

## **“Women and Labour Law’s in India”**

**Dr. Mukta Jain**

Guest Faculty Political Science and Public Administration

Jiwaji University

Gwalior Madhya Pradesh

### **Abstract**

Women form an Integral part of the Indian workforce. According to The Information Provided by The Office of Registrar General and Census Commissioner of India, As per census 2011, the total number of female workers in India is 149.8 million and female workers in rural and urban areas are 121.8 and 28.0 million respectively. Out of total 149.8 million female workers, 35.9 million females are working as cultivators and another 61.5 million are agricultural laborers. of the remaining females workers, 8.5 million are in household industry and 43.7 million are classified as other workers. In this paper discuss the women labour and women labour working condition. Various policies and programmes were Implemented to improve the condition of working women and the policies regarding the India women have been guided by the provisions of the constitution. This paper attempt has been made to trace out the development of labour laws related to women and also to study their impact on the increase in work participation rate. although the working women have been provided various benefits, concession, protection and safeguard under different labour legislations in order to provide security against various risk peculiar to their nature .

### **Keywords**

Women labour,  
Integral,  
Constitution,  
Policies,  
Working Condition,  
Various benefits,  
Protection

### **Introduction**

One of the greatest thing is that the women facing the problem relating to the rights and privileges of women in India. From ancient to still today, women are struggling to find her social status and a respectable place in the society at the time Indian women were in a need of some laws in order to improve their social position and to ensure proper safety against mental and physical torture.

At that time Dr. B.R. Ambedkar took certain constructive and much needed steps in favour of Indian women. Due to the revolutionary changes brought by our constitution and efforts made by Indian women, they have earned them-selves a respectable position in the society and as a result that are treated equally with men. The constitution not only grants equality to women, it gives the measures and solution for the problem of women's

and also empowers the state to adopt measures of positive approach in favour of women.

The constitution of India mandates that women must be treated as equals and prohibits any discrimination against women in all areas, including education, vocational training, skill development and employment. our laws also protects the rights of women workers by ensuring that their health and safety is duly protected in the course of employment. particularly those of pregnant women. The constitution also safeguards the dignity of women workers and ensures that they are provided a safe working environment free of sexual harassment. In order to full fil the constitutional outdate all Labour laws contain special provision regarding the health and safety of women workers by regulating their working laws and by reducing the burden women have to carry.

**Objectives of labour laws:** To understand the Implementation of these enactments, we must first understand the objective behind labour laws –

- (i) To give an overview of the safeguard measures enacted for women.
- (ii) The primary objective is to protect women workers employed against industrial and occupational hazards;
- (iii) Ensuring improvement of the working condition of women and removing barriers to accessing and enjoying their rights;
- (iv) These enactments provide protection to women employees by availing safeguards and protection enacted for them under various acts;

### **Women labour:**

Nowadays women are working in almost all the sectors and industries on field. They are actively and passionately doing their jobs. In India women are an Important component of the workforce. According to the information provided by the office of registrar general and census commissioner of India. As per census 2011, the total number of female workers In India is 149.8 million and female workers in rural and urban area are 121.8 and 28.0 million respectively.

Out of total 149.8 million female workers, 35.9 million females are working as cultivators and another 61.5 million are agricultural laborers. of the remaining females workers, 8.5 million are in households Industry and 43.7 million are classified as other workers.

As per census 2011, the work participation rate of women in 25.51 percent as compared to 25.63 percent in 2001. The work participation rate for women in rural areas in 30.02 percent as compared to 15.44 percent in the urban areas. As per third and fourth Annual Employment unemployment survey launched by labour Bureau in October, 2012 and December, 2013, female labour force participation rate has been increased from 22.6 to 25.8%.

As per Annual employment Review conduct by Directorate general of employment during 2012, total employment in the organized sector in 295.79 lakh. out of total 295.79 lakh workers employment of women in organized sector (Public and Private) is 60.54 lakh which constitute 20.5% of total employment in organized sector of this 0.94 lakh women were employed in whole sale and retail trade and restaurants and hotels during 2011-12. The most spectacular rise in respect of female employment has been in the sphere of insurance real estate, business and service sectors. In the service sector, women are generally employed as sweepers, cleaners, waiters, cooks, maid servants, ayahs etc. The educated women in the service sector are employed in non- traditional occupation such as journalism, designing, painting. Sculpture, teaching medicine, Engineering etc. A very small percentage of women have turned entrepreneurs.

### **Women and labour laws:**

The labour laws in general pave the way for good condition of service, which include welfare benefits such as retrenchment benefits, employee's provident fund scheme, medical benefits and compensation etc. the main focus of the government's policies on women's labour has been to remove the handicaps under which they work, strengthen their bargaining capacity.

improve their wages and working conditions, enhance their skills and open up better employment opportunities for them the legal provisions that specifically apply to women workers are :

- (a) the abolition of night work except in the some occupations.
- (b) Provisions that prohibit work involving lifting heavy weights.
- (c) Prohibition of underground work for women in the mines.
- (d) Maternity benefits.
- (e) Provisions for creches
- (f) Equal remuneration for equal work etc.

There are numerous laws to protect the rights of laborers in India. some of them relate specially to women like the equal Remuneration act of maternity benefit Act, Whereas some other contain specific provision for women. A look at these laws will give us an Idea about their position on women's welfare safeguarding their rights, even though not all laws deal specifically with the welfare of women a cursory glance at the major ones would reveal the provisions that they have for women workers.

The labour laws in India cover a wide range of provisions to address various aspects of employment and to safeguard the rights and well-being of women workers. An overview of various key provisions for women workers is covered below.

### Welfare Provisions

) **The Factories Act, 1948** (Chapter V) incorporates provisions to ensure the welfare of women workers. These include the establishment of canteens, restrooms, first aid boxes, facilities for sitting, washing, storing, and drying cloths, and crèches for women workers within the factory premises. These welfare measures aim to provide a favorable and comfortable working environment for women, addressing their specific needs for health, hygiene, and childcare.

) **The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996**, mandates comprehensive welfare measures for women construction workers. These measures include provisions for first aid facilities to address immediate health needs, the availability of clean, accessible, and separate toilets to ensure sanitation, the establishment of canteens to provide food during working hours, the provision of crèches for the childcare, and the provision of restrooms to facilitate a comfortable working environment. The Act enhances the overall well-being and working conditions of women construction workers by ensuring access to essential amenities and services at construction sites. (Under BOCW cess fund, there is provision of Maternity benefit. This may also be added).

) **The Beedi and Cigar Workers (Conditions of Employment) Act, 1966** requires that every industrial premises where female employees more than the specified number are ordinarily employed, a suitable room or rooms for the use of children under the age of six years of such female employees shall be provided and maintained. Such room(s) shall be provided with adequate accommodation, be adequately lighted and ventilated, maintained in a clean and sanitary condition and be under the charge of women trained in the care of children and infants.

) **The Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA)** also has a welfare provision for children accompanying the women working under MGNREGA. The Act states that in case the number of children below the age of six years accompanying the women working at any site is five or more, provisions shall be made to depute one of such women workers to look after such children.

- o The Maternity Benefit Act, 1961 provides maternity benefits to women employees. This act was amended in 2017. The key

highlights of Maternity Benefit (Amendment) Act, 2017:

- Increase in Maternity leave Paid maternity leave increased to twenty-six weeks
- Applicable to businesses with more than ten employees, whether in the organized or unorganized sector.
- Both adoptive mother (women who lawfully adopts a child under the age of three months) and commissioning mother shall be eligible for maternity benefit for twelve weeks
- Every business with 50 (fifty) or more employees must have a mandates creche facility. This crèche is intended to cater to the needs of children, ensuring a convenient and safe space for working mothers to leave their children during working hours.
- An employer may allow a woman to continue working from home beyond the Maternity Benefit period

) **The Inter State Migrant Workmen (Regulation of Employment and Conditions of Service) Central Rules, 1980** mandated for separate latrines and urinals, separate washing facilities, creches and accommodation for migrant workers.

### Health provision

) **The Maternity Benefit Act, 1961**, is a crucial legislation that ensures the health and well-being of women workers throughout pregnancy and childbirth. This act facilitates not only maternity leave but also emphasizes the provision of nursing breaks for women employees. These breaks are designed to allow mothers to attend to the needs of their infants, promoting breastfeeding and maternal care. Employers are required to provide these facilities and breaks to support the overall health and well-being of women.

) **The Factories Act, 1948 (Chapter III)** mandates comprehensive health measures in factories, with specific provisions catering to the well-being of women workers. It outlines stringent requirements for maintaining cleanliness, ventilation, lighting, drinking water, and sanitation facilities to create a healthy and conducive working environment specifically for women. The Act necessitates the appointment of a qualified medical practitioner dedicated to addressing the unique health needs of employees. Furthermore, it imposes the obligation of periodic health check-ups tailored specifically to address the health concerns and conditions affecting women workers, ensuring their overall well-being within the industrial setting.

### Safety provisions

) **The Factories Act, 1948 (Chapter IV)** specifies safety measures for women workers, encompassing restrictions on working near cotton openers, prohibition from cleaning, lubricating, or adjusting any part of a machine while it is in motion, and not allowing them to lift excessive weights. In addition to these specific provisions, the Act also mandates generic safety measures applicable to both women and men workers, including the fencing of machinery near which they work, regulations for work on or near machinery in motion, and precautions against hazardous processes.

) **The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013**, plays a pivotal role in fostering a safe and secure working environment by actively preventing and addressing instances of sexual harassment in the workplace, which indirectly contributes to enhancing women's participation in the workforce. One of its key provisions is the

mandatory creation of Internal Complaints Committees (ICCs) within organizations. These committees are responsible for addressing complaints related to sexual harassment and ensuring a fair and confidential process for redressal. The ICC comprises both internal and external members, including a presiding officer, representatives from among employees, and a member from a non-governmental organization or association committed to women's rights. The Act outlines the procedures and timeframes for the resolution of complaints, promoting a workplace culture that prioritizes the dignity and well-being of women employees. The POSH act also mandates that the district administration must constitute a Local Complaints Committee (LCC) in each district to focus on cases where the complaints are lodged against the employer themselves or in case of units with less than 10 employees where ICC is not constituted.

### Social security provisions

- ) **The Employee State Insurance (ESI) Act, 1948**, extends comprehensive social security benefits to both women and men workers. It ensures their well-being by providing various benefits, including medical and cash benefits in instances of sickness, maternity, disablement, or death. The cash benefit ensures that women workers, in particular, receive support and financial assistance during periods of sickness and maternity. Under this Act, registered employees, including women workers, and their dependents are entitled to medical benefits. These benefits cover the costs of medical care, including outpatient and inpatient treatment, maternity care, and related services.
- ) **The Employees' Provident Funds (EPF) and Miscellaneous Provisions Act, 1952** ensures the establishment of a provident fund for social and financial security and retirement benefits for all eligible employees, regardless

of gender. The Act applies to both women and men workers, providing them with a savings mechanism to accumulate funds for retirement. Under this Act, both the employer and the employee make contributions to the provident fund, creating a pool of savings that can be utilized by the employee upon retirement, or in case of certain contingencies such as disability.

### Provision related to wages

- ) **The Payment of Wages Act, 1936**, plays a pivotal role in safeguarding the rights of workers especially for women workers by specifying the timing and mode of wage payments. This act outlines the frequency of wage disbursement, ensuring that employees receive their wages regularly and in the prescribed manner. By providing a legal framework for wage payments, the act promotes financial stability for workers, particularly important for women supporting themselves and their families
- ) **The Minimum Wages Act, 1948**, is a crucial piece of legislation that ensures the fixation and periodic revision of minimum wages for various categories of employment. This ensures that every worker, regardless of gender, receives remuneration commensurate with the nature of their work, skills, and prevailing economic conditions. The Act helps establish a baseline standard of living for labourers and seeks to prevent exploitation by setting a floor wage that employers must adhere to that prevents exploitation and guarantee that women receive fair remuneration for their work.
- ) **Equal Remuneration Act, 1976**: The Equal Remuneration Act, 1976, is a significant legislation designed to eliminate gender-based wage discrimination. This act prohibits any form of discrimination in wages based on gender and emphasizes the principle of equal pay for equal work and ensures women receive the same remuneration for identical or

similar work. The Act promotes fairness, nondiscrimination, and equal opportunities for both male and female workers, fostering a more equitable work environment.

### New provisions under various labour codes

#### ) **The Occupational Safety, Health, and Working Conditions Code, 2020,**

incorporates provisions to address the occupational safety, health, and welfare of workers including women workers. It emphasizes creating a secure and healthy working environment, considering the unique health considerations of women. The code includes provisions aimed at promoting the well-being of women, such as mandatory health checkups. Employers are required to facilitate free-of-cost health checkups on an annual basis for all workers. The Occupational Safety, Health and Working Conditions Code, 2020 Provisions for Night Work - In order to promote women's employment in India, the law allows consenting women to work at night, subject to any safety, holiday, and work schedule restrictions that the appropriate government may impose.

- Hazardous occupation: A government may, in the prescribed manner, require an employer to provide adequate safeguards before hiring women for an operation if it determines that hiring women poses a risk to their health and safety in that establishment due to the operation conducted there
- Transportation Facility: Transportation for female employees is covered under the Act; the employer is required to offer a pick-up and drop-off service
- Creche Facility: According to the provisions, the Central Government may issue regulations to provide for the availability of a creche or rooms for the use of employees' children under the age of six at a suitable location and distance,

either separately or in addition to shared facilities, in establishments where more than fifty workers are typically employed.

) **The Code on Wages, 2019,** serves as a comprehensive and streamlined framework for labour laws about wages. It encompasses all categories of employees, including those who are in contractual, casual, and temporary work. This code underscores the principles of gender equality and nondiscrimination by explicitly prohibiting wage disparity based on gender. It establishes the principle of equal remuneration for both women and men engaged in the same work or work of a similar nature, thereby promoting fairness and equity in the realm of remuneration

) **The Code on Social Security, 2020,** was formulated with the primary objective of consolidating laws related to social security, aiming to extend comprehensive social security coverage to all workers. This code places a strong emphasis on the universalization of social security benefits. Notably, the code ensures the extension of these benefits to all workers, including gig workers and platform workers, marking a significant stride in guaranteeing the rights and protection of workers in the unorganized sector. It is especially noteworthy that women in the unorganized sector now have access to social security rights. The code also emphasizes inclusivity across all sectors of employment under the Employees' State Insurance Scheme, notably extending its benefits to plantation workers. This provision is particularly beneficial for women engaged in tea and coffee plantations, providing them with essential support and ensuring their well-being.

) **The Industrial Relations Code, 2020** aims to consolidate laws relating to industrial relations. The code introduces the concept of fixed-term employment and sets rules for the retrenchment of workers. The code emphasizes on fair representation of women in the Grievance Redressal Committee and mandates that representation should be proportionate to the number of women workers in relation to the total workers employed in the establishment. The aim is to ensure that women have a meaningful role and participation in resolving individual workplace disputes.

) These provisions collectively aim to establish a supportive and secure working environment for the specific needs and challenges of women workers. The comprehensive measures include restrictions on night shifts, provisions for suitable seating arrangements, and facilities for personal hygiene, acknowledging the distinctive requirements of women in the workforce. Employers are essential stakeholders in creating a workplace that prioritizes the well-being and equitable treatment of women workers. Employers must be well-informed about and strictly adhere to these provisions, fostering an atmosphere that safeguards the health, safety, and dignity of women in the workplace.

## Conclusion

Working women form a major thick piece of society, they need special protection. there are various Act in India which deals with the laws related to labour in India concentrating on women's right specifically . the constitution of India is a unique legal document that provides various fundamental principal procedures, practices, rights, power and duties of the Government the working women have been provided various benefits, concession, protection and safeguards under different labour legislation in order to provide security against various risk

peculiar to their nature which are likely to occur in their lives yet their work participation is not up to mark. According to the Human Development Report, 1995 women's participation the labour force had risen only by four percent points in twenty years, form thirty six percent in 1970 to forty percent in 1990, Women normally receive a much lower average wage than men, all religious record a higher rate of unemployment among women than men women work longer hours than men in every country the deeply sharing of the adversities between women. and men are still persisting. Women's social and economic liberation can only be achieved with the help of the legal system. When it comes down to it, women workers need to be fully aware of their own issues and bold enough to advocate for what they deserve in order to attain the legislatively mandate outcomes India has witnessed great change in the last two decades. Policies to raise women's age at marriage, enhance their Education and open greater employment opportunities wise also help to empower them at least in some respects. our goal help to empower them at least in some respects. our goal is to cause policy, Institutional and Individual change that will improve the lives of women and girls everywhere.

## References

- (i) Ministry of Labour and employment Government of India.
- (ii) Indian Labour year book, 2011-12 Govt. of India.
- (iii) Women social movement and change, women and labour laws.
- (iv) International Labour organization (ILO Report)
- (v) Indian employment Report, Directorate of General Employment, Government of India.
- (vi) Kalbagh, Chetna (Ed) 1992, women and Development (Women and development series 4) discovery, New Delhi.
- (vii) Statistics on women - ILOSTAT (Ilostistics on women) International Labour organization.

(viii) Arun kumar Singh; Empowerment of women In India, New Delhi oxford University Press.

<b>Access this Article in Online</b>	
	Website: <a href="http://www.ijarm.com">www.ijarm.com</a>
	Subject: <a href="#">Labour laws</a>
<b>Quick Response Code</b>	
DOI: <a href="https://doi.org/10.22192/ijamr.2024.11.07.001">10.22192/ijamr.2024.11.07.001</a>	

How to cite this article:

Mukta Jain. (2024). "Women and Labour Law's in India". Int. J. Adv. Multidiscip. Res. 11(7): 1-8  
DOI: <http://dx.doi.org/10.22192/ijamr.2024.11.07.001>