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**National Seminar On
GENDER AND LAW: A CHALLENGE TO SAFE WORLD ORDER**

20 & 21 September 2017

Organized By

**RC: 10 GENDER STUDIES –INDIAN SOCIOLOGICAL SOCIETY (ISS)
AND
DEPARTMENT OF SOCIOLOGY**

Special Issue Editors

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**MOTHER TERESA WOMEN'S UNIVERSITY
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P REFACE

GENDER AND LAW: A CHALLENGE TO SAFE WORLD ORDER

Law and Gender equality, maps the issue of Gender and Law reforms upon a canvas of History and Politics, and explores strategies which could safeguard women's rights within India's fear of complex social and political boundaries.

It addresses the role that the courts have played in treating women and men differently in all respects of Indian society: in the workplace, in education, in the family, and in the criminal justice system. It is expected that the academicians, scholars, students and social workers should read, critically analyze, and discuss the major Indian Supreme Court and other court decisions that have both reflected traditional roles of the sexes, as well as the impact on gender perspectives. This seminar intends to motivate and educate the students and women of their rights enunciated under law so as to boost their self confidence, self vigilance, physical and emotional strength to react and defend themselves whenever such occasions warrants. There are a number of laws for protection of women, but when they themselves are not aware of the legal remedies available, it is unlikely that they would get justice, realized at the time of Jai Ho Mahila and several other occasions for women safety organized by well wishers. There are Legal Aid Cells to Women and Children to disseminate tips on self defence and protection of oneself from anti-social elements. Women Protection Committees are being set up and Family Counselling Centers opened in many places at State and National levels. Formation of Committee in College and University levels to prevent harassment and to promote Gender Equality is the need of the hour for which greater awareness on the legal remedies need to be made available to them.

The theme taken for National seminar attempted to seek answers to the specific issues on Gender & Law. As the theme of the seminar is interdisciplinary in nature, it attracted the interested scholars, academicians, legal experts from different disciplines and different States to interact and share their views to empower the people.

Simultaneously, the theme will focus on the challenges being faced at different levels in ensuring Gender Equality in the Indian context under the following sub-themes:

- Laws related to Women: Historical perspectives
- Indian Constitution and Gender Equality
- Feminism, Law and Justice
- Human Rights as Women's Rights
- Women and Personal Laws
- Gender based Violence/Cyber crimes and Criminal Law
- Women and Labour Laws
- Women and Environmental Laws
- Ensuring Health Rights and Safety issues

- Ensuring Safe Environment for Family and Social Institutions
- Laws related to Consumer Protection
- Marginalised Laws
- Accident Laws/ Law relating to Accident Claims in India
- Uniform Civil Code :Prospects and Challenges

The University is named after a renowned humanitarian Saint Mother Teresa. This University caters to women belonging to all sections and strata of life in their quest for knowledge, search for redress, appeal for patronage and demand for equality.

As its motto, Mother Teresa Women's University has adopted the English version of the Tamil poet Bharathi's "சரிநிகர் சமான்ம்" which is "Towards Equal Status". This message is etched in its monogram with a balance of a female and male on each side, and supported by a vertical beam of books, with a lamp on top, symbolizing knowledge, this dispelling darkness of ignorance.

Department of Sociology which was established in 1987 with the vision of creating the world of equity and social justice. It expanded its horizon and thus started Master of Social Work for the benefit of students from rural urban and tribal areas. UGC sponsored PG Diploma in Human Rights Education was initiated from 2012. The Counselling Center is also initiated to address the grievances and facilitate the students to overcome the issues faced by them. The department is also coordinating the activities and Courses under UGC funded Centre for Gandhian Studies.

Now RC 10: Gender Studies, Indian Sociological Society and the Department of Sociology, Mother Teresa Women's University, Kodaikanal had organized a two day National Seminar during 20-21 September 2017 on the said theme. **The Indian Sociological Society** was set up in Bombay with the initiative of Prof. G. S. Ghurye, Head of the Department of Sociology, University of Bombay. The Society was registered in December 1951 under the Societies Registration Act. G. S. Ghurye was the Founder-President. The Institute of Social Sciences, New Delhi had provided a space as well as essential services in its premises of New Delhi to run the ISS activities since 1989 since then the Indian Sociological Society has taken great strides.

Editors



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HUMAN RIGHTS PERTAINING TO PROPERTY AND GENDER JUSTICE

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Abstract

The history of suppression of women in India is time immemorial. Indian women at large have suffered and are suffering discrimination in silence. They think that self sacrifice and self –denial is their nobility and fortitude and yet they have been subjected to all inequalities, indignities and Discrimination. Discrimination de-empowers the human capabilities. Even though the Indian Constitution provides equal status and opportunity to women, discrimination is persisting with various forms in all field of women's life. An attempt is made in this article to understand the legal impediments and barriers which cause the unequal provisions for property rights and distribution of property to women. It also tries to identify the role of personal laws to ensure the constitutional right for gender equality in the distribution of property.

Key Words: *Women's Rights, Coparcenary, Succession, Inheritance, Gender justice, Gender equality.*

Introduction

Human relationships become complex in all of its contexts as all human beings are somehow or the other defined and determined through caste, class, religion, gender, ethnicity, and ideology of state. But irrespective of the social differences like sex, gender, class, religion and creed all human beings need to have the access to the provisions of Human Rights both in its National and International terms. Due to various social, political and cultural factors such as war, state intervention, religion, caste and custom, domestic violence and other atrocities from male, women face cruelty and victimization in all fields of social life .The basic frame for such a subservient victimized role of women is the mentality of androcentricity prevailing in patriarchal social system. While reflecting on such a social situation the concepts such as Women's rights are Human rights and women must have the opportunity to live with dignity are problematic in day to day life. The space for freedom of speech, freedom of movement, freedom of opinion, freedom of expression, freedom to acquire her right to have access to her property etc are to be addressed as immediate necessity as women are to have access to the provisions of human rights. To attain the social spaces of gender equality all the barriers due to the mentality of androcentricity are to be exposed by and through the very life situations that will lead to assurance to the human rights of women.

Historical Perspective

Vedic scriptures of Hinduism reveal the idea of Human Rights. The Vedas offer guidance on religious and social obligations .Same is the base of Hindu Law. Even though admixture with religion, ancient Hindu law was founded on social concepts.

The scientific and intellectual evolution of natural rights to explicit and larger concept of Human Rights was took place in 17th and 18th century.

In spite of existence of transempirical derivation the concept of social law evolved in 19th century due to the abolition of slavery ,factory legislations, popular education ,trade unionism and universal suffrage movement.

The realization of the fact that Human right is an inherent and inalienable rights of Human society by the International community pave way to the promotion and protection of Human Rights in the present form.

Concepts of Human Rights

Human rights are the inherent rights of human beings which affirm human dignity. The General Assembly of UN at the time of introducing UNIVERSAL DECLARATION OF HUMAN RIGHTS, 1948 proclaimed that the UNIVERSAL DECLARATION OF HUMAN RIGHTS, as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this declaration constantly in mind shall strive by teaching and education to promote a respect for this rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of member states themselves and among the peoples of their territories under their jurisdiction. .

Women's Human Rights

Women are human beings and "Women's rights" are considered as "the human rights of women". Unequal status of women often results from gender discrimination. Advancement of women is impossible unless and until their rights are fully protected. Human rights terminology embodies the demand that the unequal status of women be addressed as a violation of their rights and a breach of the obligation of government to guarantee equal rights to all.

The atrocities and human rights violations against women are continuing uninterruptedly in all spheres. When women propagated and started the protest against these violations, the authorities considered and recognized the relevance of protection of human rights of women. So they gave special attention and priority to discuss and formulate the policies against the human rights violations. The Government through its laws and Statutes tries to bring in gender equality and a brief summary of the various attempts to bring such equality which can result in empowerment are given below:

U N Conferences

Mexico City in 1975, feminists such as Betty Freidan and women's grassroots activists argued about what women needed and whether middle - class women from the industrialized countries had anything in common with those from poor nations .This conference was the first major step in a worldwide attempt to achieve equality between women and men and to end separation of the sexes in matters of education, opportunities and economic priorities.

Copenhagen conference's programme of action and 48 resolutions included calls for stronger national measures to ensure women's ownership and control of property, as well as improvements in women's rights to inheritance, child custody and loss of nationality.

Beijing Platform for Action: In Beijing conference the effort to define women's rights as human rights bridged the gap. The platform identified 12 critical areas of concern to represent the main obstacles to women's advancement. It includes the burden of poverty on women; unequal access to education and training; unequal access to health care and related services; violence against women; the effects of armed or other kinds of conflicts on women; inequality in economic structures and policies, in all forms of productive activities and in access to resources; inequality in the sharing of power and decision making; insufficient mechanisms to promote the advancement of women; inadequate protection and promotion of women's human rights; stereotyping of women and inequality in women's access to and participation in all communication system, especially in the media; gender inequalities in the management of natural resources and in safeguarding the environment ;and persistent discrimination against girls and violations of their rights.

Convention on the Elimination of all forms of Discrimination against Women

Article 1: The term “discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedom in the political, economic, social, cultural, civil or any other field.

Article 2: States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake: To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle; To take appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women.

Freedom of right envisaged by Statutes

UN Charter and Indian Constitution ensure the gender justice to women through the Articles and provisions of Fundamental rights and Directive principles. It ensures women’s Right to equality, Right to opportunity, Freedom of speech, Freedom of movement, Freedom of opinion, Freedom of expression, Right to vote, Freedom to marry any person on her own wish, Freedom to follow any religion and believes, Freedom to protest for her right, Freedom to have access to her property etc. Provisions of directive principles specifically ensure that the state government should make laws to eradicate the existing discrimination against the women and the Government can also repeal the unjust laws and Acts, ban certain religious believes customs and norms by an order. Attempts to empower women must go hand in hand with the initiatives from legislature, executives and Judiciary to eradicate the prevailing androcentric mentality of the society.

Gender Justice Contemplated in Indian Constitution

Preamble: We the people of India having solemnly resolved to constitute India into a SOVEREIGN, Socialist secular democratic Republic and to secure to all its citizens: JUSTICE, social, economic and political; LIBERTY of thought, expression, belief, faith and worship EQUALITY of status and opportunity and to promote among them all: FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation. Art. 14 provide Equality before law and equal protection of the laws. Art. 15 ensure Prohibition of discrimination on ground of religion, race, caste, sex, and place of birth or any of them.

Directive principles: Art. 39 specifically requires the State to direct its policy towards securing the principles for equal right of women and men to adequate means of livelihood, distribution of ownership and control of the material resources of the community to the common good, to ensure that the economic system should not result in concentration of wealth and means of production to the common detriment, equal pay for equal work for both women and men. Art. 44 requires the State to secure for the citizens a Uniform Civil Code throughout the territory of India.

Relevance of Proprietary Rights on Land

Land is an inevitable part and parcel of social life. The main source of once asset lie in the form of land. This importance of land and fight for the same created and destroyed many Kingdom. The main reason for lack of land in the name of women is usurping the same by their male siblings. Men always treated land as a symbol of their pride, power and social importance. The deteriorating situation of women will change only by acquiring assets, especially in the form of lands. If a woman

is a wealthy in term of land hold by her, definitely the society would treat her special and she will be respected by the general public. The lack of assets is the main threat faced by women in the context of empowerment by themselves.

Democratic Societies and governments made so many laws for distribution of land to people. Such laws to an extent curtail the unjust possession and ownership of land as property. The waste lands come under ownership and possession of each State Government. Land Reforms Act of Kerala and West Bengal are examples for democratic and social distribution of land to the people who are suffering from landless which decide and implement the ceiling for holding the extend of land to land-owners.

Even though the authorities enacted the laws for the distribution of land and upliftment of women and men, most of the people are still following the religious and personal laws with regard to their property.

Having such a wide gap between the equality based enactments of the state and the ground reality of male dominating personal laws which corner women at large resulted in this study with the following objective :-

To identify the role of personal laws to ensure the constitutional right for gender equality in the distribution of property.

Methodology

The data were gathered from Statutes pertaining to women's right to property and gender equality.

Interpretation of Personal Laws with Respect to Property Right of Women

Hindu Personal Law

Until 1929, Hindu females have no right of inheritance or property right as per law. The Hindu Law of Inheritance Act, 1929 for the first time recognized the right of women's inheritance. The Act places the son's daughter's daughter's daughter, sister and sister's son after the paternal grandfather and before the paternal uncle in the Mitakshara order of succession. The Hindu Women's Right to Property Act of 1937 introduced certain notable changes in the law of succession. This Act confers fresh rights to property on Hindu widows. The Hindu Succession Act introduced in 1956 recognized the right of Hindu daughters' property right. As such a daughter is legally entitled to get equal share of property left by her father. This Act also paved the way for a Hindu widow to become the sole owner of the property left by her deceased husband. The traditional law of succession is codified by an enactment of the Indian parliament which resulted in Hindu Succession Act, 1956. In 2005 the Act was amended as Hindu Succession Amendment Act 2005.

As per 2005 Amendment Act, Sec : 6 is amended and defined as Devolution of interest in coparcenary property: (1) On and from the commencement of the Hindu Succession (Amendment) Act ,2005, in a Joint Hindu family governed by the Mitakshara law, the daughter of a coparcener shall,-

By birth become a coparcener in her own right; the same manner as the son here; Have the same rights in the coparcenary property as she would have had if she had been a son; Be subject to the same liabilities in respect of the said coparcenary property as that of a son, any reference to a Hindu Mitakshara coparcener shall be deemed to include a reference to a daughter.

Provided that nothing contained in this sub -section shall affect or invalidate any disposition or alienation including any partition or testamentary disposition of property which had taken place before the 20th day of December, 2004.

Prior to 1956 women's have absolutely no right over joint family property .The only right connected with the property then enjoyed by women was right to maintenance out of the property .Promulgation of Hindu Succession Act 1956 drastically changed this scenario as by virtue of new legislation limited estate of women turned to be her absolute estate .Even though joint family system as such was not abolished by virtue of new legislation, sufficient safeguards were provided to ensure equal right to women, at the instance of death of a coparcener , by inheritance. In states like Kerala Joint Family System was abolished by legislation. By virtue of which women's equal status over property right further consolidated? In 2005 an amendment is brought to Hindu Succession Act, by virtue of which in joint family system, along with sons daughters are also got birth right over the property as in the case of male coparceners. The states where joint family system was abolished, the impact of the same and benefit derived out of the same to women is doubtful.

Muslim Personal Law

A Muslim woman is only entitled to get half of what a male member of her status entitled to get. To a male, share contemplated under personal law is equal to that of two females.

If (there are) only Daughters two or more, they together inherit two –third of the property. If only one half the rest goes to deceased's brothers and sisters at the ratio of 2:1

Share of Wife

If no entitled Descendants exist. (i.e., children/Grandchildren) Then

Wife is entitled to get $\frac{1}{4}$, otherwise $\frac{1}{8}$

If both sons and daughters exist then sons and daughters takes the property at the ratio of 2:1.

Muslim religion and their personal laws are rigid in nature not giving the space to women for litigation to have their property rights and these religions ensure that women obey and are satisfied with the unequal share in property right for inheritance of women's property right.

Christian Law

Indian Succession Act is applicable to all Christian people for getting the ancestral property. As per Sec 33 Where intestate has left widow and lineal descendants, or widow and kindred only ,or widow and no kindred where the intestate has left a widow(a) if he has also left any lineal descendants, $\frac{1}{3}$ of his property shall belong to his widow, and the remaining $\frac{2}{3}$ shall go to his lineal descendants, according to the rules hereinafter contained.(b)if he has left no lineal descendant, but has left persons who are of kindred to him , one-half of his property shall belong to his widow ,and the other half shall go to those who are kindred to him.(c)if he has left none who are of kindred to him, the whole of his property shall belong to his widow.

Christian personal law as contemplated under Indian Succession Act provides sufficient equality among men and women who inheriting the property of their ancestor. It is needless to say the above enactment protects gender equality as well. In this context as far as law pertaining to succession applicable to Christian community need no change, as the present law is at most satisfactory in keeping equality among men and women.

Male domination prevailing and maintained in patriarchal social system deprive women from having access to the legal and social rights over the property.

The existing all religious personal laws are not sufficient to protect the fundamental and human rights of equality to women with men, in the sense, practically same are not came into effect for protecting the equality and equal opportunity to women. The much acclaimed gender equality and equal property rights to women are being denied due to this. The laws made are interpreted by the

patriarchal society in such a way to keep the ever enjoyed dominance of men as they always give keen attention to maintain their domination over the property.

The lack of equal rights to women in all walks of life should be treated as a violation of human rights by the international community and member states has to bring, comprehensive laws providing human rights above detailed to women and there should be sufficient provisions to penalize the guilty of violation of such provisions

Conclusion

Women's right to equality is envisaged in the Indian constitution. Besides laws are also enacted to ensure gender equality and gender justice with some discrimination in the personal laws. These personal laws are rigid in nature in the sense it does not give them space for equal property right and enjoyment of property with the expectations that women have to obey and be subordinate to men. So what is needed is a uniform civil code for all citizens of India, irrespective of their religion. Besides men and women have to come out from their androcentric mentality in order to treat women and men equal.

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ENVIRONMENT LITERACY: A KEY TO BRIGHT FUTURE

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Abstract

Young people are the future. Learning about the environment is a key to have bright future. How they learn and develop their attitudes, characters and core beliefs will determine how they act and make decisions throughout their lives. The ability of young people to make informed decisions about their relationship to nature has profound implications for both the local and global environment and our collective wellbeing. Studies have shown that contact is the key. If kids learn, play and interact with nature, they will value and cherish it. It was this realization that led to some innovative and pioneering thinking with regard to education in every district of TamilNadu all through the years. It became the first action anywhere in the world to make environmental literacy at educational institutions as a vital requirement. It could be implemented from educational institutions and outdoor environmental education centres and talking to teachers, students on environmental education to make them aware about their experiences. It was also clear that a radical approach to educating young citizens on their relationship to the natural environment was needed. New environmental literacy standards were introduced to build an environmental ethics in the minds of young people. It is must and need of the hour to provide a holistic programme of environmental education taught from kindergarten to graduation, integrated across a wide range of subjects throughout the curriculum and how they were integrating environmental literacy into their lessons and realizing the consequences of environmental pollution as a theme to discuss with them . It's now up to us all to ensure the future generation across the planets have opportunities to experience engaging, holistic, nature-based learning. The NGOs also conducts tree walk in collaboration with DHAN Foundation, a monthly initiative to know and learn about trees. "In the last 10 tree walks, they have got participants from various professions. Even home makers and children are enthusiastic in knowing about the flora and fauna. At this level it is quite sure that a positive change can be brought in the near future through strong determination to make the environment greener in the upcoming years.

Hence its need felt in two main aspects

- To assess the community contribution towards environment literacy.*
- To assess the services of volunteers in spreading environment literacy.*

Keywords: *Youth group Initiative, Environmental Literacy, natural environment, environmental ethics, local and global environment*

Environment literacy is concerned with the day to day interaction with the surroundings with which human being is closely associated. It is a multidisciplinary problem. It is not just class room learning but about regular learning activities intended to inform people about the environment and its management. This involves specific actions to improve environmental quality. It can develop a sense of responsibility and empower people to feel that they can make a difference by being actively involved in measures to improve environmental outcomes.

What is Environment literacy? The overarching of environment education is an environmentally literate citizenry. What does it mean to be environmentally literate? The test of environmental literacy is the capacity of an individual act successfully in daily life on a broad understanding of how people and societies relate to each other and to natural systems and how they might do so sustainably. This requires sufficient awareness, knowledge, skills and attitudes in order to incorporate appropriate environmental considerations into daily decisions about consumptions, life styles, career and civics and to engage in individual and collective action.

Our bright future is an exciting and ambitious program design to address current key issues and challenges faced by this generation. We are witnessing increased climate change and nature's

recovery is suffering due to disconnect between people and the environment. The environment is where we live. Our bright future is designed to unleash the ambition of young people across the world to make personal and collective contribution to making our environment brighter, happier and more resilient to threats like climate change and the waste of natural resources.

The important components of climbing the environment literacy ladder are

- Capacity for personal and collective action and civic participation
- Problem solving and critical thinking skills.
- Attitudes of appreciation and concern of the Environment.
- A knowledge and understanding of human and natural system and processes.
- General awareness of the relationship between Environment and human life.

However these five essential steps overlap in real life. Different aspects of environment education focus on different steps in this ladder and this seems to be the cause some of the confusion about what exactly is environment education. Most important to appreciate is that environment literacy cannot be achieved without all steps of the ladder, achieving any one step alone is inadequate and will not result in literacy.

Sustainable development is a pattern of resource use that aims to meet human needs while preserving the environment. So that these needs can be met not only for the present but also for the future generations. Education is an essential tool for achieving sustainability. People around the world recognize the current economic development trends are not sustainable and that public awareness, education and training are keys to moving society towards sustainability education about sustainable development is an awareness lesson and as a tool to achieve sustainability. All education serves a purpose. Driver education for example seeks to make over roads safer for travelers. Fire safety education seeks to prevent fires and tragic loss of lives and property. Awareness on ESD promises to make the world more livable for this and future generation.

Education is held to be central to sustainability. ESD was first described by chapter 36 Agenda 21. This chapter identified four major thrusts to begin the work of ESD (1) improve basic education. (2) Reorient existing education to address sustainable development (3) Develop public awareness and understanding (4) Training.

Formal, non formal and in formal education: for a community or a nation implementing ESD is a huge task. Fortunately formal education does not carry this educational responsibility alone. The non formal educational sector and the informal educational centers of the educational community must work co-operatively with a formal educational sector for the people of all generation in all walks of life. Because ESD is a life -long process, the formal, non formal and in formal educational sectors should work to gather to accomplish local sustainability goals.

Reorienting education to address sustainability: ESD is more than knowledge base related to environmental economy and society. It also addresses learning skills, perspectives and values that guide and motivate people to sustainable manner. ESD involves studying local and appropriate global issues. Therefore the five essential criteria must also be addressed in a formal curriculum which as to reorient the sustainability.

Knowledge: Sustainable development encompasses environment, economics and society. Therefore people need basic knowledge from the natural sciences, social sciences and humanities to understand the principles of sustainable development. According to Julian Agyeman sustainability

places great emphasis upon the need to ensure a better quality of life for all in a just and equitable manner, while living within the limits of supporting ecosystems.

Issues: ESD focuses on major social, economic and environmental issues that threaten the sustainability of the planet.

Skills: ESD must give skills to continue learning even after the schools to have sustainable livelihood and to live sustainable lives. Consistent and effective use of acquired good social skills like survival skills, interpersonal skills and conflict resolution skills are crucial to have successful positive social atmosphere.

Values: It is an integral part of ESD. Today the environment is conceived in its totality and a holistic approach is designed while planning a better quality of life stressing upon sustainable development

According to Yasotha Margaret (2015) In future the technologies that are developed and promoted must result not only in increased productivity level but also ensure that the quality of natural resources base is preserved and enhanced. In short they have to lead sustainable improvements in agricultural production. Other are resource conserving technologies, high yielding technologies, post harvest technologies ,climate resilient technologies, technologies for drudgery reduction etc.

It also discussed the negative impact of green revolution on environment such as problems of present day agriculture which increased pollution and this affects crop production and animal and reflect on human health. Loss of genetic diversity, pesticides, unemployment, chemicals in water and water table has gone down. The study also suggested organic farming as alternate to avoid pollution.

The second green revolution should focus on generation of employment for the small and marginal farmers and the landless while enhancing agricultural production. Tree crops have the ability to withstand the vagaries of nature without causing heavy losses. Tree farming can also provide year round employment while protecting the soil from erosion and run off rain water . Promotion of tree farming will also enrich soil fertility and increase the water table.

An Article by Saravanan.T on Treading the Organic Path (The Hindu July 29,2016) the organic farmer, environmental activist and social commentator Elango Kallanai redefines the relationship between a peasant and his land. A research scholar in English, Elango left a lucrative career in IT to turn organic farmer. On 10 acres he independently developed a profitable organic farming system. He sees organic farming as a continuous process .He had achieved 85 percent of his target. He concentrated only on the crop. All his nutrients are directed towards the plant. He try to make the farmers self reliant. But most of them depend on bankers, shopkeeper selling fertilizers and machine makers understanding about farm gives confidence and never allow any other to dictate terms. He proudly admitted that smart approach to agriculture and marketing is the need of the hour.

An article of Shrikumar's steering the ship of friendship (The Hindu August 6, 2016) In the age of social media ,here are friends of Vaa Nanba, a youth voluntary group came up with a idea of attaching the social cause and want to contribute something to society. Vaa nanba has also undertaken the responsibility of desilting and cleaning of Sellur tank in Madurai. "we had estimated to finish the work in two months but to everyone's surprise the job was done in 15 days.

That was possible only due to friends and their support says the team member of Vaa Nanba. When the activity is being done under the umbrella of friendship it serves the purpose even better.

The Freedom Bikers Group undertakes biking trips to spread awareness on do's and don'ts on the road. There are also friends who walk the forest in groups, picking up plastic litter on the way and spreading a word for the sake of the environment.

A group of nature lover friends' Rudras Foundation Group 'take out regular cleaning drives, eco walks and provide dustbin around Hogenakkal. It adds a sense of responsibility to friendship.

A green transformation an article of Nidhi Adlakha (The Hindu, August 7, 2016) stated that a couple wanted to ensure the structure of home to be renovated as eco friendly and sustainable. The first step was to open out the kitchen eliminating the wall between the dining and the south facing kitchen. This has given natural light and allow cool breeze into central spaces .Various other eco friendly renovations were done at their home in Besant Nagar ,Chennai.

Smart City: Urbanization and technological transformation are the two key processes of economic development. Many cities do not have a continuous supply of water. In the midst of urbanization ,industrialization and the overpopulation which had resulted in severe consequences in the existing facilities the concept of Smart City came as a blessing in disguise and emerged as a strategy to mitigate the problems caused by growing population. However the concept varies from country to country and even within the country depending on the geographical location level of development and aspiration of the residents. Some among the essential features of Smart City Plan are assured electricity supply, adequate water supply, sanitation rain water harvesting and so on. How effectively it is being implemented hold the key to its success. Everyone has a right to enjoy a reasonably clean, safe and healthy environment to live and work. Development activities must therefore be controlled and well planned and steps ensured to see the preservation of natural resources and healthy lifestyle of human beings.

Environmental literacy is both a style and subject matter in day today life- long learning and in every aspects and actions to establish proper equilibrium and proper environmental planning.

Recent Initiatives on Environment Protection

- **National Action Plan on Climate Change (NAPCC)** of June 2008 identifies measures that promote our development objective while also yielding co-benefits for addressing climate change effectively. Eight national missions (solar, energy efficiency, sustainable habitat, water, Himalayan eco-system, Green India, eco-green agriculture, and knowledge) have been specifically outlined to simultaneously advance India's development and climate change related objectives of adaptation and GHG mitigation.
- **India's Five Year Plans:** India has announced that it will endeavour to reduce emission intensity of its GDP by 20 to 25 per cent by 2020 in comparison to the 2005 level without reckoning emission from the agriculture sector. This will be achieved through actions in specific sectors with necessary provision of financial and technological resources including the domestic and international support. India has a large segment of poor population that is vulnerable to climate change. India spends almost 2 per cent of its GDP on measures that
- facilitate adaptation to climate change.
- **Prime Minister's Council** consisting of representatives from Government, industry, civil society, NGOs, media and eminent persons has been set up under the Chairmanship of the Prime Minister in 2007 to evolve a coordinated response to issues relating to climate change at the national level and provide oversight for formulation of action plans in the area of assessment.
- **National Clean Development Mechanism Authority** was set up in 2003 for the purpose of protecting and improving the strategy of environment. The Authority registers projects for assessment and evaluation as per the guidelines of the UNFCCC. India has the second highest

number of projects registered for any country. If all projects of India are registered, this will offset almost ten per cent of India's total emission per year by 2012.

- **Expert Group on Low Carbon Strategy for Inclusive Growth** has been set up with representation from industry, leading think tanks, research institutions, civil society and Government. The Group has been given the mandate to develop a roadmap for India for low carbon development. The Group's recommendations will become a central part of India's Twelfth Five Year Plan.
- **National Mission on Enhanced Energy Efficiency** includes several new initiatives - the most important being the Perform, Achieve and Trade (PAT) mechanism, which will cover facilities that account for more than 50 percent of the fossil fuel used in India, and help reduce CO2 emissions by 25 million tones per year by 2014-15. About 700 of the most energy intensive industrial units and power stations in India would be mandated to reduce their energy consumption by a specified percentage. Energy efficiency ratings have been made mandatory for four key appliances - refrigerators, air conditioners, tubelights and transformers from 7 January 2010.
- **Jawaharlal Nehru National Solar Mission** was launched recently as an ambitious mission to make India a global leader in solar energy. The National Solar Mission aims at generating 20,000 MW of solar power by 2022. The Mission also has other targets: 2000 MW of off-grid solar plants, and 20 million sq. metres of solar collectors to be installed. In addition, 20 million solar lighting systems will be created/ distributed in rural areas, saving about 1 billion litres of kerosene every year.
- **Green India Mission** is being launched with an overarching target to double the area to be taken up for afforestation/eco-restoration in India in the next 10 years, taking the total area to be afforested or eco-restored to 20 million ha.
- **Indian Network for Climate Change Assessment (INCCA)** has been established to undertake a major "4X4" assessment of the impacts of climate change on four sectors - water resources, agriculture, forests and human health - in four critical regions of India—the Himalayan region, North East, Western Ghats and the Coastal India.
- **A National Clean Energy Fund** with potential of generating about 3000 crores of revenue annually has been set up with effect from July 2010 with levy of a cess of 50 per tonne on production of domestic and imported coal. The Fund will be used for supporting initiatives for clean energy and environmental management

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A COMPARATIVE STUDY OF PUBLIC AND PRIVATE HEALTH SERVICES IN NORTH CHENNAI – AVAILABILITY AND UTILIZATION PATTERN

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Abstract

Healthcare in India consists of a universal health care system run by the respective State Governments. The Constitution of India charges every State Government with 'rising of the level of nutrition and the standard of living' of its people and 'the improvement of public health' as among primary duties. The National Health Policy was endorsed by the Parliament of India in 1983 and updated in 2014. The present study is restricted to the network of the healthcare facilities in the city of Chennai. North Chennai, the commercial capital of India, is the largest city in the country carrying a population of 0.27 million people. The density of population in North Chennai is very high. North Chennai has a Population density of 26,553 persons per square kilometer which is relatively very high. A sample of 300 respondents has been selected randomly from slum areas in 1to 5 Zones to seek responses on healthcare services provided by the government hospitals vis-à-vis private hospitals and dispensaries in their areas. It can be concluded from the analysis of the responses of the respondents and secondary data collected from various published sources and the results of the hypotheses testing, that public health care system in urban areas is inadequate to meet the rising requirements of the city population. The government spending on healthcare sector continues to be low – at below 1% of GDP since independence. It is important to question whether it is only the low investment in health that is the main reason for the present status of the health system or is it also to do with the framework, design and approach within which the policies have been planned. Two important issues can be highlighted from the above discussion: (1) The Government must increase health expenditure to a minimum of 2.5% of the GDP in order to achieve the objective of "Health for All". This requires integration between the budgets of various local self government, state governments and the GOI. (2) The present public health infrastructure in the city is not being utilized properly due to lack of centralized planning and innovations in the traditional pattern of health infrastructure. The entire system needs revamping to meet the existing health care needs of the city population.

Key Words: Public health, Health for all, Ethnic group, Marginal Social group, GDP,

Introduction

Healthcare in India consists of a universal health care system run by the respective State Governments. The Constitution of India charges every State Government with 'rising of the level of nutrition and the standard of living' of its people and 'the improvement of public health' as among primary duties. The National Health Policy was endorsed by the Parliament of India in 1983 and updated in 2014. Although, both these policies aimed to achieve "Health for All" within a specified time frame, the reality is different after decades of their implementation. In the absence of a proper policy framework, there is a heavy burden on government sector hospitals which are generally understaffed and underfinanced. Poor services at state-run hospitals force many people to visit private medical practitioners and private clinics and hospitals. Government hospitals, some of which are among the best hospitals in India, provide treatment at taxpayer expense. Most essential drugs are provided free of charge to all patients in these hospitals. Government hospitals provide treatment either free or at minimal charges. *For example*, an outpatient card at AIIMS (one of the best hospitals in India) costs a onetime fee of rupees 10 (around 20 cents US) and thereafter outpatient medical advice is free. In-hospital treatment costs in these hospitals depend on financial condition of the patient and facilities utilized by him but are usually much less than the private sector. For instance, a patient is waived full treatment costs if he is below poverty line. Another

patient may seek for an air conditioned room, if he is willing to pay extra for it. The charges for basic in-hospital treatment and investigations are much less in public hospitals as compared to the private hospitals. The cost for these subsidies comes from annual allocations from the Central and State Governments. In addition to the network of public and private hospitals, there are charitable dispensaries and hospitals, many of which provide treatment and facilities parallel to those provided by private hospitals at highly concessional rates or in some cases free of costs to needy population.

Scope of the Study

The present study is restricted to the network of the healthcare facilities in the city of Chennai. North Chennai, the commercial capital of India, is the largest city in the country carrying a population of 0.27 million people. The density of population in North Chennai is very high. North Chennai has a Population density of 26,553 persons per square kilometer which is relatively very high.

Chennai city has hospitals and dispensaries run by of Greater Chennai Corporation, (GCC) state government and private trusts. GCC, the Metro Municipal Corporation in India, is the major providers of public health care services in Chennai. It has a network of 4 teaching hospitals, 5 specialized hospitals, 16 peripheral hospitals, 28 municipal maternity homes and 14 maternity wards attached to municipal hospitals with around 17000+ employees attached to these hospitals. Apart from that, there are 185 municipal dispensaries, 176 health posts to provide outpatient care services. In addition, the state government has four medical colleges' hospital, 7 general hospitals and 4 health units, having total capacity of 2871 beds. The scope of the present study is restricted to the public and private sector healthcare service providers and also charitable dispensaries and hospitals in Chennai and the total population of the Chennai city who is the consumer of these services. The study covers data for a period ranging from 2010-2011 to 2011-2017.

Objectives of the Study

Against the above background, the study seeks to achieve the following broad objectives:

To review the literature on the determinants/policies those have influenced health expenditure pattern of poor population.

- To review the literature on the determinants/policies that have influenced health expenditure pattern of poor population.
- To examine the National Health Policy of the Government of India and its efficacy and the budgetary provisions during the Five Year Plans.
- To compare and contrast the differences in healthcare standards and healthcare facilities in private and public sector hospitals in the city of North Chennai.
- To study expenditure pattern of urban poor towards healthcare sector and their inclination towards private or public sector and reasons thereof.

Hypotheses of the Study

On the basis of the above broad objectives, the study proposes to test the following hypotheses:

- Poor families prefer private health services due to convenient timings, convenient location, quality services and user-friendly charges.
- Availability of public health services in the city of North Chennai is inadequate in relation to market demand. Hence, poor are compelled to spend on private health services.
- In Chennai, transport cost to access public health service is much higher than the user charges.

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- Poor families avoid treatment to save loss of their subsistence wages. They survive on Over the Counter medicines available conveniently at cheaper cost.

Research Methodology

A. Sample

A sample of 300 respondents has been selected randomly from slum areas in the following 5 wards to seek responses on healthcare services provided by the government hospitals *vis-à-vis* private hospitals and dispensaries in their areas.

Table No.1 Showing Distribution of Sample

Sl.No.	Regions	Number of Respondents
1.	Stanley Hospital General Ward	20
2.	Rajiv Gandhi Medical College Hospital General ward	32
3.	Multispecialty Hospital, Omendurar Govt Estate	57
4.	Omendurar Medical College Hospital General Ward	88
5.	Tondiyarpur Corporation Hospital	103
	Total	300

Profile of the Respondents (Total Respondents = 300)

- Most of the respondents for the field survey were selected from wards having high slum density as per the Census 2011. Accordingly, 34% respondents were selected from Ward S –Stanley General Hospital including Korukupettai, Thondairpet & Ennore), 29% from Ward L – Rajiv Gandhi General Hospital, 19% from Ward P/N – Thiruvottiyur, 11% from ward H/E – Stanley Nagar, Moolakothalam and 7% from Ward H/W – Perambur.
- The present survey was mainly conducted in slums and their surrounding areas. Therefore, 71% of the respondents lived in slums and the remaining 29% were from non-slum dwellers.
- Among the respondents, 46% were males and 54% were females and 69% of the respondents were married and the remaining 31% were not married.
- The age-wise distribution of respondents was 22% from the age-group of 18-25 years, 44% were from the age-block of 26-35 years and the remaining 31% were middle aged between 36-45 years.
- Of the respondents, 11% were found to be illiterate and 89% were literates. Among literate respondents (266), a large section, almost 89%, was educated up to less than SSC, 6% up to SSC, 4% up to HSC and less than 1% (2/266) were graduates.

Table No.2 Time Consumption in Accessing Private Clinics & Govt Hospitals

Sl. No.	Average Time Taken to Access Health care Services in case of Minor illness		
	Regions	Private Clinic	Government Hospital
1.	Commuting *	8 min	25min
2.	Waiting *	12 min	90min
	Total	20min	115min

The above table indicates the comparison of average time taken to access healthcare services of private clinics and government hospitals. It can be seen in the above table that the average time taken to access healthcare services of private clinics is only 20 minutes on an average while it is around 115 minutes in the case of government hospitals. Thus, the time wasted in accessing

healthcare services of government hospitals is around 6 times of that of the time taken to access the services of private hospitals. Thus, it can be concluded on the basis of above analysis that it is time consuming to access government hospitals for minor illness.

Table No.3 Indicating Comparison of Cost Involved in Accessing Healthcare Services of Private Clinics and Government Hospitals in case of Minor Illness

Sl.No.	Average Cost Involved in Accessing Healthcare Services in case of Minor illness		
	Regions	Private Clinic	Government Hospital
1.	Commuting *	Rs.0	Rs.100
2.	Doctor's Fees*	Rs.150	Rs.0
3.	Opportunity Cost**	Rs.0	Rs.500
	Total	Rs.150	Rs.600

- *Average Cost
- ** Opportunity cost is the cost of any activity measured in terms of the value of the next best alternative foregone. It is the loss of subsistence involved in accessing healthcare services.

The above table clearly indicates that although there are no charges in government hospitals, the cost involved in commuting and opportunity cost involved in accessing services of government hospital is huge. The cost of accessing government hospital for minor illness is at least five times the cost involved in accessing private clinics in local areas. Thus, it can be concluded that most of the prospective beneficiaries of free medical services of government hospitals do not access those services due to high cost involved in commuting and equally high opportunity cost.

Frequency of Visit to Doctor or Hospitals

It was revealed in field survey that 14% of the respondents visited doctor/hospital once in every 15 days for treatment while 66% of them reported to visit a doctor/hospital at least once in a month. Thus, 80% of the respondents were reported to fall sick frequently. Slums are characterised by open drains, lack of adequate sewerage, lack of civic amenities, unsafe drinking water and overall poor living conditions, combined with a high concentration of people. All these conditions are likely to favour a greater incidence of communicable diseases. These respondents held poor levels of hygiene, cleanliness and sanitation in urban slums to be responsible for their illness. They also reported that many of them survived on daily wages and therefore, it was not possible for them to afford good quality food. This was also one of the reasons for high incidence of health problems among these people.

Reasons for Availing Services of Private Clinics during Prolonged Minor Illness

It is clear from the previous question that most of the urban slum dwellers preferred private clinics or charitable dispensaries over Government hospitals in case of prolonged minor illnesses. As per the responses of the majority of the respondents, private clinics are located within their locality (78%) and remain open until late in evening (89%) which makes it possible for them to approach these clinics after they return back from work in evening. Some of the private dispensaries were reported to be open till late in night (up to as late as 12 o'clock).

On the other hand, the OPD timings in many government hospitals are in the morning, generally from 9.00 am to 1.00 pm. There were complaints of doctors reporting late for their duties. Thus, easy accessibility and convenient timings were found to be the most important reasons for most of the slum dwellers preferring services of private and charitable clinics over government hospitals. According to 67% of the respondents private clinics were economical in comparison to government hospitals. According to them, the opportunity cost of accessing government hospitals in terms of

money spent on commuting, buying outside medicines and work day loss due to time waste in government hospitals is very high. All these factors make accessing of government hospitals dearer for a common man. Private dispensaries in slum were reported to charge Rs. 30 to Rs. 40 for one time treatment.

Infrastructure at Different Tiers of Healthcare Structure for North Chennai City

The researcher recommends the following facilities at different tiers of health structure recommended for the city:

Healthcare Tier	Operating Time	Infrastructure
Primary Health Centers (Two Shifts)	9.00 a.m. to 3.00.P.M. &4.00P.M. to 10.00P.M.	2 Doctors +2Nurses+2 helpers during each shifts
Secondary Health Centers	24X7	As required
Tertiary Health Centers	24X7	As required

Healthcare Tier	Facilities
Primary Health Centers (Two Shifts)	Facilities for diagnosis of common illness and adequate stock of medicines of the same
Secondary Health Centers	Facilities for maternal health and child care and facilities for diagnosis and treatment of specific diseases such TB, HIV etc
Tertiary Health Centers	Facilities for treatment of all types of diseases and well-equipped operation theatre.

The government should enter into tie up with private pathologies and test centers to undertake routine to all types of high cost tests. The private sector should provide these tests to government clinics and hospitals at concessional rates as per certain pre-determined agreement. The government may charge negligible charges for these tests to above BPL families and provide these tests free of costs to BPL families.

General Findings

- There are disparities in healthcare services in rural and urban areas and in public and private healthcare services. The rural-urban disparities in health outcomes in India are often attributed to urban bias in allocation of resources and location of health-care services. Statistics clearly show that the bed population ratio is higher in urban areas and that those regional inequalities have not seen any significant decline over time.
- Chennai is becoming a main centre of medical tourism with 282 private general hospitals, 14 multi specialty hospitals and three super specialty hospitals.²⁵ There are special hospitals in Chennai as well – five for cancer care and 4 heart institutes. Still the overall standard of healthcare facilities in India in general and in Chennai in particular is poor.

Reasons for Availing the Services of Private Clinics or Charitable Hospitals During Prolonged Minor Illness

It is clear from the previous question that most of the urban slum dwellers preferred private clinics or charitable dispensaries over Government hospitals in case of prolonged minor illnesses. As per the responses of the majority of the respondents, private clinics are located within their locality (78%) and remain open until late in evening (89%) which makes it possible for them to

approach these clinics after they return back from work in evening. Some of the private dispensaries were reported to be open till late in night (up to as late as 12 o'clock).

On the other hand, the OPD timings in many government hospitals are in the morning, generally from 9.00 am to 1.00 pm. There were complaints of doctors reporting late for their duties. Thus, easy accessibility and convenient timings were found to be the most important reasons for most of the slum dwellers preferring services of private and charitable clinics over government hospitals. According to 67% of the respondents private clinics were economical in comparison to government hospitals. According to them, the opportunity cost of accessing government hospitals in terms of money spent on commuting, buying outside medicines and work day loss due to time waste in government hospitals is very high. All these factors make accessing of government hospitals dearer for a common man. Private dispensaries in slum were reported to charge Rs. 30 to Rs. 40 for one time treatment.

Average Time for Accessing the Services of Private Clinics During Minor Illness

In the field survey, 100% of the respondents reported that waiting time at private clinics and charitable clinics is less than 1 hour. As against an average of 2- 3 hours, a patient gets treatment in less than one hour in private clinics or charitable clinics. When inquired in detail, it was revealed that waiting time at private clinics is not more than 15 minutes unless there is huge rush of patients but under any circumstance they get services of doctor within 30 minutes. Respondents also reported that these doctors report on time and give advance notice in case of their absence. Again every locality has private clinic and therefore patients need not to waste time in travelling.

Reasons for Not Availing Free Medical Services of the Government Hospitals During Prolonged Minor Illness

Although out-patient services in government hospitals are provided at a negligible cost of Rs. 10, most of the prospective beneficiaries refrain from availing these services for several reasons. Lack of easy accessibility to Government hospitals and long waiting hours were found to be the most important reasons for non-preference of public hospital by about 77% and 73% of the respondents respectively. According to these respondents, time and cost wasted in commuting to these hospitals during rush hours and long queues in outpatient department of public hospitals result in long waiting time and loss of a day's subsistence for these people.

Therefore, many of them are reluctant to access these services. According to 48% of the respondents, the out-patient department in public hospitals operate during fixed hours, i.e. usually it is open from 10 am to 1 pm and in some hospitals in afternoon from 2 p.m. to 4 p.m., whereas private clinics open in the evening at 6.00 p.m. and operate till late in night. Thus, patients can avail services of these clinics conveniently after returning back home from their work. Thus, fixed timings of the government hospitals is also one of the reasons why prospective beneficiaries of free medical services of government hospitals are reluctant to actually use them. 41% of the respondents complained that it is costly to access government hospitals as many essential testing facilities and medicines are not adequately available in government hospitals.

Accessing Government Hospitals during Major Illness

It was found that majority of the respondents (93%) have got themselves or any of their family member admitted to a hospital for treatment of any major illness. Slums are characterised by open drains, lack of adequate sewerage, lack of civic facilities and overall poor living conditions, combined with a high concentration of people. All these conditions are likely to favour a greater incidence of communicable diseases in these areas. This is further ratified by 93% of the

respondents reporting that either they themselves or someone in their acquaintances had undergone hospitalisation in government hospitals. This question was asked in order to seek. Their responses on quality of services in government hospitals.

Availing Free Hospitalisation in Private Hospitals under the Quota Reserved for Economically Disadvantaged Groups

It was revealed that out of 46 respondents who were aware of the quota for economically backward groups in private hospitals, only 15% of the respondents reported of having availed the

Benefit of free hospitalisation in private hospitals under quota reserved for them. If we calculate the percentage of beneficiaries who availed benefit of free hospitalization under quota reserved for economically backward people in private hospitals with reference to total respondent population, the actual beneficiaries are only 2% (7/300). The issue was probed in detail through personal interview and discussions to find out the reasons for poor accessibility to this ambitious scheme of the Government of Tamil Nadu. The following factors came to light why slum dwellers could not access quota reserved for economically backward groups in private hospitals:

- The main reason for this was the lack of adequate information and awareness among poor masses about such scheme. 85% of the respondents reported that they were not aware of such quota reserved for them in private hospital.
- The other reason that was cited for poor response to 10% quota for economically disadvantageous groups was that private hospitals were not keen on admitting slum dwellers in their hospitals. They try to avoid them in all possible ways and allot this quota to their own employees and their acquaintances.
- Some of them were found to be reluctant to use such quota as they said that it requires a number of documents and paper work which many of them are not well versed with. Even poor masses refused to rely on such quota in private hospitals, especially when there is an emergency of hospitalization.

Number of Man-Days Lost Monthly Due to Illness

The field survey revealed that 22% of the respondents stayed at home (lose subsistence) for about 1-2 days in a month due to illness, 42% for 3-4 days, 25% for 4-5 days and 11% remained absent from their work for more than 5 days every month due to illness. The above data clearly indicates that the incidences of sickness are high among slum dwellers in urban areas and consequently the number of man-days lost is equally high. This loss cannot be viewed as a loss at the individual level but it is a national loss. Each man day loss due to sickness has its impact on productivity and ultimately on GDP.

User-fee in Government Hospitals – A Major Deterrent

Hospitals that receive subsidies from the Government are required to provide free or inexpensive treatment to those earning less than Rs. 50000 a year.²⁶ In reality; these subsidies are rarely available to those who need it most. Again since 2001, public hospitals have introduced 'user fees' for inpatients to recover costs, except for BPL families. In addition to a fee for a case paper documenting a first visit, user charges are levied for all procedures, from X-rays to surgeries. While these charges are subsidized, they are a lot of money for the class of patients visiting public hospitals. User fees recover between 0.67 percent and 10.67 percent of the real costs of most procedures, deterring many from seeking essential care.

Secondary Status of Women in Indian Society

Women from infant stage to their old age get an unfair deal in matters of health. They are conditioned through generations to place themselves last within the family itself; though they put in the most labour without any financial gain. As such their health concerns also get a very low priority. The sex-ratio in India speaks volumes about the importance given to women in this country. If a man and a woman have the same problem requiring expensive treatment, it is invariably the man who gets the first attention, often the only one to get the attention. It is not just the poor who for want of resources and with the inherent preference for a boy are guilty of bias, even in well do families parents tend to spend more on the health of the boys than the girls. It is the attitude which is responsible for ignoring the health of the women in India.

The researcher also tried to find out the reasons why urban poor desist from using public health services. In the field survey, it was reported that 77% of the respondents did not avail the benefits of free medical services provided by the Government hospitals as these hospitals were situated away from the place of their residences, 73% avoided the treatment in Government hospitals due to prolonged waiting time, 48% avoided treatment in government hospitals due to fixed operating time, 41% attributed it to the lack of facilities while 11% to the poor quality of services in government hospitals to be a reason for not accessing services of government hospitals.

Summary and Conclusion

It can be concluded from the analysis of the responses of the respondents and secondary data collected from various published sources and the results of the hypotheses testing, that public health care system in urban areas is inadequate to meet the rising requirements of the city population. The government spending on healthcare sector continues to be low – at below 1% of GDP since independence. It is important to question whether it is only the low investment in health that is the main reason for the present status of the health system or is it also to do with the framework, design and approach within which the policies have been planned.

Two important issues can be highlighted from the above discussion:

- The Government must increase health expenditure to a minimum of 2.5% of the GDP in order to achieve the objective of “Health for All”. This requires integration between the budgets of various local self government, state governments and the Central government.
- The present public health infrastructure in the city is not being utilized properly due to lack of centralized planning and innovations in the traditional pattern of health infrastructure. The entire system needs revamping to meet the existing health care needs of the city population.

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CLINICAL RESEARCH WITH VULNERABLE PARTICIPANTS

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Abstract

Government has established guidelines and regulations for the protection of vulnerable research subjects, especially children, pregnant women, cognitively impaired persons, and prisoners. In addition, students, residents, and employees are recognized as special research populations. Clinical investigators need to be aware of and use these guidelines appropriately. This article provides practical guidance who conducts research with patient populations and solutions to the barriers investigators commonly encounter when studying these patient populations. The factors like is it appropriate to high light potential risk to pregnancy in the informed consent?, does the mother's involvement pose any risk to the foetus or nursing infant?, should non-pregnant participants be advised to avoid pregnancy or nursing during the study period?, is there a need to advise participant to immediately contact the investigator should they become pregnant? are taken for consideration. Vulnerability characteristics can be classified based on their a) capacity to understand (cognitive or communicative), b) subject to formal authority of others (institutional), c) cultural norms (deferral), d) serious illness (medical), e) area specific (social). The researcher aim to explore the existing situation, and the past in the and the importance of the ethics committee etc.,

Key words: *vulnerable subjects – children – women – pregnant – ethical committee.*

Introduction

Vulnerable persons are those who are relatively (or absolutely) incapable of protecting their own interests. More formally, they may have insufficient power, intelligence, education, resources, strength, or other needed attributes to protect their own interests. Individuals whose willingness to volunteer in a research study may be unduly influenced by the expectation, whether justified or not, of benefits associated with participation, or of a retaliatory response from senior members of a hierarchy in case of refusal to participate may also be considered vulnerable. (WHO).

Definition

The Declaration of Helsinki states that Medical research involving a underprivileged or vulnerable population or community is only justified if the research is responsive to the health needs and priorities of that population or community and if there is a reasonable likelihood that this population or community stands to benefit from the results of the research.

The Council for International Organizations of Medical Sciences (CIOMS) defines vulnerability as “Substantial incapacity to protect one’s own interests owing to such impediments as lack of capability to give informed consent, lack of alternative means of obtaining medical care or other expensive necessities, or being a junior or subordinate member of a hierarchical group.”

Method

Performed a conceptual and empirical analysis of vulnerability applied to pregnant women.

Analysis

The researcher argues that pregnant women are vulnerable if they encounter an identifiably increased likelihood of incurring additional or greater wrong. According to the literature, this increased likelihood could exist of four alleged features for pregnant women's vulnerability:

(i) informed consent, (ii) susceptibility to coercion, (iii) higher exposure to risk due to lack of knowledge, (iv) vulnerability of the foetus.

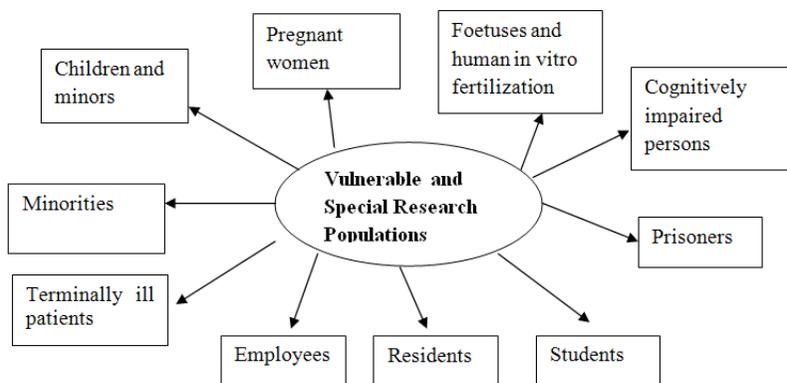
History of Research Abuse

The list of human-subject research abuses in the United States is regrettably long. Most clinical investigators are familiar with the Tuskegee syphilis study of poor AfricanAmerican sharecroppers. Less well know are the unethical experiments conducted at institutions for mentally retarded children, such as the New York Willowbrook hepatitis B studies in the 1960s. Cognitively impaired subjects were also victimized, such as in the studies conducted at the Jewish Chronic Disease Hospital, in which live cancer cells were injected into uninformed, elderly patients. Henry Knowles Beecher, in his landmark article in The New England Journal of Medicine, described a number of clinical studies at major research institutions that placed research subjects at substantial risk of harm and failed to obtain informed consent.

I. Some Historical Background for Research with Vulnerable Populations



II.



II. Types of Undue Influence	
Coercion	- A credible threat of harm or force to a research subject
Manipulation	- Influencing a research subject's decision by altering the available options or information
Persuasion	- Guiding a research subject to your way of thinking through the disclosure of truthful information, but in a manner that is meant to get person to think or act in a preferred manner

Research with Women of Child-Bearing Potential

Historically, there have been concerns about the participation of women of childbearing potential in research trials because of potential risks to the foetus if a woman becomes pregnant. Society has been interested in protecting women in part because of discoveries of birth defects caused by drugs. In 1993 the FDA issued a new guideline that eliminated the restriction on participation of women of childbearing potential from all phases of drug trials. The new guideline (which was finalized in 1998) emphasized the need for representation of both women and men in research studies, to allow the detection of clinically important gender differences. The National Institutes of Health also examined the issue of participation of women in research, and decided that it was imperative to determine if an experimental intervention affects men and women differently. This shift away from the protectionist ethical framework of our society was also occurring in other areas of medicine. Earlier in the 20th century, the primary focus was on protecting vulnerable persons. As the millennium approached, society emphasized autonomy for individuals, including the widespread acceptance of living wills, advance directives, and shared decision making. Excluding informed female research subjects diminishes their autonomy. Women should be permitted to determine for themselves whether to enter a study, based on their informed decision. Clearly, all research subjects should be protected against risk, but they should not be categorically prohibited from receiving potential benefits from research. This shift toward autonomy also led to questioning of the federal research guidelines that barred pregnant women, and in effect their foetuses, from research studies. The conflict between whether study participation could benefit a women versus harming the foetus played out to its fullest early in the acquired immune deficiency syndrome (AIDS) epidemic. In the 1990s the National Task Force on AIDS Drug Development and the Institute of Medicine stated that a woman with a life-threatening disease should not be excluded from any phase of clinical trials, despite the risks or potential risks to an existing or future foetus. These groups decried the very policies that were meant to protect women, as they now were seen as discriminating against women. Women should not be deprived of potential benefit from research for fear of harming a foetus. What does your IRB want to know when you want to recruit women of child bearing potential? Valuable and morally acceptable results can be obtained from studying women of childbearing potential if proper safeguards are utilized. In general, reproductive-toxicity studies must be completed before beginning a large-scale trial of an experimental drug with women of childbearing potential. Appropriate precautions should be taken in research studies to guard against inadvertent exposure of foetuses to potentially dangerous drugs and to inform female research subjects of potential risks and the need for precautions against becoming pregnant or breast feeding. Pregnancy testing may be used to detect unsuspected pregnancy prior to initiating a study drug or intervention. Timing the start of the study to coincide with or immediately follow the onset of menses is another method to help reduce the risk that the research subject is pregnant. The investigator should ascertain that the woman will responsibly use reliable contraception or abstinence while taking the drug. If pregnancy does occur during a trial, the usual procedure is to discontinue treatment and remove the woman from the study. The informed-consent document should include all available information regarding the potential risks of fetal harm. If animal reproductive toxicity studies are complete, the results should be presented, with some explanation of their relevance in humans. If no relevant information is available, the informed consent should explicitly state that the potential for fetal harm is unknown.

Protecting Women Who Participate in Research Studies

- In General, ensure that women are appropriately represented in research studies.
- Review animal studies of drug effects on reproduction and development, including dose-response relationship and mechanism of toxicity.
- Expand access to experimental drugs used to treat serious and life threatening illnesses to all women, regardless of reproductive situation.
- Women of Child-Bearing Potential
- Do not exclude women of child-bearing potential from participating in clinical studies.
- Discuss the potential risks to reproduction and potential offspring in the informed consent process, including, where appropriate, an adequate discussion of birth control.
- Monitor subjects for pregnancy during the trial.
- Monitor subjects for reproductive and/or developmental toxicity if pregnancy occurs

Research with Pregnant Women and Foetuses

Pregnant women are considered vulnerable because of the potential for harm to the foetus. Though the restrictions on including women of child-bearing potential in clinical research have been liberalized over the past 3 decades, there remain strict, detailed federal guidelines for the protection of pregnant women and their foetuses involved in research studies. Other than research directed toward the health of a pregnant woman and/or her foetus, it is recommended that pregnant women be actively excluded from clinical research that involves greater than minimal risk. The potential for harm from exposure to a drug with unknown risks exists for nursing infants as well as foetuses, so these recommendations also apply to breast-feeding women. Is excluding pregnant or lactating women justified? Approximately 10% of women 15– 44 years old (ie, 6 million women) become pregnant annually in the United States. New medical problems may develop or old ones may become more severe during pregnancy. Compound that problem with the fact that about half of all pregnancies in the United States are unintended, and many foetuses are unintentionally exposed to medicines. More information is needed on the safety of common drugs and practices during pregnancy. But how do we go about doing this? To conduct morally acceptable research with pregnant subjects, the investigator and the ethical committee must determine if appropriate studies have been conducted with animals and non-pregnant women. For research directed toward maternal health, the investigator must ensure that the risk to the foetus is minimized. This rule applies to all studies, including studies that affect the foetus only indirectly. Minimized risk does not equate to minimal risk, and the regulations state that investigators and IRBs have an ethical obligation to protect the health-related interests of both the mother and the foetus. To say that the foetus has health-related interests invokes the ethics concept of the foetus as a person, which is a discussion beyond the scope of this article. In general, for research in which the foetus is the sole subject of the research, the consent of the mother and the father on behalf of the foetus is required. Exceptions to that requirement are permitted if the father's identity or whereabouts cannot reasonably be ascertained, the father is not reasonably available, or the pregnancy resulted from rape. The requirement of 2 parental signatures is another layer of protection for the vulnerable foetus. Research directed solely at the health of the foetus is rare. More commonly, respiratory therapists conduct research directed toward the health of the mother or the mother and the foetus. In such situations only the consent of the mother is required. This requirement recognizes the autonomy of the mother as a person

Protecting Lactating and Pregnant Women Who Participate in Research Studies

- Lactating Women
- Do not exclude lactating women from clinical studies.
- During the informed consent process, ensure that nursing mothers receive adequate information about the potential risks to the child.
- Pregnant Women
- Pregnant women are presumed to be eligible for clinical studies.
- Pregnant women are competent adults capable of making their own decisions about participating in clinical studies.
- Exclude pregnant women if there is no potential for medical benefit to the women and there are potential risks to the foetus.
- Ensure that pregnant women are given adequate information about the potential risks and benefits to themselves, their pregnancies, and their foetuses during the informed consent process.

Concluding Remarks:

- Excluding vulnerable participants from research is not ethically and morally acceptable
- Vulnerable participants defined and identified
- Special measures implemented especially in taking informed consent and care during the research
- Protects and benefits the participants, researchers, and the society at large
- Much work yet need be done to update our own research guidelines

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UNIFORM CIVIL CODE – PROSPECTS & CHALLENGES

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Abstract

The Uniform Civil Code (UCC), prescribed in the Constitution of India as a Directive Principle under Article 44, if and when it becomes a reality, can work as a powerful legal mechanism for ensuring Gender justice, especially for women who are most vulnerable and victims of the whims and vagaries of the personal laws of their religion.

A UCC is essentially a common set of laws drawn or derived from the best and the most just of personal laws of all religions, and made applicable to all citizens, irrespective of one's religion. Simply put, at one stroke a benevolent Uniform Civil Code can end the miseries of the suffering womenfolk and render Gender justice and equity. However, the challenge before the country is the issue of the Uniform Civil Code (UCC) has been caught in the quagmire of identity and communally divisive politics and extricating the issue from the vested political interests and changing the narrative is truly a Himalayan conquest. Even though the courts have pressed the Governments of the day to push ahead on the issue of the Uniform Civil Code and not "kick the UCC can", the issue continues to be seen as intractable and hard to implement. Given the significance of the Uniform Civil Code to gender justice and equity for women, it is incumbent on all the stakeholders, viz. the political players, the establishment, the opinion-makers in the society and social scientists, to come together and explore ways to ensure the UCC becomes the new legal charter to deliver gender justice especially for women. This Paper is an academic attempt to suggest how the stakeholders in the system can "crowd-source" ideas to fast-track the acceptance of the Uniform Civil Code and its speedy implementation for the sake of gender justice and equity for women.

Preamble

The public opinion among the intellectual classes and the social and political commentariat in India is inching towards an acceptance of the Uniform Civil Code (UCC) in law, especially after the recent Supreme Court judgement banning the practice of triple *talaq* responding to petitions filed by Muslim women and organizations challenging the constitutionality of triple *talaq*. (1).

Introduced as a Directive Principle in Article 44 of the Constitution of India, which declared that "The State shall endeavour to secure for the citizens a Uniform Civil Code throughout the territory of India", it is being keenly watched by all stakeholders in society where nearly 7 decades after becoming free, India will take that one momentous, promised step towards securing equality and justice, ending gender discrimination in particular across all communities and sections of people.

This Paper takes a brief look at the history, the prospects and challenges before the country and what conditions can enable the acceptance of the Uniform Civil Code and incorporated into the law of the land.

Background

The debate for a uniform civil code can be traced to the period even before the British Raj when India was under the rule of the East India Company (1757-1858). But the initial attempt to reform local social and religious customs towards putting in place a UCC was made by Lord William Bentinck, the Governor-General of India, when he passed the Bengal Sati Regulation, 1829 to abolish the retrograde practice of Sati, viz. the prescribed death of a widow on her husband's funeral pyre, and which was subsequently extended outside Bengal to all English territories in India.

However the first seeds of discord were sown by the Lex Loci Report of October 1840 which, while stressing on the importance of uniformity in codification of Indian law relating to crimes, evidences and contract, recommended at the same time that personal laws of Hindus and Muslims be kept outside such codification. (2)

Introduction

In free India, we have a criminal code that is equally applicable to all sections of people, irrespective of religion, caste, gender and domicile. However, personal laws are supreme and applicable in adjudicating divorce, alimony, succession, and such other matters and thus give rise to gender injustice and discrimination, since personal laws are derived from varied sources, and drawn from different philosophies and so do not necessarily guarantee gender equity in their application.

In striking contrast, a UCC proposes to replace the personal laws based on the scriptures and customs of each major religious community in India with a common set of uniform laws governing every citizen. These laws are distinguished from public law and cover marriage, divorce, inheritance, adoption and maintenance.

While the UCC was first mooted formally by the National Planning Committee (NPC) appointed by the Indian National Congress in 1940, a sub-committee of the NPC voted out the suggestion of including the UCC as a Fundamental Right in the Constitution of India in 1947, but a small movement forward was taken when the Constituent Assembly included the UCC as a Directive Principle under Article 44 of the Indian Constitution in 1948.

The Prospects

Notwithstanding the long and agonizing journey from when the UCC was conceptualized and till now, there are many compelling reasons why a UCC is the need of the hour, especially in the current context where women are arguably not only on par with men in virtually all walks of life, but also outshine the latter in many new-age endeavours like technology, IT, AI, etc.

It should also be remembered that the Constitution makers had expressly stated their vision to enact the UCC in future, notwithstanding their inability to incorporate the same in the Constitution in the beginning itself. While the reasons for not including it then largely political, that does not preclude the fact that it was their vision which was incumbent on the future governments to realize by bringing it into law.

As a Secular Republic India cannot by universally accepted definition of Secularism, have separate set of laws governing different sections of its people, even while having a common law related to specifically crimes as defined and applicable under the Indian Penal Code (PC) for all its citizens.

This paradox, while it has enfeebled its people for the past nearly 7 decades, is now increasingly being questioned by a wide number of social scientists, intellectuals and politicians, as can be seen from the heat and dust raised in myriad TV debates in the mainstream media and of late, in the social media.

The case for a UCC is even more strongly felt from the point of view of delivering gender justice and ending gender discrimination, especially for womenfolk, who are the most vulnerable, and who are now, as equally empowered citizens, are coming out in large numbers and campaigning through various identity groups and bringing the fault-lines of the above paradox of having a kind of discrimination that is validated Constitutionally, into sharp focus. It is also clear from a wide body of literature available in the public domain that most personal laws derived from dogmas and religious

beliefs discriminate against women and so in the present day context, call for renunciation of all such discriminative practices and move towards rendering gender justice and equity for women.

The issue of the UCC shot into limelight when the Narendra Modi Government asked the Law Commission to examine the issue and following this, the Law Commission formally put it out in the public domain, seeking the view of the public on it.

A UCC assumes critical and urgent importance when we consider that India is presently home to the youngest population in the world, with nearly 55% of its citizens below 25 years of age. The Indian society today is therefore more aspirational and increasingly shaped by universal and global principles of equality, humanity and modernity. From the perspective of women, it would be fair to deduce that they want to be identified as Indians, and treated as equals, period, and not by their religious practices or individual faith.

With the UCC following a common criminal law already in force, the fault-lines in society will significantly diminish and accordingly there will be little if any scope for political parties and special interest and identity groups to play up the differences among people on religious and community lines and thus give a visible boost to national integration.

A UCC will be drawn from the best enabling personal laws of different religions that foster gender justice and equity as it is primarily a response to the demand from victimized women, and therefore as a consequence also deal a deathly blow to the hegemony of the upper-caste/class patriarchy who benefited from the discriminatory practices in the existing personal laws.

In a latest development, the recent judgement by the apex court of India banning instant triple talaq terming it "discriminatory and unconstitutional" is set to become one of the main reference texts for the Law Commission, in its task of gathering public opinion on the UCC, according to an observation made by Law Commission Chairman Justice Balbir Singh Chauhan to Mail Today when asked for his views on the impact of the SC judgment.(3)

Elaborating further, Justice Chauhan has been quoted by Mail Today as saying that the focus will be on family laws of all religions and the diversity of customary practices, and to address social injustice and gender inequality rather than the plurality of laws, and further, Personal laws will not be touched beyond the extent permitted by the Constitution.

Courts too in favour of UCC

There are a number of instances where the Courts have suggested the Government of the day to frame and introduce a UCC, and spoken in its favour.

In 1985, the Supreme Court directed the Parliament to frame a UCC in the case of Mohammad Ahmed Khan v. Shah Bano Begum (4), widely referred to as the Shah Bano case, in which case, a poor Muslim woman claimed for maintenance from her husband under Section 125 of the Code of Criminal Procedure after she was given triple talaq from him, and where the Supreme Court upheld her right to get maintenance from her husband under Section 125, while lamenting that Article 44 of the Constitution had remained a dead letter, and when the then Chief Justice of India Y.V. Chandrachud observed that, "A common civil code will help the cause of national integration by removing disparate loyalties to law which have conflicting ideologies".

As it transpired, the then Government overturned the Shah Bano case decision by way of Muslim Women (Right to Protection on Divorce) Act, 1986 curtailing the right of a Muslim woman for maintenance under Section 125 of the Code of Criminal Procedure, on the grounds that the Supreme Court had merely made an observation for enacting the UCC, and so this was not binding on the government or the Parliament and that there should be no interference with the personal laws unless the demand comes from within.

The second instance in which the Supreme Court again directed the government to implement Article 44 was in the case of *Sarla Mudgal v. Union of India* [5] where Justice Kuldip Singh, while opining that Article 44 has to be retrieved from the cold storage where it is lying since 1949, held, "Where more than 80 percent of the citizens have already been brought under the codified personal law there is no justification whatsoever to keep in abeyance, any more, the introduction of the 'uniform civil code' for all the citizens in the territory of India."

Again in July 2003, the Supreme Court reminded the government of its Constitutional obligations to enact a UCC, in a case where a Christian priest challenged the Constitutional validity of Section 118 of the Indian Succession Act.

The Challenges before UCC

As is well known, the public discourse on UCC is riddled with a slew of counter arguments skewing the debate with no dearth of naysayers.

While the Law Commission seeking public opinion on the UCC generated a groundswell of support for the UCC from informed sections of the society, there were also a few discordant notes from organizations such as the All India Muslim Personal Law Board (AIMPLB) and other organizations associated with the Muslim community.

One of the practical difficulties associated with the implementation of the UCC is the extent of cultural diversity across myriad religions, multiple sects, and numerous castes spread across the nook and corner of the country.

According to many political and social commentators, the minority community in particular suspect the UCC to be a tool to infringe on their right to religious freedom and impose on them a set of rules that will mainly dictated by the majority religious community.

The challenge before the Government is to codify a UCC that is totally unbiased in letter and spirit, while dealing with the majority and minority communities, and borrowing from their respective personal laws.

For obvious reasons, obtaining a consensus on the UCC, though eminently desirable and absolutely necessary, is next to impossible, given the political differences among political parties and their survival instinct to protect their individual turf. A UCC can become a reality only through Parliamentary legislation, but given how sensitive the issue is, and its long and tortuous wait for almost seven decades and counting, it is always better that we arrive at a consensus and not just push it on the back of a required majority in Parliament. The challenge is, will our political parties cut across their party affiliation and loyalty and speak in one voice on UCC for the sake of national integration and realizing the vision of our founding fathers?

One of the major hurdles in the path of the UCC is the actual drafting of the Code. While a mountain of content is available online on UCC, one would scarcely find a model draft law of the UCC. The crux of the problem is, should the UCC merely be based on the best of the personal laws or should it be created and developed as a new law that is governed by the Constitutional mandate? This is what makes the actual drafting of the UCC seemingly intractable and therefore a herculean hurdle to cross.

In the Indian context, a UCC has always been a hot potato, especially with political parties and vested interest groups milking its potential for serving their own self-interest. So the best way to go forward on this issue is to first create a congenial environment for people from either community to accept the rationale and basis for a UCC and also emphasize the contemporary significance of ending gender discrimination. This is best done by not letting any divisive or communal issues to take center-stage and also encouraging people to take up campaigns for gender equality, like for

example the Swachh Bharat initiative that has captured the imagination of a large section of the people. In this context, social media can play a powerful role in crowd-sourcing ideas to spread awareness and enable the acceptance of a UCC, in the light of how it has garnered major successes on many civic and political issues.

Summing up, a UCC may not be a magic wand that will deliver gender justice and end discriminatory practices at the stroke of a pen or by merely by a Constitutional diktat. But it is extremely important because it encapsulates the vision of our Constitution makers, and will be the single biggest reform that will symbolise and fuel the dreams of an aspirational New India.

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LAWS RELATED TO CONSUMER PROTECTION

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Abstract

At the best of times, consumer protection is like shooting in the dark, with few wins and losses the norm. However when a consumer wins against the “system”, or the “market”, it needs to be celebrated as the victory of “justice” and therein lies its extreme importance. Consumer protection, is essentially, a legally constituted move to stop unfair, deceptive and fraudulent business practices through lodging of a complaint before a legally established consumer forum under the prevailing consumer protection laws of the land which is followed by investigations by the appropriate authorities leading to court action against companies and people that break the law, and in sum is about developing laws and rules to establish a fair marketplace, and counselling consumers and businesses about their rights. With the Government of India planning to introduce a new Consumer Protection Bill in the Monsoon session of Parliament in 2017, it is the right time to review the status of the existing consumer protection laws and their efficacy, and look at ways to improve the system, especially in the current context of fast-changing technological and market dynamics such as for example e-commerce.

The success of any consumer protection law can be gauged from how effective it has been in protecting the consumer from poor quality in a product/service; protecting against any unethical practice by the supplier or the provider of the product/service, and ultimately deliver justice to the consumer, including reward of any compensation as applicable. This Paper makes a brief study of the consumer protection laws in India and its track record in delivering justice to the consumer in some cases, and how the laws can be tweaked and strengthened to ensure that they stay relevant are in sync with the present day market, for the consumer.

Introduction

The Consumer Protection Act introduced in 1986 and later amended in 2002 through the Consumer Protection Amendment Act, 2002, protects and furthers the rights of consumers against marketing of goods hazardous to life and property; right to be informed about the quality, quantity, potency, purity, standard and price of goods so as to protect the consumer against unfair trade practices; access to goods at competitive prices wherever possible; right to receive due consideration of consumer interests; seek redressal against unfair trade practices or unscrupulous exploitation of consumers; and right to consumer education.

According to Section 2(d) the Consumer Protection Act a consumer is defined as a person who buys goods or services for consideration for his/her use (NOT for resale), including any user who uses the goods and services with the permission of the person who bought the good or service, and covers all goods and services such as banking, ecommerce, telecom, insurance, electricity, transportation in the private and public sector. The Act also clearly lays down in detail the procedure for lodging a complaint by a consumer with the jurisdictional consumer district forum.

It was after India became free that the movement for creating a strong legal mechanism for consumer protection gained momentum with the framing of a spate of legislations such as The Drugs (Control) Act, 1950; The Prevention of Food Adulteration Act, 1954; The Essential Commodities Act, 1955; The Monopolies and Restrictive Trade Practices Act, 1969; The Bureau of Indian Standard Act, 1986; and The Consumer Protection Act, 1986.

The Consumer Protection Act (CPA) of 1986 regarded as the Magna Carta in the field of consumer protection for checking the unfair trade practices and ‘defect in goods’ and ‘deficiencies in services’, got a ringing endorsement from the Court in the matter of S.K. Abdul Sarkar vs. State of Orissa [1], which held that:

“Through the enactment of this statute, an attempt has been made by the Indian Parliament to provide a speedy and cheap remedy by way of an alternative to the time-consuming and expensive process of civil litigation”.

To put in place a proper redressal mechanism, Chapter III of the Consumer Protection Act, 1986 puts in place a proper redressal mechanism with the establishment of three tier Consumer Disputes Redressal Agencies namely the District Forum, the State Commission and the National Commission; the District Forum, the State Commission and the National Commission, and also defined the jurisdiction of the District Forum, the State Commission, and the National Commission.

Further, the Act empowers such bodies to order reliefs of specific nature and award appropriate compensation to the aggrieved party in a particular case.

The CPA was amended in 2002 which virtually overhauled the structure of the Act (2) and enhanced the upward limit of cases coming under the jurisdiction of the respective forums, viz. the District (not more than Rs 20 lakh), State (Rs 20 lakh to one crore) and National Commission (exceeding Rs one crore).

Strong Legal Framework for Consumer Protection

The Commissions and the courts have played a substantial role in furthering the cause of consumer protection, by their affirmative judgements in various cases that have come up before them, such as for example, in the matter of Mukund Lal Ganguly vs. Dr. Abhijit Ghosh [3], a complaint filed against the doctor for deficiency of services, and which suit was held maintainable by the court; and in the case of Agnes D’Mello vs. Canara Bank [4] which was filed after the expiry of the limitation period by the complainant against the Bank, but the State Commission entertained the appeal since it was satisfied that a “sufficient cause” was present and it was the reason for the delay in filing such application.[5].

Section 25 and Section 27 of the Consumer Protection Act 1986 deals with enforcement of the orders passed by the Consumer Dispute Redressal Agencies and prescribes certain penalties in case these provisions are violated. Further, the orders passed by a Consumer Dispute Redressal Agency are to be treated on par with a decree passed by a Court in a suit.

The courts have also clarified as to who can file a complaint under the CPA, to ensure that spurious complaints are avoided. For instance, a court has held that a person who purchases goods for commercial purpose is not a consumer. In the matter of Meera Industries, Howrah vs. Modern Constructions, Howrah [6], it was held that:

“In so far as the purchase of goods, which is covered by Section 2(1)(d)(i) is concerned, a person who purchases goods for commercial purpose is not a consumer.”

It therefore follows that only a “consumer” can file a complaint under the Consumer Protection Act, 1986 for injury caused to him/her by the actions of the seller or manufacturer or trader, but in order for a person to qualify as a “consumer”, he must not use goods for a “commercial purpose”.

Even a transaction like a resale is outside the purview of what constitutes a consumer according to the CPA. As per the Act, in case of goods purchased for the purpose of resale in the market, the buyer of such goods does not qualify to be a consumer under the Act. The logic is that a transaction such as a resale is entered into with the motive of making a profit out of it, and therefore is not covered by the definition of a consumer under the CPA.

Medical services are covered under the definition of “service” under the CPA. Accordingly, any person who renders such services is covered under the Act and is amenable to the jurisdiction of the appropriate consumer redressal forum in case the person availing the services is aggrieved.[7]

In another important distinction, the Commission has held that it is also necessary that only a consumer as defined under the CPA and who has purchased the goods or availed the services for a consideration can file a complaint.

For instance, in the matter of Smt. Laxmiben Laxmichand Shah vs. Smt. Sakerben Kanji Chandan [8], the complainant approached the National Commission with a complaint against the landlord because the latter refused to provide the amenities agreed upon to the tenant. The complaint was rejected and dismissed by the National Commission on the grounds that it was a case of lease of immovable property and not of hiring services of landlord.

Section 2(b) and Section 12 of the CPA 1986 lists the prescribed persons or class of persons who can file a complaint before the appropriate redressal forum, viz. a consumer; any voluntary consumer association registered under the Companies Act, 1956 or under any other law for the time being in force; the Central Government or any State Government; one or more consumers, where there are numerous consumers having the same interest. [9]

In addition the above list the beneficiary of goods and services are also covered in the definition of consumers and who have a right to file a complaint. [10]

Section 2(1)(c) of the CPA 1986 also explains in detail what a complaint filed by a consumer must contain, and also when a complaint cannot be filed, and under what circumstances a complaint is not permitted.

Filing an Appeal

In case the parties to the case are not satisfied with the decision of the consumer redressal forum, they are provided with an opportunity to file an appeal as permitted by the Consumer Protection Act 1986.

As per the Act, an appeal may be filed against the order of the District Forum within 30 days of the passing of the order. There is also a provision for extending this limitation period if there are sufficient grounds for such delay in filing of the appeal. In such an eventuality, the application for condoning the delay must be accompanied with an affidavit citing adequate reasons for the delay.

Wherever the orders of the District Forum include any payment of compensation to the aggrieved party, the appellant seeking to file an appeal is required to pay at least 50% of the amount or as applicable, whichever is less, for the State Commission to entertain the appeal. Where a person appeals against the order passed by the State Commission to the National Commission and he is the party who is required to pay the compensation, then the appellant will have to deposit 50 percent of the amount or as applicable, whichever is less with the National Commission.

Where an appellant wants to file an appeal against the order of the National Commission before the Supreme Court of India, and he is the party who is required to pay compensation as per the National Commission's order, then his appeal will be entertained by the Supreme Court only if he deposits in a prescribed manner 50 percent of that amount or as applicable, whichever is less.

Boost to Consumer-Friendly Initiatives

A review of the CPA Act and its implications show that the enactment of the Act has been followed up with many consumer-friendly initiatives like the Jago Grahak Jago" movement, Grahak Suvudha Kendras, and various Joint campaigns organized by Health, Financial Services and other departments, Inter- Ministerial Monitoring Committee, etc.

On the flip side, it can be said that there is room for improvising the law, which is the idea behind the latest Consumer Protection Bill proposed to be introduced in the Monsoon Session (2017) of Parliament.

Some of the areas where there is scope for improvement are insufficient spread of awareness about the consumer protection laws in rural areas, inadequacy in efficiency of redressal mechanisms, and the challenge to keep the laws relevant to the changing market dynamics.

New Bill in the Works

The newly proposed Consumer Protection Bill will address timely delivery of justice with a forward looking approach including protection of consumer's rights while transacting through e-commerce, according to a statement issued by Union Minister of State for Consumer Affairs C R Chaudhary, during the launch of the revised UN Guidelines for Consumer Protection at Geneva. (11)

According to an official statement issued by the Minister, the new Consumer Protection Bill will draw from the latest and the best global practices and aim to address the consumer issues in a comprehensive manner offering executive, quasi-judicial and judicial remedies. (A)

The dictum that 'consumer is king' has a growing audience, which is inevitable in a global marketplace. India spends about 30-50 million US dollars on consumer protection annually and has initiated a number of consumer centric schemes based on the broad fundamentals of consumer awareness, standard and conformity assessment and inexpensive and quick redressal.

To give a latest example, a portal 'Grievance Against Misleading Advertisements (GAMA)' was launched to handle complaints of consumers relating to misleading advertisements, issuance of guidelines on direct selling, online case monitoring system in the Consumer Fora. The e-filing of complaints by consumers in Consumer Fora is under process.

The new Consumer Protection Bill has many commendable features that will be a very big improvement upon the existing law, such as for example,

- institution of an executive agency, the Central Consumer Protection Authority, designed on the lines of highly effective US Federal Trade Commission, which will intervene whenever necessary to protect consumers from unfair trade practices and also launch class action against a company, besides ordering recall or refund of products
- introduce a new concept of class action, which means the liability of manufacturers and service providers will not be limited to one or a group of consumers but towards all consumers, in other words, meaning that all affected consumers become beneficiaries in a class action suit
- the manufacturer, producer and even the seller will be liable for any personal - injury, death or damage resulting from defects in manufacture, construction, design, formula, preparation, assembly, testing, service, warning, instruction, marketing, packaging, or labelling of any product
- take into account e-commerce too, that is, a consumer can file a complaint electronically or in the consumer court at his place of residence, which constitutes an extension of the current practice where a consumer can initiate legal action against a seller only at the place where transaction has taken place
- will hold endorsers of products liable in addition to manufacturers
- discourage frivolous complaints by enhancing the penalty from Rs 10,000 to Rs 50,000 (12)

Conclusion

However it remains to be seen to what extent the new Consumer Protection Bill will be effective in plugging the lacunae in the CPA. Many experts in the mainstream media have drawn the attention of the policy makers about how CPA has much less impact on the marginalised sections of the society who lack education, and live in the rural areas with low levels of income; poor implementation of the apathy of the governments and other stakeholders; among other fault-lines.

Notwithstanding the obstacles and hurdles in the path of consumer protection, one thing can be said with certainty: India is inexorably moving towards strengthening the culture of 'consumer is king', and our consumer protection laws can only get better from where they are.

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HINDU PROPERTY RIGHT AND GENDER JUSTICE WITH RESPECT TO MARUMAKKATAYAM LAW IN KERALA

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Abstract

This paper attempts to analyse Marumakkathayam law prevailed in Kerala ,especially in Malabar region .This customary law is peculiar in the sense that the joint family property being disbursed to descendants through the line of women. This is a cardinal variation in considering the general Hindu Mithakshara law of inheritance applied in the region. One way same cause female dominance in the matter of disbursement of joint family property as the entitlement of members of the family is being propagated by females. The females of nair community of Malabar region is the main beneficiaries of this law of inheritance . When it comes to socio - cultural scenario female dominance in the family is quite obvious and the reason for same is this female dominating disbursement of family property. It is a clear example , that when female is clothed with wealth, their dominance in the family and society would be regained .The endeavor is to analyze such dominance over property enjoyed by women following Marumakkathayam law and its impact on their socio cultural existence and importance.

Key words: *Descendants -Those who inherit the property of a person died. Propagated- To proceed and disburse property to coming generations. Poliyandry-Having cohabitation with more than husband or man, Unassailed-Unchanged, Mantile- Physical Asset*

Marumakkathaya System of inheritance

In the marumakkathayam system of law, succession to property is traced through females, though the expression Marumakkathayam strictly means inheritance by sisters children. It is because of this that a man's heirs are not his sons and daughters but his sisters and their children. The mother forming the stock of descent and inheritance being traced through mother to daughter, daughter's daughter and so on. A marumakkathayam family is known as tharawad and consists of group of persons, males and females ,all tracing descend from a common ancestors .An ordinary marumakkathayam tarawad consists of the mother ,her children, male and female ,the children of such females and their descendants in the female line, how so ever of living under the control and direction of the karanavan,who is the eldest male member.The junior male members are also proprietors and have equal rights .The tarawad is thus a typical matriarchal family.

The property of a marumakkathayamtarawad belongs to its members for the time being. The property ensures for the benefit of members who may be added in the future, in the normal course by birth into the family in the female line and in admission the new members forth with get a right in the property. When on partition the tarawad breaks up into units forming a number of new tarawad as it were , each unit takes the property allotted to its for itself free of any claims by the remaining units. When the unit is multimember unit, it is undisputed that the thavazhi takes the property .The members of the thavazhi have got birth right over the property . The intention of customary marumakkathayam law cannot be that property should be shorn of its incidents and obligations when allotted to a single member unit anymore than that it should be so shorn when allotted to a multi member unit.

Under the Marumakkathayam law, a subsequently conceived child gets a right by birth in the property obtained by its mother for her separate share in the partition of her tarawad, thus reducing her absolute powers of disposition of those of a joint family manager. In other words, after

an individual partition of the property in the mothers hands continues to retain its character as tarawad property.

As stated above in a Marumakkathayi joint family the matriarchal system of inheritance is prevailing .This system was commonly seen in Malabar area, traces of the same also can be found in Trivandrum and cochin. Many scholars are of opinion that the matriarchal system proceeds from the patriarchal system .Polyandry and kinship through females are faces in the evolution of the system .The significance of the system is that a person heirs are his sister's sons and not his sons.

The major community that followed marumakkatheayam was Nair community in kerala. The system prevailing then was higher castes especially Namboodiri community used to contract "sambadam" with nair ladies. By the custom prevailing in the country then most of the Nair ladies couldnot marry a nair man ,so that there was no certain nor acknowledged son or father . All their children being born of mistresses, so naturally the existence of child is being traced through their mothers. This is obvious from the names of persons of Nair community as the surname of them was necessarily that of their mother. As far as the marumakhathaymtarawad is concerned the allotment of property as said is through female descendants .If a female member has no descendants through her, she is at liberty to enjoy the property has her own and she is the liberty to deal with the property as her personal property. At the instance of birth of a child (descendant) to that women, naturally the character of property would change and same form the thavazhi property tracing through that female. The important incident of a marumakkathayam tarawad is the existence of various branches called thavazhies which in turn form or treated as a separate joint family.

Thavazhy is a unit or branch of the original joint family, which is headed by a female member and her descendants through female line, form members of the family with birth right over the family mantile. Allotment of property in favour of a female member and her descendants necessarily establish the existence of a tavazhi.The word tavazhi need not be mentioned in case of such allotments in order for the entitlement of property by the members of the tavazhi .The word tavazhi denotes descendants through female, thai means woman and vazhi means way. The existence of this peculiar unit named thavazhi makes all the difference and joint family system would be treated as one following Marumakkathaym custom.

The important castes which followed marumakhthayam system of inheritance in Kerala are enlisted as under

1. Nambudiris of PayyannurVillage
2. ChakkiyarNambiyar
3. Purapoduval
4. Pisharodis
5. Variar
6. Teyyambodikurups and karopanikkar
7. Kshatriyas
8. Sammantas
9. Nayars
10. Taragans
11. Revaries
12. Tiyans in north Malabar
13. Kusavans(potters)
14. OttattuNayars or Tilers
15. Vaniyans
16. KulangaraNayars

17. Edeachterinayars
18. Veluthedans
19. Vilakkataravans in the north
20. YogiguruKals
21. Wayanadchetties
22. Paravans(in most parts)
23. Velans (Physicians) and Kuruthians in the north
24. Makkuvans in the south
25. Vannana(inth North)
26. Moplas in North Malabar
27. Some aboriginal tribes
 - 1 Kurchiyans
 - 2 Malakakrs
 - 3 Karambalans
 - 4 Vettivans

Objectives of the Study

- To understand the Socio- cultural factors attached to transfer of property in the perspective of women.
- To identify the role of Marumakkathayamlaw to ensure the gender equality in the distribution of property.

Methodology

Purposeful sampling techniques is used to collect data from respondents who are conducting cases due to denial of their equal right to get their ancestral property. Data for the analysis was taken with the help of interview schedule from 20 women litigants who are conducting cases due to denial of their equal right to get their ancestral property in various courts of Calicut district court complex i.eMunsiff court, Sub court and District court .

Results and Discussions

All the litigants belong to the Nair caste of Hindu community. Most of them are widows and aged. Their family were following Marumakkathayam law of inheritance.The respondents conveyed that their ancestors were following Marumakkathayam law of inheritance and same came to an end by the promulgation of Hindu Joint Family Abolition Act.

It is mostly accepted that the respondent's whose ancestors followed marumakkathayam system of inheritance till joint family abolition Act in 1976 is presently following Hindu Succession Act for getting their inherited right over the property. They have not yet obtained their parents' property and their deceased husbands' property. This is the reason behind these litigations.

Except 2% of litigants , all others are unemployed and they have no income . Even though they are unemployed they filed the case against their fellow beings in order to get their legal right over the property and proceed with it. Actually in order to conduct the case , income and money is relevant. Sons and husbands of women litigants are spending the money for meeting the legal expenses (this can be understood as an expression of androcentricity reinforced).

Their parents were not bothered about the equal distribution of property among the children when they were alive. Though most of the respondents have basic education , they are ready to fight against the nearest relatives for their legal and social right . According to them even if the court recognize their right and pronounce the decree in their favour to get the share, the property will be

handled and enjoyed only by the male persons and they may not be able to handle and enjoy the property as they wish as litigation is a time consuming affair and fruits of litigation is faraway.

Even after getting the title of the property , most of the respondents have no power to possess and enjoy the property on their own interest. The most serious factor is that women have no real interest to possess and enjoy the property as they have the mindset that they are subordinate to male being. These women litigants adamantly believe that they can't handle the property without the help of male members and women are incapable of owning, possessing and enjoying the property .Male domination prevailing and maintained in patriarchal social system deprive women from having access to the legal and social rights over the property.

In the opinion of respondents and the analysis of law prevailing pertaining to inheritance and commentaries on the subject, the researcher concluded the following. In the joint family following marumakkathayam system of inheritance, women members of the joint family assumes great importance ,as the descendants of family is through female members. Each unit called thavazhi is headed by a female member followed by her descendants in female line such as daughters, daughters children, daughters' daughters children etc .All are having birth right over the property as well .Whereas in Mithakshara makkathayam system of inheritance followed by other families the importance goes to male descendants of the common ancestor, alone and they upto forth generation would inherit the family property by birth. Women are having absolutely no right over the property, except right to maintenance till their marriage. In case of marumakkatahayam law of inheritance female forms the controlling centre of the family .All the female descendants have got birth right over the property, whereas the sons of female alone inherit the family property along with daughters and their sons will not inherit property by birth. In contrary children of daughters acquire birth right over the family property .The patriarchal system of inheritance is being followed in common mithakshara joint families, whereas matriarchal system of inheritance is followed in marumakkathayam law of inheritance. This birth right over the property conferred to female members of the family by virtue of the marumakkathayam law of inheritance, naturally uplift the position of women and their social and cultural importance become predominant in the society. It is pertinent to note that Marumakkathayam law of inheritance is a system conferring paramount authority and importance to women in the matter of inheritance. The situation is vice versa in case of other joint family systems like those follow mithakshara law of inheritance. In marumakkathayam law of inheritance the last word would be that of women whereas in other systems same would be that of men.

In contrary to the things happening in a male centred mithakshara joint family, in marumakkathayi joint family was women centred . All the females and males born out of the female members of the thavazhi automatically become the members of the family with birth right over the property of the joint family, where as the children born out of the male members of the family would never become the members of the family and they have not clothed with the right to family property by birth.

The predominant position, importance, decision making power, high social existence, unassailed right to property by birth, social position ,dominance over men in property rights over family mantile etc enjoyed by a marummakkathayi women is lost by the abolition of joint family system by legislature and their position at present is much deteriorating. Even though the mithakshara system of joint family ,where male dominates also abolished by joint family abolition act, men continued their dominating position ,even after Hindu Succession Act comes to play, which provides equal right to men and women. As far as w omen professed marumakkathayam law of inheritance is concerned ,the new legislation with much acclaimed gender equality would no doubt

weakened their position and all proprietary ,social and cultural dominance enjoyed by them were taken away and ultimately they would became subordinate to men in the family. No doubt the all cherished dream of male members of the family to curtail the un assailed rights and importance of women by virtue of the marumakkathayi system of inheritance, materialized by legislature by promulgating Hindu Joint Family Act in 1976

As detailed above only when the female dominates, they will be respected and treated equal .In the marumakkathayam system of inheritance, no doubt the females assumed predominant position and this unassailed independence and importance made them an object of respect and independent existence. In such situations , naturally men are compelled to concede the importance of women and definitely they would be constrained to treat women at least as equals in property rights, legally .Of course after abolition of Marumakkathayam system ,Hindu Succession Act comes to play and same provide equal share over property to women when compared to men. Even when law treat women equal men are reluctant to do the same and always treat them as subordinate to them. So it is not only law but the mentality of men also particularly and society has to be changed in order to materialize the much acclaimed gender equality. This is obvious from the experiences of respondents that they are constrained to initiate long battled, time consuming and expensive litigations to get their equal rights over the property , it is ensured by law but denied by their male siblings. The attitude of men has to be changed in order to attain gender equality.

Conclusion

Land laws and personal laws are to be modified and codified, in such a manner so as to get the property to women and men alike. No doubt the equal distribution of property among the human beings will make change in the status of women in the society. When new law will be introduced, replacing existing law, that should be made with at most care and caution to see that the prevailing benefits enjoyed by women would be protected

Hence the authorities who are responsible , should pay paramount attention to take steps to bring to effect a new reasonable and exhaustive law in respect of equal distribution of property among men and women and ensure the property rights, and to eradicate the androcentric mentality and gender injustice in distribution of immovable property and to assure the integrity and dignity of the Indian women. When women obtain the access to property it transforms the whole society towards social/gender justice.

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HUMAN RIGHTS AS WOMEN'S RIGHTS

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Abstract

'Women's rights are the edifice on which human rights stand' (Dr APJ Abdul Kalam). Human Rights are those rights which are enjoyed by an individual as a human being. Women's rights are the fundamental human rights that were enshrined by the United Nations for every human being. The rights of women include the right to live free from violence, slavery and discrimination, to be educated, to own property, to vote and to earn a fair and equal wage and women are entitled to all these rights. In spite of this almost everywhere around the world women and girls are still denied them very often simply because of their gender. Since all civilizations have been patriarchal, women were subject to more human rights violations than men. Since ages women in India had to face discrimination, injustice and dishonour. Women constitute half of the world's population and they are denied access to own body and life. The Constitution of India grants Fundamental Rights, ensure equality before the law, prohibits discrimination against any citizen on grounds of religion, race, caste, sex or place of birth and guarantee equality of opportunity to all citizens in matters relating to employment. Even though women in India are given more rights when compared to men, but from centuries to till date women are subordinated and discriminated. Even though Constitution of India guaranteed freedom for women to speak, live, enter any place, work in whatever profession they want, but as far freedom is concerned, are women free and safe today, is there gender equality in the society, has violence, discrimination and atrocities women face from her birth to death stopped. This paper highlights on human rights as women's rights and how these rights are violated in India.

Key Words: *Women Rights, Human Rights, India, Constitution.*

Introduction

Human Rights are those rights which are enjoyed by an individual as a human being. Women's rights are the fundamental human rights that were enshrined by the United Nations for every human being. Women's Rights are Human Rights means women are entitled to all rights. The rights of women include the right to live free from violence, slavery and discrimination, to be educated, to own property, to vote and to earn a fair and equal wage and women are entitled to all these rights . In spite of this almost everywhere around the world women and girls are still denied them very often simply because of their gender. Human Rights provide an impetus for activities and programmes for achieving gender equality and social justice. Various studies on women's status points out low status and poor conditions of women. Since ages women in India had to face discrimination, injustice and dishonour. Women constitute half of the world's population and they are denied access to own body and life. Even though women in India are given more rights when compared to men, but from centuries to till date women are subordinated and discriminated. But in spite of this every right of women is being violated. The crimes against women are increasing, sex-ratio, health status, literacy rate, political participation showed a decline when compared to men. So how are these Human Rights beneficial to women? As far as freedom is considered are women free from violation, discrimination and atrocities?

Women and Human Rights in India

The constitution not only grants equality to women but also adopt measures of positive power of women human rights in India. Like Rights to equality, Rights to Education, Rights to live with dignity, Rights to liberty, Rights to politics, Rights to property, Rights to equal opportunity for employment, Rights to livelihood, Rights to get equal wages for equal work, Rights to protection

from gender discrimination, Rights to protection from inhuman treatment, Rights to protection of health, Rights to social protection in the eventuality of retirement, old age and sickness, Rights to free choice of profession and Rights to privacy in terms of personal life, family, residence, correspondence.

Constitutional Safeguards and Provisions for Women

The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental rights and 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 programmes have aimed at women's advancement in different spheres. India has also ratified various international convention 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.

The Constitution of India grants Fundamental Rights, ensure equality before the law and equal protection of law; prohibits discrimination against any citizen on grounds of religion, race, caste, sex or place of birth and guarantee equality of opportunity to all citizens in matters relating to employment. Articles 14, 15, 15(3), 16, 39(a), 39(b), 39(c) and 42 of the Constitution are of specific importance in this regard.

Legal Provisions for women in India

The Constitution of India provided equality to men and women and also gave priority on special protection to women to realise their interests effectively. Special laws were enacted to prevent indecent representation of women in the media and sexual harassment in workplaces. The law also gives women equal rights in the matter of adoption, maternity benefits, equal pay, good working conditions etc.

The Crimes Identified Under the Indian Penal Code (IPC)

1. Rape (Sec. 376 IPC)
2. Kidnapping & Abduction for different purposes (Sec. 363-373)
3. Homicide for Dowry, Dowry Deaths or their attempts (Sec. 302/304-B IPC)
4. Torture, both mental and physical (Sec. 498-A IPC)
5. Molestation (Sec. 354 IPC)
6. Sexual Harassment (Sec. 509 IPC)
7. Importation of girls (up to 21 years of age)

Objectives of the Study

1. To examine constitutional and human rights of women.
2. To study the conditions of human rights in India
3. To highlight the causes and discrimination those limit women's human rights.

Methodology and Sources of Data

This paper highlights on human rights as women's rights and how these rights are violated in India. The methodology of this paper is descriptive and required data are collected from different secondary sources like books, research articles, different publications relating to women rights and crimes against women etc.

Women Rights Violations in India

Around the world, tradition, cultural values and religion are being misused to curtail women's right, to entrench sexism and defend misogynistic practices (Antonio Guterres). Constitutionally men and women are equal, socially men are given priority and importance and women face discrimination right from childhood. In fact discrimination starts against the girl child the moment she enters her mother's womb. In India the practice of female foeticide and female infanticide is common. Women in India have long been subject to entrenched cultural biases that perpetuate the valuing of sons over daughters, who are often seen as an economic burden to families that fear high dowries and wedding costs. (Beina Xu)

The Indian constitution prohibits discrimination on the basis of sex, but the position of women remains unequal (United Nations report). Article 14 (equality before law), Article 15(1) (prohibits discrimination on grounds of sex), and Articles 25 and 26 (freedom of religion) of the Constitution were violated that is right to worship for women, being the basic right was denied to women in instances of Shani-Shingnapur temple in Ahmadnagar district of Maharashtra and in Haji Ali Darga Mumbai that allows men access. After Bombay high Court ruled that women cannot be barred from entering the temple and it was women's fundamental right to enter a temple, the inner sanctum was opened for women. The Sabarimala temple in Kerala, restrict the entry of women aged 10 to 50 years arguing that women are impure while menstruating. All these instances show that still women are suffering from patriarchy, oppression and discrimination. The problem of gender inequality in India is the problem of male culture which reflects women and girls (Kumari)

Right to education is the fundamental human right. In rural India majority of women are unaware of the importance of education, as a result they are unaware of their basic human rights. Education, as a game-changer, works to defeat the barricades of stereotypes and prejudices. It is a potent tool to attain women's rights, freedom, and ultimately gender equality. (Katoch, 2017). According to the 2011 Census of India the women's literacy rate is 65.46 per cent as compared to the male literacy of 82.14, with a gender gap of 16.7 per cent. As compared to boys, the dropout rate of girls is greater because of poverty, child to supplement household income, poor health and needed to help in domestic work.

Property rights of Indian women are unequal and unfair and continue to get less right in property than the men, both in terms of quality and quantity. The Hindu Succession Act 2005 granted women equal inheritance rights to ancestral and jointly owned property, but enforcement of this law is weak. Many women in India are still deprived of their rightful inheritance. An important reason for women's inferior status is their lack of control over property and other productive resources, which make them, feel insecure all the time. (Bhasin, 2016)

One of the major elements hampering women's rights in India is low level of female participation in politics. Women represent almost 50 percent of the population in India. But their representation in Parliament is only 10 percent. The injustice of denying representation of women in legislative decision making is underlined in the context of overall development indicators of women (Roy 2016). In the Rajya Sabha, there are 31 women Members out of a total 244 Members, which is just 12.7 per cent of the Upper House. Further, in the Lok Sabha, there are only 66 women MPs out of 543, which comprise 12.2 per cent of the House strength.

The 73rd and 74th Amendment Acts of the Constitution of India, passed in 1993, ensures one-third of the seats for women in local bodies (Raman 2014). These Bills have taken women to the government's decision-making process by giving them political space in the Panchayat Raj Institutions. No doubt, this has opened a new chapter in the empowerment of women but still today women are not empowered in the way it is actually required. These elected women are still

influenced by men while taking decisions in local bodies(Katoch 2017). In 1996 the Women Reservation Bill which is called 'The Constitution (108th Amendment) Bill' was introduced that reserves 33 per cent seats in the Lok Sabha and in all State Legislative Assemblies for women. Even after 20 years this bill has not been passed to date, the bill is still pending. Patriarchal thinking has actually been behind the oppose to it (Hindustan Times)

According to 2016 UN Population Fund State of World Population Report, the maternal mortality ratio was 174 per 100,000 live births in 2015. The factors influencing high maternal mortality rate were lack of adequate nutrition, medical care and sanitary facilities. Most of the women suffer from anaemia, due to lack of nutritious diet. Studies have revealed that gender disparities are evident from infancy to adulthood. Girls are breast fed less frequently and for a shorter duration in infancy and childhood. Girl children and women do not consume much nutritious food like milk, curds, ghee, butter, fruits, eggs etc., for they spare the same for the men folk as a matter of family practice. It is observed that parents discriminate against their girl children by neglecting them during illness (Parvathy et.al)

The latest stalking episode in Haryana where a VIP's son almost got away scot free using male dominated society, police and ambiguity in the laws as loopholes to deny a young women's right to pursue her profession and the freedom to do what she thinks right.

As far as freedom is considered women cannot go where she wants as she is not secure in her own society. Women may be victims of any of the crimes such as 'Murder', 'Robbery', 'Cheating' etc.. Crimes against women occur every minute; every day and throughout the year, though several such crimes go unreported. After 2012 Delhi gang rape case, India's Parliament passed a new law- The Criminal Law (Amendment) Act,2013 further protecting women against sexual violence. The Act criminalizes stalking, voyeurism and sexual harassment and imposes death penalty but in spite of this violation against women are increasing. According to National Crime Records Bureau a total of 3,27,394 cases of crime against women (both under IPC and SLL) were reported in the country during the year 2015 as compared to 3,37,922 in the year 2014, thus showing a decline of 3.1% during the year 2015 which includes 34,651 rape cases and 59,277 cases of kidnapping and abduction of women(Crimes in India-2015).Most rapes go unreported, largely because of cultural stigmas surrounding such incidents could bring shame to victims and their families.(Beina Xu)

Indian society being patriarchal prefers a son than a daughter. Sex-selective abortions have occurred at staggering rates in India despite a ban on screening for such purposes. Researchers say up to six thousand female foetuses are aborted in India every year. This has tipped the gender ratio so dramatically that in 2011, there were 914 girls for every one thousand boys among children up to six years old- the most imbalanced gender ratio since India's independence since 1947 (Beina Xu). Nobel Laureate Amartya Sen pointed out, 25 million girls are missing from India's population every year as they are not even allowed to be born! And The United Nations Children's Fund, estimated that up to 50 million girls and women are 'missing' from India's population.

Conclusion

Even after 71 years of independence the status of women with respect to legal rights of women to life and freedom from violence, economic and social discrimination and their rights to equality shows that a lot still remains to be done. There are various laws and rights made by the legislation in the interest of women, but in spite of this every right of women is being violated. The crimes against women are increasing, sex-ratio, health status, literacy rate, political participation showed a decline when compared to men. So how are these Human Rights beneficial to women? As far as freedom is considered are women free from violation, discrimination and atrocities? "As long as

discrimination and inequalities remain so commonplace everywhere in the world, as long as girls and women are valued less, fed less, overworked, underpaid, not schooled, subjected to violence in and outside their homes-potential of human family to create a peaceful prosperous world will not be realized.” (Hillary Clinton)

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A POSITIVE ANALYSIS ON UPGRADING FACTORS OF LABOUR LEGISLATIONS IN INDIA TO EMPOWER WOMEN EMPLOYMENT

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Introduction

India being a SOVERIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC country, ensure “that the citizens, men and women equally, have the right to an adequate means of livelihood” under ARTICLE 39 of INDIAN CONSTITUTION ACT-1950. Here from this provision we have a clear point that both men and women are ensured by the constitution to have their own livelihood by means of employment. This paper discussed about the evolution work force and upgrading legislations to favors women employment.

Women constitute a significant part of the work force in India but they lag behind men in terms of work participation and quality of employment. As per the information provided by the office of Registrar General & Census Commissioner of India, “As per Census 2011, the total number of female workers in India is 149.8 million and female workers in rural and urban areas are 121.8 and 28.0 million respectively. Out of total 149.8 million female workers, 35.9 million females are working as cultivators and another 61.5 million are agricultural laborers. Of the remaining female’s workers, 8.5 million are in household Industry and 43.7 million are classified as other workers”.

“As per Census 2011, the work participation rate for women is 25.51 percent as compared to 25.63 per cent in 2001. The Work Participation Rate of Women has reduced marginally in 2011 but there is an improvement from 22.27 per cent in 1991 and 19.67 per cent in 1981. The work participation rate for women in rural areas is 30.02 per cent as compared to 15.44 per cent in the urban areas”.

“In so far as the organized sector is concerned, in March, 2011 women workers constituted 20.5 percent of total employment in organized sector in the country which is higher by 0.1 percent as compared to the preceding year. As per the last Employment Review by Directorate General of Employment & Training (DGE&T), on 31st March, 2011, about 59.54 lakh women workers were employed in the organized sector (Public and Private Sector). Of this, nearly 32.14 lakh women were employed in community, social and personal service sector”.

In urban areas the employment of women in the organised sector in 2000 constituted 17.6 percent of the total organised sector. Apart from the maternity benefit act, almost all the major central labour acts applicable to women workers. The equal remuneration act was passed in 1976, providing for the payment of equal remuneration to men and women workers for same or similar nature of work. Under this law, no discrimination is permissible in recruitment and service conditions except where employment of women is prohibited or restricted by the law. The situation regarding enforcement of the provisions of this law is regularly monitored by the central ministry of labour and the central advisory committee. In respect of an occupational hazard concerning the safety of women at workplace, in 1997 the supreme court of India announced that sexual harassment of working women amounts to violation of rights of gender equality. As a logical consequence it also amounts to violation of the rights of gender equality. As a logical consequence it also amounts to violation of the rights to practice any profession, occupation , and trade. The judgments also laid down the definition of sexual harassment, the preventive steps, the complaint

mechanism, and the need for creating awareness of the rights of women workers. Implementation of these guidelines has already begun by employers by amending the rules under the industrial employment standing orders act 1946.

Constitution and Women

Before entering into the main stream i.e., labour legislations and its upgrading factors it is necessary and fit to know the perspectives of constitution about women in India. Constitution being a supreme law of India adopt positive discrimination in favour of women to neutralize disadvantages faced by them on education, employment etc.

Constitutional Privileges

- 1) "The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them"
- 2) "Nothing in this Article shall prevent the State from making any special provision for women and children".
- 3) "Equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State".
- 4) "The State to direct its policy towards securing for men and women equally the right to an adequate means of livelihood. 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".
- 5) "The State to make provision for securing just and humane conditions of work and for maternity relief".
- 6) "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".
- 7) "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".
- 8) "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".

These are some of the provisions enshrined in the constitution for the advancement of women. Here constitution shall have a framework to enact in every subject and legislation whether made by the state legislature or central but not to be violated by the constitution itself. In the era of globalization the boundaries of business was extended and it found to be unlimited, this situation made a total change on labour force made huge employment on both genders and industrial revolution hence many labour legislations made to favour women labour. Here it is going to be discussed hereunder:

Labour Legislations

Women employment is an integral part of labour force in recent decade which is unavoidable and must at present so to favour women labour and to empower them various labour legislations were enacted by the state legislature as well as the center too. India being a founding member of the ILO has tried to stick to the standards provided by the ILO in order to give not only the equal rights but also to provide positive discrimination among women labour. The special rights provided to women in various labour laws (i.e. The Factories Act, 1948, The Mines Act, 1952, The Plantation

Labour Act, 1951, The Beedi and Cigar Workers (Conditions of Employment) Act, 1966, The Contract Labour (Regulation and Abolition) Act, 1970, The Inter- State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, The Maternity Benefit Act, 1961 and Equal Remuneration Act, 1976), The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013, maternity benefit (amendment) act 2017 etc.

Provisions to Protect Women Employee/ Labour

Health Measures

The Factories Act, 1948 ensures special protection to women and young person's against the risk of injury from any moving part either of that machinery or of any adjacent machinery by prohibiting engagement of women and young person in the processes of cleaning, lubrication or adjusting operation or any part of a prime mover or of any transmission machinery while these are in motion

It prohibits employment of any women or child in any part of a factory for pressing cotton in which a cotton opener is at work.

Night Work

In general The factories Act, restrict employment of women workers between the hours of 6a.m and 7p.m. but the state government may, by notification in the official gazette, in respect of any factory or group or class or description of factories vary these limits laid down in clause (b) of section 66 in such a way that no such variation shall authorise the employment of any women between the hours of 10p.m and 5a.m.

In Omana oomen, attendant, operate or chemical plant trainee and others Vs the F.A.C.T.Ltd, where the petitioner were selected as attendant operators, chemical plant to undergo training. The five male trainees were absorbed as technicians. The company conducted an internal examination for the purpose but the petitioners were excluded only because they were females. It has been observed that in view of proviso to section 66 (b) it is clear that the state government is entitled to relax the rigour of section 66(b) of the factories act so as to enable women employee to work between 5a.m and 10p.m 6that takes 17 hours. It is possible to accommodate two shifts during the period. The only reason mentioned for eliminating women from employment is therefore, unsustainable, because the employer can easily obtain permission of the state government so as to enable women to be employed in two out of three shifts.

The refusal to admit the petitioners for internal examination for selection leading to regular absorption as technicians (process control) entirely on the basis of sex is violative of Article-14, 15 of Indian constitution.

Likewise in the **Mines Act, 1952** it is stated that “

- 1) No women shall, notwithstanding anything contained in any other law, be employed-
 - a) In any part of a mine which is below ground:
 - b) In any mine above ground except between the hours of 6a.m and 7p.m
- 2) Every women employed in a mine above ground shall be allowed an interval of not less than eleven hours between the termination of employment on any one day and the commencement of the next period of employment.
- 3) notwithstanding anything contained in sub-section (1), the central government may, by notification in the official gazette, vary the hours of employment above grounds of women in respect of any mine or class or description of mine, so however that no employment of any woman between the hours of 10p.m and 5a.m is permitted thereby”.

Maternity benefits

In order to reduce the disparities relating to maternity benefits, maternity benefit Act, 1961 was enacted. This act is solely devoted to workingwomen making provisions to provide different kinds of benefits to female wage-earner. This is the most important enactment dealing with the women working in factories, mines, plantations, and other industrial establishments. It regulates the employment of women in certain establishments for certain periods before and after childbirth and to provide for maternity benefits and certain other benefits.

In a very important case where the supreme court of India has examined the provisions of the act as a whole to find out the intention of the parliament and the main objects of the Act. In this case female workers (muster roll) engaged by the municipal corporation of Delhi raised a demand for grant of maternity leave which was made available to regular female worker but was denied to them on the ground that their services were not regularized and therefore, they were not entitled to any maternity leave. Their case was espoused by the Delhi municipal workers union and, consequently the question “whether female workers working on muster roll should be given any maternity benefit? Was referred to the industrial tribunal for adjudication.

The union filed a statement of claim in which it was stated that the municipal corporation of Delhi employs a large number of person including female workers on muster roll and they are made to work in that capacity for years together though they are recruited against the work of perennial nature. It was further stated that the nature of duties and responsibilities performed and undertaken by the muster roll employees are the same as those of the regular employees. The women employed on muster roll, which have been working with the municipal corporation of Delhi for years together, have to work very hard in construction projects and maintenance of roads including the work of digging trenches etc. but the corporation does not grant any maternity benefit to female workers who are required to work even during the period of mature pregnancy or soon after the delivery of the child. It was pleaded that the female workers required the same maternity benefits as were enjoyed by regular female workers under the maternity benefit act, 1961. The denial of these benefit exhibits a negative attitude of the corporation in respect of a humane problem.

The tribunal allowed the claim of the female workers and directed the corporation to extend the benefits under the maternity benefit Act, 1961 to muster roll female workers who were in the continuous service of the corporation for three years more.

The corporation challenged the judgment and filed a special leave petition, in it supreme court observed that “not long ago, the place of women in rural areas had been traditionally her home ; but the poor illiterate women forced by sheer poverty now come out to seek various jobs so as to overcome the economic hardship. They also take up jobs which involve hard physical labour. The female workers who are engaged by the corporation on muster roll have to work at the site of construction and repairing of roads. Their services have also been utilized for digging of trenches. Since they are engaged on daily wages, they , in order to earn their daily bread, work even in an advanced stage of pregnancy and also soon after delivery, un mindful of detriment to their health or to the health of the new born.

It is in this background that we have to look to our constitution which, in its preamble, promises social and economic justice so a women employee, at the time of advanced pregnancy cannot be compelled to undertake hard labor as it would be detrimental to her health and also to the health of the foetus. it is for this reason that it is provided in the act that she would be entitled to maternity leave for certain period prior to and after delivery. here this landmark judgment in the year 2000

scanned each and every provision which favour an women employee this is one of the upgrading feature of women empowerment.

According to maternity benefit (amendment) Act-2017, new inclusions were made to favor women employees are here under

Section-5(3) of maternity benefit (amendment) Act-2017: Extended benefit limited only up to two children

“The extended benefit of 26 weeks i.e. 8 weeks pre and 18 weeks post expected date of delivery, is limited to a women upto2 children. They shall continue to be entitled for 12 weeks of paid maternity leave (as per earlier rule) i.e. 6 weeks pre and6 weeks expected date of delivery for the third child onwards”.

Section-5(4): “commissioning mother: a biological mother who uses her egg to create an embryo implanted in any other women”

“This means even if modern medical technology is used via surrogacy, the biological mother shall get the benefit of maternity leave. However, the entitlement of maternity leave in this case shall be for a period of 12 weeks from the date the child is handed over to her”.

Section- 5(5):“provision for working from home”

Depending upon the nature of work and if such work can be executed from home, on terms and conditions mutually agreed between the employer and the employee.

Section-11A (1):“crèche facility”

“Mandatory for every establishment employing 50 or more employees, within such distance as may be prescribed, either separately or along with common facilities. Women employee should be permitted to visit the crèche 4 times during the day, which includes the regular rest interval”. Here the above provisions were enacted with an intention to secure socio economic welfare by upgrading the status of women employment in the country.

Women Safety at Workplace

Every women should be prevented from physical and mental abuse at workplace because most of the women experience sexual harassment at workplace so to enhance the safety measures of women, The 71st session of the ILO Conference 1985 adopted a resolution on the matter, which states, “sexual harassment at the workplace is detrimental to employee’s working conditions and to employment and promotion prospects. Policies for the advancement of equality should therefore include measures to combat and prevent sexual harassment.”

Likewise, in the year 1997 Supreme Court laid down guide lines in a land mark case, pending formal legislation, for dealing with sexual harassment of women at the workplace. This is the judgment of the supreme court of India¹

This made a great impact on women safety at workplace and it leads to enactment of **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013**. A bill drafted by the Women and Child Development (WCD) Ministry was proposed and was passed by both houses in 2013. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act came into force on the 9th of December 2013”

This act makes a mandatory provision for an Internal Complaints Committee, where there are any more than 10 workers at an office or branch. This committee is required to complete any inquiry regarding a sexual harassment complaint within 90 days and send a report regarding the same to the employer as well as the District Officer, who on receipt of the report are to take requisite action within 60 days. The District Officer if he deems appropriate can make provision for

¹ Vishaka and others vs state of rajasthan

a Local Complaints committee at district as well as block level. These Committees have the powers of a Civil Court in terms of evidence gathering, and are also required to provide conciliatory assistance before inquiry proceedings if so requested by the complainant. The Act also has penal provisions in terms of the employer. A failure to comply with the provisions of the Act will result in a fine up to Rs.50000, which can be increased in the case of repeat offences. Also repeat offences can result in termination of licence or registration to conduct business.

Conclusion

International labour organization (ILO) reported about women at work: trend 2016 , in it they discussed about the evolutionary progress of women in their employment and how far the state and center legislations enacted laws for the upcoming entrepreneurs and how far it enable women to mould their qualities in the society. The main stream of the report about the gender gap in access to social protection and gender wage gap. Here this paper made a deep view on legislations in specific labour legislations which are taken part in an evolutionary change on women employment in the society with the help of land mark cases.

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BARRIERS TO WOMEN CONSTRUCTION WORKERS IN TRICHIRAPPALLI, TAMIL NADU

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Abstract

The Construction sector has the largest number of unorganised workers in India. They are the backbone of our nation's infrastructure building in all the aspects. Both men and women are integral part of this society, but women join as unskilled workers and remain to be unskilled till their working life span. Most of the Construction Sectors come under the unorganized Sector in our country. The study concentrated on women workers who have been working in the construction sectors and the barriers in their work place. The majority of the women construction workers are facing lots of barriers like the career knowledge, male dominated and family commitments, etc., The study descriptively studied 36 women construction worker who are purposively chosen for the study. The researcher has collected data through interview schedule. The study findings reveals that, there are several barriers on women entering and working in the construction industry and most of them have lack of career knowledge, male dominated organizational culture, maximum number of women pointed family commitments and inflexible working practise are the main barriers to women construction workers.

Key Words: Women, Construction Workers, Male dominated, Barriers.

Introduction

Construction sector is the world's largest industrial employer with 7% of total world employment and 28% of industrial employment (improving working and living conditions in construction).construction activity is an integral part of a country's infrastructure and industrial development. In India the construction sector is the largest employer of unorganized labour next to agricultural sector. The Indian construction industry today employs about 31 million people & creates assets worth over rupees 200,000 million (India infra guru, 2008) annually. Construction, a non-traditional career for women, continues to be dominated by males despite of the government efforts. It is estimated that only half of the 31 million construction workers in India are women (Govt.of India, 2008, p189).Thus the construction industry is typically a male dominated industry and presents a major challenge for equal oppportunities for women. whilst women may be entering the workforce in increasing numbers, female workers remain concentrated in certain occupational sectors such as education, health and service sectors, notably banking ,insurance and the retail trade (dept.of employment,1989).In contrast ,women have continued to be under represented in construction industry sector which have been regarded traditionally as stereotypically "Male" occupations. According to the CITB (2003) women only account for 9% of the construction workforce. This means construction continue to be a most male dominated industry. It is found that women confronted by a significant barriers beginning with difficulties in joining the field of construction and as far as to capturing the most senior position in the organizational hierarchy.

Review of literature

Rajkumar1et.al (2016) conducted study on the identified the main barriers that act as a hindrance for women to enter into the construction industry. Design methodology /Approach: The scope of the study is mainly focused on women workers starting from lower postings to superior postings in construction industry. This study focused its attention in Tamilnadu. The researcher used questionnaire method for collecting data from construction workers. Findings: The findings reveal that male dominated organizational cultures, family commitments and inflexible

working practices are the main barriers to women in construction industry, irrespective of job role or profession. This paper concludes the main barriers for women and provides a support system to facilitate the retention and advancement of women in construction sector. Research implication: The identified barriers may help all the women construction workers in particular.

Obamiro John Kolade et.al (2013) conducted study on the Despite the fact that women possess the required knowledge, skills, competencies, training and experiences to perform effectively and efficiently in construction industry, they experience entry and career advancement barriers. This research examines the effects of glass ceiling syndrome on women career advancement in construction industry. Data were obtained through structured questionnaire distributed to workers of selected construction companies. The findings reveal that some of the barriers mentioned in the literature against women career advancement in construction are prevalent in Nigeria, except the existence of equality in respect of male and female in terms of employment and career development opportunity. Also, low women participation in Nigerian construction industry begins in choosing course, education and continues throughout recruitment process. The aim is to encourage women's participation in construction industry and employers to tackle the industry's environmental issues by introducing flexible work hour, reducing workload and making the works less tedious and stressful. Also, use of foul languages, harassment of women should be eradicated and continuous supports to balance and family responsibilities should be given.

Katherine Sang et.al (2012) conducted study on the despite a range of equality legislation and initiatives, the construction industry remains one of the most male dominated sectors. Women are under-represented in all construction occupations and professions. Much of the current literature describes the difficulties experienced by women who work in this sector including cultural and structural barriers, such as harassment and discrimination, limited networking opportunities and long and inflexible working hours which often result in poor career prospects and high levels of stress for women. This paper proposes theoretical framework can be used to explain the continuing homogeneity of the construction industry professions. Bringing together qualitative interview findings from several research projects with construction industry students and professionals, this paper argues that Bourdieu's thinking tools of symbolic violence and misrecognition can be used to understand women's persistent inequality in the construction industry. The findings problematic existing policy recommendations that argue women have different skills that can be brought to the sector such policies reinforce the gendered nature of the construction sectors habits and fail to recognise how the underlying structures and practices of the sector reproduce gendered working practices.

Vanita Ahuja (2015) conducted study on the the research conducted to study the status of women workforce participation in Indian construction industry, issues and challenges faced by them and recommendations for improving working environment for them. Discussion focuses on issues and participation of women executives or professionals. Literature review from global research forms the base for identifying research variables and leads to data analysis from questionnaire survey conducted in the National Capital Region of India which includes capital city New Delhi and surrounding areas. Survey sample included men and women executives and representatives of organizations. Results indicate that women join the construction industry because of its challenging character, but their perception is that they do not get adequate opportunities and one of the identified barriers is work culture of long and inflexible working hours that does not support their requirement of devoting time for family responsibilities. Government level initiatives are required to address these issues and due to changing social demography, periodically studies need to be conducted to address these issues. Though the study is focussed for

Indian Construction Industry, it has a global relevance and specific relevance for other developing countries.

Ginige, K N, et.al (2007) conducted study on the construction industry is an important sector in the UK economy. It is a dynamic and innovative industry, which has a considerable effect on everyone's life. Although the industry is growing day-by-day with its capabilities and technologies, the image of the construction industry is still rooted in the past despite years of positive image campaigning. The message about the importance of the industry is not properly passed to the society. The image of the industry shows it as an industry associated with difficult working conditions. Although the industry has many sub sectors, the general image is built with site work and physical labour, which leads to an impression of a macho environment. However, the present construction industry is suffering from a severe skill shortage and it has failed to attract young people interested in a career in the industry. Enhancing women representation in the construction workforce is a reliable solution for fulfilling the skill gap. Women underrepresentation makes the construction a male dominated industry with a lack of diversity. Since this negative industry image stands as a significant barrier for the recruitment and retention of women, there is an obligation for the construction educators and professionals to change the industry's image through their conscious effort and dedication to overcome the problems of filling the skills gap and to increase diversity. This paper attempts to address the issues related to the construction industry image and their influence in attracting women into the industry through a literature review.

Research Methodology

The researcher used the descriptive in nature with the objectives such as to identify major barriers to women in the construction industry, to discuss the male dominated barriers of the women construction workers. The universe for this research was taken from the Trichirappalli. Tamilnadu. The researcher chose 36 women construction workers purposively for the study.

Result and Discussion

With reference to the Socio economical conditions of women construction workers. The study results reveals that the women workers were in the age group of 24 to 29 years, out of which majority of them are Hindus and 83.33% percent were married. When the educational status of the respondents are analysed, it is noted that 58.33% of respondent are illiterate and 33.33% respondents are educated up to primary level It is noted that their family income ranging from Rs. 1000 to Rs.4000 and most of them are living in nuclear family.

Women construction workers have various experiences about working related difficulties. The study findings says that women 18-23 year lack of career knowledge compare to other age group and faced male domination in the working place. Majority of them pointed out that family commitments and inflexible working time are the main barriers to women construction workers.

Conclusion

The constitution of India provides equal rights and opportunities to both the genders. Construction sector falls under unorganized sector of an economy. The problems of women construction worker in the workplace are one of the major barriers faced by women contemporary society. They are facing difficulties like career knowledge, culture and working environment, family commitments, male domination and important factor for all kind barriers are ignorance and illiteracy, small and scattered size of establishment and unsecured environment or work culture.

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VIOLATION OF WOMEN'S RIGHTS IN INDIA

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Abstract

Violation against women Human rights is deeply rooted in India. Indian society is a Male dominated society and they are always assumed to be the superior. The Women in India often have to face discrimination, injustice and dishonor. Women throughout the World live in constant fear and conditions of deprivation very often for their simple reason that they are Women. Women rights violation is considered to be the Power imbalance between men and women.

Key words: violation, discrimination, women rights

Introduction

“Women's Rights are the Rights edifice on which human rights stand”

–(Dr. A.P.J. Abdul kalam)

In Indian context, the violation of women's fundamental rights through physical, mental, emotional and sexual violation against women has become almost common. The women in India very often have to face discrimination, injustice and dishonor. Though a woman in India is given more rights as compared to men, Even then the condition is miserable for women in India. The women in India are always considered as the subordinates to men. Even though the government is taking several steps to improve the condition of women it is a long way to go. Yet, issues about women are not given more importance in the society. Thus, this paper study the various rights of women in Indian and what way they are violated.

The Concept of Women's Rights

During the United Nations Decade for Women (1976-1985), women from many geographical, racial, religious, cultural, and class backgrounds took up organizing to improve the status of women. The United Nations-sponsored women's conferences, which took place in Mexico City in 1975, Copenhagen in 1980, and Nairobi in 1985, were convened to evaluate the status of women and to formulate strategies for women's advancement. These conferences were critical venues at which women came together, debated their differences and discovered their commonalties, and gradually began learning to bridge differences to create a global movement. In the late eighties and early nineties, women in diverse countries took up the 3 human rights framework and began developing the analytic and political tools that together constitute the ideas and practices of women's human rights.

Women Rights

1. Right to equality
2. Right to Education
3. Right to live with dignity
4. Right to Liberty
5. Right to Politics
6. Right to Property
7. Right to Equal opportunity for Employment

8. Right to Free choice of profession
9. Right to Livelihood
10. Right to Work in equitable condition
11. Right to get Equal wages for equal work
12. Right to protection from gender discrimination
13. Right to social protection in the eventuality of retirement, old age and sickness
14. Right to Protection of health
15. Right to Protection from society, state and family system.

The Violation of Women's Human Rights Makes Many Formations, they are:

1. Physical and psychological assault
2. female feticides and infanticide
3. Abortion
4. Dowry deaths, Sati
5. Forced prostitution
6. Rape
7. Kidnapping and Abduction for different purposes
8. Homicide for dowry
9. Importation of Girls

Women's Human rights violation in India:

Violation of Right to Equality

From birth to death women is facing discrimination. Gender discrimination, female feticide and female infanticide are common in India. A girl child is utmost considered as a saddle by parents and they preferred male child because they think only male child can be able to earn for family. The parents preferred a male child as they would be able to bring in large dowry.

Violation of right to Education

Right to Education is the basic fundamental human right. The literacy rate in 2011 census was 74.04%: 65.46% among females and 82.14% among males. The position of women's education in India is dreadful. Especially in rural India women are not aware even the value of education in fact they give more preference on their male child education. Due to large percentage of untrained women in India, they are not even aware of their basic human rights and can never fight for them. Though female employment rate is high in rural areas, they were engaged mainly in untrained job but in urban areas due to better education were engaged in variety of jobs. Education especially female education is a key factor influencing health. It leads to better consumption of health. Care and greater community/ political participation.

Violation of right to property

In most of the Indian families, women do not own property in their own names and do not get share of parental property. Due to weak enforcement of laws protecting them, Women continue to have little access to land and property. In fact, some of the laws discriminate against women, when it comes to land and property rights. Though, women have been given rights to birthright, but the son had an independent share in the ancestral property, while the daughter's shares were based on the share expected by the father. Hence, father could anytime cut off daughter by renouncing his share but the son will continue to have a share in his own right. The married daughters facing harassment have no rights in ancestral home.

Violation of Political Right

The political status of women in India is very disappointing, particularly their image in higher political institutions – Parliament and provincial Legislation which is of great under – representation which hampers their effectual role in influencing the government plans and policies about women’s welfare and development. Their representation has been unable to reach even 10% in Lok Sabha. Thus it is clear that: a) there is male domination in Indian politics and almost all the parties’ give very little support to women in election even though their vocal support for 33% reservation of seats for women in Parliament and Provincial Legislation. b) Women have made proposals in political participation but they have not been acknowledged in politics.

Violation of right to protection of health:

According to the World Bank report, malnutrition is the major cause of female infertility. The presence of extreme malnutrition among female children as compared to male children is basically due to differences in the intra – family allowance of food between the male and female children. In general, the male members are fed before the female members of the family. According to Human Development Report, in rural Punjab, 21% of girls in low income families suffer from severe malnutrition as compared with 3 % of boys in the same family. Even the low income boys are far better than upper income girls. Sometimes due to economic distress and natural disasters like floods, droughts or earthquakes, the discrimination against the female child increases. Moreover it has been confirmed by various studies that the girl’s diet is inferior to the boy’s diet both in quality and quantity. Boys are given more nutritive foods like milk, eggs, butter, ghee, fruits, and vegetables as compared to girls. Due to this lower quality diet, girls are more vulnerable to infections and diseases. The reason again is that families spend less on medication for girls than for boys.

Violation of right to equal opportunity for employment and right to get equal wages for equal work:

The employment of the women in agriculture, traditional industries and in sizeable section of new industries is declining at a very fast rate. The reason is that the implementation of new technological changes requires new skill, knowledge and training. And women in India, who constitute a large share of world’s illiterate lacks such skills. The studies have also showed that for the same task, women are paid less than the males. Technological changes in agriculture and industry are throwing out women from the production practice. The women workers are concentrated only for certain jobs which require so – called female skills. Thus, Indian labour market is adverse to women workers. It shows that, the role of women in large scale industries and technology based businesses is very limited. But even in the small- scale industries their participation is very low. Only 10.11% of the micro and small enterprises are owned by women today. Statistics show that only 15% of the senior management posts are held by the women. In agriculture where women comprise of the majority of agricultural labourers, the average wage of women on an average is 30 – 50 % less than that of men.

Violation of right to live with dignity: eve teasing and Sexual abuse:

Eve teasing is an act of horror that violates a woman’s body, space and self – respect. It is one of the many ways through which a woman is analytically made to feel inferior, weak and afraid. Whether it is an obscene word whispered into a woman’s ear; offensive remarks on her look; any disturbing way of touching any part of women’s body; a gesture which is apparent and intended to be vulgar: all these acts represent a violation of woman’s person and her bodily integrity. Thus, eve teasing denies a woman’s fundamental right to move freely and carry herself with self-esteem,

exclusively on the basis of her sex. There is no particular places where eve – teasers flock. No place is really “safe” for women. Roads, buses, train, cinema halls, parks, beaches, even a woman’s house and neighborhood may be sites where her self – worth is ill-treated.

Violation of right from society, state and family system:

1. Child Marriage

Child marriage has been traditionally prevalent in India and continues to this date. Discrimination against the girl begins even before their birth and continues as they. According to the law, a girl cannot be married until she has reached the age of 18 at least. But the girl in India is taken as a saddle on the family. Sometimes the marriages are advanced even before the birth of the child. In south India, marriages between cousins is common as they believe that a girl is protected as she has been marries within the relations. Parents also believe that it is easy for the child – bride to adapt to new environment as well as it is easy for others to mould the child to outfit their family environment. Some believe that they marry girls at an early age so as to avoid the risk of their spinster daughters getting pregnant. This shows that the reasons for child marriages in India are so baseless. Basically, this incidence of child marriage is linked to poverty, illiteracy, dowry and other social evils. The impact of child marriage is widowhood, inadequate socialization, education deprivation, lack of independence to select the life partner, lack of economic independence, low health/nutritional levels as a result of early/numerous pregnancies in an unprepared psychological state of young bride. However, the Indian boys have to suffer less due to male dominated society. Around 40% child marriages occur in India. A study conducted by Family Planning Foundation showed that the mortality rates were higher among babies born to women under 18. Another study showed that around 56% girls from poorer families are married underage and became mothers. So, all this indicated that immediate steps should be taken to stop the evil of Child Marriage.

- 2. Dowry Harassment and Bride Burning:** The demand of dowry by the husband and his family and then killing of the bride because of not bringing enough dowry to the in – laws has become a very common offense these days. In spite of the Dowry prohibition Act passed by the government, which has made dowry burden in wedding illegal, the dowry incidents are rising day by day. According to survey, around 5000 women die each year due to dowry deaths and at least a dozen die each day.
- 3. Rape:** Young girls in India are the victims of rape. Almost 255 of rapes are of girls under 16 years of age. The law against rape is unbothered from 120 years. In rape cases, it is very torturing that the victim has to prove that she has been raped. The victim finds it difficult to undergo medical check immediately after the trauma of attack. Besides this, the family too is unenthusiastic to bring in prosecution due to family prestige and hard police procedures.
- 4. Domestic Violation:** Wife thrashing, abuse by alcoholic husbands is the violation done against women which are never accepted. The cause is mainly the man demanding the hard earned money of the wife for his consumption. But an Indian woman always tries to conceal it as they are embarrassed of talking about it. Interference of in – laws and extra marital affairs of the husbands are the grounds of such violation. The pity women are unwilling to go to court because of lack of alternative support system

Acts and provisions for women are as below:

Factories Act 1948: Under this Act, a woman cannot be forced to work beyond 8 hours and prohibits Employment of women except between 6 A.M. and 7 P.M.

Maternity Benefit Act 1961: A Woman is entitled 12 weeks maternity leave with full wages.

The Dowry Prohibition Act, 1961: Under the provisions of this Act demand of dowry either before marriage, during marriage and or after the marriage is an offence.

The Equal Remuneration Act of 1976: This act provides equal wages for equal work: It provides for the payment of equal wages to both men and women workers for the same work or work of similar nature. It also prohibits discrimination against women in the matter of recruitment.

The Child Marriage Restraint Act of 1976: This act rises the age for marriage of a girl to 18 years from 15 years and that of a boy to 21 years.

Indian Penal Code: Section 354 and 509 safeguards the interests of women.

The Medical Termination of Pregnancy Act of 1971: The Act safeguards women from unnecessary and compulsory abortions.

Amendments to Criminal Law 1983, which provides for a punishment of 7 years in ordinary cases and 10 years for custodial rape cases.

73rd and 74th Constitutional Amendment Act reserved 1/3rd seats in Panchayat and Urban Local Bodies for women.

The National Commission for Women Act, 1990: The Commission was set up in January, 1992 to review the Constitutional and legal safeguards for women.

The Protection of Human Rights Act, 1993: This Act is to provide for the constitution of a National Human Rights Commission, State Human Rights Commissions in States and Human Rights

Courts for better protection of human rights and for matters connected therewith or incidental thereto. 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.

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.

Protection of Women from Domestic Violence Act, 2005: This Act protects women from any act/conduct/omission/commission that harms, injures or potential to harm is to be considered as domestic violation. It protects the women from physical, sexual, emotional, verbal, psychological, economic abuse.

Protection of Women against Sexual Harassment at Workplace Bill, 2010: On November 4, 2010, the Government introduced protection of Women Against Sexual Harassment at Workplace

Bill, 2010, which aims at protecting the women at workplace not only to women employee but also to female clients, customer, students, research scholars in colleges and universities patients in hospitals. The Bill was passed in Lok Sabha on 3.9.2012.

Conclusion

Violation against women is common around the world. It affects women of all races, ethnic groups, classes and nationalities. It is a life threatening problem for individual women and a serious problem for societies. Violation affects the lives of millions of women worldwide in all socio-economic and educational classes. Some women fall prey to violation before they are born, when expectant parents abort their unborn daughters, hoping for sons instead. Women are sufferers of rape domestic violation that often lead to truma, physical handicap or death. Women are humans too. They should get equal rights and respect as men. People should stop behaving harshly with women. There should be rules, laws and safety conventions in favcor with women. If the violation

against women vanishes then women will be empowered and it will guide our country to be safe and developed.

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WOMEN, ENVIRONMENT AND DEVELOPMENT- LEGAL PERSPECTIVE

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TN Dr. Ambedkar Law University, Chennai***Introduction**

Gender inequality is the idea and situation that women and men are not equal. Gender inequality refers to unequal treatment or perceptions of individuals wholly or partly due to their gender. It arises from differences in socially constructed gender roles. Gender inequality in India is a multi faceted issue which depends on its social, economical and political aspects. Though there has been formal removal of institutionalized, yet the mind-set and the attitude ingrained in the sub consciousness of the patriarchal society have not been erased.

Women's role in society is multifaceted, not only in the duties that helps nourish domestic social life but in the public sphere as well. The relationship between women and nature is not recent. Throughout the history of humanity, symbolism is very present within the ideas that bring female gender close to the nature and environment. These relationships are socially constructed, and they differ with one another according to the social and economic class they are embedded in, apart from being reflected into the public and household tasks they have. The word 'environment' is of broad spectrum which brings within its ambit, "hygienic atmosphere and ecological balance". Healthy environment enables people to enjoy a quality life which is the essence of life guaranteed under Article 21 of the Indian Constitution. This paper highlights the neglected status of women and their essence in environment and sustainable development.

Women and Law

In ancient days, women are given much respectable status. Colebrook in his book digest of the Hindu Law vol II quoted at pg 121 thus; ' where females are honoured, there the deities are pleased but where they are unhonoured there all religious acts become fruitless'. This clearly illustrates the high position which is bestowed on hindu women by the sasthric law. Our founding fathers of Indian constitution were very determined to provide equal rights to both women and men. It provides provisions to secure equality in general and gender equality in particular. The Preamble, the Fundamental Rights, Directive Principles of State Policy and other constitutional provisions provide several special safe guards to secure women rights.

The doctrine of equality is a dynamic and evolving concept having many dimensions. The embodiment of the above doctrine can be found in Articles 14 to 18 contained in part III of the constitution of India, dealing with the fundamental rights. These articles of the constitution besides assuring equality before the law and equal protection of the laws. The embodiment of the doctrine of equality can also be found in articles 38,39 A,43, and 46 contained in part IV of the constitution of India, dealing with the Directive Principles of State Policy, which have been regarded as the soul of the constitution as India is a welfare state.

And it is also the duty of the state to frame policies so that men and women have the right to adequate means of livelihood. Moreover the Fundamental Duties casts a duty on the citizen particularly men to renounce practices derogatory to the dignity of women. Reservation of seats for woman in panchayat and municipalities have been provided under Articles 243 (d) and 243 (t) of

the constitutional of India. This is an affirmative step in the realm of women empowerment and the sustenance of gender justice is the cultivated achievement of intrinsic human rights.

International Conventions and Women

India is a part to various international conventions and treaties which are committed to secure equal rights of women. The Covenant on the Elimination of All forms of Discrimination Against Women (CEDAW), 1979, is the United Nations landmark treaty marking the struggle for women's right. It is regarded as the Bill of Rights for Women. It graphically puts what constitutes discrimination against women and spells out tools so that women's rights are not violated and they are conferred the same rights. India is a party to this Convention and other declarations and is committed to actualize them. And other important instruments for women empowerment are; The Mexico plan of action 1975, the Nairobi Forward Looking Strategies 1985, the Rio Earth Summit 1992 and the Beijing Declaration and Platform for Action 1995. The Principle 20 of the Rio Declaration which states, '*women have a vital role in the environmental management and development, and their full participation is therefore essential to achieve Sustainable development*' is an important milestone in the area of women and environment. Later on the convention on bio-diversity and the convention to combat desertification had some gender references. The United Nations Framework Convention on Climate Change (UNFCCC) failed to do so.

Environmental Legislation- Indian Perspective

Stockholm declaration, 1972 which is considered to be the '*magna carta*' of environment is the eye opener for the India in the field of environment and gave birth to the concept of global environmental cooperation. Indira Gandhi, then Indian prime minister impressed by Stockholm sought to revolutionize legislatively the environmental safety of Indian biosphere. Her seminal speech highlighting the poverty, major obstacle in the environment and development at the conference got much response among the developing countries. It is pertinent to mention here that women Prime Minister is the main key person in bringing Environmental legislation in our country and created separate ministry for that department. The first environmental legislation is, The Water (Prevention and Control of Pollution) Act, 1974 followed by The Water (Prevention and Control of Pollution) Cess Act 1977. The above said Acts are enacted to provide legislative and executive mechanism to control water pollution and maintaining or restoring the wholesomeness of water. Then to affirm the India's stand at Stockholm conference, the Environment (Protection) Act, 1986 was enacted. Section 2(a) of the above said Act defines the term, 'environment' includes water, air and land and the interrelationship which exists among and between water, air and land and human beings, other living creatures, plants, micro organism and property. On perusal of the above environmental legislations, it is very important to note that none of the legislations expressly mentioned and recognize women anywhere. However the policies and programmes of the government here and there whisper about women under the guise of 'participatory approach'.

Judicial Activism and Environment

The doctrine of separation of powers is the tectonic structure of the Constitution and judiciary is the watch dog of the constitution and its fundamental values. The romantic notion of guaranteeing access to justice not just to 'men with long purse' but to the common man led to the assertion of judicial activism by the Supreme Court in the 1970's, by the way of Public Interest Litigation. The right to life and the right to personal liberty in India have been guaranteed by a Constitution provision, which received the widest possible interpretation. Under the canopy of Article 21 of the Constitution, so many rights have found shelter, growth and nourishment.

Therefore our founding father of the Indian Constitution Dr.B.R.Ambedkar rightly said, Article 21 is considered to be “heart and soul” of fundamental rights. The Constitution has laid the foundation of Articles 48A and 51A for a jurisprudence of environmental protection. Today, the State and the citizen are under a fundamental obligation to protect and improve the environment including forests, lakes, rivers, wildlife and to have compassion for living creatures. Thus duty is cast upon both the Government and citizen under Article 21 to protect the environment.

Right to water is not expressly provided as fundamental right under the Indian Constitution. However very first the Supreme Court recognized that right to live under Article 21 includes the right of enjoyment of pollution-free water and air for full enjoyment of life. If anything endangers the quality of life in derogation of laws, a citizen has right to have recourse to article 32 for removing the pollution of water or air which may be detrimental to the quality of life. The right to access to drinking water is fundamental to life and there is a duty on the State under Article 21 to provide clean drinking water to its citizens. Adverting to the above right declared in the resolution of the UNO passed during the United Nations Water Conference in 1977, in *Narmada Bachao Andolan v. Union of India* Kirpal, J. observed: “Water is the basic need for the survival of human beings and is part of the right to life and human rights as enshrined in Article 21 of the Constitution of India”. Right to health i.e. right to live in a clean, hygienic and safe environment is a right flowing from article 21 of the Constitution . Moreover directive principles of state policy imposed a duty of the State to raise the level of nutrition and the standard of living and to improve public health.

It can be said that the actual implementation of the environmental legislations is done by the Apex court by incorporating the following doctrines from various sources like ancient Roman law and International conventions and treaties and incorporated the following doctrines namely, Doctrine of Public Trust, Doctrine of Sustainable Development, Doctrine of Inter-Generational Equity, Precautionary Principle and Polluter Pays Principle to our municipal law. Our Constitutional courts have stood tallest not only before the other two organs of the ‘State’, the legislature and the executive but also before its other counterparts, age old or young in the developed and developing countries. Therefore Judiciary undoubtedly has taken certain important and effective steps in protecting the environment.

Women and Environment

Eco-feminism says that women are closer to nature than men are. This closeness therefore makes women more nurturing and caring towards their environment. Eco- feminism encompasses a variety of views but has a focus of patriarchal oppression and the social constructions relating to women and environment. In the early 1960s, an interest in women and their connection with the environment was sparked, largely by a book written by Esther Boserup entitled '*Woman's Role in Economic Development*'. Starting in the 1980s, policy makers and governments became more mindful of the connection between the environment and gender issues. According to the World Bank in 1991, "Women play an essential role in the management of natural resources, including soil, water, forests and energy...and often have a profound traditional and contemporary knowledge of the natural world around them". Whereas women were previously neglected or ignored, there was increasing attention paid to the impact of women on the natural environment and, in return, the effects the environment has on the health and well-being of women. The gender-environment relations have valuable ramifications in regard to the understanding of nature between men and women, the management and distribution of resources and responsibilities and the day-to-day life and well being of people.

In developing areas of the world, women are considered the primary users of natural resources (Land, forest, and water), because they are the ones who are responsible for gathering food, fuel, and fodder. Although in these countries, women mostly can't own the land and farms outright, they are the ones who spend most of their time working on the farms to feed the household. Shouldering this responsibility leads them to learn more about soil, plants, and trees and not misuse them. Women give greater priority to protection of and improving the capacity of nature, maintaining farming lands, and caring for nature and environment's future. The women also familiar with wise water management and conservation, inspite of knowing the value of water, which is a scarce resource rather than men. Repeated studies have shown that women have a stake in environment, and this stake is reflected in the degree to which they care about natural resources.

Eco-feminism refers to women's and feminist perspectives on the environment – where the domination and exploitation of women, of poorly resourced peoples and of nature is at the heart of the eco-feminist movement. In recent decades, environmental movements have increased as the movements for women's rights have also increased. Today's union of nature preservation with women's rights and liberation has stemmed from invasion of their rights in the past. By establishing domestic and international non-governmental organizations, many women have recognized themselves and acknowledge to the world that they not only have the right to participate in environmental dilemmas but they have different relationship with environment including different needs, responsibilities, and knowledge about natural resources. This is why women are affected differently from men by environmental degradation, deforestation, population and overpopulation. Women are often the most directly affected by environmental issues, so they become more concerned about environmental problems.

Women Enviromentalists and Ecological Movement

Every women, what so ever position she occupies, basically a homemaker. In that way they are certainly to somehow friendly with nature or environment. However some of the women becomes environmental activist and came to limelight. Mei Ng from China is an advocate of responsible consumption, renewable energy utilization, and sustainable development through the women and youth of China. She founded the earth station, Hong Kong first renewable energy education center and has been well received by policy makers and citizens alike. Wangari Maathai from Kenya was a relentless advocate for human rights, and her passion for environmental conservation leads her to found the Greenbelt Movement in 1977. Maria Cherkasova, a Russian ecologist is famous because of coordinating a 4 year campaign to stop construction of hydro electric dam on the Katun River. Recently she has shifted her focus on children rights protection to live in a healthy environment. Rachel Carson was an American Writer and ecologist and her books namely, 'The Sea around Us' and 'Silent Spring' on marine biology, environment and nature claimed applause.

Vandana Shiva from India is a world-renowned environmental scholar and activist, who has published numerous papers on the unequal burden placed on women by environmental degradation, stating that women and children 'bore the costs but were excluded from the benefits of development'. Medha Patkar of Narmada Bacho Andolan who fought against the project of sardar sarovar dam project has questioned the social and environmental costs, undemocratic planning and unjust distribution of benefits. One of the first environmentalist movements which were inspired by women was the Chipko movement (The Tree-Huggers of India) which was against an act of defiance against the state policy of deforestation. And Navdanya Movement also known as 'Nine Seeds Movement' seeks to empower local Indian farmers to move away from growing any genetically modified organism on their land and return to organic and chemical free practices.

Conclusion

Both the environment and women have been viewed as exploitable resources that are significantly undervalued. On thorough analysis of above said Constitutional provisions and relevant environmental legislations, women still face all kinds of discrimination both in letter and spirit, even legislation is not an exception to that. The battle for gender justice has been a long-drawn struggle. Gender-based discrimination reveals ugly face of the society which is prohibited under the Constitution of India. In spite of the constitutional mandate for gender equality, gender bias and discrimination continue to be prevalent in the Indian society in one form or another. There is no denying of the fact that the fight against gender inequalities has to be pursued with sustained rigours on a long term basis until the ultimate goal of gender equality is attained.

Some of the most pressing gaps and challenges identified in the discussions are summarized below:

- Women's indigenous knowledge and experiences are unrecognized especially in policy making and decision making process due to illiteracy, poverty and economic instability.
- The representation of women in Government, Parliament and Institution is an important avenue to making environmental policies more gender responsive.
- Gender mainstreaming of environment related research, policy making and implementation needs to be monitored at the regional, national and international levels to assess the impact of development and environmental policies in women.
- There is an urgent need to raise the awareness and building capacity of women relating to environmental issues among the decisions makers and other stake holders.
- Development of strategy for change to eliminate all obstacles to women, and full equal participation in sustainable development and equal access to control over natural resources.

In this regard the following belief of Swami Vivekananda in deference to women is more than self-explanatory;

“All nations have attained greatness by paying proper respect to women, those countries and those nations which do not respect women have never become great, nor will ever be in future”.

Therefore it is the need of the hour to have a relook on our environmental legislations to expressly recognize the gender justice and make vibrant colors to women empowerment as part of environment and sustainable development in reality.

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REPRODUCTIVE RIGHTS OF WOMEN IN INDIA

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Introduction

Women are facing many injustices and inequalities globally, both in terms of protection and promotion of their rights. (1) Right of women is incomplete without recognizing reproductive rights of women. The ability to reproduce seems to be what sets women apart from men. But do women have control over their own reproduction? Do women have the freedom to choose whether, when and how many children to have? Can sexuality be separated from reproduction? A big 'NO' is the answer. (2)

Concept of Reproductive Right

The reproductive rights of women means the right of women to attain the highest standard of sexual and reproductive health and at the same time achieving full participation in the social and economic life. Reproductive rights also mean a state of complete physical, mental and social well being and not merely the absence of diseases or infirmity, in all matters and to its processes. It includes various rights of women such as- right to abortion, right to make her own decision regarding her body and her reproductive life, right to safe sex, right to procreation and to have family etc.(3) Reproductive right implies that the people are able to have satisfying and safe sex and that they have capacity to reproduce and the freedom to take decisions as to when and how often to do so. It also impliedly provides the right to be informed and to have access to safe, effective, affordable and acceptable methods of family planning of their choice as well as other methods of their choice for the regulation of fertility and the right to access appropriate health facilities that help women to have pregnancy and childbirth in a safe and hygienic condition and also help a couple to have a healthy child. (4) The first time when reproductive right was clearly mentioned was in Convention on the Elimination of Discrimination against Women(1979).(5) Reproductive health of women is integral part of women's life and rights and freedom of women is meaningless without having reproductive rights of women. The right to life, right to privacy, right to health etc, is incomplete without having reproductive right.

Reproductive rights include various human rights that have been recognized under different international instruments. The World Health Organization (WHO) defines reproductive rights as the "recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have information to do so and right to attain the highest standard of sexual and reproductive health. They also include the right of all to make decision concerning reproduction free of discrimination, coercion and violence." (6) These are as follows-

1. Right to health, reproductive health and family planning
2. Right to decide the number and spacing of children
3. Right to marry and found a family
4. Right to be free from gender discrimination
5. Right to be free from sexual assault and exploitation.
6. Right not to be subjected to torture or other cruel, inhuman or degrading treatment

7. Right to life, liberty and security
8. Right to privacy
9. Right to modify customs that discriminate against women
10. Right to enjoy scientific progress and to consent to experimentation.

These rights have clear implications on all aspects of women's reproductive rights which results into freedom of choice in matters of sexuality and reproduction. There is no doubt that the reproductive right is the basic foundation of all other rights of woman and is inalienable from basic human rights. The reproductive rights are directly or indirectly derived from basic human rights and are the part of human rights.

Position in India

Within India, reproductive rights are considered a collective decision of the family, not the decision of the individual women it affect. India as a signatory to the International Conference on Population and Development, 1994, has committed itself to ethical and professional standards in family planning services including the rights to personal reproductive autonomy and collective gender equality. (7) Indian policies and laws so far seem to reflect this understanding, at least on paper. The National Population Policy, 2000 affirms the right to voluntary and informed choice in matters related to contraception.(8) The issue of right to reproductive health especially abortion, takes on special significance in the Indian context as various national and international stakeholders struggle to bring meaning to the important concepts of women empowerment, rights and choices as articulated in the Cairo Agenda at the 1994 international Conference on population and development (ICPD)(9)

Social Context

India has a vibrant movement and strong presence of grass root NGOs committed to bringing rights and choice to women. At the same time, large proportions of woman continue to face social and domestic pressures and constraints that limit their ability to formulate and act on reproductive decisions. In particular, the continued strength of son preference is well documented . (10) 33% of women would like to have more sons than daughters with 85% of women wanting at least one son. (11)

Spousal Consent for Abortion and Sterilization

The right to make free and informed decisions about health care medical treatment, including decisions about one's own fertility and sexuality, is enshrined in Articles 12 and 16 of the Convention on the Elimination of all forms of Discrimination Against Women(1978). (12)

According to recent ethics guidelines in reproductive health research, even use of the term 'consent' has been restricted only to the person who is directly concerned in circumstances where partners are involved it is termed a 'partner agreement'. Contrary to this SC judgment when hearing an appeal in the Ghosh v. Ghosh divorce case, the court ruled on March 26, 2007:" If a husband submits himself for an operation of sterilization without medical reasons and without the consent or knowledge of his wife and similarly if the wife undergoes the vasectomy(tubectomy) or abortion without medical reason or without the consent or knowledge of her husband such an act of the spouse may lead to mental cruelty." (13) The Court also ruled that a refusal to have sex with one's spouse and a unilateral decision not to have a child would also amount to mental cruelty. Considering the circumstances of the case, the Court granted a divorce. The judgment has serious implications for reproductive health services in India because it mandated spousal consent for induced abortion and sterilization. The judgment conflicts with the existing guidelines for medical

practice, and it is likely to confuse those who are seeking as well as offering these services. It implies that when a woman seeks abortion or sterilization on her own and if her husband is not informed or does not consent, the very act of the woman could be cited by her husband as mental cruelty and grounds to seek a divorce. The judgment thus hits at the very core of reproductive rights taking a decision and seeking a service without fear of coercion or violence. It is likely to set a wrong precedent and put many providers on guard, because they would not want to be involved in a legal tangle. Many clinics may start using this ruling to impose a requirement of spousal consent. Even providers in the public sector may insist on a spouse's signature to avoid legal problems. The highest judiciary in the nation has to demonstrate a better understanding and commitment to human rights, especially women's rights. (14)

Conclusion

Thus there is a need for the proper legal framework to address and recognize the promotion and protection of reproductive rights of women in India. The Government has to take initiative to make reproductive right as a prime concern in the health policies since reproductive right is the indicator to know the status of women in the society. There is an urge to have legislation as Reproductive Rights(Protection) Act in order to protect and promote reproductive rights of women and to look after all the issues of reproductive health of women whether it is as regard to providing medical facilities or creating awareness or having health policies and programmes concerning women. Reproductive right is to be placed in a central point in the priority of government in order to promote the status of women and to protect her rights.

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DISABLED WOMEN: ISSUES, RIGHTS AND SAFETY CONCERN

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Introduction

Impairment is a problem in body function or structure, an activity limitation is a difficulty encountered by an individual in executing a task or action, while a participation restriction is a problem experienced by an individual in involvement in life situations. The Convention on the rights of persons with disabilities is the first comprehensive human rights treaty of the 21st century. It is the first human rights convention to be open for signature by regional integration organizations. The Convention entered into force in 2008 and this convention marks a paradigm shift in attitudes and approaches to persons with disabilities. It takes to a new height the movement from viewing persons with disabilities as objects of charity, medical treatment and social protection towards viewing persons with disabilities as subjects with rights, who are capable of claiming those rights and making decisions for their lives based on their free, and informed consent as well as being active members of society.

In India, different definitions of disability conditions have been introduced for various purposes, essentially following the medical model and, as such, they have been based on various criteria of ascertaining abnormality or pathologic conditions of persons. In absence of a conceptual framework based on the social model in the Indian context, no standardization for evaluating disability across methods has been achieved. In common parlance, different terms such as disabled, handicapped, crippled, physically challenged, are used inter-changeably, indicating noticeably the emphasis on pathologic conditions. According to the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, Person with disability means a person suffering from not less than forty percent of any disability as certified by a medical authority (any hospital or institution, specified for the purposes of this Act by notification by the appropriate Government). As per the act 'disability' means - (i) Blindness (ii) Low vision (iii) Leprosy-cured (iv)Hearing impairment (v) Loco motor disability (vi) Mental retardation (vii) Mental illness.

Disability and Discriminations

Disability covers a great variety of situations. The global disability situation also reveals significant inequalities, as people with disabilities are not a homogeneous group. Poor people, women, and old people are more likely to experience disability than others. While disability correlates with disadvantage, not all people with disabilities are equally disadvantaged. Women with disabilities experience gender discrimination as well as disabling barriers. School enrolment rates also differ among impairments: children with physical impairments generally fare better than those with intellectual or sensory impairments. Those most excluded from the labour market are often those with mental health difficulties or intellectual impairments. People with more severe impairments often experience greater disadvantage (World Health Organization and World Bank, 2011). Disability disproportionately affects vulnerable populations, in particular, women, older people and people that are poor. Low-income countries have a higher prevalence of disability than high-income countries.

Despite the constant increase in their number, persons with disabilities tend to be unseen, unheard and uncounted and are therefore among the most marginalized in society. Persons with disabilities and households with disabilities experience worse social and economic outcomes compared with persons without disabilities. People with disabilities have poorer health outcomes, lower education achievements, less economic participation and higher rates of poverty than people without disabilities. Besides, the people with disabilities are subject to multiple deprivations with limited access to basic services, including education, employment, rehabilitation facilities etc. Widespread social stigma plays a major role in hindering their normal social and economic life. To work towards an inclusive, barrier free society through raising awareness and policy actions, there is a need to have comprehensive reliable statistics on people with disability and their socio-economic conditions. As mentioned earlier, the people with disabilities face widespread barriers in accessing services, such as those for health care (including rehabilitation), education, transport and employment. These barriers include inadequate policies and standards, negative attitudes, lack of service provision, inadequate funding, lack of accessibility, inappropriate technologies and formats for information and communication, and lack of participation in decisions that directly affect their lives.

Women and Disability

Women are reported to be the largest group in the global disability population, and they have been historically subject to discrimination both on grounds of their disability and gender. A combination of these two factors results in multiple discrimination and women with disabilities have distinct lived experiences, different from those of non-disabled women or disabled men. A study in India pointed out that “the plight of women with disabilities is not the simple sum of the barriers faced by people with disabilities and the barriers faced by women. The combination of their disabilities and inferior status as women goes beyond the mechanical doubling of discrimination to a situation of utter social alienation and policy neglect. Women with disabilities have remained invisible in legislative and policy efforts at both national and international levels.” Women with disabilities have been excluded from both the disability movement and feminist movement. Like most other social change movements, disability movement has directed its energies primarily towards male experiences. It has traditionally ignored the relevance of gender and other social dimensions like race, class, ethnicity, etc. Thus, policies and practices have not been designed to meet the specific needs of women with disabilities. The experiences of disabled women have been rendered invisible at both movements and a new legislation made at this stage must take into consideration their lived experiences, especially since the existence of multiple discriminations and the need for specific provisions has already been recognized by the Committee on the Rights of Persons with Disabilities (CRPD). The incorporation of gender-specific provision would not imply that the legislation needs to provide specifically for each vulnerable group of the society. This is because women are not a sub-group but are crosscutting section of society. They comprise half the disabled population and gender is a crosscutting dimension of a different order than other defining characteristics of vulnerability. Many people, including administrators, have colluded with the idea that the typical disabled person is a disabled man. Thus, a law on disability must contain explicit provisions addressing the specific concerns of disabled women to ensure that their experiences are not rendered invisible in policy-making.

Women with disabilities face multiple discriminations and are often more disadvantaged than men with disabilities in similar circumstances. Women with disabilities have been described as being doubly marginalized on account of their disability and their gender. They are more vulnerable

to poverty and social exclusion, and often have limited social, political and economic opportunities and lack of access to basic services. Women with disabilities may also be at greater risk of sexual and physical violence and abuse. Girls with disabilities often experience discrimination, for example in education and family. Women with disabilities often have two problems – their disability and their gender. For them equality is a long way away. Women with disabilities face significantly more difficulties – in both public and private spheres – in attaining access to adequate housing, health, education, vocational training and employment, and are more likely to be institutionalized. They also experience inequality in hiring, promotion rates and pay for equal work, access to training and retraining, credit and other productive resources, and rarely participate in economic decision making. Disabled women are scared to accomplish their desired dreams such as jobs and passion fearing abuses and accessibility. Women with disability are more likely to experience abuse for a longer period of time, by fearing to report them because most of the incidences happen within their social circle. The main factors for the additional vulnerability of women and girls with disabilities are:

Patriarchal attitudes: Attitudes towards women in patriarchal societies combined with vulnerabilities related to the impairment itself.

Powerlessness: The perceived powerlessness of women and girls with disabilities who are less able to defend themselves or seek support because of their isolation e.g. they may be hidden away, the nature of impairment leaves them isolated, or they may not recognize that what is happening is unacceptable and not their fault.

Access to services: Their inability to access legal protection and redress because services are not accessible, because there is lack of awareness of the issues that women and girls with disabilities face in regard to their vulnerability.

Women with disabilities are often denied equal enjoyment of their human rights, in particular by virtue of the lesser status ascribed to them by tradition and custom, or as a result of overt or covert discrimination. The Convention on the Rights of the Persons with Disabilities recognizes that women and girls with disabilities are often at greater risk, both within and outside the home, of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation. Even when women do report violence they face considerable obstacles in accessing support and justice. Stigma and impairment specific challenges - such as complications in identifying the perpetrator and communication difficulties - create multiple barriers to justice.

The Government of India has enacted three legislations for persons with disabilities viz.

- i. Rehabilitation Council of India Act, 1992 deals with the development of manpower for providing rehabilitation services.
- ii. Persons with Disability (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, which provides for education, employment, creation of barrier free environment, social security, etc.
- iii. National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disability Act, 1999 has provisions for legal guardianship of the four categories and creation of enabling environment for as much independent living as possible.

Though the rights have been formulated to address their issues, Violence is often not reported for many reasons such as social fear, lack of support, including low confidence, not enough information about rights, and dependence on carers, who sometimes are the abusers. Most incidents of gender-based violence are not reported to the police. Police stations and doctors are often difficult to approach. Police and other professionals often don't know how to help women with disabilities who report abuse. Situation gets worse because there is no help and people do not

know how to support them emotionally and psychologically. Disabled women and girls have crushingly low self-esteem; many fear that reporting incidents of abuse might lead to them being abandoned, having their children taken away, losing financial support and care, and increased isolation. Due to which many crimes goes unnoticed and rights are less utilized.

Case study of Sangeetha, 23 year old girl with moment impairment, she was not able to continue her education after 8th standard because she every time needed a care taker to drop and pick her from school, and often their family puts the word what are you going to pursue with this legs, so its better be at home. After which she had no one to support her up for the education and she by herself fixed her limits because she was made to believe her weaknesses and remain as stagnant water. Sangeetha from the time she left the school was at home doing the household works that she could but she was never taken outside to any social event and she was not even allowed to sit outside the home due to the social stigma, often Sangeetha felt discouraged by her father's haunting and abusive words and says those hurt her so badly that even she thought of committing suicide and thought her living is worthless. She has also been a victim of sexual abuse were the victimizer was her own maternal uncle, when truth was revealed everyone compromised her saying he was drunk and not to make this as a issue because it will affect her marriage life, this created a bad impact and Sangeetha started to develop insecurity and fear of being alone. After a while when she was 17 she was forced to marry a men who was 39 year old after which she delivered a male child and her problem seems to become less and now Sangeetha is getting trained under a Instituion ,she says this has given a good level of confidence. Though there are many Policy and Laws formulated for Disabled they are sometimes unknown and she says there are so many whose condition are more pathetic comparatively. Sangeetha says healthcare and other rights based services should be provided at door step because mobility remains as a difficult barrier for Disabled women. Its important for the family and for the community to know about the Disabled. community awareness is vital because community and family is hurdle for women with disability. When she was low, feeling depressed she had no source for psychological ventilation so there should be some source such as a Dial Number for such to share , get information or approach for humanitarian needs from where ever they want because that services can save them from predators inside the family and community.

Conclusion

The aim of this Paper is to educate about the violence and the Discrimination experienced by women with disabilities, to know the issues that are hidden and to know what are the aspects which requires attention to empower them for quality living and well being. Now since Sangeetha is been a part of institution she insists that, Women with disability should be enable to share experience and they should be provided the opportunity to enhance the capacity to speak up for rights, empower to bring about positive change and inclusion in communities and to promote involvement in relevant politics at all levels, towards creating a more just and fair world that acknowledges disability and gender, justice, and human rights. Training on personal safety measures, in knowing their rights and how to access legal support, forming a peer support group and promotion of small business for their socio-economic growth and development. Economic Independence will play a vital role in increasing psycho-social support to great extent. Differently abled women need different policies and services for their social uplifting. Small things, such as providing user friendly toilet, infrastructure, transport and rights based services, different employment; health care needs specially of maternal policy can make a big difference. Most importantly, it needs to be recognized that woman and girls with disabilities are more vulnerable for abuse and violence than other women.

CRIMES AGAINST DALIT WOMEN AND CONSTITUTIONAL LAWS

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Abstract

Dalit is a designation for a group of people traditionally regarded as untouchable. The highest population of this class people have been recorded in India. Dalits are those classes of people who are not only considered as untouchable but also deprived of their basic right to life (Yashi Mishra, 2014). Dalit women are socially segregated group and make 2% of world's total population. They suffer three kinds of Discrimination as women, as dalit and as poor. Dalit women have faced various kinds of violence such as physical assault, verbal abuse, sexual harassment, rape, kidnapping and abduction etc. Even though, Dalit women have been provided with constitutional safeguards still the condition is pathetic. The present paper is conceptual in nature and it focuses on forms, causes and consequences of violence and study the various constitutional provisions and its effects.

Key Words: Dalit Women, Discrimination, Violence, Constitutional safeguards.

Introduction

Indian society is based on a unique sociocultural phenomenon – the caste system, which is essentially a religious system, sanctioned and sustained by Hinduism. There is no caste system outside the Hindu context. Speaking about the caste system, J.H. Hutton concurs that it is an exclusively Indian phenomenon and that no other society in the world can be compared to the caste-ridden society of India (J. H. Hutton, 1963: 40). Dalit is a designation for a group of people traditionally regarded as untouchable. The highest population of this class people have been recorded in India. Dalits are those classes of people who are not only considered as untouchable but also deprived of their basic right to life (Yashi Mishra, 2014).

Vulnerably positioned at the bottom of India's caste, class and gender hierarchies, Dalit women experience endemic gender-and-caste discrimination and violence as the outcome of severely imbalanced social, economic and political power equations. Their socio-economic vulnerability and lack of political voice, when combined with the dominant risk factors of being Dalit and female, increase their exposure to potentially violent situations while simultaneously reducing their ability to escape (Irudhayam. A et.al, 2006)

Even after 70 years of independence of India, dalit women are suppressed in terms of caste and gender. As per 2011 census dalit women population in India is 58.7 crore of which 16.68% is dalit women's population. According to 2011 census, four states has half of the dalit population. Uttar Pradesh (20.5%), West Bengal (10.7%), Bihar 8.2% and Tamil Nadu (7.2%). The study done by International Dalit Solidarity Network shows that majority of dalit women face violence in the public spaces such as streets, women's toilet areas, fields etc. The next important place for violence is their home.

Studies based on violence against dalit women shows clear sign of exploitation and discrimination against dalit women and underlined in terms of power relations to men in a patriarchal society and also against their communities based on caste.

Literacy Rate of Dalit Women in India

	Literacy Rate (Males)		Literacy Rate (Females)		Gender Gap	
	2001	2011	2001	2011	2001	2011
Total Population						
Total	75.3	80.9	53.7	64.6	21.6	16.3
Rural	70.7	77.2	46.1	57.9	24.6	19.3
Urban	86.3	88.8	72.9	79.1	13.4	9.7
Scheduled Castes						
Total	66.6	75.2	41.9	56.5	24.7	18.7
Rural	63.7	72.6	37.8	52.6	25.9	20.0
Urban	77.9	83.3	57.5	68.6	20.4	14.7

Indicator	Effective Literacy Rate	
	2001	2011
Total Population		
Total	64.8	73
Rural	58.7	67.8
Urban	79.9	84.1
Scheduled Castes		
Total	54.7	66.1
Rural	51.2	62.8
Urban	68.1	76.2

Source: National Commission for Scheduled Castes Report

The above table shows the literacy rate of dalit men and women it clearly says that literacy rate of dalit women is lower than the literacy rate of dalit men when compared to general women's literacy rate is very low. According to the National Commission for Scheduled Castes and Scheduled Tribes 2000, approximately 75% of the Dalit girls drop out of primary school.

Violence Against Dalit women

Caste-wise, both forward castes (FCs) and backward castes (BCs) are seen to engage in violence against Dalit women, either as individuals or as a group (Manjula Pradeep, 2014).

Finally the economic, social, educational and political status of Dalit women is directly linked to violence and subjugation of Dalit women which does not give them the space to fully enjoy constitutional rights.

Introduction vulnerably positioned at the bottom of India's caste, class and gender hierarchies, dalit women experience endemic gender- and caste discrimination and violence as the outcome of severely imbalanced social, economic and political power equations. Their socio-economic vulnerability and lack of political voice, when combined with the dominant risk factors of being Dalit and female, increase their exposure to potentially violent situations while simultaneously reducing their ability to escape (Shantha Kumari, 2016).

Increase of crimes on Dalit Women

- Kundan Welfare society has conducted a study on violence against Dalit women in Rajasthan and it concludes that the status of dalit women in Rajasthan is worst in the country.
- Rape Cases are on the increase and especially rape of minor girls. Recent trend shows large number of cases of rape accompanied with murder. Some of the incidences that are reported in

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the Commission are as follows: · rape and murder of a SC girl at Sargipalli village district Bolangir, Odisha.

- rape of a minor SC girl studying in class IXth, D/o Shri Ram Bharose, R/o Avas Vikas Colony, Civil Lines, Badaun, Uttar Pradesh the incidence of rape of SC girl at Village Kinhawar, PS Vichhawa, Mainpuri, Uttar Pradesh. ·
- Smt. Chinder Kaur, along with her minor daughter was pushed out from a moving bus by the conductor and two other men, in Moga, Punjab. While the mother sustained severe injuries, the daughter succumbed to her injuries.
- Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Incidence: 6,837 Rate: 2.2) Data under the SC/ST (Prevention of Atrocities) Act excludes the cases of IPC crimes registered along with this Act. A total of 6,837 cases under this Act were registered in the country during 2015.
- Majority of cases under this Act were reported in Karnataka (1,832 cases) followed by Uttar Pradesh (1,473 cases) and Jharkhand (856 cases) during 2015.

Crime against Dalits in Rajasthan

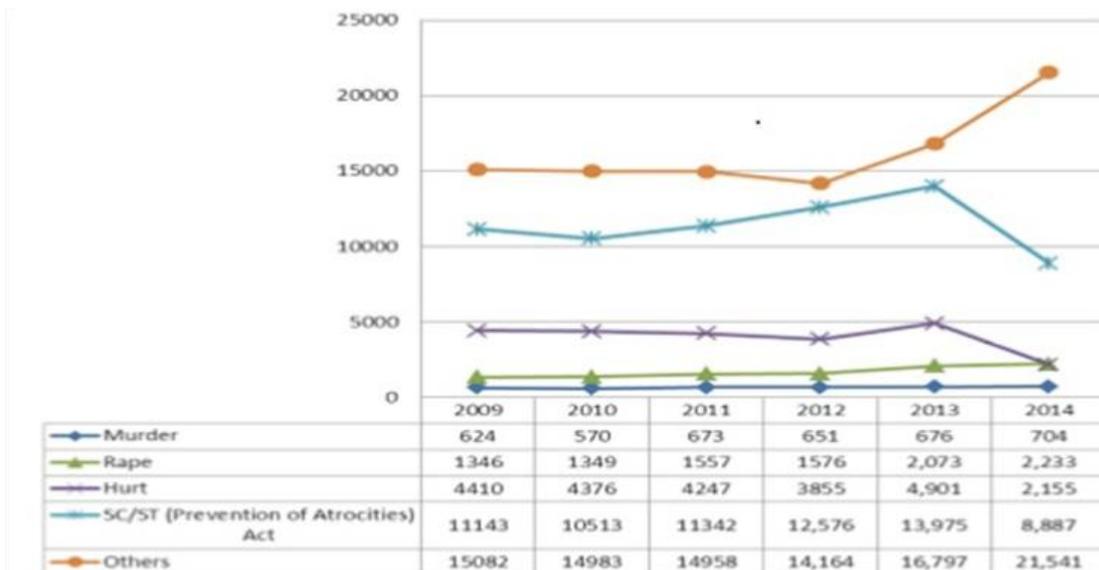
S.No	Crime Head	Year				
		2008	2009	2010	2011	2012
1	Murder	60	65	56	51	53
2	Rape	151	163	200	216	240
3	Arson	24	39	31	28	25
4	Hurt	485	557	564	510	495
5	Protection of civil Rights Act	2	0	0	5	4
6	SC/ST(Prevention of Atrocities Act)	95	110	103	102	115
7	Others	4005	4051	3922	4270	4354
	Total	4882	4985	4876	5182	5286

Source: National Crime Record Bureau

Crime against Dalits in Tamil Nadu

S.No	Crime Head (both under IPC and Special laws)	Year				
		2005	2006	2007	2008	2009
1.	Murder	30	26	39	31	27
2.	Rape	19	21	27	17	11
3.	Kidnapping & Abduction	2	3	3	2	8
4.	Dacoity	0	0	0	0	0
5.	Robbery	0	0	0	1	1
6.	Arson	11	7	15	8	4
7.	Hurt	142	136	198	147	105
8.	Protection of Civil Rights Act	12	84	6	3	2
9.	SC/ST (Prevention of Atrocities) Act	829	468	1,064	1,194	1,047
10.	Other IPC crimes	161	246	391	215	107
	Total	1,206	991	1,743	1,618	1,312

Incidence of Crime Rate on Scheduled Castes



Source: National Commission for Scheduled Castes Report

Forms and Frequency of Violence against Dalit Women

Nine major forms of violence, six being violence in the general community- physical assault, verbal abuse, sexual harassment and assault, rape, sexual exploitation, forced prostitution, kidnapping and abduction, and three being violence in the family- female foeticide, child sexual abuse and domestic violence from natal marital family members (Manjula Pradeep, 2014).

Crime	2009	2010	2011	2012	2013	2014
Rape	1,346	1,349	1,557	1,576	2,073	2,233

Source: NCRB Report, 2014

Violence against women is a term used to collectively refer to violent acts that are primarily or exclusively committed against women. Victim’s gender is the primary motive for the violence. The United Nations General Assembly defines “violence against women” as “any act of gender-based violence that results in, or is likely to result in physical, sexual or mental harm of suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life (Kundan Welfare Society).

Effects of Violence

- Violence against dalit women causes social, physical and mental trauma to women which is long-term suffering.
- Social effects of violence include economic punishment in terms of the destruction of Dalit women’s livelihood.
- The lives of many Dalit women are underwritten by layers of trauma, hindering their rights to live with dignity and reach their full potential.

Provisions in the Indian Constitution

- Right to equality is a fundamental one but the institutions like caste, religion, occupation and family affect the dalit women.
- Art 14 of the constitution provides that “State shall not deny to any person equality before law of the equal protection of the laws”.
- Art 15 states that “State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them”.
- Article 17 – Abolition of Untouchability.

Crimes are broadly classified under two categories:

1. Crimes under IPC like Rape (sec 376 IPC) kidnapping and Abduction (sec 363-373 IPC), Homicide for dowry, dowry deaths or their attempts (sec 302/304-B IPC), torture both mental and physical (sec 498 A IPC), Molestation (sec 354 IPC), Sexual Harassment (sec 509 IPC), Importation of Girls (sec 366 B IPC).
2. Crimes under the Special and Local laws like Immortal Traffic (Prevention) Act 1956, Dowry Prohibition Act 1961, Child Marriage (Restraint) Act 1979, Indecent Representation of women (Prohibition) Act 1986 and commission of Sati (Prevention) Act 1987.

Crimes against Women belonging to SC/STs

Two major legal enactments have been made at the national level to protect SC/STs.

1. Protection of Civil Rights Act 1955, and
2. SC/ST (Prevention of Atrocities) Act 1989

Crimes against women belonging to SC/ST can be broadly categorized under two major heads.

1. Under the IPC like murder, hurt, rape, kidnapping and abduction.
2. Under 3 special laws like the PCR Act and SC/ST Act.

Conclusion and Suggestions

Since dalits occupied the bottom layer in the caste hierarchy their condition pathetic. Even though our Indian Government has given constitutional rights to protect dalit women from violence still the incidence of violence is increasing day by day. So, special attention should be given to protect them from violence. Low literacy rate, is one of the major causes for increasing atrocities against dalit women. Crimes against dalit women is frequently occurs in rural areas when compared to cities. To protect these women from violence following suggestions has been made.

- Women and girls are being affected by caste based discrimination are particularly susceptible to various forms of physical and sexual violence, domestic violence. Measures should be taken to protect women from these caste based discrimination includes police and judicial training and monitoring legal assistance for prosecution of crimes and investing resources into education for women and girls affected by caste based discrimination.
- Caste based violence and discriminations are more prone to rural areas so, awareness on legal laws and acts should be created.
- Government should make effective policy to increase literacy rate of dalit women.
- Government should create rehabilitation centres for victims affected by caste based violence.
- NGOs can play better role in these kind of sensitive issues like caste based violence.

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**SOCIAL EMPOWERMENT OF WOMEN: WITH SPECIAL REFERENCE TO
CONSTITUTIONAL PROVISIONS**

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Abstract

The Constitution of India is one of the finest equality documents in the world. It provides provisions to secure equality in general and gender equality in particular. Various articles in the Constitution safeguard women's rights by putting them at par with men socially, politically and economically. Indian constitution always works for reducing the gender disparity towards women. 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 programmes have aimed at women's empowerment or advancement in different spheres.

Gender is the inevitable push factor for growth and development of a nation like India. In India women constitute a major share of chronically poor population. A large segment of Indian womanhood still suffers deprivation and discriminatory attitudes. It is necessary to mobilize the vast women power, if the country has to progress in all sphere of development. Empowerment is a process aimed at changing the nature and direction of systematic forces, which marginalize women and other disadvantaged sections in a given context. It is to bring equality in the society for both male and female in all areas. Women empowerment is very necessary to make the bright future of the family, society and country. The present paper discusses the social empowerment of women in the context of constitutional provisions. It also wants to analyse the impact of constitutional provisions on the social empowerment of women.

Key words: Women empowerment, Social Empowerment, Gender equality, Constitutional provisions.

Introduction

"There is no chance for the welfare of the world unless the condition of women is improved; it is not possible for a bird to fly on only one wing"

Swami Vivekananda

In the last five decades, the concept of women empowerment has undergone a sea change from welfare oriented approach to equity approach. It has been understood as the process by which the powerless gain greater control over the circumstances of their lives. Empowerment particularly includes control over resources and ideology. According to Sen and Batliwala (2000) it leads to a growing intrinsic capability greater self confidence, and an inner transformation of one's consciousness that enables one to overcome external barrier. This view mainly emphasizes on two important aspects. Firstly, it is a power to achieve desired goals but not a power over others. Secondly, idea of empowerment is more applicable to those who are powerless- whether they are male or female, or group of individuals, class or caste.

Though concept of empowerment is not specific to women, yet it is unique in that and It cuts across all types of class and caste and also within families and households. Women empowerment is also defined as a change in the context of a women's life, which enables her increased capacity for leading a fulfilling human life. It gets reflected both in external qualities (viz. health, mobility, education and awareness, status in the family, participation in decision making, and also at the level of material security) and internal qualities.

The Case of India

As far as India is concerned, the principle of gender equality is enshrined in the Constitution and finds a place in the Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. The Constitution not only grants equality to women but also empowers the States to adopt measures of positive discrimination in favour of women. Historically the status of Indian women has been influenced by their past. There is evidence to show that women in the Vedic age got most honored positions in the society. They had the right to education. They were free to remain unmarried and devote their whole life to the pursuit of knowledge and self realization. The married women performed all the works and sacrifices equally with their husbands. They were educated in various disciplines of knowledge such as astrology, geography, veterinary sciences and even in martial arts. There were instances of women taking part in wars and fights. They were highly respected within and outside home. Gradually due to several socio-political changes, especially during the middle age, the glorious status of women declined. The urge for equality on the part of Indian women started getting momentum during the colonial times. Noted social reformers and national leaders like Raja Ram Mohan Roy, Annie Besant, Sorojini Naidu and Ishwar Chandra Vidyasagar made selfless efforts to create awareness among women about their status and were quite successful in removing various social evils such as *sati pratha*, child marriage, and polygamy. They also encouraged widow remarriage and women education. The reformers were successful in creating a base for development of women and their strive for equality. In course of time Indian society got transformed from traditional to a modern one. Consequently women became more liberal and aware of various ways of life. Since they are quite capable of breaking the traditional barriers imposed by the society are now challenging the patriarchal system though in a limited scale.

Since independence, the Government of India has been making various efforts to empower women. In various plan periods, the issues regarding women empowerment has been given priority.

Women in Indian Constitution

A constitution is the basic document of a country having a special legal sanctity. The constitution aims at creating legal norms, social philosophy and economic values, which are to be effected by striking synthesis, harmony and fundamental adjustment between individual rights and social interest to achieve the desired community goals. Indian constitution provides for equality of opportunity to all, which includes, inter alia, equality of opportunity for both men and women.

Article 14 and 16 (A) of the Constitution intend to remove social and economic inequality to make equal opportunities available. In reality the right to social and economic justice envisaged in the Preamble and elongated in the Fundamental Rights and Directive Principles of the Constitution, in particular Articles 14, 15, 16, 21, 38, 39 and 46 are envisaged to make the equality of the life of the poor, disadvantaged and disabled citizens of the society, meaningful.

Further the Preamble which is invoked to determine the ambit of both fundamental rights and Directive Principles as observed by the Supreme Court in Various cases embraces all the new laws after make Constitution. These reasons, why the Government organs owe origin to the Constitution and derive their authority from and discharge their responsibilities within the framework of the Constitution.

The Supreme Court in some cases held that the social justice enables the courts to uphold legislations to remove economic inequalities, to remove economic inequalities, to provide a decent standard of living to the working people and to protect the interests of the weaker sections of the

society. The democratic socialism aims to end poverty, ignorance, disease, and inequality of opportunity. This socialistic concept ought to be implemented in the true spirit of the Constitution. Article 14 is to be understood in the light of directive principles. Article 14 guarantees equal treatment to persons who are equally situated.

Besides clause (3) of Article 15, which permits special provision for women and children, has been widely resorted to and the courts have upheld the validity of special measures in legislation or executive orders favouring women. In particular, provisions in the criminal law, in favour of women, or in the procedural law discriminating in favour of women have been upheld.

Article 21 spells that no person shall be deprived of his life or personal liberty except according to procedure established by law. This Article if read literally is a colorless Article and would be satisfy, at the moment, it is established by the State that there is a law which provides a procedure which has been followed by the impugned action. But the expression "procedure established by law" in Article has been judicially constructed as meaning a procedure which is reasonable, fair and just.

The right to life and the right to personal liberty in India have been guaranteed by a constitutional provision, which has received the widest possible interpretation. Under the canopy of Article 21 of the Constitution, so many rights have found shelter, growth and nourishment. An intelligent citizen would like to be aware of the development in this regard as they have evolved from precedents of courts. This Article lays down that no person shall be deprived of life or personal liberty, except according to procedure established by law. This Article, hence gives a positive effect by judicial interpretation. This right is a fundamental right, enforceable against the State, and Judicial decisions have imposed, on the State, several positive obligation.

Article 39 (a) provides that the State shall in particular, direct its policy towards securing that all citizens, men and women equally have the right to an adequate means of livelihood. This Article has been described as having the object of securing a welfare state may be utilized for construing provisions as to fundamental rights.

Further Article 51 A (e) imposes that duty of every citizen in India to renounce practices derogatory to the dignity of women.

Section 14 of the Hindu Succession Act, 1956 should be construed harmoniously with the constitutional goals of removing gender based discrimination and effectuating economic empowerment of Hindu women.

The right to elimination of gender based discrimination so as to attain economic empowerment, forms part of Universal Human Rights. Article 2 (f) of CEDAW States are obliged to take all appropriate measures; including legislation, to abolish or modify gender based discrimination in the existing laws, regulation, customs and practices that constitute discrimination against women. Article 15(3) of the Constitution of India positively protects such acts or actions.

Moreover the Constitution of India is a basic document which provides for women empowerment within the framework of the plenary provision of Articles 14, 15 (3), 21, 39 (a), 51A (e) and Preamble. The courts always try to interpret the cases which are detriment to women within the area of social justice with these Articles.

Apart from this, in India, National Commission for Women had been established in 1990 to look into the women's problem. NCW have engaged them to deal with the cases relating to the violation of women's rights. They have pressurised the government to pass stricter laws to deal with the rape cases, domestic violence.

Strategies of Women's Empowerment in India

The women in India are positioned at a receiving end primarily because they have remained ignorant of their fundamental civil and constitutional rights. Patriarchal system impinges on every sphere of a woman's life. In such a situation often a majority of them are forced to accept the traditional practices that are detrimental for both their and their children's development. Although women have acquired a level of financial and political autonomy and consciousness about their rights, yet they experience helplessness in bringing about basic changes for eliminating gender inequalities from the society.

The National Commission for Women have taken up the cudgels for women's right and have vociferously demanded a separate criminal code for women and enhanced punishment for offences against women. The proposal for creating a separate criminal code for women was designed to provide quick justice to the aggrieved women and speed up the conviction rate. However, this proposal failed to garner support among the government and have been shelved. A multi-layered strategy need to be developed to assess the core causes of violence against women. The state and society must provide instantaneous support to victim-survivors to ensure that the victims can carry on with their daily life. In dealing with the problem of violence against women innovative levels of coordination and integration must be built up between government, civil society and the family. The state occupies a central position in initiating positive policies to end discrimination against women. In India it was state which initiated the first reform measure when after lot of debate it reformed the Hindu Succession Act in 1956 in which women were given equal right to inheritance. Continuous extensive unconditional financial as well as emotional assistance must be provided to the women by both the formal set-up of the state like legal system, police, medical and health care sectors etc, as well as from the informal networks such as family, friends, fellow citizens, and local community groups.

The idea of self reliant independent women taking independent decisions of her life can be achieved only by educating women that will help them in achieving economic independence, as well as knowledge and awareness about their rights. Special emphasis must be provided in educating women's on the legal and Human rights provided to them by the constitution. A well known feminist writer Martha Nussbaum argued that the key to development of women is to provide them with the cover of justice. The subsequent official organization under state that deals with the victimised women in India is the Police. Often the crimes against the women go unregistered because of the insensitive nature of the police in handling those issues.

Therefore formal Training and gender sensitization of police a must be done so that there is no consequential oppression of women at their hands. The judiciary which is responsible for providing justice to the aggrieved women should also be sensitized on gender issues. The awareness of judges and the advocates on the sensitive gender issues is possible only if they are taught about them in law schools . The women's organizations must try to empower women by changing the attitudes of the society towards the harmful traditional practices. One of the most vital tasks of the various women organizations and NGOs is to help women in rebuilding their lives and confidence. These goals can be achieved only if the women are adequately educated about their legal rights and are economically independent enough to take independent decisions of their own life. Such programmes if done within shelter homes can provide both counseling and a connection among the women's who were victimised. Violence against women can be curtailed only when cultural norms and attitudes towards the women can be changed for which change should be made in the school curriculum. Curriculum that educates the students at the school, college and university level on issues like human rights and gender issues should be included in their study material. "Curriculum

reform that works towards eliminating the gender stereotyping in schools (teaching about women's contributions in history class, eliminating sex stereotypes in textbooks, promoting girls participation in sports) are important steps in achieving gender equality". The violence against the women in India is often supported and perpetuated by the indigenous cultures and the religious leaders. Therefore the indigenous communities must try to put up mechanisms and strategies that eliminate such age old ruthless practices against the women. The religious leaders and researchers must review the sacred manuscripts and doctrines with an idea of to encourage egalitarianism and self-respect for women.

Women Reservation

In India women were considered to be kept inside the house for the service of their in-laws, children and husband. Their rights were not secure and they were not given equal opportunity in any of the aspect whether it may be social, economical, political or cultural. Reservation for women started to give exposure to them and to make Indian society feel that women are not less than man in any aspect. In 1993 the constitutional amendment called for random one third village council leader or pradhan position in gram panchayat to be reserved for women. Recent researches on quota system has revealed that it has changed perception on women's abilities, improved women electoral chances, and raised aspirations and educational attainment for adolescent girls.

There is a long term plan to extend this reservation to parliament as well as legislative assemblies. For instance some law schools in India have 30% reservation for females. Progressive political opinion in India is strongly in favour of providing preferential treatment to women to create a level playing field for all the citizens. The Women's Reservation Bill was passed by the Rajya Sabha on 9 March 2010 by a majority vote of 186 members in favour and 1 against. As of March 2013, the Lok Sabha has not voted on the bill. Critics say gender cannot be held as a basis for reservation alone other factors should also be considered e.g. economic, social conditions of woman candidate especially when applying reservation for educated women. There also is a growing demand for women reservation in pre-existing reservations like OBC, SC/ST, Physically handicapped etc. Some feminist groups still demand that reservation for women should be at least 50% as they comprise 50% of the population.

Recent Initiatives

Women and children constitute nearly 70 per cent of India's population and are admittedly still lagging in terms of many economic and social parameters. Obviously, there still is an urgent need for focused planning with affirmative action for their inclusion in the growth and development with a greater share for them in decisions-making processes. So gender budgeting has been adopted nationally and in states as an essential tool for gender mainstreaming. Nationally, the level of gender budgeting has gone up to Rs 97,133 crore in 2013-14. Many states have commenced gender budgeting, but it has yet to become effective in real and positive terms. Apart from NPW, a new National Policy for Children (NPC) has been adopted in 2013 for the realisation of the rights of children. Besides, a special law, Protection of Children from Sexual Offences, 2012 (POSCO) came into force on December 9, 2013, that covers all women against sexual harassment at the workplace. Also, to prevent violence against women many comprehensive amendments have been made in the IPC through the Criminal Law Amendment Act (2013) that makes provisions more stringent. A high level committee on the status of women was set up on May 13, 2013, which is mandated to present its report by May 2015. It has been realised that many crimes of horrendous rapes occur in rural areas, where toilet facilities are not available and women/girls have to go out to fields for relieving

themselves. This creates great hazards of rapes and other such crimes. The Government of India has now announced that a toilet for-all in the country should become a time-bound prioritised national programme.

Social Empowerment of Women-Challenges

There are a few limitations that check the procedure of women empowerment in India. Social standards and family structure in creating nations like India, shows and sustain the subordinate status of women. One of the standards is the proceeding with inclination for children over the introduction of a girl child take which in present in all social orders and groups. The general public is more one-sided for male boy child in appreciation of instruction, sustenance and different open doors. The underlying driver of this sort of state of mind lies in the conviction that male boy child acquires the tribe in India with a special case of Meghalaya. Women frequently disguise the conventional idea of their part as common in this manner delivering a treachery upon them. Destitution is the truth of life for by far most women in India. It is another variable that postures challenge. There are a few difficulties which affects the empowerment of women in India.

Education: While the nation has developed from a far cry since freedom where instruction is concerned. The hole amongst women and men is extreme. While 82.14% of grown-up men are instructed, as it were 65.46% of grown-up women are known not proficient in India. The sex inclination is in advanced education, particular expert trainings which hit women hard in business and accomplishing top authority in any field.

Poverty: Destitution is viewed as the best risk to peace on the planet, and annihilation of neediness ought to be a national objective as critical as the annihilation of lack of education. Because of this, women are misused as household makes a difference.

Wellbeing and Safety: The wellbeing and security worries of women are foremost for the prosperity of a nation and are an imperative variable in gagging the women of empowerment in a nation. However there are disturbing concerns where maternal social insurance is concerned. Proficient Inequality: This imbalance is rehearsed in occupation sand advancements. Women face innumerable debilitations in male altered and ruled environs in Government Offices and Private ventures.

Profound quality and Inequality: Due to sexual orientation inclination in wellbeing and sustenance there is bizarrely high ethical quality rate in women diminishing their populace encouraged particularly in Asia, Africa and china.

Family Inequality: Household relations show sexual orientation inclination in imperceptibly little however huge conduct the whole way across the globe, all the more along these lines, in India e.g. sharing weight of housework, childcare and humble works by alleged division of work.

Conclusion

In a small but important way, the existence of these laws has brought a rise in consciousness of women, who were and are empowered to refer to state authority to have their rights enforced. But from a global perspective, a large gap still remains for addressing social conditions that permit negative socio-cultural norms and traditions to overpower law.

To sum up, women empowerment cannot be possible unless women come with and help to self-empower themselves. There is a need to formulate reducing feminized poverty, promoting education of women, and prevention and elimination of violence against women.

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RIGHTS OF THE REFUGEE WOMEN IN INDIA

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Abstract

Accommodating and management of refugees in host countries is the currently burning issue faced by global nations. In the world 22.5 million populations are refugees. The rights of these populations are often denied. The women refugees are highly exposed to harassment and exploitations. They cannot easily access education, health services; ensure job discrimination and low pay. In India, 1,97,851 refugee populations are residing and considered the nation as one of the good host countries which have porous borders, better economic opportunities, soft-secular state system and providing basic humanitarian assistance for refugees. Consequently, push backs and coercive measures to promote repatriation in violation of basic international fundamental rights have been practiced in India over the years. In particular, the refugee women are considered as vulnerable populations who are facing complex issues and problems in host countries. This paper investigates the constitutional laws pertaining to protecting rights of refugee women in India. It also tried to highlight the status of refugee women in India.

Keywords: *Host country, Harassment, Job discrimination, Humanitarian assistance, Repatriation, Fundamental rights.*

The 1951 UN Convention on refugees, in its article 1, provides a general definition of the term "refugee". The term applies to any person who "as a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling, to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it". The Convention sets the minimum standards of treatment of refugees, including the basic rights, juridical status of refugees, provisions on their rights to gainful employment and welfare, on the issue of identity and travel documents, on the applicability of fiscal charges, and on their right to transfer their assets to another country where they have been admitted for the purposes of resettlement.

Accommodating and management of Refugees in host countries is the current burning issue faced by global nations. In the world 22.5 million populations are refugees. The rights of these populations are often denied. Refugees have rights which should be valued prior to, during, and after the process of seeking asylum. Respect for human rights is a necessary condition for both preventing and resolving today's refugee flows. The women refugees are highly exposed to harassment and exploitation. They cannot easily access education and health services and ensure job discrimination and low pay. The issues of refugees are challenging and test the governments and people commitments to human rights. Violations of minorities and ethnic conflicts are increasing at the source of both mass migration and internal displacements. In India 1,97,851 refugee populations are residing and considered India as one of the good host countries which have porous borders, better economic opportunities, soft-secular state system and proving basic humanitarian assistance for refugees (Mohan 2003). Although one could argue that, the state still lacks a proper legal framework for people seeking refuge in India. Consequently, push backs and coercive measures to promote repatriation in violation of basic international fundamental rights have been practiced in India over the years. In particular, the refugee women are considered as a

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vulnerable population who are facing complex issues and problems in host countries. This paper investigates the constitutional laws pertaining to protecting rights of refugee women in India. It also tries to highlight the status of refugee women in India.

Table No.1 International Laws on Refugees

Year	Name of the Convention/ Declaration
1949	Fourth Geneva Convention
1951	Convention on setting standards for the treatment of refugees and defined the term "refugee"
1957	Convention on the Nationality of Married Women
1961	Convention on the Reduction of stateless people
1964	Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages;
1966	Universal Declaration of Human Rights
1967	United Nations Declaration on Territorial Asylum
1974	Declaration on the Protection of Women and Children in Emergency and Armed Conflict;
1979	Convention on the Elimination of All Forms of Discrimination Against Women;
1989	Convention on the Rights of the Child

Table No.2 Populations and Accommodation of Refugees around the World

UN major regions	Refugees	Accommodation of Refugees	No. of Refugees	Women
Africa	54,78,950	Type of Accommodation		
Asia	82,65,465	Planned/ managed camp	40,11,000	51.4
Europe	22,68,730	Self-settled camp	5,25,200	52.4
Latin America and the Caribbean	1,00,887	Collective centre	3,20,100	18.6
North America	3,70,291	Individual Accommodation	88,77,100	48.3
Oceania	49,090	Reception /transit camp	2,81,800	48.3
Total	165,33,413	Unknown	31,72,200	
		Total	171,87,500	

Source: <http://www.unhcr.org/globaltrends2016/> (commuted)

Table No.3 Refugee Population in India

Type of Population	Origin	Total	UNHCR assisted	Percent Female	Percent under 18
Refugees	China	10,00,000	-	-	-
	Sri Lanka	70,000	-	49	-
	Afghanistan	9,100	9,100	46	31
	Mynammar	4,600	4,600	48	42
	Somalia	700	700	44	43
	Various	150	350	31	8
Asylum-seekers	Mynammar	3,300	3,300	39	36
	Afganisthan	220	220	52	42
	Various	180	180	28	23
Total		1,88,450	18,450		

Source: UNHCR Global Report 2010 (commuted)

The status of refugees in India is based on political and administrative verdict rather than any codified model of conduct.[2] Still, India is renowned as a refugee-receiving country than a refugee-producing country.[3] In India, there are no municipal laws specific to asylum seekers and refugees. Consequently, considering the efflux of people seeking refuge in India, there is an important lack of specific refugee statute in the country, which restricts its judicial system in refugee cases.

Categories of Refugees Existing in India

1. Those who receive full protection according to the standard set by the Government of India eg. Sri-lankan Tamil refugees and Jumma people from Bangladesh.
2. Whose presence in Indian territory is acknowledged by the UNHCR and protected under the principles of non-refoulment eg. Is that of Afgan, Somalian, Sudanese, Burmese etc.
3. Who have entered India and have assimilated into their communities. Their presence is not acknowledged either by the Indian Government or by UNHCR. Eg. Tribal refugees, Nagas from Burma.

Status of Women Refugees in India

In 1985, for the first time, the Executive Committee of the UNHCR took notice of the fact that women asylum seekers who 'face inhuman treatment due to their having transgressed the social customs of the society in which they live may be considered as a 'particular social group' within the meaning of Article 1 A (2) of the 1951 United Nations Refugee Convention (UNHCR, 1985). Rape figured as the continual threat to women. They are vulnerable to rape whether displaced within the country or when seeking refuge outside and targeted by soldiers, security forces, militants, camp officials and other refugees. Another form of gender based violence includes sexual humiliation, trafficking, forced marriage, prostitution, abduction and domestic violence. They go into camps with existing vulnerabilities, experiencing specific risks. The risks they encounter are physical, psychological and deal with self-esteem. The unique risk experiences of women refugees in host countries are:

- Women have little access to resources, no rights to decision making and no control over their own incomes
- Women possess low health status, low literacy, and limited power.
- Women are unable to access their rights because state and society puts barriers over it

Table No.4 Status of Refugee Women from Ethnic Groups in India

Type of Refugees	Population	Accommodating Places	Occupations	Status
Tibetan	150,000	HP, Ladakh, AP, UP	Agriculture, agro-industrial and handicraft based jobs	More rights than most other refugee groups in India. Provided with residence permits, seek formal employment. Permits to travel from India.
Sri Lankan	70,000	Tamil Nadu	Informal sector	Provides legal provisions under UNHCR

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Bhutanese	100,000	Nepal	No specific jobs	Provided with right to residence, study and work without identity papers but experience difficulties in securing other needs like driving and business licenses,
Hindu Pakistani	115,000	Rajasthan or Gujarat	Informal sector	Not recognized as refugees and as a result, they are unable to acquire residence permits and
Burmese	2,000	Mizoram	Informal sector	UNCHR provides stipend as they are vulnerable and lack of access to basic necessities. Burmese women bear the largest burden among the refugee population. They are victim of harassed at work, often overworked and
Somali	700	Hyderabad	No specific jobs	UNCHR provides stipend but still not enough to cover the basic needs. Women face particular problems in accessing transport, healthcare and education. They are isolated community within refugee
Palestinian	160	New Delhi	No specific jobs	UNCHR provides essential rights but Indian government not issued residence permits
Afghan	9,100	Delhi, Faridabad, Haryana.	Informal sector	Widows and single mothers are at risk of exploitation and harassment in workplace and it is reported that Muslim Afghan women are particularly discriminated. The dropout rate among Afghan girls is also high because of financial reasons.

Source: Report of Refugee Populations in India. 2007 (commuted)

Table No.5: Rights and Duties of Refugees pertaining to Indian Constitution

1. fair and due treatment, without discrimination on grounds of race, religion, sex, nationality, ethnic identity, membership of a particular social group or political opinion;	2. receive the same treatment as is generally accorded under the constitution or any other laws and privileges as may be granted;
3. be provided a means to seek a livelihood for himself or herself, and for those dependent on them;	4. be given special consideration to ensure their protection and material well being in the case of refugee women and children

5. choose his or her place of residence and move freely within the territory of India, subject to any regulations applicable to refugees generally in the same circumstances;	6. be issued identity documents;
7. be issued travel documents for the purpose of travel outside and back to the territory of India unless compelling reasons of national security or public order otherwise require;	8. be given the right of access to education, health and other related services.

b. Every refugee shall be bound by the laws and regulations of India

Article	Rights
Article 14(1)	Right to equality
Article 20	Right to protect in respect of conviction of offences.
Article 21	Right to life and personal liberty
Sub-clause 11	Right against solitary confinement
Sub-clause 12	Right against custodial violence
Sub-clause 13	Right to medical assistance
Sub-clause 14	Right to shelter
Article 22	Right to protection under arbitrary arrest
Article 25	Right to freedom of religion
Article 26	Right to follow any religion of his/her choice
Article 28	Right to practise and spread their religion peacefully
Article 32	Right to approach supreme court for enforcement of fundamental rights
Article 51	Right to protect the human rights of refugees by taking appropriate legislative and
Section 83	Indian civil procedure code
Section	Indian citizenship act, 1955
	Foreigners Act 1946
	Citizenship Act 1955.

Conclusion

They are numerous international agencies such as Universal Declaration of Human Rights; the 1949 Geneva Conventions; 1966 Human Rights Covenants; the Convention on the Elimination of All Forms of Discrimination Against Women; the Declaration on the Protection of Women and Children in Emergency and Armed Conflict; the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages; the Convention on the Nationality of Married Women; and the Convention on the Rights of the Child are working with refugee women. While individual States may not be parties to all of these instruments, they do provide a framework of international human rights standards for carrying out protection and assistance activities related to refugee women. The problem of the women refugees is confronted with wide categories of problems in the homeland and in host countries. In India, their conditions are far better as compared to other nations but still, there are not achieved with proper status in economic, political and social level. The concentration and development of special plans and strategies that address refugee women from humanitarian eyes should be developed. The state, civil society and people of the nation should work together in order to accomplish equal status for refugee women in all aspects.

Suggestions

- The government has to establish programs and enforce priorities that support women refugees' safety and well-being. Since a large proportion of refugees are women, it is essential that they are involved in planning and delivery of assistance activities to properly focus on their needs.
- Special measures may need to be implemented include security patrols; special accommodation for single women, women heads of households and unaccompanied girls; and improved lighting.
- Stakeholders have to take steps to assess the needs and status of women refugees in state and organize awareness programs on rights of women refugees and provide skill based training on the regular basis in order to improve their conditions.
- Civil society and national university ought to be encouraged to conduct research in various aspects of refugee women in the nations. Community-based organizations and other grass root level organizations have to be encouraged to work with the refugee women.

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GENDER BASED VIOLENCE AT WORK PLACE IN UNORGANIZED SECTOR: A SOCIOLOGICAL PERSPECTIVE

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Introduction

Gender-based violence at work causes direct economic and physical harm to women, undermining their productivity, livelihoods, employment prospects, physical and emotional health, and sense of security. Gender-based violence, including domestic violence, sexual violence, stalking and other forms of family violence and abuse have long affected women's lives. Whether violence occurs within the workplace or outside, the detrimental effects of gender-based violence at the workplace are substantial. Women are afraid to lose their source of income and are increasingly reluctant to denounce acts of violence at their workplace. This further perpetuates intolerable situations of violence at work. In addition, the overall cuts in public spending have negative impacts on the effectiveness of prevention measures and social services provided to victims of violence. The women are harassed by the society at every level that may be inside family, outside the house, at workplace, etc. Sexual harassment is a complex social problem which involves multiple actors. To deal with this problem is notoriously difficult. Conventional solutions to the problem of sexual harassment like legal protection to victims and stringent punishment to perpetrators while good on paper are of limited practical efficacy, unless coupled with affirmative action. However, unlike western countries where organizations accept workplace harassment in normal parlance, it has always been frowned upon as a non-issue in India. The paper based on secondary sources following objectives:

- To analysis Problems faced by women in working place
- To assess government policy and programmes for unorganized sector working women

Status of Working Women in India

India has a long past civilization and in every stage of its history, women constitute half of its population, but their position in society is not the same in all the ages of history. Their position has been variously estimated and diametrically opposite views are current regarding their place in different stages of Indian civilization (Parmar, 1973). Several factors including foreign invasions for centuries together, social movements, various geographic regions, different economic occupations, political stability and instability and religious affinity of the family to which woman belongs have always greatly influenced her status in the family as well as in the community (Gaur, 1980). While women represent 50 per cent of the adult population and one third of labour force, they perform nearly two - third of all working hours and receive only one-tenth of the world income. Hence, the women are engaged as successful professionals as Medical Practitioners, Nurses, Teachers, Lawyers, Bankers, Lecturers, Librarians, Information Technologists, Engineers, and the like. But, the women are not like men.

Status of Women Construction Workers in the Unorganised Sector

The construction industry is employing over 2 million people that are more than 1 in 14 of the total Indian workforce (CITB, 2003). The role of the women in employment is changing radically in most societies and in Britain women constitute just over half of the total workforce. However women currently make up around 10% of the Indian construction workforce (NAWIC, 2009) compared to 50% of the total workforce. This means that there are fewer women in the construction sector. Court and Moralee (1995) noted that the under-representation of women in construction only became an issue in the 1980s. In 1988, less than 7% of the full time construction industry workforce in India was women. The Equal Opportunities Commission (EOC, 1995) stated in its annual publication that 'women continue to be significantly underrepresented in the primary sector (agriculture and energy and water), in most manufacturing, in transport and communications and, in particular, in the construction industry. Since then, there have been number of studies carried out by various researchers on the under-representation within the construction industry (Gale,1994; Fielden et al,2000). The studies in these areas have been invaluable in pinpointing the factors militating against the participation of more women in the construction work place, and in particular, the recruitment into the construction sector (Agapiou, 2002). Increasing the number of women in construction in the industry is seen as a good thing based on the assumption that 'more' will mean better (Greed, 2000).

Construction labourers are labourers who are migrated from different regions and states leaving their native villages in search of daily job. These people in general are nomadic in their life and usually do not return to their place of birth or native places. They travel from one area of work to the other area along with their families and live in a place, which is either provided by the owner of the construction company or somewhere nearby, building temporary shelters. Great majority of these construction workers are deprived of general health facilities, education, permanent housing, pure drinking water, and such other essential amenities.

Gender Dimension of Unorganised Manufacturing Sector in India

Women engaged in unorganized activity in India constitute a large and significant section of the population. This basic fact has several dimensions.

- First, the unorganised sector is the primary source of employment for women. Existing data suggest that the majority of economically active women in India are engaged in the unorganised sector. Virtually all of the female non agricultural labor force is in the unorganised sector: for example, in India the unorganised sector accounts for over 95 percent of women workers outside agriculture. The unorganised sector accounts for nine out of every ten women working outside agriculture.
- Secondly, the unorganised sector is a larger source of employment for women than for men (UN 2000). In fact, the proportion of women workers in the unorganised sector exceeds that of men in most developing countries, not only in India.
- Third, women's share of the total unorganised workforce outside of agriculture is higher than men's share. However, there is persistence and expansion of the unorganised sector in India since the implementation of the new economic policy. The reasons may be the rate and pattern of growth, including the labor-intensity and sectoral composition of growth, economic restructuring or economic crisis, including privatization of public enterprises and cut-backs in public expenditures, and global integration of the economy, including the restructuring of global production characterized by outsourcing or subcontracting.

In today's globalised world, various demand factors are also at work. An increasing share of unorganised work is subcontracted or outsourced from the formal sector; the low costs of subcontracted work contribute to profits in the formal sector. In their pursuit of global competitiveness, employers in a wide range of key export industries favor such kinds of employment relations associated, rightly or wrongly, with women, namely those with insecure contracts, low wages, and few benefits. Self-employed women are also affected by current trends. Given the rapid shifts in market demand, both domestically and globally, self-employed women find it difficult to retain their traditional market niche or negotiate access to emerging markets. There is also evidence to suggest that global integration and competition are associated with the erosion of both the employment arrangements of workers and the competitiveness of micro businesses. These trends have put pressures on the efforts by home-based workers.

Women are concentrated in production related occupations in the unorganised manufacturing sector whereas men are predominantly in sales activities in the unorganised sector. In India, 48.2 percent female non-agricultural workers were engaged in unorganised manufacturing sector in 2004-05 (NCEUS, 2007). The vast majority of women in the unorganised manufacturing sector are home-based workers. The term "home-based workers" refers to three types of workers who carry out remunerative work within their homes – dependent subcontract workers, independent own account producers, and unpaid workers in family businesses – whereas the term "home workers" refers to the first category only. However, home workers often do not have adequate work throughout the year. There is seasonality in the work with wide variations in the hours of work available per day and also the wages received per day. Despite working from their homes, many home-based workers are linked to the global economy through global subcontracting chains, also called global value chains. A key dimension of global integration of the economy is a restructuring of production and distribution into global value chains. The exploitation of the home worker by local employers can be just a first step in the exploitation through the global value chain.

Social Forces to Improve the Status of Working Woman in India

The working woman in India continues to face stiff challenges and social resistance even in the 21st century. There is a gender bias against women in many industries, and the percentage of women making to the top of the corporate ladder is still abysmally low. A recent survey conducted by World Economic Forum (WEF), choosing 60 of the 100 best employers in India as a sample, revealed that women employees held only 10 percent of the senior management positions in two-thirds of the surveyed companies. None of the companies had women chief executive officers (CEOs) and almost 40 percent of the respondents had only 10 percent women work force.¹ Furthermore, women's employment is not necessarily synonymous with women's empowerment in India, and a large number of women do not get to exercise a control over their own income. With sexual harassment safe and secure working environment for women continue to remain a challenge in most parts of the country. The following four social forces are critical to elevate the status of the working woman in India:

Individual Force or Self-Help

The key to transforming the social status of a working woman lies in their own hands primarily. Women need to be more assertive and aware of their own rights at home as well as at work. There are many social self-help women's groups and other women's organizations that are ready to assist women in upgrading their skills, connecting them with job and entrepreneurial opportunities, and addressing their grievances, whether at the workplace or at home. Women's cooperative movements such as Amul Dairy Cooperative in Gujarat and Shri Mahila Griha Udyog "Lijjat Papad"

in Maharashtra are two shining examples of self-help women groups transforming the lives of women in India. Unless women decide to resist against her exploitation, whether at economic, social or sexual level, the goal of women's empowerment cannot be achieved.

Organizational Force or Employer's Responsibility

The business organizations must develop a clear policy of gender inclusiveness and become equal opportunity employers. Implementation of the policy must be monitored closely, and the data of the women's participation in the organization must be reviewed regularly. This will ensure that the top management remains informed about any gender disparities within the organization, and works consistently to close the gaps. The employers must follow best practices in terms of providing maternity leave and benefits to working mothers. Re-training of women employees and other such measures must be taken to ensure that they remain at par with the male workforce within the organization. Tata Consultancy Services (TCS) is a classic case in this regard. TCS in recent years has launched a "Diversity and Women's Network" (DAWN) initiative that encourages women employees to stick to their jobs despite pressure from marriage, family, and maternity demands, and attain sustainable careers for the long term.

Governmental Force

The government in India has its task cut out clearly in terms of policy initiatives as well as implementation of the women's employment, entrepreneurship and financial empowerment programs at the grassroots level. For instance, the government of India has taken an enterprising step to enhance the safety of working women that has earned it accolades across the world. The government has introduced its first single sex train in Delhi, or a "Ladies Special" that exclusively caters to women commuters. This is a pilot program under which eight new commuter trains are being introduced exclusively for women passengers in 4 of India's biggest cities. This action of the government creates safer conditions for women's employment, and encourages women to work outside their homes. It is a step in the right direction, and symbolizes the government's increased consciousness about improving women's participation in the economy.

Societal Force

The society and the family are two crucial factors of influence that can raise the status of the Working Women in India. The husband and other family members need to be supportive of the woman's work outside the home. They need to share the household responsibilities in order for woman to be able to utilize her skills outside the home. India is a traditionally patriarchal and male-dominated society. Therefore, without the positive and liberal mindset of the average Indian male to encourage the working women, a real elevation of the working women's status in the society is going to remain a distant dream.

Overall, a conducive and safe social environment and a proactive support from the family, corporate, government and other social networks can help to transform the Indian Working Women's status for the better. But above all, the assertiveness and initiative of the working women themselves for their own rights can do more for their empowerment than all other forces combined.

Nature and State Intervention of Women's Employment

The process of liberalization, globalization and privatization has prompted women's participation in the labour market. Traditionally their occupational status has always been associated with the home and family. But over the years, the pressure of population and economic compulsions, educational and social changes have necessitated a change in women's status and

their role, which was hitherto that of a house wife. Women participation in remunerative work in the formal and non-formal labour market has increased significantly. They have become increasingly involved in micro, small and medium sized enterprises. Women's share in the labourforce continues to rise and almost everywhere more women are working outside the household. There is no job, which they cannot aspire. There is no political office they cannot achieve. There is an increasing number of women engaged in white collar jobs year after year.

Economic liberalization or reforms lead to the growth in service industries such as data processing, tourism, telecommunications and finance where women are preferred as secretaries, receptionists, hostesses and stenographers. Women workers are preferred in such type of employments and jobs as they are considered as a major source of flexible labour. At present the young women from upper and middle class families are joining the workforce in increasing numbers adding a new dimension to their age-old roles as wife and mother. Those who work in unorganised sector also suffer from many problems. In this context it is felt to have a study about unorganized workers.

It has been recognition that full and active involvement of women in the development process can be promoted through increasing productive employment. Female participation in economic activities also reduces population growth and poverty, and enhances child survival and development. While it is necessary to ensure that greater productive employment is generated in the growth process itself, it is recognized that direct state intervention in the labour market for women in particular is important for the following reasons:

- The growth process alone provides employment if the growth rates of GDP are low and the patterns of growth are not labour intensive. Hence is a need for state intervention in order to provide supplementary employment to the poor. There is also no conclusive evidence on the question of government interventions in the labour markets harming efficiency (Freeman, 1992)
- The economic environment in certain respects affects the female poor more than the male poor, because women and girls are over represented in certain activities that are made harder and more costly in time and energy by the lack of basic facilities and infrastructure, and because access to seasonal migration as a means of getting around local of opportunities is more constrained for women or entails greater hardship
- In general, gender discrimination arises due to factors operating within the household, in the labour market, and in the allocation of production assets, including some of the publicly supplied inputs. Although some of the reasons for gender differentials are embodied in cultural institutions that may be resistant to policy intervention and to economic growth of the likely order, their negative effects in terms of equity, demographic transition, and human resource development and utilization are modifiable through specific programmes for women and through filling those gaps in infrastructure that help women's work. The interventions may help in reducing the bases within household or in the market.
- NGOs, self-help groups and community-based organisations (CBOs) can help women to find supplementary employment. However, the problem is too large for the NGOs to handle and the government intervention is absolutely necessary at least in the short and medium runs.
- Government programmes can also reduce discrimination in wage payments to women. For example, the statistical discrimination which occurs when, among labourers with the same productivity, women are paid less can be eliminated from agricultural labour markets through public employment programmes (Foaster and Rosenzweig, 1992)

- Regarding reservation for women in employment programmes, despite all the legal provisions regarding equal opportunities on equal remuneration for men and women, the status of women, particularly in rural India, is very low due to various factors embodied in the socio-cultural environment (Nayyar, 1996) has been taking several steps to improve women's economic and social status. Employment schemes like the Integrated Rural Development Programme (IRDP) and Jawahar Rozgar Yojana (JRY) include reservation for women.

Women in Informal Sector: An Overview

Many of the studies on women deal with the social, economic, political, religious and educational aspects of the working women in formal sector (Organized sector). But only a few studies were under taken to study those aspects of the women working in unorganized sector. Further, women workers are subject to other kinds of subjugation and exploitation. Women workers doing informal work include all those women who work and who do not have any legal or social protection. These would include at least (Gothoskar, 2003)

1. Agricultural workers
2. Forest workers
3. Fish workers
4. Rag-pickers
5. Construction workers
6. Home-based workers
7. Domestic workers or helps
8. Street vendors or sellers
9. Casual or temporary workers

The 51st round survey of NSSO has revealed that the number of women regular employees in urban areas is 10 times those in rural areas. Also the regular women work force in urban areas has increased by 15 per cent over the period from 1977 to 1995 (NSSO, 2002). It clearly indicates the rapid process of urbanization that led to such an increase in the number of urban work force. There is no exaggeration in saying that the backbone of Indian work force is the unorganized sector.

According to 1991 census, the total women work force was 87.77 million. Their share in the organized sector was only 4.2 percent while the rest of 95.8 per cent were in the unorganized sector where there are no legislative safe guards even to claim either minimum or equal wages along with their male counterparts. Thus the unorganized sector in India is the women's sector (Sathyasundaram, 1996).

GBV in the World of Work takes Multiple Forms, Including

- Physical abuse, including assault, battery, attempted murder and murder
- Sexual violence, including rape and sexual assault
- Verbal abuse and threats of violence
- Bullying
- Psychological abuse and intimidation
- Sexual harassment, including quid pro quo
- Threats of violence
- Economic and financial abuse
- Stalking
- Human Trafficking
- Forced prostitution

Impact of Globalisation

The sector is witnessing rapid changes in the post-liberalisation phase of the economy. The private sector is being urged to play a leading role in infrastructure development as the country's limited infrastructure is being seen as a hurdle to rapid economic growth. Private sector and foreign investment are being encouraged. Several major projects are already being executed by the private sector through the Build, Own and Operate route or the Build, Operate and Transfer method. Joint ventures with partners of multi-country origin are being encouraged. Researchers point out that these changes have happened because of the pressure of the WTO.

First is a rapid and complete privatisation of the construction sector. Although government would remain the major client and probably the major credit provider, the role of public sector companies and government departments in construction projects would become extremely marginal. However, far more significant would be the rapid transformation of the technological base of the industry. This transformation is being propelled by two mutually reinforcing factors. First is the immediacy of the need of the domestic industry to become technically competitive to come at par with the foreign stakeholders in the construction market. The second factor is the growing interest of the foreign manufacturers of construction machinery and accessories for whom India is a potential huge market to sell their hardware and technical expertise.

The Gender Factor

Work on construction sites is invariably divided along gender lines. The types of work that men do are labelled as skilled work and fetch higher wages than the work that women are allowed to do. Women are restricted to head loading and beldari jobs that involve fetching and carrying of materials and this type of work is labeled as unskilled work. Naturally unskilled work is paid less than skilled work. This division of labour seems to be prevalent everywhere in the country.

Even where men are hired to do beldari jobs, they are, by custom, paid a higher wage than women. The Equal Remuneration Act is flouted everywhere. On some jobs, men and women are treated as a couple and wages are paid to the man, not the woman. NMPS leader Geetha points out that is inherently unfair to label the woman construction workers job work as unskilled, .Assisting a mason and anticipating his exact requirement so that work can progress smoothly requires a high degree of skill, as does climbing scaffoldings and balancing loads of bricks. However these are not considered skilled activities.

The Legal Status of the Workforce

A National Campaign Committee for Central Legislation on Construction Labour (NCC-CL) was formed. Justice V.R. Krishna Iyer lent his stature to the campaign by assuming its Chairmanship. A core group comprising activists, lawyers, trade unionists and labour experts was formed. The membership of the NCC-CL comprised various independent unions as well as concerned individuals as it also received the support, from time to time, of the central trade unions affiliated to different political parties.

The NCC-CL's model bill and scheme were presented at a workshop in Bangalore in July 1986 and discussed the issues threadbare. Construction workers themselves participated in the process to ensure that the law was functional and comprehensive. The Bill and Scheme envisaged the setting up of tripartite boards at the centre and state capitals, comprising the representatives of employers, employees and government. The boards would register workers and employers and regulate employment, allocating workers from its pool of registered workers to particular sites, as required by employers. The board would receive wages from the employers and pay the workers. The board would also ensure that social security provisions such as contributory provident fund and gratuity,

group insurance, medical facilities and maternity benefits are paid. Copies were sent to the chief ministers of the states. There was serious disagreement among the builders and union representatives and within the unions themselves, with the builders agreeing only to some statutory welfare and safety arrangements rather than regulation of employment and registration of workers. In the face of such disagreement, the working group could not produce a final report.

There was provision for registering employers but not workers and the focus was on health and safety, with some provisions on wages and accident compensation. Another problem was that the bill was restricted to sites where 50 or more workers were employed. That very month, the Petitions Committee called the NCC-CL to give evidence and it presented an eloquent critique of the proposed legislation. The Petitions Committee recommended that the bill pending in the Rajya Sabha be withdrawn and a more comprehensive law be introduced.

But unions are rare in this unorganized sector industry. Activists who tried to organize construction workers realized that unionization is extremely difficult because of the shifting, impermanent nature of the work. The construction industry is practically the only industry where the workplace changes from day to day and so does the workforce. Activists puzzled over the problem realized that the absence of a stable employer-employee relationship was the real reason for the failure of implementation of existing laws.

Preventing Sexual Harassment in the Workplace Employer Liability

Employers are undoubtedly responsible for the conduct of supervisors and managers. Employers also have a responsibility to protect their employees from harassment by non-employees (e.g., customers, vendors, suppliers, etc). Managers are liable for sexual harassment between co-workers if they knew or should have known about it and took no steps to stop it. The existence of a company grievance procedure alone does not automatically insulate employers from liability. Employers should also take responsibility to take action against sexual harassment once they are aware it is occurring.

An effective sexual harassment policy stresses the illegality of sexual harassment and delineates a clear and appropriate complaint process while ensuring the confidentiality for the victim. Additionally, such a policy encourages witnesses or victims to report the behaviour immediately and mentions that retaliation against persons reporting harassment is illegal and will not be tolerated. Once finalized, an organization's sexual harassment policy should be distributed to all employees and a copy posted in an accessible and prominent location. Employers should also consider scheduling seminars or workshops on sexual harassment to promote company-wide knowledge of the policy.

Benefits of Sexual Harassment Policies

Ignoring problems of sexual harassment can cost the average company up to \$6.7 million a year in low productivity, low morale, and employee turnover and absenteeism, not including litigation or other legal costs. Following clear and proactive formal policies against **sexual harassment in the workplace** is one way to prevent lawsuits and drops in productivity and efficiency. ("Sexual Harassment in the Fortune 500, *Working Woman in United States*, Dec. 19, 1988).

Legal Remedies

If one decides to file a complaint with an outside agency, it is advisable to consult an attorney, although she is not required to retain a counsel in order to file. Attorney referrals can be obtained by contacting local (e.g women's centers, rape crisis centers) or national women's organizations,

one's union (if member), specialized employee interest groups, law schools, legal aid community services, state Fair Employment Practice (FEP) agencies, or state Equal Employment Opportunity Commission (EEOC) offices. In addition, one's friends and professional contacts may know suitable attorneys.

Overview of Legal Options

Remedies under Civil Law

Filing one's claim with the EEOC (under Title VII of the 1964 Civil Rights Act)

One must file a claim with the EEOC within 180 days of the last incident of harassment to begin the process for obtaining relief under Title VII. An EEOC claim can be filed in a manner to protect the victim's identity. Title VII covers all public and private employers in the United States, as well as U.S. Citizens working for a U.S. company based in a foreign country. Complaints can be filed through EEOC district offices which are located across the United States. The Civil Rights Act covers only companies with 15 or more employees. State fair employment agencies (FEP) laws may be more generous and may get extended to smaller companies.

The EEOC conducts its own investigation of the company or organization. Through the investigation, the EEOC determines whether or not harassment occurred, whether harassment is provable in court, and whether other employees have suffered from sexual harassment as well. Upon finishing the investigation, the EEOC makes a determination. If the EEOC finds in the favor of the victim (agrees that one is harassed), it can pursue (settle) the case for the person (happens in less than 1% of cases filed) or issue a 'right-to-sue' letter so that one's lawyer can file a lawsuit independently. If the investigation finds that the person is not harassed, then she can appeal the EEOC's finding.

Filing your claim under state Fair Employment Practice (FEP) statutes: States statutes are modelled after Title VII. Most states have a Fair Employment Practice agency located in the state capital that is responsible for enforcing state statutes banning sex discrimination. Most states also have an investigative process which varies. Be aware that some states have weak FEP laws that provide for little or no remedy at all. Time limits for filing claims with FEP agencies range from 6 months to one year. Most FEP agencies do not protect the victim's identity.

- **Filing a common law tort suit:** This allows victims to receive money for compensatory damages (personal injury, lost wages, or health care expenses), or money from punitive damages (money awarded to victim in order to punish company). Assault and battery or wrongful discharge cases can also file this suit. Confidentiality is not guaranteed, nor is the woman protected from company retaliation. The EEOC and state fair employment practice agencies will first attempt to settle one's case out of court.
- **Dual filing:** Filing one's case with more than one agency (both EEOC and state or local agency) is also an option. They sometimes work together or share information on cases. But the EEOC has a huge backlog and will often refer cases to local agencies or local FEP automatically.
- **Criminal Remedies:** If the harassment crosses over into the criminal realm (e.g., sexual assault and rape), one should report the incident(s) to the police.

Conclusion

Women workers engaged in the unorganized sector though contributing a major share to the national development are insecure and backward socially, educationally, politically, and in other aspects. Women are playing a dominant role in certain aspects in the informal sector such as agriculture, construction, etc. The first chapter has dealt with the nature of work of the women in

the informal sectors, some feministic approaches for women and work, gender dimension of unorganized manufacturing sector in India, work place culture, status of women construction labourers in unorganised sector, major problems of women construction workers faced in the social, economic and familial fronts, health and occupational hazards, sexual harassment and workplace issues faced by them and an overview of legal options and some legal remedies.

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VIOLENCE AGAINST WOMEN IN CYBER WORLD

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Introduction

Earlier days the home was the safest place for women to protect herself from all the violence but now with the advancement in technology and networks the crime rate against women has been increased at a faster rate in today's world due to women limit is set to their computer screens. The internet, in simple terms means international networks of computers of various types ranging from notebook computers to show computers connecting 2 million computers of 13,300 networks providing service to over 50 million users worldwide. This is also known as the "World wide web" or information superhighway. Each individual network within the internet is also called a "Website". With this advent of technology of Home PC, Internet, and Cell phone network the cyber crime has also increased to large extent and it poses as a major threat to the security of a person as a whole. In exchange about the cyber crime against person which includes both men and women it had been observed that the women are more vulnerable to cyber crime.

Women's rights in the cyber space are abused in many ways and use of internet and mobile phones to stalk, abuse, intimidate and humiliate women is rampant. Women especially the young girls who are newly entering the internet are comparatively inexperienced in cyber crime and consequently they are the most liable to fall into the inducement of cyber criminals and bullies. The main motivation behind this is to intentionally harm the victims using technology and social media such as Facebook, Twitter, Chat rooms, emails and mobile phones. A woman is as vulnerable in cyber space as in physical space. Men intimidate her and seek to shut her up, discourage her from expressing herself. Increasingly, cyber space is being used to wreak vengeance, vendetta and to punish women. The cyber world provides a mask to abuse, insult and harass people and especially those who voice an opinion that is different. Men are susceptible to all cyber crimes but women are in majority as victims.

Cyber Crime Definition

In a basic term, cyber crime is an act that covers the entire range of crimes which involves computer, computer network, cell phones either as its target or as an instrumentality or associate. Thus any kind of criminal activity that takes place with the help of or against such electronic equipments and in the cyber space's, comes under the purview of the word cyber crimes. Like other criminal activities the motive or intention to cause an injury is one of the ingredients and the same is not limited to any specific type. The criminal conduct in the cyber world begins from the activity of stealing computer hardware and ends to the extent of transferring, altering or damaging the computer data to cause harms to Net users.

Forms of Cyber Crime Committed Against Women

Harassment through e-mails

This form of crime is not a new concept. It is related to harassing through letter. Harassment includes blackmailing, threatening, bullying, and even cheating through email. E-mail harassment is alike letter but creates problem quite often when it is posted from fake ids.

Cyber Stalking

This crime is one of the most talked about net crimes in the modern world. This crime involves following a person's movement across the internet by posting messages and sometimes threatening on the bulletin boards frequently by the victim, entering the chat rooms frequently by the victim, constantly bombarding the victim with emails. The motive behind this cyber stalking is for four reasons that is for sexual harassment, passion for love, vengeance and ego. The accessibility of free email and website space as well as the secrecy provided by these chat rooms and forums has contributed to the increase of cyber stalking as a form of harassment.

Cyber Pornography

This includes pornographic websites; pornographic magazines produced using computers and the internet to download and transmit pornographic pictures, photos and writings. Almost 50 percent of the web sites display pornographic materials on the internet today.

Cyber Defamation

This occurs when offense takes place with the help of computer or the internet.

Morphing

This is related to the editing of the original picture by unauthorized users or fake identity. It was recognized that female's pictures are downloaded by fake users and again reposted or uploaded on different websites by creating fake profiles after editing it.

Email Spoofing

A spoofed e-mail is one which misrepresents its origin. It shows its origin to be different from which actually it originates.

The most common method of cyber crime used by men is by emailing vulgar photographs of themselves to women, praising their beauty, and asking them for date or inquiring how much they charge for services.

Voyeurism

This is generally defined as a person who derives sexual satisfaction from observing the nude bodies or sexual acts of others especially women from a secret vantage point. The center of voyeurism is the observing but may also involve the making of a secret photograph or video of the subject during an personal activity. This activity includes observing, capturing or distributing images of another person without their consent or knowledge. With the advancement in the technology and cameras these are placed in public places like changing rooms, where individuals generally expect a reasonable degree of privacy. Voyeurism deliberately defines this reasonable expectation of individuals infringing privacy and personal dignity.

Statistics on CYER Crime against Women

Bangalore tops the plan in cases registered under the Information Technology Act, with an overwhelming 1,041 cases among the 53 cities; Karnataka is the highest in South India with a total of 1,447 and also the third in the country, next only to Uttar Pradesh and Maharashtra. According to National Crime Record Bureau (NCRB), Bangalore has registered the highest number of cases under the IT Act, while Jaipur comes a distant second with 459 cases. In total, the 53 cities registered 4,167 cases under the IT Act in 2015, and nearly 25 percent were registered in Bangalore. Among states Uttar Pradesh topped the list with 2,208 cases and Maharashtra with 2,195 cases.

HIGHEST NUMBER OF CYBER CRIMES		
2,208 Uttar Pradesh	2,195 Maharashtra	1,447 Karnataka
MOTIVES		City List
Causing Disrepute - 74	Personal Revenge/Settling Scores - 19	1,041 Bengaluru
Fraud/Illegal Gain - 74	Inciting Hate Crimes Against Community - 14	459 Jaipur
Insult to Modesty of Women - 39	Inciting Hate Crimes Against Country - 3	354 Hyderabad
Sexual Exploitation - 34	Others - 173	338 Kanpur
Motives of Blackmailing - 34		329 Lucknow

894 Greed/Financial Gain

In India there is a steady increase in the number of cyber crimes nearly 13 percent of the cases are targeted against outraging or blackmailing women. Cyber crimes have risen by 63.7 percent. The number of cases reported in the year 2012 was 3,477 while the subsequent year witnessed 5,693 cases. According to National Crime Records Bureau the incidents of cyber crime had increased by 63.7 percent in 2013 as compared to 2012 [from 3,477 cases in 2012 to 5,693 cases in 2013]. During 2013, 21.8 percent of cyber

crimes were reported for fraud/ illegal gain (1,240 out of 5,693 cases) followed by eve teasing and sexual harassment with 19.6 percent (1,116 cases) and 758 cases of publication/transmission of obscene, sexually explicit content in 2014.and insult to modesty of women(606), sexual exploitation (588) in 2015. In Bangladesh 73 percent of women were subject to cyber crime and 23 percent of them do not make any complaint. According to a recent survey in Sutherland conducted by B2B International it had been found that 73 percent of women faced malware threats. 22 percent of women have suffered from financial loss as a result of cyber crime. According to National Crime Record Bureau 15 cases of cyber crime were registered in Bangalore in 2012.



Source: NCRB

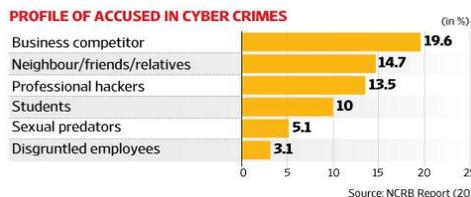
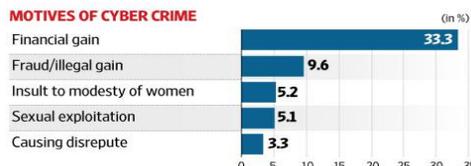
According to National crime record bureau report 2016 it had been recorded that about 11,592 cases of cyber crime were registered in India in 2015.

Complaints Registered Across Tamil Nadu on Cyber Crime against Women

The cyber cell of crime Branch-Criminal Investigation Department informed to the Madras Court Bench related to the cyber crime that had received across the state that, only 737 complaints were registered and there had been a steadily increase from 2004 to 2014.

UP TOPS CYBER CRIMES LIST

NCRB, in its 2016 report, said India had registered 11,592 cases of cyber crimes in 2015; Uttar Pradesh topped the list with 2,208 cases, followed by Maharashtra with 2,195 cases. A bulk of the crimes was committed primarily for financial gains by people in white-collar jobs, but sexual cyber crimes also dominated stats.



Source: NCRB Report(2016)

Year	No of petitions on Crime against women	No of Cyber crime cases on crime against women
2004	76	4
2005	98	9
2006	103	6
2007	97	10
2008	100	5
2009	154	11
2010	204	20
2011	278	20
2012	501	29
2013	683	40
2014	262	28
Total	2,556	182

Crime Branch-Criminal Investigation Department (CBCID)

Indian Laws Related to Cyber Crime

Information Technology Act, 2000 - The Information Technology Act 2000, as amended in 2008, provides for a punishment of imprisonment of up to three years or a fine of up to two lakh rupees (about US\$3,300), or both, for anyone who “intentionally or knowingly captures, publishes or transmits the image of a private area of any person without his or her consent, under circumstances violating the privacy of that person

Section 43

This section provides safety against damage and unauthorized access of the computer system by imposing heavy penalty up to one crore. The unauthorized downloading, extraction and copying of data are also covered under this section.

Section 65

This section provides for computer source code. If anyone knowingly or intentionally conceals, destroys, alters or causes another to do as such shall have to suffer imprisonment of upto 3 years or fine up to 2 lakh rupees. Thus protection has been provided against tempering of computer source documents.

Section 66 A

This section of the IT (Amendment) Act, 2008 prohibits the sending of offensive messages through a communication device that is through an online medium. The type of information this covers are offensive messages of a menacing character, or a message that the sender knows to be false but is sent for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, hatred and ill will.

Section 70

This section provides protection of the data stored in the protected system. Protected systems are those computers, computer system or computer network to which the appropriate government, by issuing gazette information in the official gazette, declared it as protected system. Any access or attempt to secure access of that system in contravention of the provision of this section will make the person accessed liable for punishment of imprisonment which may extend to ten years and shall also be liable to fine.

Section 72

This section provides protection against breach of confidentiality and privacy of the data. As per this any person upon whom powers have been conferred under IT Act and allied rules to secure access to any electronic record, book, register, information documents of other material discloses it to any other person shall be punished with imprisonment which may extend to two years or with fine which may extend to one lakh rupees or both.

Prevention of Cyber Crime

To prevent cyber stalking avoid disclosing any information pertaining to oneself. This is as good as disclosing the identity to strangers in public place. Avoid sending photography online particularly to strangers and chat friends as there have been incidents of misuse of the photographs. Always use latest and update antivirus software to guard against virus attacks. Website owners should watch traffic and check any irregularity on the site. Putting host based intrusion detection devices on servers may do this. Web servers running public sites must be physically separated from internal corporate network.

Conclusion

The usage of computer system and internet are increasing worldwide; where it is easy to access any information easily within seconds by via the medium for huge information and a large base of communications around the world. Certain preventive measures should be taken by stakeholders from various fields and public in order to make protected cyber world which is free from threats and privacy.

Hence to counteract cyber crime against women change in education system is a huge requirement and such change cannot come from a single slab of society but people, government and NGOs need to work together to bring forward such changes.

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MARGINALIZATION OF WOMEN WITH VISUAL IMPAIRMENT IN TIRUCHIRAPPALLI

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Abstract

Women with visual impairment have experienced marginalization from family, and the community. The understanding of social marginalization is multi-structural, multidimensional and complex. Many women with visual impairment do not have equal access to health care, education, and employment opportunities, do not receive the disability-related services that they require, and experience marginalization from everyday life activities. Women as a group are more vulnerable regardless of their caste, class or religion. Several problems are common to all girls and women whether or not they have disability. The descriptive nature of this study was undertaken with 30 women with visual impairment aged 18 and above 42 years through purposive sampling technique. An interview schedule and observation was used for collection of data. The study was tried to understand the marginalization of visually impaired women through their socioeconomic condition. The result revealed that most of the women come under the age group of 18 to 29 years belongs to Christian community and 50% of them were educated up to primary level. It is further noted that half of them having family income of Rs.2, 000 to 4,000/ per month. They suffer double discrimination, both on the grounds of gender and impairment, often unable to earn an income because of exclusion from potential employment opportunities. They live with extreme poverty, illiteracy, lack of mobilization, inadequate social support, over all in many ways they are pushed to the edge of a group and permitted lesser significance and their needs or desires ignored. The study established that participants' marginalization from access to opportunities.

Keywords: *Social exclusion, Poverty, Marginalization, Women, visual impairment*

I. Introduction

Visual impairment is one of the disability conditions. Disability is a multidimensional concept with both objective and subjective features. Disability is also an important development issue with an increasing body of evidence showing that persons with disabilities experience worse socioeconomic outcomes and poverty than persons without disabilities. Disability and gender issues are closely linked, and discrimination based on disability, gender, age and other social groups is a common experience for women with disabilities. Disability is part of the human condition. Almost everyone will be in the short term or permanently impaired at some point in life, and those who survive to old age will experience increasing difficulties in functioning. (Houtenville AJ 2009).

Visual impairment refers to all degrees of vision loss, harm, injury, and low vision. It relates to that visual condition which limits an individual's ability to successfully complete the activities of everyday life. Whereas, blindness is defined as having no more vision than light perception in both eyes and where corrective lenses would make no difference (British Dictionary). Vision impairment (i.e., total blindness or partial sight) occurs in every society throughout the world, and has done so for many centuries. Several writers in different cultures and different historical times have documented the attitudes and reactions of persons who are sighted towards individuals with vision difficulties. Typically, such reactions included: shame, prejudice, discrimination and exclusion from community life, which tended to leave most persons with blindness in extreme poverty and dependency.

Review of Relevant Literature

A study by Mojon-Azzi et.al (2010) conducted on Impact of low vision on employment. Study Included 31,115 individuals. Result revealed that that respondents with lower levels of self-reported general eyesight were significantly less satisfied with their jobs, felt they had less freedom to decide, less opportunity to develop new skills, less support in difficult situations, less recognition for their work, and an inadequate salary. Respondents with a lower eyesight level more frequently reported that they feared their health might limit their ability to work before regular retirement age and more often indicated that they were seeking early retirement.

A study conducted by Mhairi Thurston et.al (2014) Socio-emotional effects of the transition from sight to blindness. sample of 182 blind and partially sighted adults from the east coast of Scotland. Data were collected using the mental health and social functioning subscales of the National Eye Institute Visual Functioning Questionnaire-25 and semi-structured interviews. Data indicated that participants experienced reduced mental health and decreased social functioning as a result of sight loss. Data also showed that participants shared common socio-emotional issues during transition from sight to blindness, relating to diagnosis, coping with deterioration of sight, experiencing loss, experiencing changed perceptions of self in relation to society, experiencing others in a changed way and experiencing rehabilitation.

Wond image gnBantiyrgu(2007)conducted a study on educational and psychosocial challenges of visual impaired students in integrated school. This study was included 67sample and Purposive sampling techniques method was used. The findings have shown that the majority of visual-impaired students (95%) have shown less access towards educational and psychosocial relation in an integrated class room.

Steven and Paula(2010)focused barriers to employment identified by blind and vision impaired persons on a study of 95 sample .The barriers identified clustered around two themes: direct and indirect consequences of having vision impairment, and the attitudes and behaviours of potential employers. Solutions offered clustered around three themes: the provision of disability-specific training and adaptive technology, altering attitudes among potential employers, and the provision of better vocational services. Vocational training was identified as being the most beneficial type of programme attended, followed by disability-specific training for adaptation. The implications of these findings in relation to existing policy for disability are discussed.

Fauzia and Farzana(2014)conductedthe perceived social acceptance among visually impaired teenagers. A random sample of 100 visually impaired students including 50 male and 50 female respondents was collected from three special schools located at Rawalpindi and Islamabad. A questionnaire containing 26 items was used for data collection on five subscales or subcategories named as: Personal Acceptance, Acceptance of Abilities, Acceptance as a Courageous Person and Rejection of Competencies. Results revealed that 58% of the teenagers are experiencing rejection and 32% are experiencing mild acceptance whereas, only 20 % visually impaired perceived to be socially accepted. Students studying at 6th - 8th class possessed less academic acceptance as compared to the students studying at 9th -10th grade. Similar to any other teen visually impaired teens also require social support in a form of acceptance.

RohitKhanna et.al (2005) conducted a study on Blindness and poverty in India: the way forward shown that poverty is an exacerbating and often determining factor in the incidence of disabling conditions, including visual impairment. Recent estimates from the World Health Organization indicate that 90 per cent of all those affected by visual impairment live in the poorest countries of the world. India is home to one-fifth of the world's visually impaired people and therefore, any

strategies to combat avoidable blindness must take into account the socio-economic conditions within which people live. Result revealed that poverty and blindness have inter connected in India. Giftyrockson(2012) the conducted study on social relationship among students with visual impairment to explore the approaches teachers use to promote interaction among students with visual impairment and sighted students in integrated senior high schools in Ghana, The descriptive survey design and the sample size for this study was 75. The methods for data collection were interviews and questionnaire. The purposeful and random sampling techniques were used to select the sample size. Results showed that students with visual impairment interacted and related more with their fellow peers with visual impairment than with their sighted peers. Students with visual impairment also believe that sighted students still hold misconceptions about them. The use of group work was a major approach teachers used to promote interaction among students with visual impairment and students without visual impairment.

Significance of the Study

Worldwidenear 314 million persons are visually impaired .The International Eye Foundation (IEF), established in the United States of America; reports that there are currently 45 million of them are blind people in the world. It also conditions that each five seconds; one person in the world goes sightless. A child goes blind every single minute in spite of the fact that eighty percent of blindness is avoidable; 20 percent preventable and 60 percent treatable. Cataract remains the leading cause of blindness globally, except in the most developed countries. ninety percent of the world's blind people live in developing countries: nine million in India, seven million in Africa and six million in China. The number of blind people in the world is set to double over the next twenty years, despite the availability of highly cost-effective interventions. Four out of five people who will lose their sight will do so unnecessarily. It was in recognition of this unacceptable prognosis that the World Health Organization (WHO) and the International Agency for the Prevention of Blindness (IAPB) in 1999 launched the joint initiative known as VISION 2020: The Right to Sight. Visual impairment brings profound economic disadvantage to individuals, their families and societies. Several recent studies have quantified these impacts. Many of the causes of avoidable blindness in low-income countries are directly related to poverty, including hunger, malnutrition and limited access to health, education, water and sanitation services.

Indian scenario of visual impairment India, world's second largest population, has the difference of being the home of the world's largest number of blind people. World Health Organization (WHO) statistics revealed that approximately 63 million people in India are visually impaired, and of these 9 million people are totally blind. The number of blind persons in India in 2000 was estimated to be 18.7 million. The projected number of blind persons in India would increase to 24.1 million in 2010 and 31.6 million 2020.Based on Government of India statistics (2011), one out of every three blind persons in the world lives in India. Over 15 million people are blind out of which11.75 million live in the rural and most backward areas. Over 9.4 million have cataract related blindness. 2.8million are blind due to refractive error. 6 million people become blind with low vision every year.

Methodology

The descriptive nature of the study with the sample size of 30 visually impairment women aged 18 to 42 and above years of age of Tiruchirappalli district and sample were selected through purposive sampling method. An interview schedule and observation was used for collection of data by incorporating items like, socio economic status of women with visual impairment.

Results and Discussion

The study result revealed that when the age group of the respondents is concerned they are mostly come under the age group of 18 to 29 years. In this study, the respondents of the age group are ranging from 18 years to above 42 years. As per this study is concerned with women with blindness they are mostly of Christians. When the educational status of the respondents are analysed, it is noted that out of 30 respondents only three respondents are educated secondary level and the remaining 50% of respondents are learned into up to primary level and 40% of respondent are illiterate. When looking at marital status of respondents, 40% of them are unmarried followed by 50% are married and remaining 10% of the respondents are widow. It is noted that half of the respondents having family income of Rs.1,000 to 2,000/- and 16% of respondent having above Rs. 4000. With regard to the type of the family, more than half of the respondents are living in nuclear family (60 %) and 40% are in joint families in nature. The socio economic status of blind women has a direct impact on social exclusion of the blind women. Gender is one of the important profile variables of this study. It has its own impact on the employment pattern. The problem encountered in availing employment may also be influenced by the gender of the blind people.

Income is the most important determining factor of standard of living. Access to food, shelter, economic comforts, social appreciation, are greatly depends upon one's income level. In other words women with visually challenges have been living with poverty. Women who are legally blind or visually impaired in the Tiruchirappalli have long suffered high rates of unemployment. The socio economic status of blind women has a direct impact on their day to day life. Education is imperative for both individuals and societies. It is clear that education is very essential in the life of the individuals as it has the potential of securing a better life for her. Many blind women said their visual impairment as curses or punishment inflicted upon them for sins. They commit such beliefs and attitudes not only demoralize blind people but also deny them the opportunity to participate in certain socio-economic activities, like in education and the job market.

Conclusion

Women with visual impairment are more likely to be unemployed, and tend to have lower salaries. Further, visual impairment often leads to loss of employment, change to a less rewarding occupation, or reduced productivity, while returning vision often brings occupational rehabilitation and a return to work. Women have less access to eye treatment and health care than men (WHO 2009) although women account for 64.5% of all visually impaired persons (Jenkins 2010). Reasons for this include lack of transportation to travel to an eye care provider and/or lack of financial resources to pay for operations and health care. In many societies "blindness" means ignorance, inability and a burden to the family. Many women with visual impairment do not have equal access to health care, education, and employment opportunities, do not receive the disability-related services that they require, and experience marginalization from everyday life activities. Women as a group are more vulnerable regardless of their caste, class or religion. Several problems are common to all girls and women whether or not they have disability. The most vulnerable and neglected among women are women with disabilities. They suffer double discrimination, both on the grounds of gender and impairment, often unable to earn an income because of exclusion from potential employment opportunities

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CONSUMER PROTECTION LAWS

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Abstract

A consumer is defined -as a person buying a product or obtaining service from the market for his own use or consumption. Consumer protection laws are a form of government regulation that aim to protect the rights of consumers. The Consumer Protection Act, 1986 is an important statute enacted to protect the interest of the consumer and to provide simple, speedy, inexpensive and efficacious way to secure the justice to an aggrieved consumer. The importance of it lies in promoting welfare of the society by enabling the consumer to participate directly in market economy. Poverty, lack of education, lack of information and traditional outlook of Indians to suffer in silence – all these have enabled the businessman to exploit consumers in India. Consumer protection law rests on the foundations of Contract Law and the law of Sale of Goods. For redressal of consumer disputes, quasi-judicial bodies have been set up in each District and State and at the National level. Informed consumers are essential to economic development. Two factors keep women consumers into limelight that include their identity of constituting to 50% of whole consumer base besides their important roles in purchase decisions that even go up to even 80% of all purchase done. Consumer Education can help consumers act in a more enlightened and critical manner. The legislation and regulation that do exist will be strengthened as consumers become more educated and learn to demand/fight for their rights.

Introduction

In modern era, the consumers are the king. The buyers have more importance than the sellers. The buyer are misguided by wrong advertisements, underweight goods and unsatisfied services. The government has taken various steps to protect the consumers. In India, the concept of consumer protection is not new. In ancient Tamil Nadu in the regime's of kings there is an anecdote that kings and ministers roam in the market in disguise and the greedy merchants who earned more profit percentage are hanged to death. In 13th Century, King Hendry III Rule, consumer protection was formed. For example, the fact of "baker's dozen" prove that the law enabled merchants who were illegal were sentenced for underweight packings. In order to escape, the merchants put one more piece of loaf of bread to abide the Weights & Measurements of Law. In an astonishing development the Government has decided to safe guard the consumers they introduced consumer protection law in addition to put restriction to the traders & service providers.

The consumer protection in India is as old as trade and commerce. In the present era of globalization, due to liberalization of the economy, increasing competition, consumers are in greater need of protection and awareness. Earlier the laws available did not granted any direct relief to the consumers instead the laws were used to penalize and take action against the defaulting people. Pay penalty and continue attitude was prevailing. Consumer do not have any grip on them. All the above situations motivated the Indian parliament to pass the consumer protection act 1986.

Consumer Protection Act was enacted with a view of providing, protecting, preserving, enforcing and giving speedy remedy to the consumer on violation of their rights. Consumer Protection Act is the only act which compensates the consumers for the loss and mental agony they face. Lot of amendments are made to this act to make it more useful and suitable to the consumers.

Consumer

Each one of us is a consumer. We need to buy thousands of things for our day to day needs and we are also consumers of service providers such as consuming electricity, medical facilities, education, insurance etc. The consumer is the important stakeholder in the supply chain and is an end user.

A consumer is defined as a person who buy goods and services and makes use of public utilities as well as natural resources like air and water. "Consumer" may generally, be stated as a person who buys or hires any goods or services for himself or his family members in payment of considerations. In oxford dictionary, a consumer is defined as a "purchaser of goods and services". Consumer is the purpose and most powerful motivating force of production, yet at the same time consumer is equally vulnerable segment of the whole marketing system.

According to Consumer Protection Act 1986, "A "consumer" means any person who buys goods and services for the consideration that has been paid or, promised or partly paid and partly promised or under any system of deferred payment, and includes any user of such goods other than the person who buys such goods for consideration. It does not include a person who purchases goods for resale or for any commercial purpose".

Father of our nation, MAHATMA GANDHI considering the situation attaching great importance to the poor consumers said;

"The Consumer is the most important visitor in our premises. He is not dependent on us we are dependent on him. He is not an interruption to our work; He is the purpose of it. We are not doing him a favour by serving him; He his doing us favour by giving us an opportunity to do so"

The doctrine of 'caveat emptor' (meaning that the 'Buyers Beware') governing the law on sale of goods requiring that the buyer must examine the goods and find out their suitability for the purpose he buys. It means that a customer should be cautious and alert to the possibility of being cheated.

Consumerism

Associated with consumer is the concept of consumerism which is a force in the society to protect consumer interest in the market place. The term "consumerism" refers to the consumerist's movement, consumer activism or consumer protection which seeks to defend and inform consumers by having required these practices as honest advertising and packaging, product guarantees, and enhanced standards of safety. In this regard it is a movement or an array of policies having a mission of regulating the products, methods, services, and standards of sellers, manufacturers and advertisers in the buyers' interests.

Modern consumers are becoming increasingly demanding. Consumerism is mainly concerned with making the consumer aware of his rights, fighting for unfair trade practices, implementing the protection along with keeping the consumer informed on the related issues. Consumerism is a social as well as economic. As per economics, consumerism means economic policies laying emphasis on consumption. In a sense, it is believed that the consumers are free to make choice and should dictate the society's economic structure.

Need for Consumer Protection

To strike a balance in the buyer-seller relation, 'consumer protection' plays an important role. To have an effective consumer protection, a practical response falls on the three parties, viz., the business, the government and consumers, is essential.

Business

The producers and all the elements of the distribution channels all have to pay due importance to consumer rights. The producer has an inescapable responsibility to ensure efficiency in production and quality of output. Poverty, lack of education, lack of information and traditional outlook of Indians to suffer in silence-all these have enabled businessman to exploit consumers in India. If it is seller's market, a socially responsible producer should see that product reaches the consumer within a reasonable time and at a reasonable price i.e. products should not be hoarded and black marketed. There is a need for protection against monopoly and unfair/restrictive trade practices.

Government

In a country like India where there is a high percentage of illiteracy among people, where people are less informed and where critical goods are always in short supply, the Government has to come to the rescue of the helpless consumer preventing him from being misled, duped, cheated and exploited. The government play a powerful role in marketing decision making. The motive of private gain tempts business to maximize income by socially undesirable trade practices. These call for government intervention.

Consumers

Consumers themselves should accept consumerism as a means of asserting and enjoying their rights. An alert consumer is a safe consumer and he is said to be an asset to the nation.

Women play important role in purchase decision in a family. Two factors keep women consumers into limelight that include their identity of constituting to 50% of whole consumer base besides their important roles in purchase decisions that even go up to even 80% of all purchase done. The market for children's products and food is enormous. The research on children's commercial recall and product preferences confirms that advertising does typically get young consumers to buy their products. Therefore more women and children form more than 50% of purchase decision either directly or indirectly.

Reforms and Movement in Consumerism

The international consumer movement has its roots in the United States. In 1900, the American Consumer League was formed to tackle an increasingly complex market place following the famous industrial revolution. The movement gained considerable importance when **Ralph Nader**, also known as the '**Father of the Modern Consumerism**', came on the scene with his famous crusade against the mighty US automobile industry. Ralph Nader has been the main motivating forces behind the growth of consumerism throughout the world. This created more awareness to people including the government, the need to protect consumer rights.

"If the consumers' interest suffers, the national interest suffers", said the illustrious U.S. **President, John F. Kennedy**, while advocating the famous "**Bill of Rights for Consumers**" before the U.S. Congress on 15 March 1962. Ten years later, the International Organization of Consumer Unions [(IOCU) - now called as the Consumers International], adopted **March 15** as the '**World Consumer Rights Day**' to be celebrated from the year 1983.

In the year 1985, the United Nations General Assembly adopted the U.N. Guidelines for Consumer Protection - a tool for nations to adopt measures for protection of consumers, and for consumer advocacy groups to press their governments to do so.

The formation of a number of consumer organization in different parts of the world have helped to popularize the consumer rights and to foster measures for consumer protection. Various

International Organisation like that ILO, WHO, UNESCO, UNCTAD and UNICEF have contributed a lot for the protection of the rights of the consumers in the international sphere, in addition the World Industrial Property Organisation, International Committee on Consumer Matters are also busy in protecting the interest of the consumers at the international level.

Consumer Movements in India

Even during the 1960s and the 1970s, the concept of 'consumerism' in India was still in its rudimentary form. In 1980s, the Supreme Court of India gave individuals and the newly formed consumer groups an easy access to the law and introduced the concept of '**Public Interest Litigation**'. However, consumers had to approach the civil courts for redressal of their grievances which led to further harassment because of the cumbersome, expensive and delaying procedure of civil courts. Thus, to overcome all these problems, the **Consumer Protection Act, 1986** was finally passed by the Indian government.

The *National Consumer Day* is observed every year in India on **24th December**. On this day the **Consumer Protection Act, 1986** had received the assent of the President. Observance of this day provides an opportunity for individuals to highlight the importance of the consumer movement and promote the basic rights and responsibilities of all consumers.

Consumer movement in India has moved forward over the last two decades, yet it has a long way to go. In a country like India, where the demographic changes of the past decades are showing that it is moving towards a younger population, educating the consumers remains a gigantic task.

Consumer Rights and Responsibilities

Consumer Rights

The Consumer Protection Act guarantees the following six Consumers Rights:

- **Right to Safety:** The right to be protected against the marketing of goods and services, which are hazardous to life and property.
- **Right to be informed:** The right to be informed about the quality, quantity, potency, purity, standard and price of goods or services, as the case may be so as to protect the consumer against unfair trade practices.
- **Right to Choose:** The right to be assured, wherever possible, access to a variety of goods and services at competitive prices.
- **Right to be heard:** The right to be heard and to be assured that consumer's interests will receive due consideration at appropriate fora.
- **Right to Redressal:** The right to seek redressal against unfair trade practices or restrictive trade practices or unscrupulous exploitation of consumers.
- **Right to Consumer Education:** Consumer education play a crucial role in protecting consumer against such danger. To prevent market malpractices and exploitations of consumers, consumer awareness and education are essentially required.

Consumer Responsibility

Consumer rights and responsibilities are intertwined together and without sharing consumer responsibility, consumer will find it very difficult to enjoy their rights on a long-term basis. The first important responsibility of consumer is that they should not buy in hurry.

- **Solidarity:** The responsibility to organize together as consumers to develop the strength and influence to promote and protect common interest.

- **Critical Awareness:** The responsibility to be more alert and questioning about the price and quality of goods and services.
- **Action:** The responsibility to assert and act to ensure that he/she gets a fair deal. As long as she remains passive consumer, he/she shall continue to be exploited.
- **Social concern:** The responsibility to be aware of the impact of his consumption on other citizens, especially disadvantaged or powerless group/community.
- **Environmental Awareness:** The responsibility to understand the environmental consequence of our consumption (e.g.) natural resources.

Consumer responsibility can play a very important role in not only checking the market but also in restricting unnecessary consumption. It is not the sole responsibility of the market or of the government to provide consumers with detailed information. A consumer, on his part, must make every effort to inform himself of the product or service and also update himself with relevant data.

Consumers world over have become more and more aware of their rights and have become consequently very demanding and choosy. They have started now to look for the ISI, ISO, BIS Hallmark, AGMARG and FPO trademark. These trademark give the consumers a legal guarantee of the quality of the products bearing them. They also help in protecting the consumers against trade practices.

Consumer Protection Laws

Government has armed itself with several legislative measures in terms of acts, statutory orders and notices issued for ensuring fair prices, equitable supplies and quality control of different products and services. These acts protect consumers from various abuses prevailing in the market and they are as follows:-

The Indian Penal Code, 1860

It is a most relevant Act for the prevention of food adulterations. The IPC seek to restrict malnutrition caused by circulation of harmful food articles among the people. It deals with fraudulent and misleading description of articles of trade and fake packages. This Act punishes any person who adulterates drugs or a medical preparations knowingly that it will be sold or used for any medical purposes. This Act also punishes any person who sells or offers to sell any drug or medical preparation as a different drug or medical preparation. It covers offences pertaining to counterfeit trademark.

Indian Contract Act, 1872

This Act lays down the conditions in which promises made by parties to a contract will be legally binding on each other. It also lays down the remedies available to aggregate party if the other party fails to honour his promise.

The Sale of Goods Act, 1930

This Act provides some safeguards to buyers of goods if goods purchased do not fulfill the express or implied conditions and warranties. This Act provides for the settlement of consumer-seller disputes. This Act casts a responsibility on seller to offer mercantile goods. The ordinary rule in this Act is that conditions and warranty are not implied. Besides return of price or free repair or replacement, damages can also be claimed for any loss or injury suffered by the buyer. Consumer Protection Law rests on the foundations of Contract Law and the law of Sale of goods.

The Insurance Act, 1938

The Insurance law was consolidated and the Insurance Act was enacted by the parliament in the year 1938 to regulate the insurance sector. It provides the broad legal framework within which the industry operates. The Insurance Act regulates the field of range and insurance companies. This Act provides for the payment of premium. The Insurance Act also regulates commission, bates and licensing Agents.

Drugs and cosmetics Act, 1940

The purpose of this law is to regulate the production, trade, distribution, import and export of drugs and cosmetics, which are up to the required standards but are also being sold under misbranding.

The Emblems and Name (Prevention of Improper use) Act, 1950

The Act prohibits the use of specified names, emblems or official seal for public and especially for advertising purpose.

The Drug and Magic Remedies (Objectionable Advertisement) Act, 1954

This Act tends to prevent advertisement, which claims miracle or magical cure of diabetes, cancer, and arthritis, asthma that are difficult to cure.

The prevention of Food Adulteration Act, 1954

It prohibits manufacturing and sales of cheaper substances injurious to health, contaminated, filthy, rotten, decomposed or diseased etc. and includes cold drinks for human consumption.

The Essential commodities Act, 1955

This law provides for the regulation of production and distribution of essential commodities by the government so that scare commodities are available for consumption.

The Monopolies and Restrictive Trade practices Act 1969

This Act has provision for the protection of consumer from unfair trade practices such as deceptive and misleading advertising, hoarding of goods and supply of unsafe and hazardous products.

The Hire Purchase Act, 1972

A hire purchase or an installment plan is an arrangement whereby a customer acquires an asset by paying an initial installment and repays the other part of the cost of the asset over a period of time or term for a contract. This Act regulate the rights and duties of parties to hire-purchase agreements and for matters connected with or incidental thereto. Its social-economic importance can hardly be overestimated so it is convenient and a useful legal device for acquiring consumer durable goods.

The Cigarettes (Regulation, Production, Supply and Distribution) Act, 1975

This Act seeks to achieve the laudable objective of informing the general public about the health hazard of cigarette smoking. This Act requires that no production, supply, distribution and sale of cigarette shall be made unless each package bears warning message that “cigarettes smoking is injurious to health. Advertisement of cigarettes is also covered by this rule. Stringent penalties are imposed against violation of any provision of this Act.

The Household Electrical Appliance (Quality Control Order 1976)

It prohibits the manufacturer from sale of household electrical appliance, which do not confront to relevant ISI standard and requires the manufacturer to take certificates from appropriate authority.

The Standard of Weights and Measures Act 1956 and 1976

This Act prohibits the use of non-standard measures. Packaged commodities rules framed under the Act provides for printing necessary details on packaged items.

The Narcotic Drugs and Psychotropic substance Act, 1985

This Act consolidate and amended the law relating to narcotic drugs and made stringent provisions for the control and regulation of operations relating to narcotic drugs and psychotropic substances and other related matters.

The Environment Protection Act, 1986

This Act is the most comprehensive piece of legislation relating to environment as it contains a very wide definition of environment; empowers the central Government to take strict actions; and provides penalties for various offences. This Act provide protection and improvement of environment and for matters connected there with. This Act is in addition to the two allied Acts viz. Water and Air Prevention and Control of Pollution.

The Bureau of Indian Standard Act, 1986

This law was enacted in order to develop the activities of standardization, marking and quality certification of production. In this way interest of the consumers can be protected and promoted.

The Consumer Protection Act, 1986

The Consumer Protection Act, 1986 is a benevolent social legislation that lays down the rights of the consumers and provides there for promotion and protection of the rights of the consumers. This Act gives relief like removal of defect from the goods, replacement of good, refund of the price paid, award of compensation for the loss suffered or injury sustained. The first and the only Act of its kind in India, it has enabled ordinary consumers to secure less expensive and often speedy redressal of their grievances. This Act makes the dictum, caveat emptor ('Buyer Beware'). The Act mandates establishment of Consumer Protection Councils at the Centre as well as in each State and District, with a view to promoting consumer awareness.

Consumer Protection Bill 2015

A new consumer protection bill that is likely to be tabled during Parliament's ongoing monsoon session is seen as the next big game-changer for the common man, replacing three-decade-old Consumer Protection Act, which is in force since 1986 when the economic landscape and consumer awareness were in their infancy. The present situation like new market dynamics, multi-layered delivery chains, innovative advertising and marketing machinery has paved way to introduction of consumer protection bill. The new Bill intends to narrow some of the gaps with regard to protection of consumer rights including the time taken in settling disputes, an ability to reach to the manufactures for product liability, curbing misleading advertisements etc. In keeping with the changing times, the Bill defines e-commerce while at the same time empowering the center to make rules for preventing unfair trade practices in online trade. Once the new law comes into force, the liability of manufacturers and service providers, online and offline, will not be primarily limited to

any consumer who buys goods or avails service but towards all consumers. All affected consumers will derive benefits from this Bill.

Department of Consumer Affairs

The Department of Consumer affairs administers the policies for Consumer Cooperatives, Monitoring Prices, availability of essential commodities, Consumer Movement in the country and Controlling of statutory bodies like Bureau of Indian Standards(BIS) and Weights and Measures.

Consumer Disputes Redressal Agencies

The Three-Tier Consumer Disputes Redressal Mechanism envisaged and established under the Consumer Protection Act, 1986. India is the only country in the world which has established its three-tier quasi-judicial machinery also known as “Consumer Courts”. They are as follows:

- i. National Consumer Disputes Redressal Commission – Also known as the National Commission
- ii. Consumer Disputes Redressal Commission - Also known as the State Commission
- iii. Consumer Disputes Redressal Forum - Also known as District Consumer Forum

National Consumer Disputes Redressal Commission (NCDRC)

According to Sec.20 of Consumer Protection Act, National Commission is established by Central government. It is a quasi-judicial commission in India. It is the highest consumer disputes redressal forum among the three tiers. The objects of the National Commission are “to render legal remedies to the aggrieved consumers and to protect from exploitation and dangers. The National Commission being the apex consumer disputes redressal agency in the hierarchy of the three tier consumer disputes redressal mechanism, has been vested with the pecuniary, the appellate and the revisional jurisdictions. It has jurisdiction to hear complaints from entire territory of India except J&K amounting more than Rs.1 Crore. Any appeal may go to supreme court within 30 days. At present in India, there are 569 District Forums, 33 State Commissions with apex body as a NCDRC.

State Consumer Disputes Redressal Commission

According to Sec.16 of Consumer Protection Act, State commission is established by the state government in each state. It can hear cases from the respective state involving sum exceed Rs.20 Lakhs and upto Rs.1 crore. Any appeal may go to national commission within 30 days. In Tamilnadu also there is Consumer Disputes Redressal Commission, it is located in Chennai which is functioning actively.

District Consumer Redressal Form

According to Sec.10 of Consumer Protection Act, State Government can setup one or more district forums in each district. It can hear cases upto Rs.20 Lakhs from around the District. Any appeal may go to state commission within 30 days. The Consumer Protection Act is an alternative and cheapest remedy already available to the aggrieved persons/consumers by way of civil suit. Today consumer courts are working parallel judiciary to civil courts. Appearance of advocates is not necessary. Nominal fee is charged to file a complaint no need to pay court fees or even process fees. As per the provision, case is to be disposed of within three to five months. The complaint can be filed by both the consumer of a goods as well as of the services. If consumer is not satisfied at District Level, he can file an appeal to the State Consumer Disputes Redress Commissions and after that to the National Consumer Disputes Redressal Commission (NCDRC). The procedures in these tribunals are relatively less formal and more people friendly and they also take less time to decide upon a consumer dispute.

Consumer Protection Councils

Consumer Protection Councils are established at the national, state and district level to increase consumer awareness. The objects of the Central Council are to promote Consumer movement and to safe guard the consumer rights in the country. It is only a recommendatory body. The member of this council have a very significant role to play in the council. Their advisory and recommendatory role will help in formulating the future road map in protecting the interests of the consumers in a better way. This statue is regarded as the Magna Carta in the field of consumer protection for checking the unfair trade practices and 'defect in goods' and 'deficiencies in services' as far as India is concerned. It led to the establishment of a widespread network of consumer forums and appellate courts all over India. It has significantly impacted how businesses approach consumer complaints and empowered consumers to a great extent.

Consumer Awareness

The slogan "Jago Grahak Jago" has now become very popular. The Government has launched a number of activities and schemes to create consumer awareness. For example, publicity through print/electronic media, meghdoot postcards, nukkad nataks contest on consumer issues, National Consumer Helpline participation in India. To reach the school children the scheme of setting up consumer clubs in schools has been introduced with the objective to make the youngsters aware of their rights as a consumer. Research institutions/universities/colleges are also being involved in promoting Consumer Protection and Consumer Welfare.

National Consumer Helpline (NCH)

It was set up with a vision to empower consumers, and assist them in their consumer related grievances, without going to a consumer forum. Just by calling a toll free number, an aggrieved consumer gets free, fast, and informed advice. NCH provides a National Toll Free No-1800-11-4000. National Consumer Helpline supports consumers by:

- Guiding consumers in finding solutions to problems related to Products & Services.
- Providing information related to Companies and Regulatory Authorities.
Facilitating consumers in filing complaints against defaulting Service Providers
- Empowering consumers to use available Consumer Grievances Redressal Mechanisms, Educating Consumers about their Rights and Responsibilities.

Smart Consumer App

The Department of Consumer Affairs, Government of India on the occasion of National Consumer Day on December 24, 2016 launched a mobile App "Smart Consumer" to empower the consumers. The "Smart Consumer" mobile App provides consumers access to product labelling information, which is required under Legal Metrology (Packaged Commodities) Rules 2011. By scanning the product barcode or by entering a product's barcode number users/consumers get access to the product information.

Consumer Clubs

The formation of consumer clubs is actively encouraged in all high schools and colleges. The use of schools and colleges across different parts of the country will take the consumer movement to the grass root level. These clubs are being facilitated to develop into resource groups. As consumer clubs serve as a platform for disseminating information and awareness of consumer related

activities and programs, an assessment of their working and further needs he subject matter of enquiry.

Conclusion

As per capitalist society “the consumer is the king”. In reality it is not so. They are exploited by powerful traders. They should think before buying a product whether they are need of it. They should ask for the bill, warranty/guarantee card etc. while purchasing a product. Consumer must be alert they should not fall on deceive or misleading advertisement. The Consumer Protection law will be enforced when there is an active participation of consumers. Consumer should come forward to file a case for the redressal of their genuine grievances. The laws relating to e-commerce and current market dynamics must be framed and refined. Rising literacy and education level has created a change in consumerism. The legislation and regulation that do exist will be strengthened as consumers become more educated and learn to demand/fight for their rights. The government departments should also be brought within the reach of the law by some legislation so they should not violate the rights of any consumers. Therefore more stringent and comprehensive enactments are required to make the consumer laws more effective and fruitful in India.

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WOMEN AND HUMAN RIGHTS IN INDIA

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Abstract

The Women everywhere disadvantaged in comparison with their male peers. The fact that women tend to suffer human rights abuses in a gender specific way has often been ignored. There was reluctance on many fronts to treat women's rights as human rights. It was argued that gender discrimination was secondary to the larger issue of development; abuse of a woman was a private matter, and the abuse of women's were a private matter and the abuse of woman's rights being so pervasive, that its inclusion would overwhelm all other human rights. The human rights of women as workers, prisoners should be equal to those of male workers, Prisoners. The gender gap between the recognition and enjoyment of human rights and fundamental freedom is the main theme of this article. Another objective of this article is to provide a better understanding and knowledge of the existing human rights standard which apply to woman, and help them to realize and protect their rights of which they are unaware of.

Key Words: Human Rights, Gender Discrimination, Gender Gap, Fundamental Freedom.

Introduction

Seventy years ago, the United Nations General Assembly on December 10, 1948 adopted the Universal Declaration of human Rights "a common standard of achievement for all the nations and states that all human beings are born free and equal in Dignity and Rights". Since then over fifty International instruments have been adopted to protect human Rights. This period has also seen some important developments in the recognition by the International Community, that gender is an important category of analysis when it comes to examining of the enjoyment of human rights. It also accepts the prevalence of discriminatory attitudes towards them. The most important change was attained by the Women's convention (1979) which demands not only that women should be accorded rights equal to those of men, namely that there should be no de jure discrimination, but they should be able to enjoy all those formally accorded rights. This requires that other than legal obstacles are identified and eliminated. This is much more complex and difficult than enacting laws which recognizes equal rights for all.

Human rights are an integral part of the concept of human dignity which are protected by different provisions of the constitution of India. Right to life which is a fundamental right under Article 21 of the Constitution lays down that, "No person shall be deprived of his life or personal liberty except according to the procedures established by law." Right to life means right to live with human dignity and freedom from all kinds of exploitation.

Women Rights in India: Constitutional Rights and Legal Rights

India has an elaborate system of laws to protect the rights of women like the Hindu Marriage Act, 1955, the Hindu Succession Act, 1956, The Dowry Prohibition Act, 1961, Sati Act, Immoral Traffic Act, 1956, Equal Remuneration Act, which have been enacted from time to time to remove

gender Discrimination and Protect women's right. However, the Government is unable to enforce these laws especially in area where culture is deeply rooted. In reality there is a 'visible gap' between the laws as it stands and the law as it operates, which is regularly marred by incidents of overwhelming injustice. The inequality that occurs in its daily working is a gap that should be closed. If equal justice for all is to become a reality in a country governed by rule of law. The rights available to woman (ladies) in India can be classified into two categories, namely as constitutional rights and legal rights. The constitutional rights are those which are provided in the various provisions of the constitution. The legal rights, on the other hand, are those which are provided in the various laws (acts) of the Parliament and the State Legislatures.

Women Rights in India: Constitutional Rights and Legal Rights

The rights accessible to girl (ladies) in India are classified into 2 classes, particularly as constitutional rights and legal rights. The constitutional rights area unit those that area unit provided within the varied provisions of the constitution. The legal rights, on the opposite hand, area unit those that area unit provided within the varied laws (acts) of the Parliament and therefore the State Legislatures.

Constitutional Rights to Women

The rights and safeguards enshrined within the constitution for ladies in Asian nation area unit listed below:

1. The state shall not discriminate against any subject of Asian nation on the bottom of sex [Article 15(1)].
2. The state is empowered to create any special provision for ladies. In different words, this provision permits the state to create affirmative discrimination in favour of girls [Article 15(3)].
3. No subject shall be discriminated against or be ineligible for any employment or workplace beneath the state on the bottom of sex [Article 16(2)].
4. Traffic in human being and compelled labour area unit prohibited [Article 23(1)].
5. The state to secure for men and ladies equally the correct to AN adequate suggests that of sustenance [Article 39(a)].
6. The state to secure equal buy equal work for each Indian men and ladies [Article 39(d)].
7. The state is needed to confirm that the health and strength of girls staff aren't abused which they're not forced by economic necessity to enter avocations mismatched to their strength [Article 39(e)].
8. The state shall create provision for securing simply and humane conditions of labor and maternity relief [Article 42].
9. It shall be the duty of each subject of Asian nation to renounce practices disparaging to the dignity of girls [Article 51-A (e)].
10. One-third of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women [Article 243-D (3)].
11. One-third of the total number of offices of chairpersons in the Panchayat at each level shall be reserved for women [Article 243-D (4)].
12. One-third of the total number of seats to be filled by direct election in every Municipality shall be reserved for women [Article 243-T (3)].
13. The offices of chairpersons in the Municipalities shall be reserved for women in such manner as the State Legislature may provide [Article 243-T (4)].

Legal Rights to Women

The following varied legislation's contain many rights and safeguards for women:

1. Protection Women from Domestic Violence Act (2005) could be a comprehensive legislation to safeguard women in India from all styles of force. It conjointly covers ladies United Nations agency have been/are during a relationship with the offender and are subjected to violence of any kind of physical, sexual, mental, verbal or emotional.
2. Immoral Traffic (Prevention) Act (1956) is that the premier legislation for hindrance of trafficking for industrial sexual exploitation. In different words, it prevents trafficking in ladies and women for the aim of prostitution as a union suggests that of living.
3. Indecent illustration of ladies (Prohibition) Act (1986) prohibits indecent illustration of ladies through advertisements or in publications, writings, paintings, figures or in the other manner.
4. Commission of Sati (Prevention) Act (1987) provides for the simpler hindrance of the commission of sati and its glorification on ladies.
5. Dowry Prohibition Act (1961) prohibits the giving or taking of dower at or before or any time when the wedding from ladies.
6. Maternity Benefit Act (1961) regulates the employment of women in certain establishments for certain period before and after child-birth and provides for maternity benefit and certain other benefits.
7. Medical Termination of gestation Act (1971) provides for the termination of bound pregnancies by registered medical practitioners on humanitarian and medical grounds.
8. Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act (1994) prohibits sex choice before or when conception and prevents the misuse of pre-natal diagnostic techniques for sex determination resulting in feminine foeticide.
9. Equal Remuneration Act (1976) provides for payment of equal remuneration to each men and ladies staff for same work or work of an analogous nature. It conjointly prevents discrimination on the bottom of sex, against ladies in enlisting and repair conditions.
10. Dissolution of Muslim Marriages Act (1939) grants a Muslim better half the proper to hunt the dissolution of her wedding.
11. Muslim ladies (Protection of Rights on Divorce) Act (1986) protects the rights of Muslim ladies United Nations agency are unmarried by or have obtained divorce from their husbands.
12. Family Courts Act (1984) provides for the institution of Family Courts for fast settlement of family disputes.
13. Indian legal code (1860) contains provisions to safeguard Indian ladies from dowry death, rape, kidnapping, cruelty and different offences.
14. Code of Criminal Procedure (1973) has bound safeguards for ladies like obligation of someone to keep up his better half, arrest of lady by feminine police so on.
15. Indian Christian wedding Act (1872) contain provisions regarding wedding and divorce among the Christian community.
16. Legal Services Authorities Act (1987) provides without charge legal services to Indian ladies.
17. Hindu wedding Act (1955) introduced marriage and allowed divorce on bound fixed grounds. It provided equal rights to Indian man and lady in respect of wedding and divorce.
18. Hindu Succession Act (1956) acknowledges the proper of ladies to inherit parental property equally with men.
19. Minimum Wages Act (1948) doesn't enable discrimination between male and feminine staff or totally different minimum wages for them.

20. Mines Act (1952) and Factories Act (1948) prohibits the use of ladies between seven P.M. to 6 A.M. in mines and factories and provides for his or her safety and welfare.
21. The subsequent different legislation's conjointly contain bound rights and safeguards for women:
 1. Employees' State Insurance Act (1948)
 2. Plantation Labour Act (1951)
 3. warranted Labour System (Abolition) Act (1976)
 4. Legal Practitioners (Women) Act (1923)
 5. Indian Succession Act (1925)
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22. National Commission for ladies Act (1990) provided for the institution of a National Commission for ladies to check and monitor all matters regarding the constitutional and legal rights and safeguards of ladies.
23. Harassment of ladies at geographical point (Prevention, Prohibition and Redressal). Act (2013) provides protection to ladies from harassment the least bit workplaces each publically and personal sector, whether or not union or unorganized.

Conclusion

This paper describes the lack of attention to the human rights of women, and indicates a range of issues where equal rights for women are still denied. Sometimes such rights are formally recognized, but ignored in practice, but sometimes they are not even recognized, that is, women's human rights are openly and explicitly denied. Women should enjoy all basic rights and fundamental freedoms, but they do not. This paper singles out to illustrate you examples that demonstrate, that equal rights for women remain to be conquered; the rights of married women and women's right to property. Rights for women relating to marriage and property originate in their treatment as dependents whose legal, economic and social status is derived from the need of the family. This paper will provide a better understanding of the human rights, concepts and help women to realize and protect their rights of which unaware of.

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WOMEN AND HUMAN RIGHTS IN INDIA

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Abstract

CEDAW is the first International Law focusing entirely on elimination of all forms of discrimination against women. It was adopted by the United Nations on 18 December 1979, the Convention on Elimination of all Forms of Discrimination against Women entered into force on 3 September 1981. It has been ratified by India in 1993. CEDAW is made up of VI Parts containing 30 Articles. This paper provides an overview of CEDAW and its special features directing to achieving gender equality

Introduction

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), is often described as an international bill of rights for women, adopted on 18 December in 1979 by the UN General Assembly. It consisting of a preamble and 30 articles spread in 5 chapters. By accepting the Convention, States commit themselves to undertake a series of measures to end discrimination against women in all forms, including:

- to incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women;
- to establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and
- to ensure elimination of all acts of discrimination against women by persons, organizations or enterprises.

Countries that have ratified or acceded to the Convention are legally bound to put its provisions into practice. They are also committed to submit national reports, at least every four years, on measures they have taken to comply with their treaty obligations.

Need for the Study

CEDAW is the first International Law Instrument focusing entirely on elimination of all forms of discrimination against women and it has been ratified by India in 1993. The overall object and purpose of the Convention is to eliminate all forms of discrimination against women with the view to achieving women's equality with men. It is unfortunate to note that the discrimination and crime against women have been part of our society even after completing more than three decades since came into effect of CEDAW. The increasing number of crimes and emergence of new patterns and forms of crimes can be seen as the clear symptom for this scenario. Hence the understanding the noble concepts and objectives of CEDAW and hence many efforts made at International level either to formulate general provisions for the protection of women against discrimination is an effective instrument to frame a mindset without gender discrimination and treating women as equals.

Objectives of the Study

1. To examine the history behind the enactment of CEDAW
2. To examine Provisions of CEDAW to eliminate discrimination
3. To trace out the reservations to CEDAW by India
4. To examine the impact of CEDAW on women

History behind the enactment of CEDAW

The following are the encouraging factors and steps behind the enactment of the historic convention CEDAW

1. The Preamble to the Charter of the United Nations sets as one of the Organization's central goals the reaffirmation of "faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women".
2. Article 1 proclaims that one of the purposes of the United Nations is to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to, inter alia, sex
3. The International Bill of Human Rights strengthens and extends this emphasis on the human rights of women
4. The Universal Declaration of Human Rights proclaims the entitlement of everyone to equality before the law and to the enjoyment of human rights and fundamental freedoms without distinction of any kind and proceeds to include sex among the grounds of such impermissible distinction
5. The International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, both of 1966, which translate the principles of the Declaration into legally binding form, clearly state of gender discrimination each Covenant specifically binds ratifying States to ensure that women and men have equal right .
6. Commission on the Status of Women (CSW) has sought to define and elaborate the general guarantees of non-discrimination in these instruments from a gender perspective
7. In 1946 as a sub commission of the Commission on Human Rights, but quickly granted the status of full commission , the mandate of the CSW included the preparation of recommendations relating to urgent problems requiring immediate attention in the field of women's rights with the object of implementing the principle that men and women should have equal rights
8. the General Assembly, on 5 December 1963, adopted its resolution 1921 (XVIII), in which it requested the Economic and Social Council to invite the CSW to prepare a draft declaration that would combine in a single instrument international standards articulating the equal rights of men and women. Drafting of the declaration, by a committee selected from within the CSW, began in 1965, with the Declaration on the Elimination of Discrimination against Women ultimately being adopted by the GA on 7 November 1967
9. The 1960s saw the emergence, in many parts of the world, of a new consciousness of the patterns of discrimination against women and a rise in the number of organizations committed to combating the effect of such discrimination. The adverse impact of some development policies on women also became apparent. In 1972. In 1974, at its twenty-fifth session and in the light of the report of this working group, the Commission decided, in principle, to prepare a single, comprehensive and internationally binding instrument to eliminate discrimination against women
10. The text of the Convention on the Elimination of All Forms of Discrimination against Women was prepared by working groups within the Commission during 1976. Drafting work within the Commission was encouraged by the World Plan of Action for the Implementation of the Objectives of the International Women's Year, adopted by the World Conference of the International Women's Year held in Mexico City in 1975, which called for a convention on the elimination of discrimination against women, with effective procedures for its implementation

11. The Convention on the Elimination of All Forms of Discrimination against Women was adopted by the General Assembly in 1979 by votes of 130 to none, with 10 abstention and in resolution 34/180, in which the General Assembly adopted the Convention.
12. At the special ceremony that took place at the Copenhagen Conference on 17 July 1980, 64 States signed the Convention and two States submitted their instruments of ratification.
13. On 3 September 1981, the Convention entered into force, thus bringing to a climax United Nations efforts to codify comprehensively international legal standards for women.

Provisions of CEDAW to eliminate discrimination

The salient features of the Convention regarding direction of eliminating discrimination involves the following.

1. In Article 1 itself, the Convention defines discrimination against women as "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field
2. The Convention provides the basis for realizing equality between women and men through ensuring women's equal access to, and equal opportunities in, political and public life -- including the right to vote and to stand for election -- as well as education, health and employment
3. It provides directions to take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women
4. The Convention is the only human rights treaty which affirms the reproductive rights of women and targets culture and tradition as influential forces shaping gender roles and family relations
"States Parties shall take all appropriate measures:
(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases. "-Article5
5. It affirms women's rights to acquire, change or retain their nationality and the nationality of their children. "Article 9-1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband. States Parties shall grant women equal rights with men with respect to the nationality of their children.
6. The Convention affirms women to ensure to them equal rights with men in the field of education
7. The convention directs states to take all appropriate measures to eliminate discrimination against women in the field of employment including the right to equal remuneration, including benefits, the right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

the right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction

8. The most important aspect of this convention with regard to marriage and maternity is dealt in Article 11(2).

“ In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

- (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
- (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
- (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
- (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them. ”-Article 11(2)

Reservations to CEDAW

The Convention permits ratification subject to reservations, provided that the reservations are not incompatible with the object and purpose of the Convention.. A number of States enter reservations to particular articles on the ground that national law, tradition, religion or culture are not congruent with Convention principles, and purport to justify the reservation on that basis “India

Declarations and reservations made upon signature and confirmed upon ratification:

Declarations

"i) With regard to articles 5 (a) and 16 (1) of the Convention on the Elimination of All Forms of Discrimination Against Women, the Government of the Republic of India declares that it shall abide by and ensure these provisions in conformity with its policy of non-interference in the personal affairs of any Community without its initiative and consent.

"ii) With regard to article 16 (2) of the Convention on the Elimination of All Forms of Discrimination Against Women, the Government of the Republic of India declares that though in principle it fully supports the principle of compulsory registration of marriages, it is not practical in a vast country like India with its variety of customs, religions and level of literacy."

Reservation:

"With regard to article 29 of the Convention on the Elimination of All Forms of Discrimination Against Women, the Government of the Republic of India declares that it does not consider itself bound by paragraph 1 of this article."

Conclusion

The CEDAW addresses the discrimination in law and practice based on the identity of women. CEDAW corrects the historic silencing of women’s voices documented in feminist literature for many decades, since Simone de Beauvoir’s observation of women as the other in the Second Sex. The Convention can be regarded as nourishing the tree of feminism with its branches of feminisms. Women’s voices would be marginalized even in the human rights setting, without CEDAW on discrimination against women.. It guarantees a commitment into political, economic, and social action, which will secure women’s capacity to participate as equals in the public sphere, to have equal opportunity in the economy, and to live in a state of equal autonomy to that of men in the family. Hence CEDAW has been regarded as a milestone in the path of achieving gender equality.