

as a share of the working age female population, for gender gaps in labour force participation, entrepreneurial activity, or education, act to education impede the economic growth.

EQUALITY IN THE WORKPLACE AND HOSTILE WORKING ENVIRONMENT

Gender equality in the workplace, can only be achieved when women are able to access and enjoy the same rewards, resources and opportunities as enjoyed by men to achieve this nation requires

- Workplaces to provide equal pay for women and men for work of equal or comparable value
- The removal of barriers to the full and equal participation of women in the workforce
- Access to the all occupation and industries, including leadership roles, for women and men
- Elimination of discrimination on the basis of gender, particularly in relation to family and caring responsibility for both women and men.

REVIEW OF LITERATURE AND DATA ANALYSIS

The International Labour Organization founded in 1919 has traditionally addressed the issue of violence against women at work through the supervision of existing standards on gender equality. In 2009 the ILO, 98th session (General) adopted the conclusion on gender quality which state inter alias, that sexual harassment and other forms of harassment are serious forms of discrimination across the world that undermine the dignity of women and men, negate gender equality and can have significant implications gender-based violence in the workplace should be prohibited, policies, programmes, legislation, and other measures as appropriate should be implemented to prevent it. It should be address through social dialogue, including collective bargaining where appropriate at the enterprise, sectoral or national level.

The background report to the 98th session 2009 noted that thee had been an increase in policies and laws to address violence against women and girls but that enforcement remained a challenge. No society seems to escape a culture of violence, including gender-based domestic violence, and the spill over effect into the workplace is inevitable.

AS PER INDIAN EXPRESS REPORT ON JUNE 26, 2016

The participation of Indian women in workforce fell 10% in past decade as India recorded the lowest female labour participation rate a joint chambers association. Though there was a number of working women in India during 2000-2005 increased from 34% to 37% of total female population, the female labour force participation rate has reduced continuously thereafter and reached 27% in 2014, the study said acting World bank data of the period when India's economy was experiencing unprecedented growth.

The protection for empowering the state is to make special provisions for women. Article 15(3) has been enacted to eliminate the socio-economic backwardness of women and to empower them in a manner that would bring about effective equality between men and women. The purpose being to strengthen the status of women, by adopting measures of positive discrimination in favour of women for neutralizing the cumulative discriminations and deprivations which women face. Therefore, making special provisions for women in respect of employment of posts under the state is an integral part of Article 15(3).

DIFFERENT FORMS OF VIOLENCE

Gender based violence against women takes many forms such as physical, sexual, psychological and economic abuse, with its manifestations being rape, sexual assault, sexual harassment at workplace, acid attack, domestic violence, sex selective abortion, voyeurism, stalking and even natal family violence. Although statutory maximum penalties provide the parliaments views on the seriousness of an offence a large number of jurists differ in their personal opinion about which offences are more serious than other offences, depending on their value systems, personal beliefs, life experiences and knowledge of offences.

ROLE OF JUDICIARY IN ENACTING SPECIAL ENACTMENTS FOR WOMEN IN INDIA.

To curb the menace of Gender based violence and considering the women as separate class citizens our judiciary has played a eminent role to eradicate violence and exploitation of women and take initiatives for prevention of this menace of Gender based violence.

1. CONSTITUTION OF INDIA

The constitution of India, which is considered as Supreme Law Act, has incorporated many Articles specially for the protection and fundamental rights of women. Those are Articles 14, 15, 15(3), 16, 19, 21, 32, 226, 37, 38, 39(a), 42, 44, 45 and 51a(e) and 338.

2. FOR MAINTAINING SOCIAL LEGISLATION

To curb the menace of social and domestic violence, the following act have been enacted

- (a) Dowry Prohibition Act, 1961
- (b) The Commission of Sati (Prevention) Act, 1986
- (c) The Indecent Representation of Women (Prohibition) Act 1986
- (d) The Immoral Traffic (Prevention) Act, 1971
- (e) The pre-conception and Pre-natal diagnostic Techniques (Prohibition of Sex-Selection) Act 1994
- (f) Domestic violence Act 2005
- (g) Revised Domestic Violence Act 2014

3. FOR SAFEGUARDING WOMEN AT WORKPLACE/EMPLOYMENT

- (a) The Equal Remuneration Act, 1976
- (b) Harassment of Women at the workplace (Prevention Prohibition and Redressal Act) 2013

INCLUSION OF SEXUAL HARRASSMENT IN CRIMINAL LAWS

Prior to the amendment in the criminal law there was no specific offence as “Sexual Harassment” and offence against women were limited to those sections Sec. 354 outraging the modesty of women, Sec. 509 insulting the modesty of women and Sec. 379 rape, kidnapping or abducting a women.

After Nirbhay’s Rape case which occurred in December 2012 the Criminal Laws (Amendment) Act 2013 amended the IPC, The CrPC 1973, the Indian Evidence Act, 1872 and Protection of Children Sexual Offence Act, 2012. The criminal Law (Amendment) Ordinance vide section 6 inserted new sections namely Sec. 354A, Sec. 354B, Sec. 354C, Sec. 354D. Sec. 354A made acts or behavior consisting sexual harassment an offence and it stated the following acts or behavior shall constitute sexual harassment.

- (i) Physical contact and advances involving unwelcome contact and explicit sexual overtures
- (ii) Or a demand or request for sexual favours.
- (iii) making sexually coloured remarks or
- (iv) forcibly showing pornography or
- (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Any person who commits the offence specified in clause (i) or (ii) of sub sec. (1) shall be punished with rigorous imprisonment which may extend to five years or with fine, or with both.

4. JUSTIFICATION FOR THE ENACTED LAWS

A good number of laws enacted for women from time to time but the truth is somewhat different. There is six fold rise in crimes against women relating to cruelty by in-laws and dowry demands in Gujarat since 2016 to 2017 in state of Gujarat. As per Times of India report on February, 2018 the following graph is big reason for judiciary to rethink.

Crime against women in Gujarat

	Cases and Offences	2017	2016	Difference
1	Cruelty by in laws with dowry prohibition act	656	86	66.3%
2	Molestation	1095	1033	6%
3	Rape	479	472	2%
4	Immoral trafficking	52	63	18%
5	Sexual harassment	34	43	21%
6	Dowry death	121	168	27%
7	Cruelty by in-laws with other IPC excess + dowry	2678	3750	29%
8	Kidnapping and abduction	184	261	30%

According to NCRB report for the year 2016, Gujarat ranked 15th among 29th Indian states in terms of crimes committed against women

SUGGESTIONS AND CONCLUSION

As per the study we have discussed earlier, the study shows that women have become more empowered and are more self sufficient compared to earlier times, however statistics reveal that the scenerario has not changed much. An urgent need to develop new reforms and guidelines for protection of women. The state should develop infrastructure and nodal agencies to prevent laws and implement them coordinately. As per the statistics available from Time of India Gujarat State has launched “Abhayam 181 helpline” officials said that a proposal is already submitted to the state authorities where the counselors will work in close co-operation with police. A senior official said that the case will be received and attended by 181 counselor whereas the infrastructure such as vehicle and police staff would be provided by city police. The new model is expected to come into force from next fiscal.

Such amendments in the fiscal plan will obstinately reduce the crime rate against women and judiciary will really be a role model for the victims of the crime. These are some of the challenges which judiciary has to still cross to achieve accuracy.

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