CHAPTER V

WOMAN LABOUR AND PUBLIC POLICY PERSPECTIVE

Participation of women in Socio-Economic activity is prevalent in all the countries. In India the right of women in public employment is recognised under the constitution. Article 14 of the constitution provides for right to equality and Article 16(1) and 16(2) of the constitution guarantees the right of equal opportunity in regard to employment. Article 39 of the Constitution provides important directives in regard to wage and employment policies in India. Article 39 divides the area into three broad characteristics viz. (i) employment, (ii) wage and payment and (iii) health and safety.

Equality between man and woman is one of the most important principles of democracy and of respect of human rights. Judicial approach has been to uphold and implement these directives and principles.

The women's cell in the Ministry of Labour is concerned with formulation of policies and programmes relating to women labour, maintaining liaison with other Government agencies and monitoring the implementation of various legal provisions relating to women labour.

Constitutional Safeguards

The constitution of India has placed women on a footing of perfect equality with men. Article 14, 15 and 16 form a
code of equality of women with men and forbid the State from discriminating against women on the ground of sex alone. Article 15(3) of the constitution specifically says that nothing shall prevent the state from making any special provision for women and children. Various laws have been made to give effect to the provisions of the constitution not only to assure equality to women but in order to bring about equality between women and men where present inequality exists.

(a) **Equality Before Law**

Article 14 of the Constitution states that "the state shall not deny to any person equality before the law or the equal protection of the laws within the territory of India. "Equality does not mean that every law must have universal application. The varying needs of different classes of persons often require separate treatment. The State can classify persons for legitimate purposes. Thus special protection or treatment to certain persons - lunatics, minors, pardanashim ladies, etc., under any Act, will not be void as offending against Article 14. In Swaraj Garg Vs. K.M. Garg,¹ Mr. Justice V.S. Despande held that there is no warrant in Hindu law to regard the Hindu wife as having no say in choosing the place of matrimonial home. Article 14 of the constitution guarantees equality before law and equal

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¹ H.L.R., 1978, 332.
protection of law to the husband and wife. Any law which would give the exclusive right to the husband to decide upon the place of the matrimonial home without considering the merits of the claim of the wife would be contrary to Article 14 and unconstitutional for that reason.

Air India imposed certain limitations on the service conditions of air hostesses. One of the conditions was termination of services of an air hostess on first pregnancy. In the opinion of the court, it was unreasonable and arbitrary provision which shocked the conscience of the court. Such provisions contain the quality of unfairness, selfishness and exhibits naked despotism. It is, however, clearly violative of Article 14 of the constitution.

(b) Equal Opportunity in Employment

Article 15(1) directs that the State shall not discriminate against any citizen on ground only of religion, race, sex, place of birth or any of them. Any law discriminating or any one or more of these grounds would be void. A law which provided that female proprietor could be declared disqualified proprietors at the will of the Government while a male proprietor could be so declared on specific grounds and not only after giving an opportunity to be heard was declared to be void as offending Article 14 and 15.

Similarly, The Bombay Prevention of Hindu Bigamous Marriage Act, 1946 was challenged as being discriminatory against Hindus on grounds of religion and discriminatory against women on grounds of sex. The Court rejected this contention and held that such a legislation of social reform cannot be considered discriminatory as long as it applied to all of a class alike.  

Article 15(3) says that nothing in Article 15 shall prevent the State from making special provisions for women and children. Section 497 of the Indian Penal Code which only punishes men for adultery and which exempts wife from punishment even though she may be equally guilty as an abetter was held to be valid since the discrimination was not based on the grounds of sex alone but on other factors as well viz., the status of women in the Indian Society, early marriages, polygamy permitting men to have more than one wife etc. The Supreme Court upheld the validity of Sec. 497 on the basis of Article 15(3) which permits special provision in favour of women. The court refused to confine the application of Article 15(3) only to provisions which are beneficial to women nor did it agree with the view viz. that the provision gives a license to women to abet crimes.  

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women regarding the granting of bail was held as not offending against Article 15. Reservations of seats for women in a college does not offend against Article 15. The combined effect of Article 15(1) and 15(3) is that the State may discriminate in favour of women against men, not vice versa.

(c) **Protective Discrimination**

Article 16(2) does not permit any classification which is solely based on any of the differentia such as religion, race, caste, sex, etc. which are specifically mentioned in clause (2) except in so far as it may be saved by clauses (3), (4) and (5) of that Article and there is, therefore no question of any in eligibility or discrimination on these grounds alone being saved by the existence of any nexus between such differentia and the objects ought to be achieved. In that sense Article 16(2) incorporates a concept of equality which is more unqualified in terms than that in Article 14. The only classification which is permissible under clause (2) of Article 16 is a classification based on differentia other than those which are specifically excluded either in conjunction with these excluded or otherwise. Article 16(2) incorporates a concept of absolute

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8. Ibid.
equality between the sexes in the matter of employment which is underscored by the absence of any saving in the other clauses of the Article in relation to sex. The scheme of Article 16 incorporates a right to equality and a constitutional prohibition against discrimination in the matter of service under the State which is more qualified in terms than these incorporated in Article 14. The equality of opportunity in the matter of employment between the sexes, and the corresponding prohibition against discrimination is absolute in nature and no exception has been carved out of it in Article 16 unlike in Article 15. Article 21 of the Constitution guarantees to the people (including women) the right to life and personal liberty which can be regulated only according to procedure established by law. It is a part of personal liberty right of every woman to live with dignity. Any law which obstructs her living with dignity would be in clear violation of Article 21. Not only that it would be violative of the constitutional mandate, it would undermine the very status of woman.

In C. Sareetha V.T. Venkata Subbaiah, justice Chowdhary held that a decree for restitution of conjugal rights constituted the grossest form of violation of any individual's right to privacy. The learned judge was of

the view that the right to privacy granted by Article 21 was flagrantly violated by a decree for restitution of conjugal rights. It has tendency to degrading to human dignity and monstrous to human spirit and violative of Article 21.

In another case, the leading idea of section 9 is to preserve the marriage. It is fallacy to think that the restitution of conjugal rights constitutes "the starkest form of Governmental invasion" on "marital privacy". The Supreme Court in Smt. Saroj Rani vs. Sudershan Kumar Chadha gave preference to this decision. Article 23 of the Constitution of India, lays down that traffic in human beings and other similar forms of forced labour are prohibited and violation thereof is punishable. Article 35(a) of the Indian Constitution empowers Parliament to make a law relating to traffic in human beings and other forms of forced labour and make them punishable as soon as may be after the commencement of the constitution. The Suppression of Immoral Traffic in women and Girls Act, 1956 seeks to prohibit the trade or business in running brothel houses or encouraging or aiding prostitution.

The Supreme Court in Asiad's case observed that it is difficult to imagine that the constitution makers should

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have intended to strike only at certain forms of forced labour leaving it open to the socially or economically powerful sections of the community to exploit the poor and weaker sections including women by resorting to other forms of forced labour.

(d) Equal Pay for Equal Work

The principle of 'equal pay for equal work' is not expressly declared by Constitution to be a fundamental right but it is certainly a constitutional goal. Article 39(d) of the Constitution proclaims "equal pay for equal work for both men and women" as one of the Directive Principles of State Policy. 'Equal pay for equal work for both men and women', means equal pay for equal work for everyone and as between the sexes. Directive Principles, as has been pointed out in some of the judgements of Supreme Court have to be read into fundamental rights as a matter of interpretation. Article 14 of the Constitution enjoins the State not to deny any person equality before the law or the equal protection of the laws and Article 16 declares that there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State. These equality clauses of the Constitution must mean something to everyone. To the vast of people the equality clauses of the Constitution would mean nothing if they are unconcerned with the work they do and the pay they get. To them the equality clauses will have some substance if "equal
work means equal pay. The Preamble of the Constitution declares the solemn resolution of the People of India to constitute India into a sovereign socialist Democratic Republic. Again the word 'Socialist' must mean something. Even if it does not mean to each according to his need it must at least mean 'equal pay for equal work'. The Preamble to the Constitution of the International Labour Organisation recognises the principle of 'equal remuneration for work of equal value' as constituting one of the means of achieving the improvement of conditions involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled. Reading Article 14 and 16 in the light of the Preamble and Article 39(d), the principle 'Equal Pay for Equal Work' is deducible from these articles and may be properly applied to cases of unequal scales of pay based on no classification or irrational classification though those drawing the different scales of pay do identical work under the same employer.

(c) Maternity Relief

Article 42 of the Constitution requires the State to make provisions for maternity benefits to women. An employer is liable to pay maternity benefit to women employed by him.

16. Ibid.
Women cannot be denied job merely on the ground of maternity benefit burden.

**Article 42 of the Constitution makes provision for just and humane conditions of work. These directives relate to economic rights. The State is required to make provisions for just and humane conditions of work and for maternity relief.**

II **Judicial Response**

The Supreme Court and other Subordinate Courts have from time to time laid emphasis on the implementation of the various acts and principles which are favourable to women. Judiciary has highlighted the role of women in today's socio-economically changing society. In many of its judgements the Supreme Court has upheld the right to equality and equal opportunity of employment to both the sexes and any act violative of these rights is ultravires. Now the emphasis is more on implementation of Directive Principle, 'equal pay for equal work', Equal Remuneration Act, 1976 and other Welfare Legislations.

(a) **Equality**

The most burning and recent case decided by the Supreme Court on the recognition of women's right to equality is Air India Vs. Nergesh Meerza and others.17

In this case a number of Air hostesses of the Indian Air Lines and Air India challenged their service rules as male chauvinist and discriminatory. They quoted Articles 14, 15 and 16 of the Constitution in their writ petition.

Rule 46 stated the retirement age. It states that subject to the provisions of sub-regulations (ii) thereof, an employee shall retire from the service of the corporation upon attaining the age of 58 years, except in the following cases when he/she shall retire earlier.

(a) ..... 
(b) ..... 
(c) An Air Hostess, upon attaining the age of 35 years or on marriage if taken place within four years of service or on first pregnancy, whichever occurs earlier.

Mr. Justice Fazal Ali as he then as observed that the Regulation does not prohibit marriage after four years and if an Air Hostess after having fulfilled the first condition becomes pregnant, there is no reason why pregnancy should stand in the way of her continuing in service. The corporation represented to count that pregnancy leads to a number of complications and to medical disabilities which may stand in the efficient discharge of the duties by the Air Hostesses. It was said that even in the early stage of pregnancy some ladies are prone to get sick due to air pressure, nausea in long flights and such other technical factors. The Supreme
Court found it purely an artificial argument because once a woman is allowed to continue in service than under the provisions of the Maternity Benefit Act, 1961 and the Maharashtra Maternity Rules 1965 (these apply to both the corporations as their Head Offices are at Bombay), she is entitled to certain benefits including maternity leave. In case, however, the corporations feel that pregnancy from the very beginning may come in the way of the discharge of the duties by some of the AHs, they could be given maternity leave for a period of 14 to 16 months and in the meanwhile there could be no difficulty in the management making arrangements on a temporary or adhoc basis by employing additional AHs.

"We are also unable to understand the argument that woman after bearing child becomes weak in physique or in her constitution. There is neither any legal or medical authority for this bold proposition. Having taken the AH in service and after having utilized her services for four years, to terminate her service by the management if she becomes pregnant amounts to compelling the poor AH not to have any children and thus interfere with and divert the ordinary course of human nature. It seems to us that the termination of the services of an AH under such circumstances is not only a callous and cruel act but an open insult to Indian Womanhood the most sacrosant and cherished institution."
We are constrained to observe that such a course of action is extremely detestable and abhorrent to the notions of a civilized society. Apart from being grossly unethical, it snaks of a deep rooted sense of utter selfishness at the cost of all human values. Such a provision, therefore, is not only manifestly unreasonable and arbitrary but contains the quality of unfairness and exhibits naked despotism and is, therefore, clearly violative of Article 14 of the Constitution. What is said about the fair sex by the judges fully applies to a pregnant woman because pregnancy also is not a disability but one of the natural consequence of marriage and is an immutable characteristic of married life. Any distinction, therefore, made on the ground of pregnancy cannot but be held to be extremely arbitrary.

The observations made by the United States Supreme Court regarding the teachers fully apply to the case of the pregnant AHSs. In Sharan A. Frontero Vs. Elliot L. Richardson18 the following observations were made:

Moreover, since sex, like race and national origins, is an immutable characteristic determined solely by the accident of birth, the imposition of special disabilities upon the members of a particular sex because of their would seem to violate "the basic concept of our system that legal

18. 36 L Ed 2d. 583; 411 US 677 (1973)
burdens should bear some relationship to individual responsibility.

In Mary Ann Turner Vs. Department of Employment Security the U.S. Supreme Court severely criticised the maternity leave rules which required a teacher to quit her job several months before the expected child. In this case the court observed as follows:

"The Court held that a school boards mandatory maternity leave rule which required a teacher to quit her job several months before the expected birth of her child and prohibited her return to work until three months after child birth violated the Fourteenth Amendment. The constitution requires a more individualised approach to the question of the teachers' physical capacity to continue her employment during pregnancy and resume her duties after child birth since the ability of any particular pregnant woman to continue at work post at any fixed time in her pregnancy is very much an individual matter. It cannot be doubted that a substantial number of women are fully capable of working well into their last trimester of pregnancy and resuming employment shortly after child birth."

These observations made by the U.S. Supreme Court were fully endorsed by our judges in Air Hostesses case.

The next provision in Air Hostesses case which had been the subject matter of serious controversy between the parties, was the one contained in Regulation (1) (c). According to this provision, the normal age of retirement of an Air Hostess is 35 years which may at the option of the M.D. be extended to 45 years subject to other conditions being satisfied. Management contended that in view of the arduous and strenuous work that the AHs have to put in, an early date of retirement is in the best interest of their efficiency and also in the interest of their health. Several years experience of the working of AHs shows that quite a large number of them were retired even before they reach the age of 35; hence a lower age for retirement is fixed in their case under the Regulation with a provision for extension in suitable cases. The Supreme Court held:

"We are, however, not quite sure if the premises on the basis of which these arguments have been put forward are really correct. In the present times with advancing medical technology it may not be very correct to say that a woman loses her normal faculties or that her efficiency is impaired at the age of 35, 40 or 45 years. It is difficult to generalise this proposition like this which will have to vary from individual to individual."
In Bombay Labour Union V. International Franchise Ltd., the Supreme Court considered the bar on married woman's working in a particular company. A rule was in force in the respondent concern according to which if a lady workman got married, her services were treated as automatically terminated. Mr. Justice Wanchoo speaking on behalf of the Supreme Court observed that ordinarily we see no reason for such a rule requiring unmarried woman to give up service on marriage, particularly when it is not disputed that no such rule exists in other industries. The only reason given for the enforcement of this rule in this department of the respondent concern is that the workmen have to work in teams in this department and that requires that they should be regular and this cannot be expected from married women for obvious reasons, and that there is greater absenteeism among married women than among unmarried women or widows against whom there is no bar of this kind. The Supreme Court held that "we are not impressed by these reasons for retaining a rule of this kind. The work in this department is not arduous for the department is concerned with packing labelling, putting in phials and other work of this kind which has to be done after the pharmaceutical product has been manufactured. Nor do we think that because the work has to be done as a team it cannot be done by married

women. We also feel that there is nothing to show that married women would necessarily be more likely to be absent than unmarried women or widows. If it is the presence of the children which may be said to account for greater absenteeism among married women, that would be so more or less in the case of widows with children also. They only difference in the matters of absenteeism that we can see between married women on the one hand and unmarried women and widows on the other is in the matter of maternity leave which is an extra facility available to married women. But such absence can in our opinion be easily provided for by having a few extra women as leave reserves and can thus hardly be a ground for such a drastic rule as the present which requires an unmarried woman to resign as soon as she marries. We have been unable to understand how it can be said that it is necessary in the efficient operation and in the company's economic interest not to employ married women. It can hardly be said that the married women be less efficient than unmarried women or widows so far as pure efficiency in work is concerned, apart of course from the question of maternity leave. As to the economic interest of the concern we fail to see what difference the employment of married women will make in that connection for the emoluments whether of an unmarried woman or of a married
woman are the same. The only difference between the two is burden on account of maternity leave."

The Court further observed that it is too late in these days now to stress the absolute freedom of an employer to impose any condition which he likes on labour. It is always open to industrial adjudication to consider the conditions of employment of labour and vary them if it is found necessary, unless the employer can justify an extraordinary condition like this by reasons which carry conviction.

Miss C.B. Muthamma Vs. Union of India\textsuperscript{21} is another landmark case on this point. Miss Muthamma complained of denial of promotion and challenged two rules affecting women members of the Indian Foreign Service to which she belonged. These rules which has since been deleted, stated:

(a) A woman member of the IFS shall obtain permission of the Government in writing before her marriage is solemnized. At any time after marriage, a woman member may be requested to resign from service if the government is satisfied that her family and domestic commitments are likely to come in the way of due and efficient discharge of her duties as a member of the service, (b) No married woman shall be entitled as of right to be appointed to the service.

\textsuperscript{21} A.I.R. 1979, SC 1868.
The Supreme Court in its judgement called upon the government to overhaul the service rules to remove the strain of sex discrimination. Justice V.R. Krishna Iyer in his judgement stated that the rule showed a "misogynous posture and was a hangover of the masculine culture of hand cuffing the weaker sex. Marriage affected the efficiency of males and females alike in these days of nuclear families, Inter-continental marriage and unconventional behaviour. One fails to understand the naked bias against the gentler of the species."

But the Muthamma case judgement also stressed the point that man and woman cannot be treated equally in all occupation and situations. A particular job may require a particular sex because of the sensitiveness of sex, or the peculiarities of social factors of handicaps of either sex. In these cases, rule of equality should not be enforced blindly. Even the Constitution has recognised differences between the sexes. It provides for special laws in favour of women.

(b) Employment

Mrs. Raghubans Saudagar Singh Vs. The State of Punjab and Others,22 is an important case on this point. Mrs. Singh was refused the job of Warden in the men's jail. The contention of the petitioner was that she has been

discriminated on the grounds of 'sex' alone. Justice Sandhawalia observed in this case that in considering the primary issue in this case we notice a paucity of Indian authority bearing directly upon the point. Apart from principle, therefore, one may legitimately avert to the decisions of the Supreme Court of U.S. on the points of discrimination based on the grounds of sex. Mr. Justice Brewer speaking for U.S. Supreme Court in Curt Mullar Vs. State of Oregon\textsuperscript{23} observed:

"The two sexes differ in structure of body, in the functions to be performed by each, in the amount of physical strength in the capacity for long continued labour, particularly when done standing, the influence of vigorous health upon the future well-being of the race, the self reliance which enables one to assert full rights, and in the capacity to maintain the struggle for subsistence."

In the United States, legislation, based on the classification of sex coupled with other features as a ground has been repeatedly upheld by its Supreme Court. In Joseph Ralice Vs. People of the State of New York\textsuperscript{24} the constitutionality of a New York State law which prohibited women from working in restaurant between the hours of 10 at

\textsuperscript{23} (1948) 335 US 464.

\textsuperscript{24} 1923, 264 US 292.
night and 6 in the morning was at issue. Mr. Justice Southerland noticed that the kind of night work prohibited could injuriously affect the physical condition of women and threaten to impair their peculiar and natural functions, and would further expose them to the dangerous and meances incident to night life in large cities. It was held that statute above said was not unconstitutional as depriving women of the equal protection of the laws.

In West Coast Hotel Vs. Earnest Parrish and Elsie, a narrowly divided Supreme Court by a majority upheld at State of Washington law entitled Minimum Wages for Women Act which authorised the fixing of minimum wages for women and minors without making any similar provision for men.

In Goesaert Et. Al. Vs. Cleary Et. Al. a Michigan Law debarring women from being licensed as bartenders unless such a woman was the wife or daughter of the male owner of a licensed liquor establishment was challenged. Upholding the said law Mr. Justice Frankfenter delivering the opinion of the majority of the court observed as follows:

"The 14th Amendment did not tear history up by the roots, and the regulation of the liquor traffic is one of the oldest and most ultramelled of legislative powers. Michigan would, beyond, question, forbid all women from

25. 1936, 300 US 379.
working behind a bar. This is so despite the vast changes in the social and legal position of women."

Justice Sandhawalia after quoting U.S. Supreme Court decisions observed that it needs no great imagination to visualise the awkward and even the hazardous position of a woman acting as a warden or other jail official who has to personally ensure and maintain discipline over habitual male criminals. Necessarily the inmates of these jails have a large majority of hundred and ribald criminals guilty of heinous crimes of violence and sex. The duties of Superintendent and his subordinate officials and warders involve a direct and continuous contact with these inmates. The difficulties which even male warders and other jail officials experience in handling the motley and even dangerous assemblage are too clear to need elaboration. A woman performing these duties in a men's jail would be even in a more hazardous predicament.

In Human Right Commission Vs. Ocean Beach Freezing Company of New Zealand, the Human Rights Commission took a complaint to the Equal opportunities tribunal because the ocean Beach Freezing Company refused to give three women already employed at Ocean Beach the opportunity to train and be employed as slaughters.

It is the Equal Opportunities Tribunal which has judicial power to declare that Human Rights Commission Act 1977 has been breached if the Human Rights Commission has not been able to bring about a settlement. They can award damages and compensation if the defendant refuses to accept that if has breached the Act.

The Ocean Breach Freezing Company used as its main defence the argument that it could not provide separate facilities for women slaughterers. They also tried the line that the attitude of sub-branch of the union made it impossible for them to train the women as slaughterers - the sub branch had threatened labour withdrawal if the women were given their legal right.

The Tribunal rejected both of these defences and made an order "restraining the company from again refusing" to train and employ the women as slaughterers. So the women are still in their old jobs, but when a position on the chain becomes available the company cannot refuse to train them simply because they are women. They also awarded damages to two of the three women concerned for their financial loss, as well as compensation for loss of dignity.

(c) Equal Pay for Equal Work

The Supreme Court has upheld the principle of 'Equal pay for Equal Work'. It is true that the principle of
'Equal pay for Equal work' is not expressly declared by our Constitution to be a fundamental right. But it is certainly a constitution goal.

In Randhir Singh Vs. Union of India, Supreme Court held that Article 39(d) of the Constitution proclaims 'equal pay for equal work' for both men and women, as a Directive Principle of State Policy, Equal pay for equal work for both men and women means equal pay for equal work for every one and as between the sexes. Court further observed that Directive Principles, as has been pointed out in some of the judgments of this court have to be read into the fundamental rights as a matter of interpretation. Article 14 of the Constitution enjoins the State not to deny any person equality before the law or the equal protection of the laws and Article 16 declares that there shall be equality of opportunity for all citizens in matters relating to employment on appointment to any office under the State. These equality clauses of the Constitution must mean something to everyone. To the vast majority of the people the equality clauses of the Constitution would mean nothing of they are unconcerned with the work they do and the pay they get. To them the equality clauses will have some substance if equal work means equal pay. The Preamble to the Constitution

declares the solemn resolution of the People of India
to constitute India into a Sovereign Socialist, Democratic
Republic. Again the word 'Socialist' must mean something.
Even if it does not mean 'To each according to his need'
it must at least mean 'Equal pay for equal work'. The
Preamble of the Constitution of the International Labour
Organisation recognises the principle of, 'equal remunera-
tion for work of equal value' as constituting one of the
means of achieving the improvement of conditions "involving
such injustice, hardship and privation to large number of
people as to produce unrest so great that the peace and
harmony of the world are imperilled." Constituting Article
14 and 16 in the light of the Preamble and Article 39(d),
we are of the view that the principle 'Equal pay for Equal
work' is deducible from these Articles and may be properly
applied to cases of unequal scales of pay based on no
classification or irrational classification though these
drawing the different scales of pay to identical work under
the same employer."

In Hayward Vs. Cammall Laird Tribunal held that
any clause in the contract less ofavourable to female than
that of a male, contractor's contract is deemed to be
modified to the extent that it is no less favourable.

29. 1984 IRLR 464, Quoted in Industrial Relations
Journal Vol. 16, No. 2, Summer 1985, p.76.
The facts of the case were like this that one Ms. Hayward was working as a canteen assistant employed in a Shipyard in Birkemhead. In an amended claim she applied for equal pay under 5(2) (c) of the Equal Pay Act 1970, as amended by the Equal Pay (Amendment) Regulation 1983, which came into force on 1st January, 1984. The amended Act allows applicants to bring claims based on their doing work of equal value in terms of the demands made on them with the work done by men employed by the same employer. Previously, a woman could claim equal pay with a comparable male only where the work has similar or had been the subject of a job evaluation study. Ms. Hayward claimed that her job was of equal value with those of three joiners, two painters and one thermal insulation engineer.

The Supreme Court of United States ruled that women may secure under the Civil Rights Act to remedy illegal pay discrimination without basing their claims on an employer's refusal to pay equal wages to men and women doing substantially equal work. Its 5-4 decision concluded that Title VII of the 1964 Civil Rights Act gave women workers more grounds to challenge pay discrimination than they already had under the Equal Pay Act of 1963. The case that reached to the US Supreme Court was brought by a group of matrons at a country jail in Oregon who challenged that sex discrimination was largely responsible for the big gap
between their pay and the pay of male employees with a number of the same duties. The federal district judge ruled against the matron's holding that their claim did not meet the equal work test of the Equal Pay Act. He interpreted an amendment that the Senate added to the Civil Rights Act as barring pay claims that would not be upheld under the Equal Pay Act. The 9th Circuit U.S. Court of Appeals agreed that the suit could not be sustained on the basis of the Equal Pay Act. But it said that the women employees should have an opportunity in court to prove their contention that their lower pay is the result of sex discrimination and therefore violates the Civil Rights Act. Brehan noted that the matrons claim in their law suit that the country had concluded after a job evaluation study that the women were entitled to pay rate only 5 per cent below that of the male officers, but nevertheless paid them 30 per cent less than male employees. He agreed with the appellate court conclusion that the case should be rest back to the district court to hear further evidence on whether the wage disparity was the result of sex discrimination.  

In a hospital in Canada where male nursing orderlies and certified female nursing aides are employed, the male
nursing orderlies who were covered by a different collective agreement were paid higher wages than certified female nurses. The question which came up for consideration before Canadian Supreme Court of Alberta (Trial division) reported in Canadian law reports was whether the difference in pay was permissible under legislation for equal pay for equal work. On the facts of the case, it was an admitted position that the nature of work performed by male nursing orderlies and certified female nurses was similar. The hospital authorities argued that the difference in pay was not based upon sex but was based upon different collective agreement. The Court held the legislation prohibited unequal pay for similar work subject to an exemption and that the burden of proof that the facts constituting an exemption was on the hospital management. The court held that the difference in pay was not permissible under the legislation.\(^{31}\)

In M. Mackenzie Ltd. Vs. Audrey D' Souza, the point raised in the court was typical of sex discrimination practised in workplaces. The Company employed eight confidential lady stenographers and a large number of male stenographers in a general pool. While the women were paid Rs. 1,180 per month, the male stenographers were paid Rs. 1,910. Audrey, one of the lady stenographers challenged

\(^{31}\) Rulings on Labour Cases: \textit{Asian Labour}, Feb. 1978, p.31
this discrimination as based only on the ground of sex and therefore illegal. The Deputy Commissioner of Labour upheld the women's claim. The Company appealed to the Bombay High Court. The Contention made by company was that men and women stenoes were carrying out different functions. The women were attached to the executives and the men were in general pool. The Court held that the work done by both men and women stenoes was substantially the same. The Company argued that the confidential secretaries had to attend to the phones of the executives and file the papers. The Court observed that in that case, the women should be paid more, not less. The Court further observed:

"The question is not what is the quantum of work performed by a particular employee but whether the same work or the work of a similar nature is performed by the male employees".

In this case it was very clear that women were paid Rs. 730 less than the men. The next question was whether this difference in wages was based only on the ground of sex. The company's contention was that the wages were settled after taking into consideration the nature of the work done, and not based on sex. The High Court disagreed and observed that the women were always attached to the
executives and men were always in the general pool. They are not transferred from one cadre to the other. Therefore, the court came to the conclusion that the distinction was made only on the ground of sex and therefore illegal.\textsuperscript{32}

**Protection for Pregnant Worker**

A pregnant date processing technician employed by the Ontario Ministry of Education should not have last pay when she was assigned to a lower paying job (at her own request) in which she did not have to use a visual display unit (VDU) for health reasons. This was the ruling of the Ontario Grievance Settlement Board in a case brought by the Ontario Public Service Employees Union on behalf of a pregnant VDU operator. Alarmed by press reports concerning the unknown hazards of VDU radiation on the development of a maturing foetus the operator had requested temporary removal from exposure to the VDU. In so doing the operator drew attention to reports on the unusually high rate of birth defects in children of women operating VDUs - although the medical evidence rejected radiation as a positive factor in these cases and to a letter from her physician recommending a transfer. However, the ruling was not based on medical factors. However, under the current collective agreement no employer should suffer loss of wages when transferred to another position for health reasons. Moreover, the board

\textsuperscript{32} Indian Express, 10th November, 1986.
could not agree with the employer's contention that there were no reasons of health and a change was granted at the grievor's request. According to the board's interpretation the grievor did not request a donation. Her sole reason for requesting was the belief (on reasonable grounds) that the change should be made for the protection of her child's health. The board therefore decided that grievor was assigned to a lower classification "for reasons of health" and therefore entitled to compensation under the relative provision of the collective agreement.  

Victimisation

Trade Union Activities

In Assam Oil Co. Ltd., New Delhi Vs. Its Workmen the dispute was in regard to the termination of services of one Miss P. Scot, one of the employees of the appellant. The respondent alleged that the said termination of Miss Scot's service was illegal and this was one of the points referred to the Industrial Tribunal, New Delhi, for its adjudication. The appellant Company is chiefly engaged in searching for and refining Crude Oil and it has a refinery at Digboi in Assam. At New Delhi it has a small office with 3 or 4 employees. Ms. Scot was originally in the employment of N/s Burmah Shell, New Delhi, as a lady

34. A.I.R. 1960 SC 1264.
Secretary. In September 1954, the appellant set up its own office at New Delhi and then offered Ms. Scot direct employment on the same terms and conditions that governed her employment with M/s Burmah-Shell. During the course of her employment Ms. Scot did not give satisfaction to the appellant and on many occasions she was verbally warned to improve her work and not to repeat her lapses. Mrs. Scot was given one month's pay in lieu of notice and she accepted it. On March 13, 1957, Ms. Scot made a representation to the conciliation officer, New Delhi, against the termination of her services, and it is out of the proceedings taken by the conciliation officer on this representation that the present dispute ultimately came to be referred to the Industrial Tribunal for adjudication. The Union of the appellants workman which sponsored her case alleged before the tribunal that termination of Ms. Scot's services was wrongful and illegal and that she was entitled to reinstatement. Appellant resisted the case and alleged that Ms. Scot was not a workman under s. 2(5) of the Industrial Disputes Act, 1947 and so it is an individual dispute and thus the tribunal had no jurisdiction to deal with the dispute. The tribunal has held that Ms. Scot was a workman under s.2(2) S and since the union has sponsored her cause the dispute was an industrial dispute under s.2(k) of the Act. According
to the tribunal termination of Ms. Scot's services in substance amounted to dismissal for misconduct, and since no enquiry had been held it was illegal and unjustified. The tribunal also observed that in dismissing her appellant was influenced by consideration that Ms. Scot had become a member of the union and that was substantially responsible for her dismissal. In an appeal before Supreme Court, the Court held that it would not be open to an employer to dismiss his employee solely or principally for the reason that he or she had joined a trade union. That is a fundamental right guaranteed to every citizen in this country and it would be idle for anybody to contend that the mere exercise of the said right would incur dismissal from service in private employment.

Exploitation

The Management of Utkal Machinery Ltd., vs. Workmen, Santi Patnaik, the facts of this case are that one Ms. Santi Patnaik who was acting as an Assistant in Personnel Department of the Company was given notice for termination of her service. She alleged that termination of her service was improper, malafide, and an act of victimisation because taking advantage of her subordinate official position, personnel officer misbehaved with her to which she resented. Her case was taken up by the Utkal Machinery Mazdoor Sangha

and Government of Orissa referred the dispute for adjudication to the labour court. Management alleged that the services of the respondent were terminated during the probation period because of her unsatisfactory work and there was no question of victimisation or malafide motive. Respondent contended that she was never informed in writing till April 30, 1962 when she was served with notice of termination that her work was not satisfactory. The labour court accordingly found that there was no justification for terminating her services and in the face of complete absence of evidence in regard to unsatisfactory work of the respondent the discharge of the respondent from service was malafide. In appeal made before Supreme Court the view taken by tribunal was affirmed.

III State Policy and Women Labour

The Government has laid down various policies and plans from time to time for the development and welfare of women particularly those living in rural and backward areas. In the Sixth Five Year Plan Document 1980-85, the Planning Commission, Govt. of India emphasises on employment and education of women. The document says that efforts would be made to offer larger employment opportunities to women in the schemes for public distribution system, rural godowns, operation flood II, diary development, social forestry and in the armed forces. The programme for universalisation
of elementary education will be specifically directed towards higher enrolment and retention of girls in schools. This would require Balwari-cum-creches attached to the schools to enable the girls to attend schools otherwise they would have to stay at home to look after the younger brother and sisters.

The Ministry of Rural Reconstruction lays stress on the need for proper training of young women under TRYSEM. A document prepared by the Department of Science and Technology under the scheme of 'scheme and Technology of Women', 1984, discusses the findings of a sub-committee which was set up by the Department of Science and Technology to look into the occupational hazards of some women.


Blue Print of Action Points and National Plan of Action for women lays stress on education, employment, health, nutrition and family planning, facilities for working women, promotion of voluntary efforts etc.

(a) Governmental Policy

Sixth Five Year Plan Document-1980-85 36 taking note

of the situation of women in India particularly those living in rural and backward areas and the shortcomings of the present plans and programmes directed towards women and the invisibility of women in the country's major development plans brought out by various studies, field reports and discussions at various levels, the Sixth Five Year Plan document in its chapter of Women's Development further concretises the recommendations and indicates the strategy to be adopted to achieve the development goals for women within the framework of the sixth plan policy and strategy.

**Employment**

Areas and sectors where women's employment is either low or on the decline would be identified and corrective measures initiated to promote additional avenues for employment. Efforts would be made to offer larger employment opportunities for them in the schemes for public distribution system, rural godowns, operation Flood II, dairy development, social forestry and in the armed forces. Modernisation of traditional occupations for women such as spinning and weaving, match-making, coir, cashew, rural marketing, agriculture, animal husbandry and fishery etc; would be selective and would include simultaneous development of skills for alternative employment. Mechanisation will be encouraged in such areas where the processing or manufacturing involves extremely strenuous and debilitating hard work which
is injurious to health. The impact of new projects on women's employment will be monitored. Creches will have to be designed for regular establishments as well as for agricultural, construction and migrant labour families.

In the rural areas this would be linked up with the scheme of NREP. The implementation of the Equal Remuneration Act would be reviewed and appropriate measures would be introduced for their effective functioning. Measures would be taken for the payment of wages/salaries earned by women directly to them.

A major step to be taken to promote female employment would be to expand and diversify the education and training opportunities available to women. Bias is often at work to prevent women from joining certain types of education and training in sufficient numbers. Appropriate training facilities would be initiated for the skill development of women job seekers to promote their employability including self-employment. They would be eligible for employment and training in all fields provided they fulfil the required qualifications. Under the Apprenticeship Training Scheme, placement of an increased number of women trainees would receive special attention. Under the Vocational Training Programme for women, rural training component and setting up of more regional institutions are envisaged. The national scheme of Training of Rural Youth for Self Employment TRYSEM)
is expected to cover a large number of rural women. These would also be expected to facilitate the removal of skill constraints and biases working against the recruitment of woman trainees. A fair share of stipends, hostel seats etc. would be made available in order to facilitate rapid growth in the number of female trainees. As an incentive, special prizes and awards may be instituted for woman trainees or students in recognised institutes. The programme for universalisation of elementary education will be specially directed towards higher enrolment and retention of girls in schools. This would require Balwadi-cum-creches attached to the schools otherwise they would have to stay at home to look after the younger brothers and sisters in the absence of working mothers. It would also require income-generation work for girls outside the school hours to supplement the family's income. Other incentives like uniforms, free books and stationery etc., already in force, would need to be effectively expanded. Women teachers, where necessary, would be appointed in rural areas to encourage girls education. Residential quarters for women teachers would also be constructed.

The functional literacy programme would be expanded, specially in areas having low female literacy rates. Non-formal educational programmes will be introduced for girls in the age group of 15-20 years who could not complete formal
schooling. Every effort will be made to ensure that at least 1/3rd of the trainees under the TRYSEM programme are girls. Special Krishi Udyog and Van Vigyan Kendras will be established for women.

**Involvement of Voluntary Agencies**

Voluntary agencies with experience of working with rural poor may be associated with the programme wherever feasible.

**Training**

Training is an important Component of the scheme. Training will be imparted right from the grass-root level to the members of the group, group organizers and the officials at different levels responsible for planning and implementation of the programme.  

**Training of Young Women**

The need for laying proper emphasis on the selection of young women under TRYSEM is obvious. Selection of beneficiaries has to be based on the analysis of the specific needs of target households where the object is to help the family to cross the poverty line.

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37. Supra Note 36 at p.105

In these days, when women take up all types of activities, it is difficult to think occupations which are not suited for them. However, the following occupations may be particularly popular among them:

1. Raising of seeds
2. Vegetable production
3. Mushroom production
4. Raising of horticulture and forest nursery
5. Poultry
6. Piggery
7. Sheep-rearing
8. Sericulture
9. Bee-keeping
10. Dairying
11. Fisheries
12. Handicrafts
13. Carding, spinning and weaving of cotton, silk, wool, etc.
14. Tailoring, stitching, embroidery and knitting
15. Dyeing and printing
16. Hard-made paper
17. Soap from inedible oil
18. Cottage match-making
20. Cane and bamboo work
21. Coir and other fibre industry
22. Processing of food grain, vegetables, fruits and fish
23. Drying of grains, vegetables, fruits and fish
24. Bakery
25. Utilisation of agricultural by-products for cattle and poultry feeds
26. Watch repair and assembling
27. Nursing

Mahila Mandals and other voluntary organization working for women's development should be actively involved in the training and other components of the programme on the organizational front, there are some difficulties which need to be tackled by the State Govt. with speed. One is the filling up of all the posts of mukhya sevikas and gram sevikas in the C.D. blocks and provision of adequate staff and facilities in the training centres. The other is the orientation of concerned functionaries to the objectives of the TRYSEM, IRD and DIC programmes. They have to be made fully aware of potentialities, especially in the fields of cottage and village industries, rural arts and crafts, handlooms, sericulture, small trade and business, servicing enterprises, etc. This will call for greater interaction between the Managers of the DICs and the block-
Occupational and Environmental Health Problems of Indian Women

A sub-committee was set up by the Department of Science and Technology to look into the occupational hazards of some women.

Findings

Women in rural areas are employed in agriculture (81.4 per cent) and the remaining (13.6 per cent) in non-agricultural occupations.

Health Hazards in Agriculture and Industry Agriculture

About 25 million women are engaged in agricultural operation. They are mainly employed as agricultural labourers. Most of them live below poverty line and get lower wages and are not covered by welfare laws.

The main health hazards can be classified as

(i) Zoonotic diseases: The extent of the occupational origin of zoonotic diseases such as brucellosis, anthra, leptospirosis, tetanus, bovine tuberculosis is not known.

(ii) Accidents: Insect and snake bites as well as accidents due to agricultural tools and machines.

*38. Source: Circular No. 11018/20179 TR and P, Govt. of India, Ministry Re-construction, New Delhi, 12th Dec., 79.*
(iii) **Toxic hazards**: Malnutrition and parasitic diseases may increase the susceptibility to poisoning even at low levels of exposure to fertilizers, insecticides and herbicides.

(iv) **Physical hazards**: Extreme climatic conditions, heavy manual work, postural problems.

(v) **Respiratory diseases**: Exposure to dusts of grains, rice, coconut fibres, tea, tobacco, cotton, hay and wool are common. Diseases like byssinoses, bagassosis, farmers lung and occupational asthma are common.

**Non Agricultural Occupation**

About 2 million women are engaged in these occupations. The spectrum ranges from self-employed to petty trades and daily wage labourers. Most of their health problems arise from the unorganized nature of their job, malnutrition and poverty. Other specific hazards depends upon the job.

**Tanning and Leather**

Workers are exposed to chemical hazards of calcium hydroxide, dermatitis, chronic bronchitis, anthra infection and accidents. Prevention is by protective clothing, washing facilities and medical supervision.

**Coir Industry**

This industry is concentrated in Kerala State. A very large number of women are engaged both in manufacturing
and at home. Occupational hazards, of dermatitis, skin infection, exposure to sulphur-dioxide are commonly encountered.

Cashewnut Industry

Kerala is the main cashew nut producing state. A majority of workers are females in cashew processing. Resting of Kermal produces acrid fumes; the oil causes allergy and dermatitis.

Soap Industry

Fats and caustic soda are boiled and allowed to react. Scalds, chemical burns, occupational allergy and problems of ventilation and high temperature are the main hazards.

Cotton Pickers and Pods openers

Mainly women are employed. They have to work in the open in high temperatures and the continuous opening of pods causes bleeding fingers.

Non-edible oil Processings

An example of caster oil. Main hazard is due to high allergenicity of caster which causes asthma, hay fever and urticaria.

Sweepers/Scavengers

Infections, cuts due to sharp objects, accidents and environmental hazards are the main problems.
Tea Pickers

Workers in tea plantations are exposed to accidents and falls due to steep slopes and insectbites. Allergy due to caterpillars has been noted in Assam. Pesticide hazards, diseases of malnutrition and poverty are rife. In tea the industry occupation asthma, and irritation of bronchi from tea dust has been described.

In other occupations like petty trades, domestic chores, vegetable sell and finishing the main problems are due to poverty and malnutrition.

Preventive Measures

1. Personal Protection: Protective clothing, gloves, masks etc.
2. Specific prevention against chemicals
3. Personal hygiene and cleanliness at place
4. Good working environment of ventilation
5. Periodic medical examinations
6. Health education


Taking note of the inadequacies in the implementation of earlier recommendations embodied in the chapter on Women's

Source: Occupational and Environmental Health Problems of Indian Women State of the - Art, (A document prepared by the Department of Science and Technology under the Scheme of 'Scheme and Technology for Women', Department of Science and Technology, Govt. of India, New Delhi, 1984.
Development in the 6th Plan Document 1980, and upholding that the priority areas identified by the National Plan of Action are still valid, the working group reiterates the earlier recommendations for the improvement of the position of women in the areas of employment, education, health, participation in decision making, improvement in the instruments for devising and implementing the strategies.

Some of the recommendations are as following:

1. Special efforts should be made to train women for employment in the service sector.

2. To provide more benefits to women and to prevent disincentives to employers from avoiding employing women because of the higher cost of benefits to be given to women under law. A maternity Insurance Scheme should be started and all employers whether they employ men or women should be brought under the ambit of this scheme. The funds under this scheme should be provided for both maternity benefits and child care.

3. A scheme should be designed for organizing the unorganized women work force.

4. There is need for social security coverage such as provision of maternity benefits, health care and Life Insurance

39. Supra Note 39 at p. 110-112.
5. Child care facilities should be developed as a major supportive service. In addition to creches, child-care facilities in this community need to be developed by making it possible for non-working women to look after the children of working women.

6. To create social awareness and attitudinal changes about the problems of women, and their potential for contribution to socio-economic and political development processes intensive and extensive publicity campaigns should be launched.

7. Steps should be taken to spread legal literacy amongst women and for the dissemination of information about legal rights of women.

8. Annual reporting system at the State level from all sectoral Departments should be developed and these reports be made available to the Central Govt.

9. A system of annual reporting from all the sectoral Ministries to the Women's Bureau in the Ministry of Social Welfare should be developed. Ministries should restructure their information and data collection system to pursue sex-wise data on the implementation of their programmes whenever possible.

**Employment**

The work participation rate for women has gone up from 11.87 per cent in 1971 to 14.37 per cent in 1981.
sector-wise position of women employed at the beginning of 1983 was as follows:

a) 33.5 per cent in agriculture;
b) 9.1 per cent in mining and quarrying;
c) 9.8 per cent in manufacturing;
d) 0.1 per cent in financing, insurance etc;
e) 16.17 per cent in community/social/personal services sector.

Education

The female literacy rate has gone up from 7.93% in 1951 to 24.88% in 1981. A mid-plan appraisal showed that in the field of education the enrolment of girls at the elementary stage increased from 20% in 1951 to 67.6% in 1981 in respect of classes I to V and from 4.6% in 1951 to 29.1% in 1981 in respect of classes VI-VIII. In the field of secondary education the enrolment of girls has increased from 1.16 lakh in 1951 to 30.98 lakhs in 1981.

As for college and university the number of women per 100 increased on an average from 28.3 in 1970-71 to 37.4 in 1980-81.

Source:

(b) Plan Policies

Blue Print of Action Points and National Plan of Action for Women

The National Policy of Action\textsuperscript{40} contains the priorities and the strategies necessary for improving the position of women in various sectors of employment, educations, health and other social disparities. The action plan emerged after an inter-ministerial consultation held by the Ministry of Social Welfare on the findings of the Committee on the Status of Women in India, World Plan of Action (Mexico Conference), ideas and suggestion thrown up by various seminars and conferences and the 1975 Resolution of the Parliament which urged the Prime Minister to initiate a comprehensive programme of specific legislative and administrative measures aimed at remedying, as far as possible, the economic and social injustices, disabilities and discriminations to which Indian Women continue to be subjected.'

Education

1. Education is greatest known catalytic agent for social change. All out efforts should therefore be made to achieve the goal of universal primary education as early as possible. The ideas of equality between the sexes

\textsuperscript{40} 'Rural Women's Claim to Property' - A Policy Debate, Selected Documents from International and Indian Archives 1975-85, completed and edited by Shanti Chakraborty, Centre for Women's Development Studies.
and participation by women in development should be woven into the fabric of the educational system.

2. Adoption of multiple entry in education, non-formal part-time education facilities, condensed courses of education, correspondence courses, and courses for continuing education should be made available in a large measure to women in semi-urban and rural areas, and to working women in urban and semi-urban areas. Adult education and functional literacy programmes should be vigorously pursued by both official and voluntary agencies.

**Employment**

1. Village industries which provide scope for the employment of women should be further promoted. Special training services should be organised and credit, marketing facilities etc. extended, specially in regard to craft which can have a ready export market, through modernization of design, etc. Integrated pilot projects to cover training, production and marketing should be started.

2. Organization entrusted by the Govt. with the task of promoting self-employment opportunities should develop special women's entrepreneurial training motivation programmes and provide special assistance to women entrepreneurs and to women's co-operative in terms of credit, licensing etc.
3. The existing legislation in regard to benefits should be reviewed. It should simultaneously be ensured that there is no consequent adverse effect on the employment of women.

Health Care, Nutrition and Family Planning

1. Maternal and child health-care facilities should be expanded, particularly in semi-urban and rural areas, and coverage provided to high risk pregnant women. Ante-natal and post-natal clinics should be started in every Primary Health Centre and district hospital.

2. Nutrition supplementation should be provided to high risk pregnant mothers. Simultaneously, nutrition and health education should be given to girls and to mothers through all available media and institutions (schools, hospitals, Primary Health Centres, etc.).

3. Family Welfare Planning services should be expanded and measures intensified to educate and prepare couples to avail them, specifically in rural, backward and tribal areas. The facilities under the Medical Termination of Pregnancy Act, 1971 should be made available in semi-urban and rural areas and information regarding provisions disseminated among women, immunisation facilities should be gradually extended to all children.
Facilities for Working Women

4. The establishment of day care centres, creches and balwadis should be promoted on a large scale in rural, semi-urban and urban areas to help working mothers and active women social workers discharge their duties, and enable the older children to attend school.

Promotion of Voluntary Effort

1. The growth of voluntary organizations especially in rural, backward and tribal areas and in urban slums should be promoted to mobilise public support for different programmes - welfare training facilities should be provided on a large scale to voluntary workers. Leadership training programmes, particularly for women from weaker sections, should be developed so that they can function effectively as agents of change. The establishment of Mahila Mandals should be promoted in every village so that they can function as field level agencies for social and economic transformation. Voluntary organizations have a critical role in mobilizing public opinion in favour of equality among men and women and eradicating superstitions, social evils and waste.

3. A vigorous campaign of education and action should be launched in favour of community sanitation and
hygiene. Public utility services for women should be expanded whenever necessary.

Employment

A. Participation in Employment

Encourage participation in certain types of occupations where increased participation will provide the impetus for change in women's status. This relates, particularly, to rural women educated and trained in rural institutions and seeking employment in rural areas. There are in subject fields such as veterinary science/Medicine, Commerce and Agriculture. As per the census, G-services, table, there are such professionally trained women who are unemployed.

Action Plans

For women, particularly agricultural labourer and women working on small establishments, the state will have to organize through state agencies and voluntary organisations creches and child-care services. The unorganised sector is crucial for employment generation but lack of necessary data in respect to employment in this sector greatly restricts any plans for expanding employment. Hence, efforts should be made to generate the needed data on a periodic basis and at regular intervals.
B. **Self Employment**

All efforts should, therefore, be directed towards enhancing self employment for the large masses of women both in small towns and rural areas and not merely for the small minorities in the metropolitan cities. The approach to the Fifth Plan, in fact, envisaged expansion of self employment in agriculture village and small industries, retail trade and service.

**Action Plan**

Identify those occupations which fall in categories (a) traditional employment, (b) self employment occupation recently adopted by women and (c) the self employment opportunities which are now being sponsored and encouraged, which they can encourage in terms of women's self-employment and indicate specific plans.

Organize publicity through mass education media particularly in rural areas, with regard to facilities available for self employment. Develop special women's entrepreneurial training/motivation programmes.

Provide support to voluntary organization/co-operatives, promote self-employment among women. Efforts in these directions by widows/unmarried mothers should receive priority assistance in terms of finance, permissible relaxation of conditions etc.
Special training services will be organised for women and credit, marketing facilities etc. extended specifically in regard to crafts which can have a ready export market through modernization of designs etc. integrated pilot projects to cover training, production and marketing should be started.

In subsequent years, based on insights gained, develop specific plans of action to encourage women's participation in self-employment activities.

Social Welfare

Working Women in Rural Areas including tribal and backward areas

Women workers in rural areas are largely landless agricultural labourers; members of households with uneconomic holding; these engaged in traditional household industries like hand spinning, handweaving, oil pressing, rice pounding, leather, tobacco processing etc. These households industries which are predominantly female labour intensive and which have been a major source of employment in villages appear to have declined in importance during the independence period. This is also evidenced by the distinctly declining trade in employment of women workers in the rural areas between the decennial census 1961 and 1971. It has not been possible to reverse this trend because:
1. almost all the women workers in rural areas are handicapped by illiteracy and lack of mobility.

2. in addition to this, incessant child bearing coupled with hard domestic work does not provide them any time to go through formal education/training to acquire new skills.

3. facilities for acquiring new skills, are limited.

Action Plan

Service for the care of girls below 15

The child population below 6 years of working mothers in urban and rural areas is estimated to be around 20 lakhs and 166 lakhs respectively. With a view to helping the working mothers discharge her duties, both as a mother and worker, better family aid services like anganwadis, balwadis, creches and day care centres might be launched in a big way.

Both in rural and in urban areas efforts should be made to cover more than 40 per cent of the children of working mothers.

Promoting voluntary effort

Efforts should be made to promote a large number of voluntary women's organization in the rural, backward and tribal areas and urban slums to mobilise public support for different programmes and to implement them.
Development of Human Resources

Training facilities for the workers attached to all voluntary agencies, like Mahila Mandals, should be included immediately. The training needs of workers however, differ from organisation to organisation depending on the nature of tasks required to be performed.

Source

Blue Print of Action Points and National Plan of Action for Women, Department of Social Welfare, Govt. of India, New Delhi, 1980.