

Kerala High Court

Women'S Voice vs The Union Of India on 15 March, 2012

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT: -

THE HON'BLE THE CHIEF JUSTICE MRS. MANJULA CHELLUR  
&  
THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 31ST DAY OF JANUARY 2013/11TH MAGHA 1934

W.P.(C).No.2508 of 2013 (S)

PETITIONER: -

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WOMEN'S VOICE,  
HAVING ITS REG. OFFICE AT BUILDING NO 437,  
WARD NO.XVI, SULTHAN BATHERY PANCHAYAT,  
SULTHAN BATHERY P.O.,  
WAYANAD, PIN - 673 592,  
REPRESENTED BY ITS PRESIDENT SULOCHANA RAMAKRISHNAN

BY ADVS.SRI.GRASHIOUS KURIAKOSE (SENIOR ADVOCATE)  
SMT.A.K.RAJASREE

RESPONDENTS: -

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1. THE UNION OF INDIA,  
REPRESENTED BY ITS SECRETARY,  
MINISTRY LABOUR, CENTRAL SECRETARIAT, NEW DELHI -1.
  2. THE STATE OF KERALA,  
REPRESENTED BY ITS CHIEF SECRETARY,  
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.

R1 BY ASST. SOLICITOR GENERAL OF INDIA SRI.P.PARAMESWARAN NAIR.  
R2 BY SENIOR GOVERNMENT PLEADER SMT.GIRIJA GOPAL.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
31-01-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -

W.P.(C).NO.2508 OF 2013

APPENDIX

PETITIONER'S EXHIBITS: -

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- EXT.P1 - COPY OF THE RELEVANT PORTION OF THE CONSTITUTION OF THE BOLIVAIAN REPUBLIC OF VENEZUELA.
- EXT.P2 - COPY OF THE RELEVANT PORTION OF STUDY REPORT OF EVANGELICAL SOCIAL ACTION FORUM AND HEALTH BRIDGE TITLED "WOMEN'S ECONOMIC CONTRIBUTION THROUGH THEIR UNPAID HOUSEHOLD WORK; THE CASE OF INDIA".
- EXT.P3 - COPY OF THE WEB-PAGE DATED MARCH 15TH, 2012 OF GOA NEWS - DA TO HOUSEWIVES.
- EXT.P4 - COPY OF MEMORANDUM GIVEN TO SRI.OOMMEN CHANDY, CHIEF MINISTE4R OF KERALA, WITH TRANSLATION.

RESPONDENT'S EXHIBITS: -

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NIL.

( TRUE COPY )

Manjula Chellur, C.J. &  
K.Vinod Chandran, J.

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W.P.(C).No.2508 of 2013-S  
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Dated this, the 31st day of January, 2013

JUDGMENT

K.Vinod Chandran,J.:

A registered Association, supposedly voicing the grievances of women, as its name indicates, is before us with the above Public Interest Litigation claiming the following reliefs:-

"(a) To issue a Writ of Mandamus directing the Respondents to evolve a scheme to provide minimum wage for housework to housewives irrespective of employed or unemployed.

(b) To direct the respondents to consider and take action on Exhibit P4 representation urgently".

2. The relief (a) is in consonance with Exhibit P4 representation and demands minimum wages for house work to housewives employed and unemployed. The averments in the writ petition, however, are on a different footing and are in the nature of a grievance so far as work, engaged in by the women at homes; going unnoticed and unreported in assessing the Gross Domestic Product (GDP) and Gross National Product (GNP) of a nation. The reflection WP(C).2508/2013 - 2 -

of such work, in statistics alone, does not alleviate the woes of employed or unemployed women.

3. Apposite is the statement in the writ petition, that the economic value of work of a mother/housewife is immeasurable. The Association seems to have not noticed the shift that civilized society made from classifying unemployed women as housewives to homemakers. It recognizes the significance of the woman in making a house; a home, and the role she plays; not being that of wife alone. Though the difference in nomenclature seems to be minimal, one cannot shut one's eyes to the fact that this shift essentially recognized the role of unemployed women in society especially when women have entered all walks of life and no premise of man remains untransgressed. Agrarian civilizations saw men and women working in the land together, to live, and with industrialization and the advent of professions, women could afford to confine themselves to their private domain at home where they took charge of the domestic affairs and concentrated on home building. This accentuated the significance of the family which was and is still considered to be the backbone of the society.

4. History too recognizes the women who came to the forefront in patriarchal societies; with reverence and awe, but without discounting the significance of the women in building homes, kingdoms WP(C).2508/2013 - 3 -

and empires. The gender distinction which arose out of the concept of women being the weaker sex often slipped into they being treated as vassals. Though as a society we have succeeded very little in effacing such discrimination, women, on their own have invaded the so-called male bastions. But still, we hear of many who give up their lucrative profession to look after the home and still as many who continue their chosen vocation but still keep a stable, well knit home.

5. The prayer of the petitioner-Association is to evaluate the work rendered by women at home and to provide minimum wage for such work. It is not clear as to whether the petitioner-Association requires a law to be enacted or specific amounts to be paid, and if it is the latter, then; from whose coffers? The Latin American example and that of Cambodia and Australia, to our further east are all proclamations and enactments by the law makers. We remind ourselves:

"judicis est jus dicere non dare"

(It is the province of a judge to declare the law, not to give it).

(Black's Law Dictionary; Fifth Edition) The duty of Court is to decide what law is and apply it; not make it. Nor can Court prompt or prod legislation to be enacted.

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6. We are afraid, the decisions of this Court and the Hon'ble Supreme Court, copiously quoted in the writ petition, is not relevant since all the said decisions relate to compensation for women involved in accidents, and who are apparently not employed. We reiterate the significance of home-makers, employed and unemployed, in societal well-being and individual upliftment. We are also of the opinion that to put a price tag for the work of mothers, wives, sisters, daughters and so on and so forth is an affront to womanhood and an insult to motherhood. It is said that God created mothers lest He be unable to reach everywhere.

We do not find any reason to entertain the above writ petition and dismiss it; in limine.

Sd/-

Manjula Chellur, Chief Justice Sd/-

K.Vinod Chandran, Judge.

vku/-

- true copy -