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Human Rights And Women In Unorganized Sector – An Indian Perspective

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Abstract

So far as human rights are concerned women are the worst sufferers. They are not only marginalized but also ill-treated in most cases. Violence against women and girls is the worst form of deprivation and denial of dignity and equality of rights, respect and resources but also most pervasive human rights violation in the globalized world today. Women face multiple problems at homes and at workplaces, particularly in the informal sector. Low wages, lack of security and sexual harassment are some of the fundamental issues even in India where women constitute 50 per cent of the population. The problem gets confounded when viewed from the legal perspective. Lack of effective legal channels not only slackens the pace of organisation per se but also hinders women empowerment. This paper attempts to study the concerns and conditions of women in India's unorganized sector. While discussing the various exploitative forces and tendencies, the paper also analyses the alternative evaluator and enabling mechanisms for women in general and working women in particular. Based on the findings conclusion is derived that for a changing perception (attitude) and practice (behavior) towards women, our society should strengthen the decision making roles of women rights from the grassroots level. From Panchayats to Parliament – women need to be productively engaged and empowered.

Keywords: women, human rights, work, empowerment, violence

“To awaken the people it is woman who must be awakened. Once she is on the move the family moves, the village moves, the nation moves.” – Jawaharlal Nehru

1. INTRODUCTION

So far as human rights are concerned women are the worst sufferers. They are not only marginalised but also ill-treated in most cases. Violence against women and girls is the worst form of deprivation and denial of dignity and equality of rights, respect and resources but also most pervasive human rights violation in the globalized world today. According to Economic survey India ranks 114th rank globally out of 155 countries in gender disparity based on standard of living, life expectancy and education.

According to *Inter Press Service*, “On a global scale, women cultivate more than half of all the food that is grown. In sub-Saharan Africa and the Caribbean, they produce up to 80 percent of basic foodstuffs. In Asia, they account for around 50 percent of food production. In Latin America, they are mainly engaged in subsistence farming, horticulture, poultry and raising small livestock.”

One important determining factor is obviously gender difference. Gender is now considered to be a category of discrimination. It has been observed that the process of development has failed to improve the social position of the underprivileged sections in general and of women particular. Greater participation in development is considered as an important factor in reversing the present trend which signifies in equal social, economic and political position of men and women. In the economic sphere it has been observed that most of the manual and non-technical work is done by women, while men operate new agricultural machines and control inputs as well as the produce. In the production process of economy the role of women is not properly recognized. Only child bearing and rearing and domestic activities have been considered by the society as non-productive, non-economic and feminine. The traditional socio-economic culture has legitimized the outlook by sustaining the gender relationship of dominance and subordination. Unorganized sector worker means any person who is engaged in one or more employments as per categories of the Census of India directly on his or her own account, or through any agency, such as contractor or employer.

This paper tries to reflect upon the problems of human rights violation of Indian women in unorganized sector, while discussing the various exploitative forces and tendencies, the paper also analyses the alternative evaluating and enabling mechanisms for women in general and working women in particular.

2. Women Working in Rural India

The female labour force constitutes one third of the rural workers in India. Women workers face serious problems and constraints related to work such as lack of continuity, insecurity, wage discrimination, unhealthy job relationship, absence of medical and accident care etc. The exploitation of female labourers in rural regions happens both horizontally and vertically.

Rural labour consisting one of the largest work forces in India remains the most backward, unorganised, disadvantaged and deprived section of society. The female labour force constitutes one third of the rural workers as against 10 per cent of the urban workers. Sheer poverty, lack of continuity and stability in employment, wage discrimination, diverse and difficult nature of work, unhealthy employer-employee relationships, absence of medical care, security and amenities at the work spot have been the major problems and constraints faced by rural female labourers.

Women are concentrated in certain jobs which are characterised as low skilled and low paid. Employment discrimination occurs in three ways namely in hiring, in promotion and in termination.

We will find that women usually go in for temporary and standby jobs because of the prevalent hesitancy to employ women in regular jobs and providing them with good working conditions. Most of the women are found to be employed in agricultural activities and in the unorganised sector. The employment of women is high in the unorganised sector such as part time helpers in households, construction center, tanneries (setting, parting

and drying), match and beedi industries etc. Women work roughly twice as many as many hours as men. Women's contribution to agriculture — whether it be subsistence farming or commercial agriculture — when measured in terms of the number of tasks performed and time spent, is greater than men. On this basis, women are invariably paid lower wages, despite the fact that they work harder and for longer hours than men do.

Women's economic dependence on men impacts their power within the family. With increased participation in income-earning activities, not only will there be more income for the family, but gender inequality could be reduced. This issue is particularly salient in India because studies show a very low level of female participation in the labour force. This under-reporting is attributed to the frequently held view that women's work is not economically productive. If all activities — including maintenance of kitchen gardens and poultry, grinding food grains, collecting water and firewood, etc. — are taken into account, then 88 per cent of rural housewives and 66 per cent of urban housewives can be considered as economically productive.

Women's employment in family farms or businesses is rarely recognized as economically productive, either by men or women. And, any income generated from this work is generally controlled by the men. Such work is unlikely to increase women's participation in allocating family finances. In a 1992 study of family-based textile workers, male children who helped in a home-based handloom mill were given pocket money, but the adult women and girls were not.

3. The Impact of Technology on Women

The shift from subsistence to a market economy has a dramatic negative impact on women. Where technology has been introduced in areas where women worked, women labourers have often been displaced by men. Hence, women lost their important source of income. Violence against women and girls is the most pervasive human rights violation in the world today. Women have to face at home forces them to work for meager wages and without social security. However, the working conditions of women in this sector are improving. Women face a lot of sexual harassment in the course of employment. Due to their inability to work for long hours they are not employed in sensitive or crucial positions. Women in gold mines handle mercury and cyanide with their bare hands. Woman has to work beyond working hours, even in advanced stages of pregnancy, and there is no leave facility. In 2005, for the first time, agriculture was no longer the main sector of employment for women and this trend continued in 2006. The service sector now provides most jobs for women. Of the total number of employed women in 2006, 40.4 per cent work in agriculture and 42.4 per cent in services.

4. Women Working in Urban India

In 2020, women labour force participation in India stands about 20 per cent. Around 90 per cent of working women in India are employed in unorganised sector. Globalisation has helped women in getting wide opportunities in entering into jobs. But at the same time there are new challenges before them. The most serious hazard faced by the working class in the era of globalisation is the increasing threat to job security. The informal sector is fast expanding, while the organised sector is shrinking. Contract, casual, temporary, part-time, piece-rated jobs and home based work etc. are increasingly replacing permanent jobs. Neither the central nor the state governments intervene to protect the interests of the workers.

In the urban areas women are generally employed in informal sectors like weaving, handicraft, tailoring, sale of fish and construction activities. They are outside the reach of most laws which seek to protect their security and living conditions. They are exposed to various exploitations, discriminations and various diseases. Most unorganised workers work under adverse conditions. For instance, workers engaged in cleaning sewers may be killed by the noxious fumes that are often accumulated in the drains. This happens when the workers are not equipped with protective masks.

The number of working women in India is rising, but unfortunately so is the incidence of sexual harassment at work. Studies reveal that women working in organised sectors are not free from exploitations at workplace. Despite legal security, women have to struggle to assert their position in the workplace. If this is the plight of women in the organised sector we can imagine the situation of women working in informal sectors.

Domestic Workers face harassment at their workplace and outside. Women employed as domestic workers were exploited by their employers as well. No basic facilities such as toilets were provided for women workers at some workplaces, even in the special economic zones. Equally worse was the condition of women workers in the construction sector.

5. Problems of Women Workers

The major problems for working wives arise out of the dual responsibilities of house work and the office work. Even though the employment of women is accepted, most of the in-laws and majority of husbands have not accepted the changing life pattern. Women by their position to play a dual set of roles- one as home makers, wives and mothers, and the other as employee.

Working women despite their economic independence are not truly independent. Neither do they have any control over their own income nor are they allowed to take vital decisions of their life. There is not much of the difference seen in her treatment by the family and society.

Low standard of health being constraints women workers complain of frequent headaches, back pain, circulation disorders, fatigue, and emotional and mental disorders. Poor nutritional status, anemia due to poverty and the cultural practices where women eat last and the increased workload due to domestic responsibilities, lead to fatigue among women.

Lacking any skills and assets migrant workers often tend to end up as farm laborers in rural areas and construction workers or rickshaw-pullers or street vendors in urban areas. Migrant workers face adverse working conditions such as longer working hours, social isolation, lower wages and inadequate access to basic amenities. Many migrant domestic workers in cities live on pavements or in slums and serve others in houses.

The decline in employment among the poorest could be due to various policy measures such as redistribution of land which reduces the need for hired labour; technological changes in agriculture including introduction of cash crops and mechanization and the declining number of non-farm activities in rural areas such as hand-based activities has further led them to the stage of unemployed.

Despite existence of labour laws, the worker in this sector do not get social security and other benefits for various reasons and there is hardly any trade union or constitutional mechanism to fight for them.

6. Policy Actions and Prescriptions

❖ International

India has ratified various international conventions and human rights instruments committing to secure equal rights of women. Key among them is the ratification of the Convention on Elimination of All Forms of Discrimination Against Women {CEDAW} in 1993.

The Mexico Plan of Action {1975}, the Nairobi Forward Looking Strategies {1985}, the Beijing Declaration as well as the Platform for Action {1995}

The commitments made in the international conventions are as far as possible reflected in the Plan documents and the National Policy for the Empowerment of Women.

India has endorsed the eight Millennium Development Goals {MDGs} established in the Millennium Declaration at the General Assembly of the United States in the year 2000. These include “Promote gender equality and empower women” and “Improve maternal health”.

❖ National instruments

A large number of macro socio economic policies are women centric or have women related provisions.

National Commission for Women, a statutory body of the Government, established on 31 January 1992, as per the National Commission for Women Act 1990. Commission takes up the task of advising the government on all policy matters affecting women.

The XI Plan {2007-12} has stressed the need to evolve an integrated policy and strategy for employment of women including her economic empowerment and has advanced gender budgeting across all sectors for effective mainstreaming.

Minimum Wages Act of 1948, Factories Act 1948 and, Domestic Workers Bill, 1990 and 1996,

Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal Act 2013) is a legislative Act in India that seeks to protect women from sexual harassment at their place of work.

7. Mechanisms drawn by suggestions given to different groups;

Women:

- A woman must not ignore harassment in the workplace and must put up a strong resistance to such behavior.
- Also make formal record of the complaint to the authorities and initiate criminal proceedings.

Policy makers:

- Changing the nature and direction of the power structures which marginalize the women laborers.
- Strategies must be so designed that women’s economic empowerment promotes gender equality within their families and communities.
- To institute trained manpower to handle cases of workplace sexual harassment.
- To create awareness of existing legal measures to safeguard the interest of working women.
- Men and boys should also be actively involved and encouraged in all efforts to achieve the goals of the Platform for Action and its implementation.
- Political will and commitment at all levels are crucial to ensure mainstreaming of a gender perspective in the adoption and implementation of comprehensive and action oriented policies in all areas.
- Policy commitments are essential for further developing the necessary framework which ensures women’s equal access to and control over economic and financial resources, training, services and institutions as well as their participation in decision making and management.

Employers:

- Employers both in public and private sector must take steps to prevent sexual harassment.
- There should be a definite policy on this matter, which should be published and circulated to all employers.
- A procedure for filing complaints should be mapped out. This should be time bound and the victim should be assured of confidentiality and protection.
- A Grievance Committee with a woman at its head should review the complaint. The committee should be comprised of 50% women members where possible.

8. Conclusion:

This study has helped the researcher to come to the conclusion that the constant exploitation of women in conjugation with a patriarchal attitude is the root cause of the problems that have beset our social establishment. In the male dominated family where woman has a secondary status, she is denied with the opportunities to develop. She has to undergo, almost same kind of problems when she steps out to work. Working woman has the burden to continue her traditional role at home. This greatly hampers her contribution in work, which further results in deteriorating health both physical and psychological, of a woman. Though there have been efforts by international organizations such as United Nations and SAARC to empower women, unfortunately we have not reached the level of expectations. There is a strong need for change in the perception (attitude) and practice (behavior) towards women. Human rights are recognized as inalienable rights to be realized by all human beings. Therefore it is necessary to understand how the unorganized workers in general and the women worker in particular, who are regarded as the most vulnerable section of India's human resources, realize their human rights and lead a dignified human life.

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