

From a Man's World to a Human World

by

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6th J.P. Naik Memorial Lecture

PREFACE

I am extremely happy that the Sixth J.P. Naik Memorial Lecture delivered by the eminent Justice Chinnappa Reddy is being published and thus made available to the larger community. The theme of the lecture "From a Man's World to a Human World" is a fitting tribute to the dynamic and humane personality of Shri J.P. Naik who had always been crusader in the cause of women.

From 1982, one year after the sad demise of Shri Naik CWDS has been organizing lectures on various themes of contemporary relevance that have an impact on women. Starting with rural women and development, problems such as dowry, evaluation of the International Women's Decade, women and the non-aligned movement have been the themes of earlier lectures. In 1986, in the context of the declaration of the New Educational Policy, the focus of attention of the memorial lecture was education for women's equality. Today inequality based on caste, class, gender and race is rampant: violence in various forms makes human life not only hazardous but brutalized and we live in an atmosphere of constant threat of the extinction of the species. In such a situation concern for transforming man's world to a human world has become not merely essential but imperative.

"It is a man's world" is not a rhetoric nor a 'cliche' but a reality faced by half the humanity for millenia. It is contended that man is a generic term which includes woman and human rights include woman's rights. However, this idea does not get reflected in action nor in attitudes. Recognition of the fact that women's right and life are leading edge of human existence can only pave the way for a just social order, based on values of nurturance and human respect. The need for creating a world based on equal rights and respect for all human beings should not end as a pious but futile wish. Confrontation and struggle against institutions which make life inhuman cannot be avoided while striving for a just society which assures space and dignity for all. It is a long haul but even awareness of the need is a step forward.

Highlighting the inequality persisting in the country even after forty years of independence Justice Reddy has indicated some of the steps that need to be taken to achieve the much delayed gender justice. We hope that this publication will contribute to awareness and understanding of this complex phenomenon and help in evolving appropriate measures to realize the goal.

Neera Desai

18 March 1988 New Delhi.

Introduction

I am extremely grateful to the Centre for Women's Development Studies for giving me this opportunity to pay my tribute to Shri Naik by inviting me to deliver this lecture. I cannot lay claim to any personal acquaintance with Shri Naik. I know him through his lecture "Equality, Quality and Quantity-the Elusive Triangle in Indian Education" and as the body and soul of the Indian Council of Social Science Research. I have also heard of him as the Member-Secretary of the Education Commission. He was a great champion of the cause of women and the assistance rendered by him to the Committee on the Status of Women in India has been handsomely acknowledged by the Committee in their report Towards Equality. I believe he was one of the founders of the Centre for Women's Development Studies. I am glad to be able to deliver this lecture and to dedicate it to the memory of Shri Naik. Shrimati Vina Mazumdar and Shrimati Lotika Sarkar gave me the liberty of the choice of subject, and, in a spirit of bravado and a mood of unwisdom I have chosen "From a Man's World to a Human World" as the subject of my lecture. My unwisdom is confirmed when I look at my audience and find so many stalwarts of the women's movement present here; I presume, that everything that I say they have heard before. Even so, I request them to hear me out with tolerance. Quite obviously, I cannot claim any expertise to speak on the subject of the problems of women, but besides being a citizen of this human world, presently a man's world, I am also the son of a mother, the husband of a wife and the father of two daughters. I may therefore claim the same pretension to knowledge of womankind as most of mankind. If some of you discover some traces of male chauvinism or some traces of claims to male superiority in my lecture, I request that I may be pardoned. One of the defects of my tribe (the judicial tribe) is that we are slaves to the compulsive habit of quoting what others have said. That is for two good reasons, one to cover up our own ignorance and the other to gain credibility. And, when one borrows the ideas of another the debt may as well be acknowledged. For these very good reasons I propose to follow the precedent of my betters and quote extensively. Please don't be irked on that account.

FROM A MAN'S WORLD TO A HUMAN WORLD

0. CHINNAPPA REDDY

Today we live in an age in the history of humanity which is without precedent, an age of great economic, political and philosophical convulsions, an age of swift progress, change and great concern for social policy and human rights, an age of undreamt of scientific achievement and possibility, an age which, consequently presents challenges compelling us to rethink all our theories, dogmas and philosophies. One of the outstanding unresolved problems of humanity is that of the liberation of women, humanity's oppressed half. The inequality and the oppression to which the women of the world are subjected to have an adverse effect on the status of women and on the social climate of the society in which they live. In the ultimate analysis, the measure of democracy in a country's polity and the measure of the general emancipation of its people is the degrees of the emancipation of its women. It is therefore but right that many philosophers, intellectuals, thinkers, writers and academics are exercised about the status and role of women in society. The United Nations Organisation declared 1975 as the International Women's Year and the decade that followed as the women's Decade. There have been seminars and symposiums, conventions and conferences, workshops and what-not. Much has been said; not so much has been achieved. But, there is certainly now a general awareness of the problems and of its many facets and intricacies, a welcome growth in the militancy of women themselves and a genuine desire to find adequate solutions. I presume that the very organization under whose auspices this lecture is being delivered symbolizes the awareness, the militancy and the desire.

The world today is a man's world, where woman is never a woman in her own right but she is first the daughter, next the wife, and last, the mother of man. This appears to have been so since the days of Manu, acclaimed to be the great Hindu law-giver, who said, "She should do nothing independently even in her own house. In childhood she must subject herself to her father, In youth to her husband, and when her husband is dead to her sons, she should never enjoy independence".

"Na Stree Swatantryam Arhatee".

If today most men deign to acknowledge the equality of woman, it is only in a superior, condescending and even in a grudging way, and more often as a half-hearted concession. While they are ready to concede that women make good doctors, scientists, lawyers, administrators etc., given the opportunity, generally their view of equality implies a separation of the spheres of activity of the sexes; separation of powers as it were, home for the woman and the world for the man. They think that man and woman play complementary roles, woman being a 'complement' to man. Nature has made them different, man suited for outward life and woman for domestic life and this involves no inequality, they say. What nature has done is not to be undone by man and woman, lest nature's equilibrium is lost. This male attitude is typified, if I may say so, without meaning

any disrespect and without wounding anybody's susceptibilities, by some of the writings of even a most enlightened person like Gandhiji. He wrote: "True they are equals in life, but their functions differ". "As Nature has made men and women different, it is necessary to maintain a difference between the education of the two". "It is a woman's right to rule the home. Man is master outside it". "The woman who knows and fulfils her duty realises her dignified status. She is the queen, not the slave, of the household over which she presides".

Gandhiji thought that, as a rule, a woman should not pursue an avocation independently of her husband and that the care of the children and the upkeep of the household should be quite enough

to fully engage all her energy. He said: "in a well ordered society, the additional burden of maintaining the family ought not to fall on her. The man should look to the maintenance of the family, the woman to household management, the two thus supplementing and complementing each other's labour". "In trying to ride the horse that man rides, she brings herself and him down". While a woman might supplement the meagre resources of the family, "the most natural division of spheres of work required man to be the main breadwinner". According to Gandhiji, "She is passive, he is active. She is essentially mistress of the house. He is the breadwinner, she is the keeper and distributor of bread". "It is degrading both for men and women that women should be called upon or induced to forsake the hearth and shoulder the rifle for the protection of the hearth. It is a reservation to barbarity".

Gandhiji's vision of a woman was totally unrealistic and of course unscientific. He was unable to view her as an equal participant in the process of production but saw her as "the embodiment of sacrifice and suffering". She was to be "pure, firm and self-controlled". Purity and chastity were the watchwords and Sita, Savitri, Damayanti and Draupadi were the ideals of womanhood. Gandhiji had an obsession with morality and this coloured his views on many subjects. His view of the respective roles of the two sexes in society is similar to his economic theory of capitalist trusteeship of wealth which is nothing but a romantic illusion.

Gandhiji could never appreciate that the separation of the spheres of activity and the assignment of the so-called complementary roles was no more than an ideological device to perpetuate the unjust domination of woman by man and to deny her the chance to acquire the ability and the authority in the domestic and the public spheres. Gandhiji's belief in the natural division of spheres of work had no real basis in the factual situation, any rate in rural India, where studies (to some of which I shall presently refer) show that woman among the agricultural labourers and small peasants are equally, if not more, involved in the actual production process.

Gandhiji's philosophy took no account of production relations and so failed to produce any definitive programme for materially altering the socioeconomic condition of the mass of women, an essential prerequisite to any programme to bring about the equality of the sexes.

Madhu Kishwar who has made a brilliant analysis of Gandhiji's views on women correctly states:

Thus Gandhi cannot be said to have evolved a concrete programme to tackle one of the basic causes of women's powerlessness—their total economic dependence and lack of control over the resources of the family. In the absence of a programme for economic empowerment of women or the material betterment of their condition, the moral concern for them soon degenerated in the post-Gandhian era into the payment of lip service to the cause of women on public platforms

and in party manifestoes, while the life condition of most women continued to deteriorate unchecked, and everyday attitudes towards women remain obscurantist and insulting.

One of the limitations of Gandhi's thinking then, was that he sought to change not so much the material condition of women as their 'moral' condition. He sought a similar, direction, of changes for Harijans too. He failed to put an economic content into his, concept for emancipation, Gandhi failed to realise that, among other things, oppression is not an abstract moral condition, but a social and historical experience related to production relations.¹

But when I say that Gandhiji did not appreciate the significance of the social and historical experience, do not understand me as trying to minimize the unique and the tremendous part played by him in the process of the emancipation of Indian womanhood. Despite his predilections for mortality and separation of spheres of work, Gandhiji remains, to quote Madhu Kishwar again, (I am afraid I am unable to refrain from quoting Madhu Kishwar repeatedly as I am greatly fascinated by her study) "unsurpassed in terms of impact and influence even today" on account of the fact that he "helped women find a new dignity in public life, a new self-view and a consciousness that they could themselves act against oppression". "His main contribution to the cause of women lay in his absolute and unequivocal insistence on their personal dignity and autonomy the family and in society". What Gandhiji had done most was to liberate the minds of Indian women to give them a backbone, and teach them how to look straight in the eyes of their oppressors. Gandhiji himself explained his strategy: "My contribution to the great problem (of women's role in society) lies in my presenting for acceptance of truth and ahimsa in every walk of life whether for individuals or nations. I have hugged the hope that in this, women will be the unquestioned leader and, having thus found her place in human evolution, will shed her inferiority complex". Gandhiji message to the All India Women's Conference in 1936 was, "When woman, whom we call abala becomes sabala, all those who are helpless will become powerful".

I have referred in detail to Gandhi's views on women as they appear to typify the expressed and unexpressed views of the majority of the male population of India and perhaps of the world. The most well-meaning of men appear to sincerely believe that the home is the world of women and that the world is the home of man. They believe that God and nature made them so. In fact they believe that God is a Man and a woman can never be a man. She can only hope to be his spouse. Their culture reflects gender differences in religious, traditions, laws, inheritances and prevalences.

That the male worker in rural India is the main bread-winner and sustainer of the family has been exposed as a myth by field studies. I will not trouble you with field studies made in foreign countries but will invite you to one or two field studies made in India by our women scholars. K. Saradamoni² made a study of the involvement of women as both labourers and landowners in rice production in three states: Kerala, Tamil Nadu and West Bengal. Her study revealed that women's contribution towards rice production and household expenditure was far from being marginal or insignificant. On the other hand, through their work, knowledge and skill, their contribution had become crucial. They were well aware of technical changes and they certainly played their role in the acceptance or rejection of new technical devices. However, for a proper appreciation of their role, many concepts and definitions including those of work, employment, wages,

earnings, contribution, etc., would have to be revised. So also the methods of assessing the work and the remuneration. Saradmoni illustrates the unassessed contribution of women to household expenditure by referring to the very common things done by rural women such as cow-dung collection, making of dung-cakes, cutting grass and fire-wood collection and points out that both cow-dung cakes and fire-wood not only, serve as fuel in one's own house but can also be sold; so also grass, which is partly used to feed the household cow and partly sold. There are several other kinds of work peculiar to various regions which are done by women, which go unaccounted for by data-collecting agencies, though they do play an important role in maintaining labour households. That is why Saradmoni concludes her study with the statement and admonition that "they bear the maximum brunt of the present system, and cope with all the harshness that follow a life of deprivation and insecurity and yet remain oblivious to all including data-collecting agencies". Instead of saying "women and children reduce wage rates" we have to say "without these women, their households would not have survived". "Then our whole vision would change".

J.B. Bhati and D.V. Singh³, who made a study of the condition of women in the hilly, remote, backward areas of Himachal Pradesh found that women's labour accounted for 61 per cent of the total farm work, their participation being greater in activities like animal, husbandry, and that in poor rural families, women are far more economically active than women of the higher income groups. Collectively, they found, women put in more work in farm activities than men.

I have referred to these two studies which I may say are illustrative of studies made elsewhere too, in Africa, Latin America, USA, Indonesia, Malaysia, etc. Eleanor Leacock in her essay on "Women, Power and Authority" points out that Western theorists, in their ethnocentric and sociocentric blindness, have generally ignored the fact that working class women all the world over are engaged in economically productive work. She points out that in non-industrial societies they usually furnish half, if not more, of a society's food and other basic necessities, while in industrial societies they frequently work in factories and offices, produce goods for the market or for consumption at home and provide the services necessary for their menfolk to work and their children to grow.

Notwithstanding their not insignificant contribution to production and household expenditure, the economic, social and political position of women all over the world, their authority, influence and power in the domestic and public spheres generally is insignificant. Though some women may hold some power here and there and some women may attain greater power, nowhere do they holder wield the same formal power or 'publicly recognized authority' as that holder wielded by men. Till recently, this lack, of power or authority was assumed by social scientists to be due entirely to the dependent and non-productive role of women, a role which has now been exposed as inaccurate. Social scientists are now increasingly forced to the conclusion that production relations are primary to the structure of women's role in any society. It is now accepted by all serious social scientists that the vast majority of women have always been economically productive and that the differing degrees and differing forms of power and authority held by women of different classes, cultures and nations depended on the historical changes in production relations. So long as production was for consumption women held public authority, but with the production of commodities for exchange the public authority women could wield was lost as the new economic relations based on exchange were in

the hands of men. "Changes in production relations" brought about "changes not only in degrees of female authority and power but also in the forms taken by authority and power and in their relations to one another".⁴

Engles was perhaps the first social scientist to explore the relationship between production relations and the status of women in society. Much of the research of later social scientists on the subject of the status of women in society is an exposition or elaboration of Engels' thesis. Engels in his essay⁵ 'The origin of the family, private property and the state' has explained the degradation of women from the, matriarch to the first domestic servant. In his introduction to the essay, he states that according to the materialist conception, the determining factor in, history, in the last resort, is the production and reproduction of immediate life. That is, on the one hand the production of the means of subsistence: of food, clothing and shelter and the requisite tools and on the other hand, the production of human being themselves, the propagation of the species. He points out how the social institutions under which men of a definite historical epoch and of a definite country live, are conditioned by both kinds of production. Ties of sex dominate the social order. Where labour is not developed, and where production, and, therefore, the wealth of society is limited. When productivity of labour develops and with it, private property, exchanges, differences in wealth, us of labour power of others, and class antagonisms appear. A new structure based on territorial groups in which the family system is dominated by the property system will strive to replace the old structure based on ties of sex.

In his essay he elaborates, his thesis by reference to and examination of several pre-historic, medieval and modern cultures. He explains that in the primitive communistic household which embraced numerous couples and children and in which maternity alone was certain but not paternity (to which no great sanctity was attached), the administration of the household to which food was provided by men and stored by women, was a socially necessary industry with a public character, necessarily to be entrusted to women. Descent and therefore inheritance, such as there could be, was naturally through the female line. Wealth, at that stage of civilisation, consisted entirely of the dwelling, crude ornaments and implements of the simplest kind for procuring and preparing food. Food had to be found each day.

Then came the development of an unsuspected source of wealth, the domestication of animals and the breeding of herds. With the production of milk and meat, all previous means of procuring food sank into the background. Entirely new social relationships were created. There was an increase of production all round: cattle breeding, agriculture, domestic handicrafts. A stage was reached when human labour power was able to produce more than was necessary for its maintenance. In course of time, herds and flocks which were the common property of the tribe became the property of the individual heads of families. The herds and the new objects of wealth brought about a revolution in the family. Man, the hunter, who procured food for the family became the original domesticator and later the tender of the herds and flocks. He became the owner of the cattle and the commodities received in exchange for them. The entire surplus now resulting from production belonged to the man; the woman shared in consuming it, but she had no share in owning it. In the words of Engels, "The Savage" warrior and hunter had been content to occupy second place in the house and give precedence to the

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woman. The "gentler shepherd", presuming upon his wealth, pushed forward to first place and forced the woman into second place. And she could not complain. Division of labour in the family had regulated the distribution of property between man and wife. The division of labour remained unchanged and yet it now turned the former domestic relationship topsy-turvy, simply because the division of labour outside the family had changed. The very reason that had formerly made the woman supreme in the house namely, her being confined to domestic work now assured supremacy in the house for the man: the woman's housework lost its significance compared with the man's work in obtaining a livelihood; the latter was everything, the former became an insignificant contribution. Thus as wealth increased, it gave the man a more important status in the family than the woman, and this stimulated him to use his strengthened position to overthrow the traditional order of inheritance in favour of his own children. So 'mother right' was overthrown and the patriarchal family emerged. "The administration of the household lost its public character. It was no longer the concern of society. It became a private service. The wife became the first domestic servant, pushed out of participation in social production... The modern individual family is based on the open or disguised enslavement of the women. In the family, he is the bourgeois; the wife represents the proletariat".

Engels proceeds to conclude that the emancipation of women and women's equality with men are impossible ideals, and must remain so as long as women are excluded from socially productive work and restricted to housework, which is private. "The emancipation of women becomes possible" he says "only when women are enabled to take part in production on a large, social scale and when domestic duties require their attention only to a minor degree". He contemplates the possibility when modern large-scale industry will permit the large scale participation of women in production and strives to convert private domestic work also into a public industry". "With the passage of the means of production into common property" he foresees that "the individual family will cease to be the economic unit of society, Private housekeeping is transformed into a social industry. The care and education of the children become a public matter". So will the equality of woman be achieved, according to Engels.

It is interesting to note that half a century earlier than Engels, an English socialist, William Thompson, without the aid of the historical Materialist philosophy of Engels had arrived at a similar position in regard to the relationship between the unequal status of women and the production relations in society. In his "An appeal of One Half of the Human Race, Women, against the pretensions of the Other Half, Men, to retain them in Political, and then in Civil and Domestic Slavery". Thompson asserted that 'neither an equality of civil and criminal laws, nor of political laws, nor an equal system of morals upheld by enlightened public opinion' would solve the problem of women's inequality and that what was required was a different set of social arrangements, where all 'possessions and means of enjoyment' were held in common and 'individual property and competition' were excluded for ever. Only then would women have the opportunity for 'equal improvement and use of all their faculties with men' and only then would all be perfectly 'equal in rights, duties and enjoyments' and justice ensured to all.

That the mere making of laws is wholly inadequate was also recognised by Engels who pointed out that the concrete economic situation put the woman in an unequal position, and that the position was not altered even in regard to marital relations by the law merely declaring that man and woman are to be on an equal footing in respect of material rights and obligations. The law did not concern itself with the power given to one party by its superior class position and the pressure it exercises on the other. And that was that.

Any discussion of the women's question must refer to August Bebel, a contemporary of Engels and perhaps the leading thinker and strategist of the women's question. The title of his original work 'Women and Socialism' had to be changed for tactical reasons to an innocuous 'women in the past, present and future'. In fact because of Bismarck's brutal and violent anti-socialist laws, the book could not be published in Germany; it had to be first published in Switzerland. Bebel was concerned not with ideology only but with the concrete struggle against the exploitation of women. He exposed the exploitative system, wrote of the conditions necessary for the liberation of women and painted a picture - of the future liberated woman. Recognising the double exploitation to which women were subjected everywhere and the disastrous consequences of such exploitation, he protested that women have the same rights as men to develop and to freely make use of their abilities and that they should have, in the same way as man, the freedom to be their own masters. He pointed out the general truth that any equality before the law, including the equality of the sexes, depended on existing power and property relations. He rejected the stupid and stale but typically bourgeois argument that women understood nothing of politics and as a rule preferred not to trouble themselves with it, and asserted that political education cannot be provided by shutting out the masses from public affairs, but only by admitting them to the exercise of political rights. Practice alone made perfect. He knew that the root of social dependence and oppression, was to be found in the economic dependence of the oppressed on the oppressor and that it was only through creative and socially useful work in a society that was free from exploitation, and through the resulting social and economic independence, combined with the meaningful occupation with motherhood, that it was possible for a woman "to be free and at par with man, and mistress of her destiny". He pointed out how socialism was necessary for a woman's faculties to bloom fully and conversely, how necessary it was for socialism that women should realise their own equality and their individual fulfilment so as to contribute to the benefit of society as a whole. The women's question was very accurately defined by him in the following manner:

"The question is what position in our social organism will enable the woman to become a useful member of the institution, and will put her in possession of the same rights as those enjoyed by its other members, and ensure full development of her powers and faculties in every direction. To us, this question is inseparable from the question as to the form and Organisation which the entire community must adopt if oppression, exploitation, wanton misery are to be replaced by a society which is physically and, socially sound. The so-called woman's question is, therefore, only one side of the whole question, which is at present occupying all thinking minds; hence they can be brought to final solution only through the elimination of social contradictions and the evils arising there from".

Foreseeing the women of the future society as 'socially and economically independent', 'no longer subjected to even a vestige of domination or exploitation' and 'free and on a par with man and mistress of her destiny', August Bebel predicted 'this relationship of the two sexes will continue to improve in proportion to the improvement in social conditions, and the liberation of men and women from the burden of pecuniary care and undue labour'.

Contemporary social scientists with the aid of further anthropological research have affirmed the findings of Engels and Bebel. Eleanor Leacock, Professor of Anthropology, City University of New York who examines Inuit (Eskimo), North and South American,

Indian, Australian and New Guinea aboriginal, West African (Yurbba) and other societies says, "In my view, historical changes in production relations underlie the fundamental changes in the structure of reproduction, and in its economic and cultural significance. I find the focus on production relations particularly useful for defining not only the differing degrees but also the differing forms of power and authority held by woman of different classes, cultures, and nations, and for clarifying consequent differences in the ways woman approach struggles against oppression".

Most of you, I am sure, are familiar with the famous statement of Lenin that the proletariat cannot achieve complete liberty until it has won complete liberty for women and that there can be no revolution unless working Women take a big part in it, the movements having shown that the success of a revolution depends on how much the women take part in it. He asserted that wherever the power of capital was preserved, there the men retained their privileges and therefore the abolition of private ownership of land and industry and the socialisation of the national economy and the participation of women in common productive labour were necessary to bring about complete emancipation of women and make them the equal of men. He declared that it was impossible to solve completely the issue of women's equality or to convert women into active participants in the building of the new society without involving them in state administration of socialised enterprises and in the administration of the State. He emphasised that it was insufficient to grant women political rights, it was necessary to create conditions that allowed them to take part in the management of society. He did not consider that socialism could immediately abolish the vestiges of the sexist culture of thousands of years. According to him, the chief thing was to get women to take part in socially productive labour, liberate them from domestic slavery, to free them from their stupefying and humiliating subjugation to the eternal drudgery of the kitchen and the nursery. He anticipated the struggle to be a long one demanding a radical reconstruction of social technique and of morals.

According to him, the State and society must shoulder the responsibility for creating conditions which would liberate women from generally unproductive domestic labour. The key of the complex problem lay in the development of a network of service institutions which would release women from the burden of household work.

I have referred at some length to what Engels, Bebel and Lenin had to say on the women's question to impress upon you that existing production and property relations based on private ownership of land and other material resources of the community and the consequent consignment to domestic drudgery of women are the basic reasons for the present day inferior status of women in the family and society, and that the true emancipation of women is possible only with a change in production and property relations. To many of you this is an old wives' tale; to many of you all this is patent; some of you must indeed be wondering why I am saying things which are so self-evident. All that I can say is that as a judge I have always found it useful to remind myself of self-evident truths. For example, judges expound and pronounce at length upon the principles of natural justice but often enough forget it themselves in their own actions.

The view that the status of women in the family and society is determined by production relations and, thus a change in their status can only be brought about by a change of production relations. This implies that women must wait for that millennium to arrive and in the meanwhile they should subordinate the women's movement to the general fight against oppression. That indeed is bad strategy as well as a retreat. The experience of

the independence struggle should teach us differently. During the independence movement, the women's question became wholly integrated into and was submerged by the freedom struggle. It lost, indeed it did not acquire, the real character of a women's movement. It was plainly and totally the women's wing of an anti-colonial movement. For the time being, the double yoke or the double burden which Indian women had to carry was forgotten. True, as I said earlier. Gandhi gave the women of India a new dignity and created an atmosphere receptive to women's problems. That is why equal status to men and women was granted by the Constitution. women's suffrage was given without controversy, employment was thrown open to women, and reformist legislation passed. But, the total integration and the subordination of the women's movement to the freedom movement led to the illusion that since freedom was won and women's suffrage and constitutional equality proclaimed, a new era had dawned for the women of the country along with their men. The women's movement very soon lost such militancy as it had previously fast degenerated into a middleclass movement, with women seeking to be accommodated within a male dominated structure. The movement confined itself to demands for representation in services, profession & and political institutions, demands which were easily met by nominally throwing everything open to women and raising a dust screen on which was written "here men and women have equal opportunity". There was, of course, no erosion of male privilege. There was of course no real sharing of economic or political power. The equality between the sexes guaranteed by the constitution remained and continues to remain a paper glory, since the conditions necessary to avail the right to equal opportunity do not exist and have not even been attempted to be created for the masses of the women of the country. Legal and jurisprudential disabilities may have been removed, but not the more fundamental economic, social and cultural disabilities. The result is that here and there a few women civil servants, some women politicians have gained symbolic entrance into the corridors of power, the academic and the cultural fields and they are vaunted as the living proof of equality between the sexes in this country. But the masses of women continue to remain unseen and unheard. They are truly invisible because their contribution to the household and their daily domestic drudgery remain unnoticed, with no credit being given for the same even by those who compile official statistics. For most of the rural women and, now, for quite a large number of middle and lower class urban women, who are wage earners, the daily drudgery is in addition to the recognised 'economic activity' in which they engage themselves to contribute to the household till. For the rest, their work and contribution to the household are ignored and they are classified as persons not gainfully employed or not pursuing any economic activity.

The lesson to be learnt from the freedom struggle is that the struggle for the emancipation of women should not be integrated into any other movement so as to become subordinate to it and in such a way as to lose its own identity and purpose. There is of course a vital difference between the independence movement and the general movement against all capitalist oppression. The independence movement was under bourgeois leadership and women were brought into the movement so that they too may share, along with their men the benefits of independence when independence was achieved, but their position vis-a-vis their men remained unchanged. In the case of a general struggle against capitalist oppression, emancipation of women is itself a significant and a fundamental part of the struggle and the participation of women is vital to the struggle. The struggle of women must proceed apace with the struggle of all other oppressed groups and each shall help unshackle the other. In struggles against oppression and exploitation there are no firsts and no seconds. All must interact and each must enrich and strengthen the other. If there can be no women's liberation without

socialism, there can be no true socialism either without women's liberation because socialism cannot contemplate exploitation or oppression of any class or groups in any form. It is important to stress that for the transformation of society, it is necessary that simultaneously with the change of the economic base, the superstructures and the shadows cast by the superstructures must also be transformed. Only then will the socialist revolution be complete. There is however-and it is my duty to observe this and warn you against it-a tendency on the part of the leaders of the Left to belittle the women's question, sometimes to treat it as a petit bourgeois problem and sometimes even to treat it as counter-revolutionary, and divisive, very often to ignore it as a problem which must await resolution until after the triumph of socialism. I would like to remind the left leaders that women not only constitute half the working class population of the world, but they are in fact the more oppressed half of the oppressed classes. As Engels pointed out, women are the proletariat in every family. There can be no socialist revolution which does not place the women's question at the forefront of the proletarian struggle.

Having said so much, I ask what next and how to go ahead with the struggle for women's emancipation? First and foremost it is necessary to develop 'a heightened socialist consciousness'. By a 'heightened socialist consciousness' I mean a consciousness that is at once at war with the existing property and production relations and the social and cultural superstructures, created upon those relations. The dominating-male-subordinate-female sexist culture founded on production relations draws its daily sustenance from religion, superstition and tradition. The exclusive burden on women of domestic servant plus a sex object are ingredients of this culture. The practice and glorification of sati, the demand for dowry leading to bride-burning are products of the culture. The exploitation of the female body in the *bazar* and by the media are manifestations of that culture. The very suffering and the helpless patience with which the indignities are suffered by the masses of the people of this country are symbolic of that culture. The people of India in general and the women in particular are the victims of an unjust and irrational social system which despite being inequitable, if not inhuman, has been sustained through centuries by the inexorable philosophy of 'karma', a very convenient philosophy, indeed, to make the miserable masses of the country accept with resignation and without protest every kind of inequality, exploitation, degradation and misery inflicted on them. An unjust social system is sought to be rationalized by the philosophy of karma and generation after generation the people of India have been so indoctrinated by this philosophy that it has become part of their blood. Further more, women have been indoctrinated with concepts of Stri-dharma, such as Pativrathya Dharma and the Sita-ideal of womanhood which demands of the wife complete devotion and dedication to the husband. Spiritualism and the karma-culture have so emasculated the Indian masses and made them so resigned to what they describe as their fate that they view their poverty and misery as but the just and inevitable reward to the misdeeds of a past, that is a 'pooryajanma' and not the product of a totally unjust and cruel social system. Faced with every kind of exploitation in their daily life, with no hope of any change for the better in their life-time, the Indian masses have dangled before themselves the philosophy of karma and they feed upon its dead flesh to sustain themselves. They dose or dope themselves with all manner of beliefs based on so-called religion and tradition. Women, thank to the Pativrathya Dharma are made to believe that it is the duty of a wife to bear with fortitude and a smile if possible, all suffering the greater the glory. There is a plentitude of Swamijis and Acharyas available to feed the credulity of the masses and there are the Doordarshan and the All India Radio to unthinkingly propagate these doctrines.

All of you must have become painfully aware of the disturbing spirit of revivalism that is sweeping through our country. The Rajasthan Sati incident where an unfortunate young Hindu widow was publicly and ceremoniously burnt to death along with the dead body of her husband and the Shah Bano affair where Parliament in its wisdom undid the little that the Court had done are the products of revivalism. Religious fundamentalism, linguistic and regional chauvinism and caste rivalry fomented by politicians, professional and Government servants are some of the pernicious aspects of revivalism.

This revivalism is not an accident. It is part of the historical counter-revolutionary process deliberately fostered by those who have a stake in offering diversions and substituting irrational consciousness for rational or class consciousness. It is used to strengthen and fortify the existing economic and social structure.

Religion, tradition, superstition, casteism and revivalism, all of which embody an inglorious culture must be fought and overcome in order to steer the path in the fight against oppression in general and the subordination of women in particular. Their irrationality must be exposed through rationalist propaganda, literature, arts and the media. It is up to you, the women intellectual, of the country to join your oppressed sisters and with them, to wage a war against superstition, against prejudice, against every form of irrationalism and hypocrisy, against false ideals and ideology, against Stridharma, Pativrata dharma and the Sita ideal, and to adopt and practice a scientific and rational approach to life and its problems, to preach and inculcate the scientific approach in your writings, in your speeches and by your actions and thus, to participate in the women's revolutionary struggle for emancipation.

Then there are the laws: laws to be made, laws to be abolished, laws to be amended. Instead of ad hoc revision of some provision here and another provision there, I would suggest that the Law Commission may be asked to take up a comprehensive revision of all laws to find out where women are discriminated against, where women need protection and where women require advancement. The legal wing of the Centre for Women's Development Studies may offer concrete and suitable suggestions. There is no personal law in country, Hindu, Muslim, Christian or any other, whether it relates to succession, marriage or other issues, which does not discriminate against women. Thirty-eight years ago, when the Constitution was made, the need for a common Civil Code was felt and found expression in the Directive Principles of State Policy. The need has become urgent with the passage of time, but political games and conveniences seem to prevent the Government from bringing forward any legislation, to implement this Directive Principle. In fact, as far as I know, there is nothing on the anvil and neither the Ministry of Law nor the Law Commission is even considering any preliminary step. It seems nothing is ever done in this country except under intense pressure. It is therefore necessary, particularly for the women's organisations, to propagate the urgency of the need for a common Civil Code with special reference to the rights of women, to educate the people in that direction and to demand that the Government introduce appropriate legislation.

But I must also mention that neither the existing personal laws nor any future common Civil Code mean anything much to the masses of the people of this country. For example, the Hindu Succession Act and the Hindu Marriage Act, have little impact on most of the Hindu population of the country since most of them have no property to be inherited by others, and their marriages are performed and dissolved according to custom. It is only the 'Sanskritised' families that are concerned with these legislations.

There is a common misconception that divorce was unknown to Hindus until the enactment of the Hindu Marriage Act. Customary divorce was always prevalent amongst the non-twice-born castes. In fact, the Hindu Marriage Act has created some complications. Whereas previously it was possible amongst many castes to obtain a divorce from the caste panchayat without expense and delay, the Act makes divorce possible only through the intervention of the court with the attendant expense and delay. Apart from personal laws, there are several other laws which require to be repealed, amended or made if men and women are to be at least formally equal before the law. Real equality, as I have already said, does not come automatically with formal equality before the law. But even the laws that are never implemented seriously. That, of course, is the sad experience of everyone in regard to all laws pertaining to equality and all social welfare measures. Take for example the Equal Remuneration Act. It is notorious for its non-implementation. One has only to go to the nearest construction work in progress or the nearest village to realise that women construction workers and women agricultural labour are not paid the same wages as men. There are many kinds of contract labour where women alone are employed so that the wage-bill may be low and the profit high. It is up to the law enforcement agencies and the women's organisations to see that laws are not merely made but are also duly implemented. But the problem goes deeper than that. The vast majority of women for whose benefit the laws are made are not even aware of those laws and what the law may do for them. It is necessary that they must be made fully aware of their legal and constitutional rights and an appropriate machinery devised not only to make them aware of their rights but also for immediate redressal when those rights are violated. A massive legal literacy programme has to be undertaken. Those members of the legal profession who want to ease their conscience by doing 'good works' may, in addition to making daily or weekly visits to the temple, form themselves into groups to formulate programmes for legal literacy and legal aid. But more than such 'liberal minded, lawyers what we need are devoted activist lawyers of both sexes who may not be well versed in corporate laws and the like but who are taught and trained to reach out to the people, particularly the dumb and invisible women, to identify their problems, many of which may be hidden behind other socio-economic problems, who are trained to make a special study of the procedures which may be used to help fight their cause and who are determined to promote among the oppressed masses a consciousness of their rights to replace their apathy and diffidence. They must educate women about the uses to which the law may be put on their behalf. They must act as pressure groups to secure legal reforms whenever and wherever they notice, in the course of their activities, injustices to women. They must take up not only causes which come to their notice but also causes which may never see the light of day unless they search for them. If programmes of legal literacy and legal services to women are to achieve any measure of success we require a host of highly motivated activist lawyers. Such lawyers have to be remunerated. Appropriate schemes if framed under the Legal Services Bill introduced in Parliament a few months ago, may be of immense help. But one should not expect too much from the authorities to be constituted under the Act, as they are bound to be male dominated and women's issues, except those which, hit the headlines are sure to be treated as of secondary importance. It is therefore, necessary for women at every level to effectively organise and produce the necessary activists from amongst themselves. One suggestion which I may make is that under the various measures of decentralisation which the several State Governments are venturing upon, every Mandal may now be provided with a women Law Officer whose duties would primarily be to spread legal literacy, locate, identify and fight cases of oppression of women. Laws are not only to be made and implemented; they have also to be interpreted not only without sexist bias but with an awareness and a Sympathetic

understanding of the historical nature of the women's question. Women judges and women magistrates are a necessity. One may well ask how is it, there are no women judges in many High Courts and how is it, thirty-eight years after the Constitution, there is yet no woman judge in the Supreme Court?⁶ Talent is not the problem; experienced women judges are not wanting; it appears that only the will to appoint them is lacking. In fact if you look around even casually you will notice that while women are welcomed as nurses, stenographers and nursery school teachers, their entry is hardly welcomed in other professions and services. There may be no legal bar to their entry into other professions and services, but their entry, is viewed with suspicion, and to make headway they will have to jump over many man-made hurdles. This situation must be remedied.

One of the most distressing features of the Indian women's' movement is the utter lack of organisation. Even the female labour force, constituting part of organised industrial labour force is not separately organised. There are no separate Women's Trade Unions, not even separate wings or separate fronts, nor do any of the existing Trade Unions take any notice of women's problems unless they are problems affecting the labour force in general. In fact women don't seem to participate in any decision making activity any more in the trade unions or elsewhere. It is extremely difficult to find any women trade union leaders in the country. Greater active participation by women in trade union activities and trade union struggles is bound to increase their militancy and give them a feeling of strength, individually and collectively. More important is the result and effect on male trade unionists. It would lead to an acceptance of women's participation, women's partnership and women's leadership. The great majority of our women workers, however, are employed in the unorganised sector, particularly in the rural areas. It is upto their feminist sisters to spread the message to them, to organise them and to prepare them for the inevitable struggles ahead. Even as no socialist movement can succeed without the active participation of the small peasants and agricultural workers, no women's movement can succeed without the active participation of rural women.

What should be the programme of Women's Trade Unions and rural women's organisations? I cannot pretend to advise you on these matters but I think that the first thing on the programme should be the demand for equal wages for men and women. Quite apart from the question of fairness, equal wages for men and women will instill a feeling of confidence and give a new dignity to the woman worker. The Equal Remuneration Act⁷ must be extended to all sectors of employment, organized and unorganized and what is more important, it must be strictly implemented. There are some categories of employment which are traditionally branded in industry as women's jobs. On the other hand, in order to evade the Act an employer may adopt the ruse of reserving some categories of jobs for women only. To meet such cases the Act must be made applicable not merely to work of a similar nature but also to work of a comparable nature of value. In the case of domestic employees who are wholly unorganised and unprotected, their cause has to be taken up by women's Organisation to secure adequate and decent wages to them.⁸ It is only then that talk of equal rights for women will have any meaning.

Next, and the most important part of the programme, should be the liberation of women from the drudgery of the kitchen and the nursery. Public facilities for the care and

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education of children, facilities such as creches, child-care centres, providing meals for school-children, weekly medical examination by doctors, public facilities such as community kitchens, and catering centres are a crucial need.⁹ The true emancipation of women becomes possible only when women are enabled to take part in production on a large, social scale and when domestic duties are shared equally by men folk and require the attention of women only to a minor degree. This becomes possible if child-care and household work are themselves converted into social industries by the establishment of support services mentioned earlier.

There is then the problem of women's education. The committee which reported on the status of women in India made several recommendations which are far from being implemented. These recommendations must be implemented and I would suggest that at all levels of education, not only great care should be taken to see that text books etc., contain no passages suggesting or hinting at male superiority-and female subordination but that equality per se should be taught as an axiom. The other day I was shocked to discover that in several girls' schools at Hyderabad, a course in cooking and housekeeping was taught as an optional subject for the S.S.C. examination. The mischievous implication is that cooking and domestic chores belong to the special world of women. I am sure there is no boys' school in this country where these subjects are taught for the S.S.C. examination. Part of the curriculum in every girls' school and women's college should be the Rights of Women and every woman should be trained to be a crusader of women's rights. They must be taught to educate the teeming masses of illiterate women of our country about their rights, about the causes of the denial of those rights and about how to secure and safeguard those rights.

Finally, the question of change of production relations. This, of course, as mentioned by me at the beginning is an essential and a fundamental requisite of the liberation of women and their total equality with men. Capitalism must go and socialism must be ushered in, the institution of private property which lies at the root of the problem must go. The material resources of the community including land must belong to the entire society, from which it will follow that industries are nationalised and agriculture is collectivized. Only then will men and women cease to be commodities of exchange. Only then will the foundation be truly laid for the equality of men and women. Only then will this man's world be transformed into a human world. Let the people of India, men and women, march forward as soldiers in that relentless revolutionary struggle against oppression, towards a more human world where all men and women are free and equal, where there is no exploitation, where there is no warping of the human mind by prejudices of race, religion, nation, class, caste or language and where everyone will work according to his or her ability and receive according to his or her need.

WORKING GROUP ON LAW*

In post-independent India, various changes in personal laws or criminal law and laws have been made to protect the rights of women and ensure their equality. These laws include amendment to Rape Law, Dowry Prohibition Act, Criminal Procedure Code, Evidence Act, Equal Remuneration Act, Prevention of Immoral Traffic Act (earlier known as the Suppression of Immoral Traffic). These changes in the laws have unfortunately proved to be ineffective in arresting the growing atrocities against women or ensuring their equal rights economically, politically or socially.

While changes are needed in the substantive laws specially in the areas of labour laws and personal laws, a common civil code giving equal rights to women is urgently required. But little has been done by the Government. Not only that, even for the existing law there is lack of proper implementation. The Dowry Prohibition Act has been amended twice 1984 and 1986 but the machinery for implementation of the law is yet to be set up. This is so even though according to the official figures given in Parliament violence against women and dowry deaths are on the increase. In spite of the amended rape law gang rapes as well as custodial rapes not only continue to be reported but in very few cases have there been any convictions-as a matter of fact in many of the cases the alleged rapists have not been brought to trial. The Government also acknowledges the tardy implementation of the Equal Remuneration Act and studies have shown that both maternity benefits and minimum wages continue to be denied to women workers.

In addition to non-implementation of legislation concerning women a recent trend is to take away rights which they have already enjoyed. Under pressure from the orthodox Muslim leaders a law was passed taking away the right of maintenance from destitute divorced Muslim women. The same trend is seen in the recent Government Bills-Hospital and other Institutions Bills and the proposed amendments to the Trade Union Act and the Industrial Dispute Act. If these become law, women will be adversely affected and lose all the democratic rights of political participation which they have at the moment.

All the laws in the land have their ultimate sanction from the Constitution. The Constitution does guarantee formal equality to all citizens and it has provision for positive discrimination to be made in favour of the socially and economically deprived sections of our people. In 1976 the words "socialist" and "secular" were introduced in the Preamble but corresponding changes were not made in the Fundamental Rights section or even in the Directive Principles of State Policy, although a new chapter on Fundamental Duties was added. Today every Indian, citizen has a duty to promote harmony and to renounce practices derogatory to women but there is no corresponding duty of the State towards women citizens. The Constitution has not yet made the right to work a Fundamental Right and fails to recognize gender based oppression as a major source of oppression for women. Although one of the Directive Principles (Article 51) states that the State shall foster respect for international law, India has still to ratify the Convention on the Elimination of All Forms of Discrimination Against Women, 1979, although 93 members of the United Nations have ratified the Convention.

The division of society into the private sphere and the public sphere has constitutional recognition and legitimacy. Thus all matters relating to the family are treated as 'private' matters and governed by personal law. Each community is governed by its own laws but common feature in all the laws is that it promote a family based on inequality between men and women. Under all these personal laws (with the exception of Khasi customary law) the man is the head of the family, he is the natural guardian of the children, the line of succession is through the male line and men and women do not have equal rights or access to property under the law, the law of divorce is harsher for women, women do not have the right to work outside their home nor do they have right to decide where the matrimonial home will be or the right, to adopt a child. The imperative need is to have a common civil code which will not only be common to all but should be based on equal right for men and women within the family. The prevailing inequality within the family is often responsible for the tensions which continue to be looked upon as problems of adjustment. This is evident from the over emphasis given to reconciliation by family courts and even in women's cells in police stations set up to help women who are victims of violence in the family.

Criminal law continues to maintain and perpetuate the unequal family structure. Although bigamy is regarded as a serious offence and is non-bailable, it is only the first wife or her family who can prosecute the husband. Adultery not only continues to be regarded as an offence but it is only the husband who can prosecute the wife's lover making it clear that the wife continues to be regarded as the husband's property. But under the law dealing with prostitution male client is not treated as an accomplice to the crime. The recent anti-Sati Act treats the offence of sati as a case of suicide and penalises the woman who is the victim, as a party to the crime.

Even though Child Marriage Restraint Act has been on the statute book for years and has recently been amended to raise the permissible age of marriage for both boys and girls, in States like Orissa, Madhya Pradesh, Uttar Pradesh and Rajasthan, child marriage continues. In order to give young woman the chance of getting out of a marriage performed when she was a minor, she should be given the option of repudiating the marriage on attaining majority whether it has been consummated or not. This is already a provision in the Hindu Marriage Act and should be included in all other personal law.

Compulsory registration of marriages which has been demanded repeatedly over the years still remains unimplemented even though registration of births and deaths have been made compulsory. Registration of marriages should be made mandatory and the parties to the marriage should produce evidence of their date of birth at the time of marriage. In order to better implement the law restraining child marriages a mandatory minimum term of imprisonment and fine should be imposed on the parents of the couple and if the parents of one or both are dead then on the legal guardians. Facilities for registration should be made in addition to the ones in the city, in the villages and talukas.

As stated in Para 2 above, the Government should immediately start the process of enacting a Common Civil Code which will give equal rights to women in the family. This should include equal rights of inheritance and an equal right to matrimonial property (property acquired by both the parties to the marriage). The woman should have the right to stay in the matrimonial home in case of a matrimonial dispute and a right to be protected from harassment from her husband by way of an injunction on the lines of English Matrimonial Homes Act, 1967 and the Domestic Violence Act, 1976. It is

necessary that joint ownership of property should include the joint ownership of a dwelling house or agricultural land or other property on which the woman works along with her husband.

For settlement of matrimonial disputes and other matters arising there from and to implement laws it is necessary that family courts should be immediately set up. There should be a specific mention of disputes relating to dowry in section (6) of the Family Courts Act to remove any ambiguity in this regard. The number of family courts should however be adequate to reach women everywhere and whenever necessary Mobile Family Court should function. Members of women's Organisation and other groups working for the rights of women must be associated with and advise the judges of these court. These representatives of women's organisations should also be allowed to represent a woman before the courts if she so desires. It is necessary to ensure that no hasty reconciliation procedures are followed by these courts as this can force the woman to go back to a life of misery.

The existing socio-economic and political structure has worked against the ruthlessly exploited workers both in the organised and unorganised sectors and portrays the lack of a labour policy. Statistics including those of the Governing agencies have clearly shown that even laws that have been passed to ensure some basic minimum rights to the workers have been honoured more in their breach than in their observance. These laws include the Minimum Wages Act, the Maternity Benefit Act, The Contract Labour (Regulation and Abolition) Act, The Equal Remuneration Act. Women worker have been the worst victims of this system. Their relentless struggle for survival has therefore, to be viewed against this back ground of even the existing laws being nonexistent for them. The need is, therefore, not only to enact substantive laws to bring relief to women workers especially those in the unorganized and home based sectors where hardly any laws operate, but also to provide a suitable enforcement and implementation machinery which can withstand the power structure working against these workers.

It should be noted that not only are the laws loaded in favour of the employers but government functionaries appointed under the various laws like Inspectors under the Factories Act or under the Contract Labour (Regulation and Abolition) Act have not performed their duties. It is, therefore necessary to have an enforcement/implementation machinery which will not only comprise of Government functionaries but others including workers' representatives. This machinery should be accountable and also be sufficiently decentralized to bring actual relief to women workers wherever they are suited.

Further, certain charges both in the General laws relating to workers and in laws which specifically apply to women workers, are Necessary in order to ensure that women workers are able to live their lives with dignity and earn their basic livelihood. We strongly feel that the right to employment should be a fundamental right guaranteed to all.

It is also imperative to ensure that all workers in the organised and unorganised sectors be paid a minimum wage which should cover the basic minimum need of the worker and his/her family for sustenance. To do this proper guidelines need to be issued as to the basis on which the minimum wages are to fixed or revised.

No exemption should be granted from paying minimum wages. Allied to this is the compulsory need to register all the workers so that they can benefit from the various

provisions of law. This is particularly necessary where it is difficult to identify the employees like in construction work and in agriculture or in home based work like beedi rolling where only the head of the household normally considered to be the man, is enrolled while the actual work is done by the women and the children.

It is also necessary that in order to work every woman needs to be provided both the maternity benefit and child-care facilities during working hours. We feel that it is inhuman to restrict the number of times a woman worker can be provided with maternity benefit. The suggestion that maternity benefit be provided from a Central Fund collected from the entire body of employers without reference to whether they actually employ women or not, is welcome. We suggest that this fund be enlarged to provide for suitable child-care facilities.

The law relating to Equal Remuneration for same or similar work needs to be altered so that men and women are paid equally for work which is of equal value and proper guidelines should be issued in this behalf.

The provisions regarding discrimination at the time of recruitment or later should be strictly enforced. The service of woman worker should not be terminated without reference to the appropriate implementation machinery.

We feel that the system of contract labour which lands itself to so many recognized evils must be abolished as soon as possible and the contract workers should be taken into direct employment by the principal employer.

It is also necessary to ensure that home-based workers and other workers in the unorganized sectors have complete legislative protection.

In the area of self-employed worker like vendors, hawkers etc. the municipal and police laws should be suitably amended to make easier licensing procedures available to them and to ensure that they are allowed to carry on their trade without harassment.

At present certain Acts provide for certain facilities to be extended to women workers. It is necessary that humane and just working conditions exist for all women workers and they be provided with proper medical facilities, that they work in a safe environment and take safety precautions whenever and wherever necessary. At her place of work wherever it may be whether in a factory or a small establishment or in the field she should have proper rest periods and washing and resting facilities and a place where her child is being taken care of.

To see that the various labour laws are properly implemented the power to file complaints and powers of inspection must be given to women's organisations, trade union functionaries, workers representatives and the individual affected worker herself or any other person authorised on her behalf. The penalties prescribed in the various labour laws provide for fine or imprisonment. Stricter penalties should be imposed on the erring employer which should be commensurate with the loss incurred by the worker plus an additional punitive fine and imprisonment wherever necessary. Since the majority of employers flout labour laws with impunity the onus of proving that they did not default should be placed on them. The employers should be further made responsible for the travel, loss of wages and legal expenses which the worker incurs during the pendency of her case. Free and accessible legal aid should also be provided to the workers.

For proper implementation of Provisions of criminal law and the recently amended laws pertaining to women, it is necessary to associate women's organisations and other groups working for them from the filing of the FIR through the investigation to the trial itself.

To make the police accountable for non recording of FIR and failure or tardy investigation, it is necessary to impose a penalty clause and it should be to treat them as abettors on the lines of sec. 10 of the Protection of Civil Rights Act 1955.

All investigations should be time bound and the trial should not take more than six months. This should be a mandatory provision. Changes should also be made in the Evidence Act regarding the standard of offences relating to women keeping in view the oppressed status of women.

A Commissioner for Women's Rights has been recommended but the appointment of a lone commissioner to enforce the laws will be quite ineffective. It is necessary to decentralise the enforcement machinery down to the local level and therefore set up monitoring committees consisting of representatives of women's organisations and of the Government. There should be atleast 50% of representatives from women's organisations. The monitoring committees should also be made accountable and their reports must be sent periodically to the Commission for Women.

Additional Recommendations

1. A national policy on legislation for women which recognises that there is need for the law to recognise that women are victims of gender based oppression and of economic exploitation. A time bound policy which must ensure that courts and the legal system is made responsive to women's needs by making legal justice both accessible and cheap;
2. Ratification of the Convention on the Elimination of All forms of discrimination against women. 93 countries have so far consented to be bound by its provisions, either through ratification or accession;
3. Adoption of Article 2 of the said Convention as a part of the Directive Principles of State Policy.

Article 2: States Parties condemn discrimination against women in all its forms, agree to pursue by appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) 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 realisation, of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, Organisation or enterprise.