



Working Women and Protective Laws in India

Dr. Neena Vashisht

Asso. Prof in Economics, Faculty of Law, MDU Rohtak, Haryana

ABSTRACT

Contrary to common perception, a large percentage of women work in India. National data collection agency accept that statistics seriously understate women contribution as workers. On the one hand, there are women workers in unorganized sector both in rural and urban areas who may be called invisible, behind tall buildings, highway, city roads and government programs, they shed their sweat, they are the most crucial but most underpaid and neglected link in the labor chain. On the other hand, there are women in the organized sector who participate in work force in impressive numbers. For example, in the software industry, 30% of the workforce is female and enjoy parity with their male counterparts. This paper analyzes the profile of women in various economic activities industry-wise, zone-wise and sector-wise. It also highlights the protective legislation for working women in our constitution.

KEYWORDS

Women constitute a significant part of the work force in India. Data on trends in female employment in India are difficult to come by. Changes in the definition used to identify workers do not permit comparison of female participation rates derived from the population censuses prior 1981. Based on the uniform definition of workers till 2011, the female work participation rate stands at 25.51% compared to 53.26% for males. In the rural sector, work participation rate of women has been 30.02% and 15.44% in urban sector.

Employment of women in unorganized sector: As per census 2011, 41.1% of the female main and marginal workers are agricultural labors, 24% are cultivators, 5.7% are household industry workers and 29.2% are in other works. Apart from this, in the rural sector 59.3% female are self-employed, 5.6% female have regular wage/salary and employment and 35.1% females are casual labors. Aasha Kapoor Mehta in her article 'Liberalization and Employment of women' rightly says that women working in the informal sector work on small and marginal farms, in home based or micro industries, small dairy and livestock units, fisheries, make forest fiber based products, domestic services, vending and trading fruits, vegetables, flowers etc. Women constitute about half of the workers in this sector and are characterized by fewer and poorer opportunities to work, greater impact of unemployment, under-employment and casual nature of work; greater vulnerability because of lack of all skills and education; lesser mobility; heavy responsibilities; a systematic social practice of under-rating women's work and lack of access to better technology and productive assets. To a large extent, poor women keep moving between the status of self-employed, casual labor and unemployed. Broadly speaking, the informal sector is largely unprotected and outside the realms of policy making.

Employment of women in organized sector: Profile of working women can be studied under employment of women in organized sector by major industrial groups, zone-wise, sector-wise.

Table No. 1: Women Employment by Industry

Tabulation Code	Industry	Women's employment in thousands as on 31 st March 2010/2011		% change 2010/2011
A&B	Agriculture, Hunting, Forestry and Fishing	476.85	496.45	2.85
C	Mining and Quarrying	110.56	89.95	-18.64

D	Manufacturing	1031.14	1044.11	1.36
E	Electricity, Gas and Water	61.01	59.59	-2.38
F	Construction	74.80	72.43	-3.16
G&H	Wholesale and Retail trade and Hotel and Restaurants	73.42	83.89	14.26
I	Transport, Storage and Communication	214.74	217.25	1.17
J&K	Finance, Insurance, Real Estate and Business Services	597.82	639.42	6.96
L,M,N, O,P&Q	Community, Social and personal services	3200.92	3214.09	0.41
	Total	5480.25	5911.18	1.21

Source: DGE&T, Annual Employment Review, 2011

The distribution of women employees in major industries reveal that community, social and personal services continue to absorb the majority of women employees being 3214.09 lakhs in 2011. The lowest employment of women is noticed in electricity, gas and water supply.

Table No. 2: Women Employment by Zone

S. No.	Zone	Women's employment in thousands as on 31 st March 2010/2011		% change 2010/2011
1	Northern	738.38	756.51	2.45
2	Central	487.89	502.80	3.06
3	North East	460.52	454.33	-1.34
4	Eastern	500.21	518.89	3.73
5	Western	1184.25	1238.23	4.56
6	Southern	2479.54	2473.50	-0.16
7	A&N* Island	7.78	7.79	0.01
	Total	5858.58	5954.11	1.63

*Andaman and Nicobar Island

Source: DGE&T, Annual Employment Review, 2011

Employment of women in different zones of the country is depicted in the table above. Employment of women is highest in southern zone and lowest in north-east zone.

Table No. 3: Women Employment by Sector

S. No.	Sector	Women's employment in thousands as on 31 st March 2010/2011		% change 2010/2011
1.)	Public Sector	3138.78	3170.64	1.02
a.)	Central Government	230.47	245.32	6.44
b.)	State Government	1609.00	1653.59	2.78
c.)	Central Government (Quasi)	408.39	409.03	0.16
d.)	State Government (Quasi)	278.33	269.33	-3.23
e.)	Local Bodies	612.59	611.27	-0.22
2.)	Private Sector	2701.47	2783.47	3.04
a.)	Large Establishment	2357.74	2507.56	6.35
b.)	Small Establishment	343.73	275.91	-19.73
	Grand Total (1+2)	5840.25	5954.11*	

Source: DGE&T, Annual Employment Review, 2011

*Due to non-availability of data as per NIC 1998, Information in respect of J&K, Manipur, Mizoram, Daman and Diu and Puducherry not included in the totals of 2011.

The sector-wise distribution of women employment reveals an overall increase in employment in public sector (1.02%). In all constituents of public sector except state government (quasi) and local bodies which recorded negative growth of 3.23%.

With the spread of education and employment opportunities, the number of working women is fast increasing and women are competing with men in every field. Our constitution has provided various safeguards and incentives to women workers so that they can work with dignity and contribute to the development of the country.

EMPLOYMENT OF WOMEN – PROTECTIVE LEGAL PROVISIONS:

The constitution of India guarantees to all Indian women equality (Article 14), no discrimination by state (Article 15(1)), equality of opportunity (Article 16) and equal pay for equal work (Article 39d). In addition, it allows special provisions to be made by the state in favor of women and children (Article 15(3)), renounces practices derogatory to the dignity of women (Article 51(A)(e)) and also allows provisions to be made by the state for securing just and humane conditions of work and for maternity relief (Article 42).

Besides, there are some specific legal provisions guaranteeing a protection and relief to women work force in organized and unorganized sector. Following are some of these major provisions:

1. The Bidi & Cigar workers Act, 1966 --

Provision of crèches for the benefit of women workers in the industrial premises wherein more than fifty female employees are ordinarily employed.

2. The plantation labor Act, 1951--

Provision of crèches in every plantation wherein fifty or more women workers (including women workers employed by any contractor) are employed or where the number of children of women workers (including women workers employed by any contractor) is twenty or more. Women workers are provided time off for feeding children.

3. The Contract Labor (Regulation & Abolition) Act, 1970—

Provision of crèches where twenty or more women are tempo-

rarily employed as contract labor. Not to be required to work beyond 9 hours between 6AM and 7PM with the exception of mid-wives and nurses in plantations.

4. The Inter State Migrant Workmen (Regulation of Employment & Condition of Service) Act, 1979--

Provision of crèches for the benefit of women workers in establishments wherein twenty or more women are ordinarily employed as migrant workmen and in which employment of migrant workmen is likely to continue for three months or more.

5. The Factories Act, 1948--

Provision of crèches in every factory wherein more than thirty women workers are ordinarily employed.

6. The Mines Act, 1952--

Employment in mines below ground prohibited. Provision of separate toilets and washing facilities for women workers.

7. Maternity Benefit Act, 1961--

Maternity benefits to be provided on completion of 80 days working. Not required to work during six weeks immediately following the day of delivery or miscarriage. No work of arduous nature, long hours of standing likely to interfere with pregnancy/normal development of fetus or which may cause miscarriage or is likely to affect health to be given for a period of six months immediately preceding the period of One week before delivery. One medical certificate, advance maternity benefit to be allowed. Rs.1000.00 as Medical bonus to be given when no prenatal confinement and post natal care is provided free of charge.

8. Equal Remuneration Act, 1976--

Payment of equal remuneration to men and women workers for same or similar nature of work protected under the Act. No discrimination Permissible in recruitment and service conditions except where employment of women is prohibited or restricted by or under any law.

9. Employee's State Insurance (General) Regulation, 1950--

Claim for maternity benefit becomes due on the date medical certificate is issued for miscarriage, sickness arising out of pregnancy, confinement or premature birth of child. Claim for maternity benefit becomes due on (General Regulation 1950) the date medical certificate is issued for miscarriage, sickness arising out of pregnancy, confinement or premature birth of child.

10. The Building and Other Workers (Regulation of Employment and Conditions of Service) Act, 1966--

Representation of a women member on Building and other Construction Worker Welfare Boards. Provisions for maternity benefit to female beneficiaries of the Welfare Fund. Provision for crèches where more than 50 female construction workers are ordinarily employed.

11. Prevention, Prohibition and Redressal Act 2013-

The act seeks to protect women from sexual harassment at their place of work. It defines sexual harassment and creates a mechanism for redressal of complaints besides providing safeguard against false and malicious charges. Non-compliance with the provisions of the Act is punishable with a fine of up-to Rs. 50,000, repeated violation may lead to higher penalties and cancellation of license or registration to conduct business.

Recently The Criminal Law (Amendment) Act 2013 has been passed with a goal of more effectively protecting women from sexual violence. As working women are definitely more vulnerable to act of such violence, this legislation needs a special mention here. This Act amends the Indian Penal Code; Code of Criminal Procedure 1973; The Indian Evidence Act 1872 and Protection of Children from Sexual Offences Act 2012. The amendment act 2013 clearly mentions different kinds of crimes against women including acid attacks, sexual harassment, stalking, voyeurism and rape. In acid attacks

and attempt to acid attacks, the criminal would be punished with imprisonment of minimum less than 10 years which can extend to life in jail. The act redefines sexual harassment including physical contact and advances, demand and request for sexual favors, showing pornography and making sexual remarks. The act also covers voyeurism which includes watching or capturing the image of a woman engaging in private act. Stalking is also covered under this act. Regarding rape, the law has described various conditions of rape and made provisions for punishment. It provides capital punishment for rapes leading to death and raises to 20 years from 10 years, the minimum sentence for gang rape.

India's social changes have been engineered by women getting access to education and jobs. More and more women are entering the public space in urban areas and the influx of migrants from villages who come seeking work. However, on the ground regressive notions and crimes continue to halt and haunt women from getting out of their homes and joining the work force. Activists argue that the rising number of women parliamentarians and the presence of many high profile women in India's political parties and public offices will remain only cosmetic if effective laws and mindsets are not altered to safeguard ordinary women. A steep decline in the quality of governance, proportionate rise in public inertia and self-centered attitude or simple indifference of the public has made matters worse for women.

REFERENCES

- Central Statistics office, NSO Ministry of statistics and program implementation, Govt. of India. | • Director General of Employment and Training(DGE&T), Annual Employment Review (2011), Page 2 | • DhawanHimanshu, The hidden half, March 9 (2011), The Times of India. | • Dreze, Jean and Amartya Sen (1995), India; Economic Development and opportunity Delhi. | • Indiastat.com, workforce participation rate by sex and sector in India. | • India is fourth most dangerous place in the world for women; Poll invisible India (2014), India Today, 13 March. | • India, Registrar General Census commissioner (2010), Primary Census Abstract, Total Population, New Delhi, Page 1. | • KagiReema, "A callous disregard for women's safety (2012), 16 December, The Times of India. | • Mehta Aasha Kapoor, Liberalization and employment of women (1995), Paper presented at UNDP workshop on The Human Development Report. | • Ibid, JhalwalaRaveena as cited in Aasha Kapoor Mehta, page 2. | • NagarajanReema, Women account for just 22% of workforce in India (2013), November 30, The Times of India. | • Prevention, Prohibition and Redressal Act (2013). | • RathiAkshat, "India's urban work boom is leaving women behind (2013)", The Hindu, February 2012 | • The Criminal Law (Amendment) Act, 2013. | • UberioPatrica (1994), Sociology, Gender and Family Studies, EPW, July 2, Page 1686. | • World Economic Forum – 2013 (The Global Gender Gap Report 2013) |