate discrimination and all forms of violence against women and the girl child.
- To build and strengthen partnerships with civil society, particularly women's organizations.

B. Draft national policy for women, 2016

- The broad objective of the policy is to formulate a new policy that can guide the transformative shift required for making gender rights a reality, addressing women's issues in all its facets, capturing emerging challenges and ultimately positioning women as equal partners of sustained development progress that India is experiencing presently.

Health including food security and nutrition	<ul style="list-style-type: none"> ➤ Focus on recognizing women's reproductive rights. ➤ Shift of family planning focus also to males.
	<ul style="list-style-type: none"> ➤ Address health issues in a life cycle continuum such as psychological and general and well-being. ➤ Address health care challenges related to nutrition/ hygiene of adolescents. ➤ Expansion of health insurance schemes.
Education	<ul style="list-style-type: none"> ➤ Improve access to pre-primary education. ➤ Improve enrolment and retention of adolescent girls. ➤ Implement innovative transportation models for better schooling outcomes.
Economy	<ul style="list-style-type: none"> ➤ Engender macro-economic policies and trade agreements, ➤ Generate gender-disaggregated land ownership database, ➤ Skill development and training for women, entrepreneurial development, review of labour laws and policies ➤ Equal employment opportunities with appropriate benefits related to maternity and child care services, address technological needs of women.

Governance and Decision Making	<ul style="list-style-type: none"> ➤ Increasing women's participation in the political arena, administration, civil services and corporate boardrooms.
Violence against Women	<ul style="list-style-type: none"> ➤ Address all forms of violence against women through a life cycle approach i.e. Improve Child Sex Ratio (CSR). ➤ Prevention of trafficking at source, transit and destination areas for effective monitoring of the networks.
Enabling Environment	<ul style="list-style-type: none"> ➤ Gender perspective in housing and infrastructure. ➤ Ensure safe drinking water and sanitation. ➤ Gender parity in the mass media & sports ➤ Efforts towards strengthening social security and support services for all women especially the vulnerable, marginalized, migrant and single women.
Environment and Climate Change	<ul style="list-style-type: none"> ➤ Address gender concerns during distress migration and displacement in times of natural calamities due to climate change and environmental degradation. ➤ Promotion of environmentally friendly, renewable, non-conventional energy, green energy sources for women in rural households.

Key supreme court judgements for women:

A. Vishakha guidelines, 1997

- Sexual harassment includes such unwelcome sexually determined behaviour as physical contact and advances; a demand or request for sexual favours; sexually colored remarks; showing pornography; any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
- Sexual harassment as defined at the work place should be notified, published and circulated.
- Where such conduct amounts to a specific offence under law, the employer should initiate appropriate action by complaining with the appropriate authority.
- Victims of sexual harassment should have the option to seek transfer of the perpetrator or their own transfer.

- An appropriate mechanism should be created for redressal of the complaint.

B. Hadiya case

- The Supreme Court has observed that choice of a partner is a person's fundamental right, and it can be a same-sex partner. The observation came on the first day of hearing by a Constitution Bench of petitions challenging the constitutionality of Section 377 of the Indian Penal Code.
- Section 377 criminalises private consensual sex between adults.
- The right to sexual orientation was meaningless without the right to choose a partner.
- The observations were drawn from the March 2018 judgment in the Hadiya case, which held that influencing an adult's choice of partner would be a violation of the fundamental right to privacy.
- It is to be further tested whether Section 377 stood in conformity with Articles 21 (right to life), 19 (right to liberty) and 14 (right to equality) of the Constitution.

C. Judgement on section 497 of the indian penal code

- The Supreme Court had struck down Section 497 of the Indian Penal Code, which criminalized adultery.
- It also declared Section 198 of the Criminal Procedure Code as unconstitutional, which deals with the procedure for filing a complaint about the offence of adultery.
- It said that the 158-year-old law was unconstitutional and is violative of Article 21 (Right to life and personal liberty) and Article 14 (Right to equality).
- There is no data to back claims that abolition of adultery as a crime would result in "chaos in sexual morality" or an increase of divorce.
- Any provision of law affecting individual dignity and equality of women invites the wrath of the Constitution. It's time to say that a husband is not the master of a wife. Legal sovereignty of one sex over other sex is wrong.
- Section 497 is based on the Doctrine of Coverture. This doctrine, not recognised by

the Constitution, holds that a woman loses her identity and legal right with marriage, is violative of her fundamental rights.

D. *Sabarimala case*

- The Supreme Court in *Indian Young Lawyers Association v/s State of Kerala Case* declared Rule 3(b) of the Kerala Hindu Places of Public Worship (Authorization of Entry) Act of 1965, which authorizes restriction on women "of menstruating age", as ultra vires the Constitution.
- Supreme Court set aside a Kerala High Court judgment of 1991 that upheld the prohibition, pointing that the celibate nature of the deity was "a vital reason for imposing this restriction on young women".

Faith vs Right case

- Every citizen has equal rights in religious matters, we can't discriminate against them on the basis of caste, race, gender etc, according to Article 15 of the constitution.
- Assures protection to every religious denomination to manage its own affairs.
- Can't not stop women due to their biological cycle

Current Developments: Womens

1. *Menstrual leave*

- **In News:** Recently, Indian unicorn Zomato have announced paid and mandatory menstrual or period leave for its women employees.
- Menstruation is a natural, normal biological process experienced by half of humanity, yet it is not given its due importance due to unnecessary embarrassment, shame, illiteracy and poverty.
- Menstrual leave raises a number of questions regarding women's health, workforce participation and gender equity at work.

Data/Facts:

- According to UNICEF, 71 percent of young women in India remain unaware of menstruation until their first cycle.

- Bihar is the only state in India which has been providing two days of special leave every month to its female employees since 1992.
- Countries like Japan, South Korea, Indonesia and Taiwan provide menstrual leave to their female employees every month.

Importance

- **Age-old taboo:** This policy of Zomato will be instrumental in tackling an age-old taboo in India by generating awareness and open discussions on the issue.
- **Normalization of the issue:** This will provide freedom to the women to tell people on internal groups, or emails that they are on period leave i.e. Normalization of the issue and across the board acceptance for the issue.
- **Recognition in the unorganized sector:** The more debate and conversation on the issue at national level could lead to recognition of menstrual leave in the unorganized sector.

Menstruation Benefit Bill, 2017

- The Bill seeks to provide women working in the public and private sectors two days of paid menstrual leave every month as well as better facilities for rest at the workplace during menstruation.
- The benefits would also be extended to female students of Class VIII and above in government recognized schools.
- It caters to girls and women across sector/industry/profession/job roles and not just for women engaged in white collar work.

Issues and Challenges:

- **Justify lower salaries and hiring bias:** Additional costs associated with extra paid leaves might discourage companies from hiring women employees and also impact their salaries.
- **Discriminatory towards men:** Several people criticized Zomato a year back when they announced their period leaves policy. They found it to be discriminatory towards men, and inequality seemed like a factor there.
- **Gendering of the workplace:** Women have had to fight twice as hard to get to the same place as men. Period leave may be viewed as the gendering of the workplace, against

women to offer equal opportunities and assignments.

- **Reinforcing the prevalent stereotyping:** The policy risks reinforcing the stereotypes of labeling women as needing extra protection and extra time off, which in turn might reinforce biases in hiring, promotion and compensation.
- **Violation of privacy:** Asking women to inform their employers they're on their periods forces women to let go of their menstrual privacy. This can be construed as a shade of benevolent patriarchy.

Way forward:

- As a society, it is our job to make sure that we overcome the aforesaid challenges and make room for one's biological needs while not lowering the bar for the quality of our work.
- The menstrual leave policy could be structured in such a way that overcomes these challenges.
- During this period employers can be encouraged to work-from-home that allow employees to work remotely for a fixed number of days in a month.
- Apart from these two options, provision of comfortable spaces within the office premises can be explored.

2. Hindu women's inheritance rights

- **In News:** Recently the Supreme Court (SC) expanded on a Hindu woman's right to be a joint legal heir and inherit ancestral property on terms equal to male heirs.

Supreme Court Ruling:

- The SC ruled that a Hindu woman's right to be a joint heir to the ancestral property is by birth and does not depend on whether her father was alive or not when the law was enacted in 2005.
- The Hindu Succession (Amendment) Act, 2005 gave Hindu women the right to be coparceners or joint legal heirs in the same way a male heir does.

Hindu succession act, 1956:

- The Mitakshara school of Hindu law codified as the Hindu Succession Act, 1956 governed succession and inheritance of property but only recognised males as legal heirs.

- It applied to everyone who is not a Muslim, Christian, Parsi or Jew by religion. Buddhists, Sikhs, Jains and followers of Arya Samaj, Brahmo Samaj, are also considered Hindus for this law.
- In a Hindu Undivided Family, several legal heirs through generations can exist jointly. Traditionally, only male descendants of a common ancestor along with their mothers, wives and unmarried daughters are considered a joint Hindu family. The legal heirs hold the family property jointly.

Hindu succession (amendment) act, 2005:

- The 1956 Act was amended in September 2005 and women were recognised as coparceners for property partitions arising from 2005.
- Section 6 of the Act was amended to make a daughter of a coparcener also a coparcener by birth "in her own right in the same manner as the son".
- It also gave the daughter the same rights and liabilities "in the coparcenary property as she would have had if she had been a son".
- The law applies to ancestral property and to intestate succession in personal property, where succession happens as per law and not through a will.

Significance of the Judgement:

- Daughters cannot be deprived of their right of equality conferred upon them by Section 6.
- It also directed High Courts to dispose of cases involving this issue within six months since they would have been pending for years.
- **A step towards women emancipation:** It is a major push for women who lack economic resources and are often marginalised by male members of the family. The fact that a law and not just a will decides women's property rights is significant.
- The partition deeds that have already taken place in the same manner will not be affected; the judgement has a retroactive effect.

Way forward

- Change cannot occur if it exists only on papers, people on their part need to broaden their mindsets and accept that coparcenary is

a daughter's birth right and if they are giving it to her then it is no charity work.

- The coparcenary right of a daughter shall not be denied just because she will have her husband's property after marriage.
- The law should not mean to increase the number of litigations but to provide the daughters their rights in a more graceful and easy manner; the decision should be welcomed with open arms.
- The daughters instead of being so magnanimous and letting it go, should just stand up for their rights and claim it.

3. Unpaid work

- **In News:** Recently the election manifestos of few parties had promised various forms of payment to homemakers, thus putting the spotlight on the unpaid domestic work done by women.
- According to the OECD, it refers to all unpaid services provided within a household for its members, including care of persons, housework and voluntary community work.
- These activities are considered work because theoretically one could pay a third person to perform them. Women carry a disproportionately higher burden of unpaid domestic services as well as unpaid care of children, the old, and the disabled for their respective households.
- Women do this job not necessarily because they like it or are efficient in it, but because it is imposed on them by patriarchal norms, which are the roots of all-pervasive gender inequalities.

Data/Facts:

- According to the International Labour Organization, women perform 76.2 percent of total hours of unpaid care work. This is three times more than similar work performed by men.
- McKinsey estimates that women do 75% of the world's total unpaid care work.
- The economic contribution of women is 17% of India's GDP, less than half the global average.

- India ranks 140th among 156 countries in the World Economic Forum's Global Gender Gap Report 2021.

Need to Recognise Unpaid Work:

- **Linkage with Economy:** The household produces goods and services for its members, and if GDP is a measure of the total production and consumption of the economy, it has to incorporate this work by accepting the household as a sector of the economy.
- **Restricting Opportunities:** The invisible labor that a woman puts into household work is a 24-hour job without remuneration, promotions, or retirement benefits. Further, it restricts opportunities for women in the economy and in life.
- **Subsidizes Private Sector:** At the macro level, unpaid work subsidizes the private sector by providing it a generation of workers (human capital) and takes care of the wear and tear of labor who are family members.
- **Subsidizes Government:** Similarly, unpaid work also subsidizes the government by taking care of the old, sick, and disabled. The state would have spent huge amounts in the absence of unpaid work.

Issues and Challenges:

- **Implementation Issue:** The Economic Survey 2019 recognizes this unpaid work is a positive development. However, its implementation may create problems such as the affordability of the government and calculation of the amounts.
- **Endorsing Norm of Women's Work:** Paying monetary benefits carries with it the possible danger of formally endorsing the social norm that domestic and care work is 'women's work', for which they are being paid.
- **Master-Servant Relationship:** The term salary, wage, or compensation is indeed problematic as it indicates an employer-employee relationship, i.e., a relationship of subordination with the employer having disciplinary control over the employee.

Way Forward:

- ➔ Policies should address the rising need for care and tackle the huge disparity between women's and men's care responsibilities.
- ➔ More data will make more unpaid care work visible and help frame targeted policies and enable better monitoring of the impact of policies and investments.
- ➔ Reduce unpaid care work by investment in physical infrastructure like clean water and sanitation, energy and public transport, and in social infrastructure such as care and health services and education.
- ➔ Redistribution of care work between men and women, and between families and the state will encourage positive social norms and economic development.

Conclusion:

Recognition of its importance and the need to understand its nature and role has been increasing. One reflection of this has been the inclusion in the Sustainable Development Goals of a target to recognize and value unpaid care and domestic work under Goal 5 on Gender Equality. In setting this target, the 2030 Agenda aims at tackling persistent gender inequalities in paid and unpaid work, as a necessary foundation for inclusive growth and development.

4. Crimes against women and impact of covid-19

- ➔ **In News:** Recently, a report was published highlighting that during the first four phases of the COVID-19- related lockdown, Indian women filed more domestic violence complaints than recorded in a similar period in the last 10 years.
- ➔ Stresses on families, particularly those living under quarantines and lockdowns, are increasing the incidence of domestic violence.
- ➔ UN Women has referred to the rise in violence against women during the Covid-19

pandemic and accompanying lockdowns as the "Shadow Pandemic".

- ➔ In 2020, between March 25 and May 31, 1,477 complaints of domestic violence were made by women - NCW.

Possible Reasons

- ➔ **Anxiety and insecurity:** Most of the individuals are facing the problem of anxiety and insecurity over their future prospects.
- ➔ **Lack of Privacy:** Women are not able to reach out because of restrictions on movement as well as a lack of privacy within homes.
- ➔ **Lack of counsellors:** Most women, suffering domestic violence, are increasingly finding themselves isolated and without necessary support such as counselling.

Way forward

- ➔ **Prioritise Mental Health:** Employers should start paying attention to not just the economic health of the employees but also their mental health and give some leverage to the employees, specifically the women employees who are more burdened with domestic works and the maids are on leave.
- ➔ The health ministries of both the centre and state governments should also look into the issue of the psychological health of the population in these trying times and formulate policies to ensure access to online counselling.
- ➔ Media has a big role to play here in starting a conversation about mental health which is a taboo subject to date in India.
- ➔ Train more people to look into the issue of dealing with anxiety and stress identify training institutes to train volunteers who can assist women and children in distress under lockdown.