Chapter- 2

Review of Relevant Literature

2.1: Introduction:

The Industrial Revolution is one of the most significant landmarks in the history of mankind. No other event in modern history has made such a tremendous effect on the common man. India was under the colonial rule at the time of beginning of modern industrialization. The beginning of modern industrialization in India can be traced back to British investment in railways and telegraph. Soon thereafter, cotton textile industry started in the country. Indian initiative soon followed the initiative of British industrialists. Jemshedji Tata opened a steel factory to make India self-sufficient in iron and steel in 1907. A few other industries like jute, paper and glass made their appearance gradually.

Modern industrialization brought in significant changes in Indian economy. The scale of production facilitated by the new technology was considerably large. Slowly the traditional handicrafts industry declined and a new class of industrial worker emerged in India as it had happened in other industrial countries.

Women entered the labour market when economic necessity forced them to supplement the meager family earnings. The work done by them was of supplementary nature. This was true not only at the family level, but at the work place also. In times of labour shortage, they were
employed in large numbers, but when demand for labour contracted they were the first to be retrenched. Their significance was marginal; they constituted the reserve labour force. This concept of women as a sort of balancing force in the family or national economy had a whole series of practical implications. It had the net effect of making it difficult for women to become integrated as a permanent part of the work force. It also caused them susceptible to discriminatory treatment in the employment market. (Pant, 1985)

The conditions in India were no different than what they were in other countries during the initial phase of industrial revolution. In India women with extreme poverty were forced to seek employment in the factory sector to increase the meager family earnings. In the mines and plantations a large number of women workers were employed because in many cases the whole family was employed as a unit. (Pant, 1985) The daily schedule of women workers started at four in the morning and continued till one o’clock at night. In city of Bombay, women delivered their babies on the streets, on their way to work, at the gates or in the compound of mills. Workers were living in over crowded one room tenements infested with vermin and without drainage systems. Since women had to leave the infants behind when they went to work, 98% of infants born to women industrial workers had opium (bulla golis) administered to them. Children of five to six years, clothed in rags, were found working in factories in miserable conditions. Such conditions
poisoned home life and lowered the standard of morality. Due to the absence of parents, children became delinquents as their education was neglected. As women began to work for 15 hours or so a day and lived in congested quarters, it became extremely difficult for them to maintain modesty and virtue. The women and children imitated the vices of men and began to drink alcohol. (Chhachhi, 1998)

Gradually there emerged a strong pressure group of workers, i.e., the trade unions in almost all the countries going through the phase of industrialization over the years. (D'Souza, 2005) Beginning of organized labour movement in India may be traced back to the initiative and efforts of humanists, social workers, philanthropists and political workers during the late 19th century. In India N M Lokhande who was one of the pioneers of trade union movement associated himself with Sathysamaj of Mahatma Phule worked for the upliftment of working class. After the emergence and spread of trade union the process of raising the voices of workers gathered momentum. (Rao, 1988)

Labour legislation began around the same time as the labour movement was spreading in the country. The beginning of labour legislation was also due to the reports of Factory Commissions especially regarding the conditions of workers. There were no laws till 1881 to regulate the service conditions of workers. The Factories Act 1881 is a significant step towards improving working conditions of the workers. With the establishment of ILO in 1919, the process of labour legislation
got a boost in India. A number of labour laws were passed in India after 1920 - important ones being Indian Mines Act 1923, Workmen’s Compensation Act 1923, and Trade Union Act 1926. Based on the recommendations of Factory Commissions and ILO conventions on various subjects, 24 more labour laws were enacted during the period 1932 to 1937. (Vaidya, 1993)

There was a renewed focus on the process of labour legislation in the post independence period. The special interests of women workers were covered through the special enactments for women workers, viz., Maternity Benefit Act, 1961, Equal Remuneration Act 1976, Sexual Harassment Bill etc. The interests of women workers were covered in other general legislation as well; such as Factories Act, 1958, Plantation Labour Act, 1951, Mines Act, 1952, Beedi and Cigar Workers (Conditions of Employment) Act, 1956, Minimum Wages Act, 1948, Inter-state Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, Contract Labour (Regulation and Abolition) Act, 1970, etc.

Various studies have been conducted on the implementation of labour legislation. This chapter covers findings of some of the major studies with respect to the implementation of legislations for women workers. One of the important sources in this context is the Labour Bureau of Government of India. The need for more comprehensive labour statistics for the formulation of labour policy led to the setting up of the Labour Bureau on October 1, 1946 at Simla. Since then Labour Bureau
is engaged in collection, compilation, analysis and dissemination of statistics on different facets of labour at all India level. It also brings out studies on workers in different industries. (Labour Bureau, 2007) Studies conducted by various researchers have also been covered here. These studies largely focus on socio-economic conditions of women workers, their status of employment such as permanent/temporary vis-à-vis men, remuneration, women's night work, sexual harassment working conditions like the space, ventilation, sanitation etc.

2.2: Labour Bureau Studies:

As mentioned before, some of the important studies conducted by Labour Bureau have been reviewed in this section. These studies focus on socio-economic conditions of workers as well as their working conditions. These studies cover the implementation of various labour laws such as maternity benefits, equal remuneration and so on.

In 1976, Labour Bureau conducted a survey covering cotton ginning, cleaning and baling industry in Gujarat, Karnataka, Madhya Pradesh, and Maharashtra. The study revealed that only one unit had provision for payment of maternity benefits to its women employees. Out of which not even a single maternity claim had been made by the employees during reference year. One unit was found to be paying Rs. 10/- to its women employees as milk allowance at the time of delivery but not the maternity benefits. In case of crèche facility about 39% of
factories in Gujarat, 9% in Karnataka, 43% in Madhya Pradesh, 53% in Maharashtra were statutorily obliged to provide the same as each of them employed more than 30 women. In reality only three (1%) units provided crèches.

A Labour Bureau study (1977) covered 500 women workers in selected industries like silk textiles, food processing, mica factories, and cotton textile and jute mills. The study covered issues like wage differences, maternity benefits and welfare facilities. Regarding wages, the study revealed that though the average daily earnings of women were lower than those of men, the majority of units were found to have been covered by ESI scheme. The overall rates of confinement on account of maternity leave were less than 2%. Only 18 units were maintaining crèches and incurring on an average Rs. 69/- per women employee annually on maintenance of crèches. Welfare facilities to women like separate rest room, washing and bathing facility were provided by only two industries.

1979 study by the Labour Bureau of the fireworks industry in and around Sivakasi revealed that women constituted 48% of the workforce, however, no maternity benefit claims were made by any of them and there was no practice of providing maternity benefit in the industry. (Ganapati, 1994)

The Labour Bureau conducted a study from December 1976 to April 1977 (1979) on the socio-economic conditions of 8050 women workers in 87 mine units. The focus of the study was on the status of
women workers, i.e., temporary/permanent, wage levels vis-à-vis men and maternity benefits. Regarding the status, it was reported that the employers denied the benefit of permanent status to workers, even after putting in one to five years of service. Out of total workers, only 43.6% workers in mines were found permanent and remaining 56.4 were temporary. In case of wages, the study observed that in 77 out of 87 mining units, the wage rates of men and women engaged on similar work were the same, even before the promulgation of the equal remuneration ordinance of 1975. Yet in the remaining 10 units discrimination was observed. Regarding maternity benefits, women reported that benefits were denied by causing a break in their service and appointing them on casual and contract basis. They also reported delay in payment of maternity benefits, lack of pre and post-natal care, only men doctors being available, facility of crèche in kucha house without sanitation, light and ventilation, crèches managed by unqualified attendants with no necessary provisions and cases of harsh behavior of crèche-in-charge towards children. In some cases the members of the family were required to accompany and look after their children attending crèches.

The 1980 study of Labour Bureau on socio-economic conditions of women workers in mines covered 70 units. The study shows that the proportion of women workers who claimed maternity benefit had declining trend over the period due to their ignorance about provisions as well as employers’ attitude. It was also reported that they were not
transferred to lighter jobs during pregnancy. The expenditure on maternity benefits on the part of employer was negligible. The study showed that, out of 70 units only 35 were providing the crèche facility which was also below prescribed standard. Employers followed various tactics and conveniently evaded the law regarding crèches under various reasons like: unwillingness of women workers to bring their children to the crèches on account of crowded buses and trains, workers being temporary or casual, short and uncertain period of work, inadequacy of space, small numbers of eligible children, employment of less than 30 women workers and large number of unmarried and widowed women. In many cases, rest shelters for the workers were not of prescribed standard.

The 1984 study covered working conditions of 1368 women workers in textiles, khandasari and sugar products covering 184 units. The focus of the study was working conditions and maternity benefits. Regarding working conditions, the study revealed that women workers in some khandasari and cotton ginning factories were working in over crowded rooms having inadequate ventilation. They were inhaling a lot of dust and often remained ill with respiratory diseases in absence of protective masks. A large number of factories did not have adequate sanitation facilities. In case of maternity benefits, except women from seasonal industries, most of the women reported of availing of some benefits under the ESI Act 1948. They complained about distant
location, poor standard of pre-natal and post-natal medical facilities and medicines in E.S.I. hospitals/dispensaries. Where crèche facilities were provided, rooms were of poor standard without required sanitation and other facilities. Women workers did not bring their children fearing that they might catch infection due to cotton dust. Employers followed various tactics and conveniently evaded the law regarding crèches under various reasons like: unwillingness of women workers to bring their children to the crèches on account of crowded buses and trains, workers being temporary or casual, short and uncertain period of work, inadequacy of space, small numbers of eligible children, employment of less than 30 women workers and large number of unmarried women.

A study conducted in 1984 of the registered Agarbatti units in Karnataka revealed that women constituted 73% of the workforce. Maternity benefits were however payable as cash assistance of Rs. 40/- per confinement as per an agreement with the workers on completion of qualifying service of nine months. Maternity leave of 6-8 weeks without wage was also allowed. (Ganapati, 1994)

The 1985 study of 1110 women workers covered 138 factories from raw leaf tobacco, zarda and cigarettes, bricks kilns, tiles, stone chasseing, crushing and electric and miniature lamps, radios, TV sets, fountain pens and ball pen industries. The study focused on issues like working conditions, status of the employment and maternity benefits. Some of the observations about working conditions are, women working
for long hours, say 10-14 hours a day, carried heavy load exceeding prescribed limit of 30 k.g., worked in over crowded rooms and absence of mask which caused asthmatic and other respiratory diseases. Women were required to sit on floor for four to five hours continuously causing strain. There was no proper canteen facility in many units. Regarding the status of employment, the study revealed that only 1% out of 407 women employed in brick kilns were permanent against 6.7% for men. The percent of women holding technical, professional, executive managerial and supervisory jobs was less than 2%. In case of maternity benefits, majority of women were covered either by ESI Act or Maternity Benefit Act. However, women employed in seasonal industries were not covered by any of these two Acts. In case of raw leaf tobacco factories which were seasonal they had an agreement under which a woman worker who had worked for not less than thirty days in the previous working season was entitled to maternity leave during the current season. The study revealed that only a few employers were actually implementing this agreement. Some employers even reported their unawareness about such an agreement. Women reported delay in making payment of maternity benefits, inadequate pre-natal and post-natal medical facilities etc. Employers evaded the law regarding crèches under various reasons like: unwillingness of women workers to bring their children to the crèches on account of crowded buses and trains, workers being temporary or casual, short and uncertain period of work, inadequacy of space, small number
of eligible children, employment of less than 30 women workers, large number of unmarried women and seasonal nature of industry.

A study (1986) of 634 workers covered 186 units of chemicals and 131 units of food product which consisted of cashew nut processing, canning and preservation of fruits and vegetables, rice and dal mills, manufacture of common salt, sago and sago products, edible oils and fats, soap, inedible oils, perfumes, fine chemicals, matches and fire work industries. The study focused on working conditions and maternity benefits. It was observed that in spite of prescribed uniform labour norms, the standard of facilities actually available to workers differed from factory to factory within the same industry. In some fruit canning factory, women were employed in the night shift. Some other observations regarding working conditions are women working in over crowded rooms, working in most unhygienic condition and absence of rest shelter. Regarding maternity benefits, in many cases women could not avail of the benefits either under Maternity Benefits Act or ESI Scheme. Out of 114 units, only 20 were found to have actually provided the crèche facility. Here though crèche buildings were found having pucca structures, some of them lacked ventilation. Here also management used various tactics to evade the law of providing crèche facility like: unwillingness of women workers to bring their children to the crèches on account of crowded buses and trains, workers being temporary or casual, short and uncertain period of work, inadequacy of
space, small numbers of eligible children, employment of less than 30 women workers, large number of unmarried women and seasonal nature of industry. The difficulties reported by some women are no maternity benefits either due to denial or non fulfillment of conditions under the Maternity Benefit Act or ESI Act, delay in making payments of maternity benefits, poor standard of pre-natal and post-natal medical facilities and medicines by the E.S.I. hospitals/ dispensaries, poor attention by the doctors, etc.

A study (1988) of 4850 women workers in 111 units covered tea processing, coffee curing, paper, paper board, manufacture of match splints, veneers, bobbins, rubber, plastic products, chinaware, porcelain ware, electrical machinery, apparatus and appliances, electronic goods and components. The focus of the study was working conditions and maternity benefits. Some observations about working conditions are women workers in tea factories working in over-crowded rooms, absence of seating facility, sitting on floor continuously for four to five hours and no masks to safeguard against the health hazard. The factories were covered either by maternity benefits act or ESI Scheme. In case of maternity benefits, it was denied to majority of temporary women who were not included in regular records of the factory although the same women were being recruited time and again. Few factories like manufacture of electronic goods and components had provided the maternity benefits during the reference period. The crèche facility
provided for women plantation workers was available only to the permanent women workers. But they were located far from the factory which they could not enjoy. Here too management was using tactics to evade the law regarding crèche facility under the pretext like: unwillingness of women workers to bring their children to the crèches on account of crowded buses and trains, workers stay nearby who can go and come during break, workers being temporary or casual, short and uncertain period of work, inadequacy of space, small numbers of eligible children, employment of less than 30 women workers and large number of unmarried women.

The study of 1989 covered 56 big construction projects in Delhi (29), Mumbai (14) and Madras (13). The study focused on working conditions, employment status and maternity benefits. Regarding working conditions, the study revealed that employers gave least priority to essential facilities like health, welfare of contract labour, sanitation first-aid box etc. About employment status it was reported that almost all the women had employment of casual and discontinuous nature. In case of maternity benefits, some women were denied maternity leave even though they were eligible for the benefit. Most of the women workers stop working one to two months before the expected confinement and resume their work about one month after delivery. In some cases they continued to work up to the last month of their pregnancy and again took up employment only 15 to 20 days after the child’s birth due to poverty.
However, the employers maintained that the concerned women workers had not preferred their claims of maternity benefits. Many women were ignorant of maternity benefit provisions. In most of the projects crèche facility was not provided by the units even though they were under the legal obligation to provide the same. At some places where crèche is provided by the construction firm it was lacking in many respects. At many working sites small kids were sleeping on the gunny bags while others were found running and playing in sand in the hot sun.

The 1989 Labour Bureau Study of 60 women workers in 11 Handloom factories in Panipat reveals that majority of the handloom workers were migrants from other areas. The study focused on working conditions and maternity benefits. Regarding working conditions, the study observed that some employers provided housing facility to their workers in single-room. However, employers had not made any special arrangement for providing sanitation and first-aid facility for their workers. In case of maternity benefits, it was observed that all the women were given break. No woman was eligible in any unit to claim maternity benefit or no claim was preferred by any woman because of ignorance or the reluctance of employers. No units were under statutory obligation to provide crèche facility because none of them were employing more than 30 women workers. However, it was observed that most of the sampled women workers brought their small children to the place of
work without any option who were lying, sleeping or playing near their working mothers.

The 1991 survey of labour conditions covered 110 electronic factories employing 13950 workers. The study focused on status of workers, wages, social security, maternity benefits, trade union and grievance settlement. Regarding employment status, study revealed that about 90 percent of the production workers were permanent. In case of wage, though wage discrimination in favour of men was observed, other benefits like dearness allowance, house rent, city allowance, refreshment, washing allowance, etc. were paid in about 49% of the units. Almost all were covered by social security like PF, gratuity, festival holiday, national holiday, weekly-off and annual bonus. One of the covered units had provided higher secondary school for workers' children and few factories had dispensary for the treatment of workers. Regarding maternity benefits, it was observed that although women were employed in about 89% of the units (36% of the total workers), maternity benefit was provided in only about 29% of the units. No claims were made by the contract labour. Crèche facility was not provided by 49% of the units which were statutorily required to do so. The Trade union's existence was reported from only 37% of the units. There was also prescribed grievance procedure in 42 units and in rest of the units grievances were directly redressed by the management.
A study in 2005-06 focussed on the working conditions, maternity benefits and union membership of contract labour in air transport sector. Regarding working conditions, the study revealed that drinking water and facility of washing were provided in all the units. All the units engaging women workers had provided separate latrine and urinal facility. Only 4.86% of the workers were provided accommodation by the contractors. It was observed that 88.32% of contract workers were covered under the Employees Provident Fund Scheme. Regarding maternity benefits, the study showed that 3.20% of the total contract labours were women workers. However no claim of maternity benefits was reported by any woman worker during the preceding one year. Study reveals that trade union activities were not popular among the contract workers in different zones. At the all India level only 22.30% of contract workers were members of different trade unions.

A study in 2006-07 on the socio-economic conditions of Scheduled Tribes labour in Gujarat covered 627 households. Study focused on women’s working status and wage level. It revealed that around 12.5% of women were working as clerical and peon staff. Majority of 89% of women workers were diamond workers, helpers, packers, and tailors. Regarding the income, the study shows that highest daily earning for women was Rs. 204/- as clerk whereas men’s average earning was Rs. 467/- in occupation as artist. It shows that earning of men was much higher than women.
A study in 2008 on women workers in selected food processing industries focused on working conditions and maternity benefits. About basic amenities, the study revealed that water and washing facilities were provided by almost all the units. The provision of rest room was also covered significantly. But very few workers were covered by Group Insurance Scheme. In case of maternity coverage, the study revealed that no unit from salt industry had provided any maternity benefits. However, 70.5% of units from processing, canning, and preservation of fish, 43% of malted food grinding and processing of spices, papad, sago and sago products and 41.9% of canning, preservation of fruits and vegetables had provided the provision of maternity benefits. 44% of units from cocoa products provided maternity benefits only under ESI Scheme.

2.3: Other Reports:

The General Administration Department, Maharashtra Government, highlights in its report (1972), the problems of night duty workers consisting of doctors, nurses, midwives and other public health staff in interior Maharashtra. The study observed that most of the women appointed in the rural area were from urban areas. Large number of women employees who accepted to perform these duties, fell victim to the wicked desires of crooked persons who made false reports to attend "the sick" or the delivery cases. To solve their problems, suggestions were made by the night duty women themselves like: 1) The women employees should refuse to attend night calls. 2) They should attend to such calls
only if they were registered at the primary health centres. 3) Instead of the public health employees going to the patient, the patient herself/himself should be brought to the primary health centre. 4) Mobile dispensary for a cluster of villages. 5) Women employees should not be compelled to make a night halt if they were able to return to their headquarters. 6) The person calling the female staff for duty at place outside the Head Quarter must provide her safe conveyance and escort to and from. The committee had carefully considered these suggestions but was not able to accept them because of public health facilities being totally inadequate in the villages and the measures suggested above would only deprive the rural population from such facilities. So the committee recommended that women employees should always take attendants of their choice with them while attending the night calls and if there were no posts of attendants, they should be created. Another complaint reported was of drinking habit, negligence of duties and menacing attitude of ward-boys and other menial staff. The nursing staff was very much apprehensive of being molested at the hands of these servants. So committee recommended posting of women who were beyond middle age in the rural and young girls in the urban areas.

Report of National Commission on Rural Labour (NCRL) (1991) observed that the maternity benefits coverage is not sufficiently wide and effective. Its success was further limited due to lack of awareness on the part of workers and evasion and avoidance by the employers. It also
observed that the liability for maternity benefit induces a tendency not to employ women or on having employed them to discharge them when they were found to be pregnant. To avoid paying maternity benefits, employers had kept female labour as casual and contract to the extent possible. Such a tendency is inevitable where maternity benefits were to be solely borne by the employers, as employment of women workers becomes more expensive.

The Maharashtra State Commission for Women 1981-95 (MSCW) (1996) in its report covered various aspects of status of women like employment, working conditions, education, training, property laws, labour legislation and others. According to the Commission the present three-month leave under the Maternity Benefit Act 1961 is inadequate for working women who live in nuclear families. The Commission made a proposal to extend maternity leave from three to six months. It also recommends 'flexi time' and paternity leave as both the parents were equally responsible for bringing up the child. The Commission also sanctions maternity leave to mothers who adopt children.

The South Asian Regional Development Initiative (SARDI) (1999) survey of women workers covered garment, transportation, fishery units, banking sector and nurses, in Bangalore, Delhi, Pune and Mumbai. The study observed health problems occurred due to working in one position like bending, crouching, sitting or standing for several hours everyday. Pregnant women had problems like morning sickness, difficulty in
regular work attendance, edema and the probability of miscarriage and abortion but they were not given any relaxation during pregnancy. Majority of the company managements claimed to provide a period of 84 to 90 days as maternity leave. However, in reality it varied from city to city and was found much lower i.e. 64 days. The study revealed that there was very little awareness about health hazards among workers and union. Management being indifferent was responsible for continuing such condition.

2.4: Other Studies:

A large number of studies conducted by researchers are available which bring out important aspects of the implementation of labour legislation for women workers. The findings of the study conducted by Sinha and Ranade (1975) located respectively in Bihar and Delhi is important in this context. Both researchers studied the conditions of women workers working for construction industry. They were employed mostly as unskilled labourers on construction sites. They were recruited by either contractors or sub contractors. The findings regarding wages were that of less pay than contracted for, unexplained deduction, deferred wage payment and unjustified fines. In addition, these women also reported wage discrimination vis-à-vis men. Regarding maternity benefits, all eligible women workers in the sample reported that they were denied these benefits and the crèche facilities too were not
available. Women workers from Bihar also reported that on account of their inability to repay loans they remained bonded to the contractors.

The study conducted by Sreenivasan (1980) is the result of an enquiry ordered by Indian government as early as in 1930. It studied the socio-economic conditions of workers in the Kolar gold field, Karnataka. Women workers in these gold mines reported that they were not provided with any maternity benefits. However mining companies had engaged a woman health visitor and nine qualified midwives. On an average about 80% of confinements in the camps were supervised by the midwives engaged by the employers. A considerable number of cases were sent to the government maternity hospital in nearby city which was headed by fully qualified lady surgeon. Free milk was provided to few ill nourished infants. But there was no crèche for the infants of working mothers. The practice of administering opium to babies was reported.

The study conducted by Sinha (1981) covered legal protection and various social securities to women workers in organized and unorganized sectors. Study revealed that organized industry insure legal protection and various social securities. But these benefits are not available to the majority forming 97% of women who work in the informal sector. In case of providing maternity benefits and child care facility, violation of rules by employers is quite frequent. The study revealed that an average cost of Rs. 100/- per woman to provide welfare facilities seems to be a disincentive to employer for employing women; except if
their skill is so essential, as in plantation industry, or if they were cheaper than men.

A study conducted by Hirway (1986) on the availability and denial of maternity benefits covered 776 women in private (129 units) and 239 women from public (11 units) sectors in Gujarat. It highlights several significant features of the implementation of the Maternity Benefit Act/ESI Act. The study classified women workers into unskilled and other workers (clerical, supervisory, technical etc). The study reveals that all women beneficiaries received the benefits availed of 12 weeks maternity leave, however, only a limited number of women took additional leave of one month. Nursing breaks were availed by 14.28% and 17.85% of the unskilled and other workers respectively in private sector and 18.07% and 35% respectively in public sector. Lump sum cash benefits were availed by 23% and 3.57% of unskilled and the others respectively in private sector and 33% and 15% respectively of the same categories in public sector. Around 11.7% and 31.38% of women from public sector received maternity benefits for all children and some children respectively. In case of private sector 13% and 11.49% of women received for all children and some children respectively. Other benefits like relief in hard work and hazardous work during pregnancy were availed by less than 5% of the workers in both the sectors. It shows that majority of them received only one benefit i.e., maternity leave. Other benefits were available to few women. Most of the benefits were available
to other workers than unskilled workers. Comparatively more women from public sectors availed the benefits. About 48% of beneficiaries of the public sector and 67% of beneficiaries of private sector received maternity benefits under the ESI Scheme. But women were not happy with the quality of service provided by the ESIS hospitals and dispensaries.

A study of textile industry conducted by Savara (1986) covered historical aspects of women employment, women labour legislation and others. The study revealed that the statutory provision of maternity benefits had led to a decline in employment of women workers. As most of the mills work in three shifts including night shifts, the employers engaged male workers as women were not allowed to work during night. The employers considered it both economical and less troublesome to employ men than women. It was reported that legislation simply made an official note and restricted women from night work. It also observed that there were no struggles by the unions demanding crèches.

In a study conducted by Banerjee (1987), 400 maid servants in Calcutta were covered. The study focused on working conditions, and maternity benefits. Regarding working conditions, the study revealed that most of these women had full-time work doing different jobs. Many of them below 15 years of age working for long hours performed the usual load of housework with almost no help of labour saving device. In case of leave, when a worker worked on more than one job, she did not always
get leave in all the jobs she held or if she got paid leave in one, it was unpaid in another. Many had changed their jobs due to retrenchment, lack of work, sickness, termination, better opportunity and others. Regarding maternity benefits, they usually got unpaid maternity leave. Often they arranged for a relief worker for the employer during the period when they went to the hospital for delivery. This helped them to get unpaid leave and job security. However, there were several instances when the workers could not arrange this and therefore took only seven to ten days unpaid leave at the time of delivery and came back to work immediately thereafter. With no possibility of crèche facilities, employers had no objections if children were brought to work place.

The study conducted by Radha Kumar (1989) covered women in cotton textile industry between 1919-1939. It gives historical aspects of Maternity Benefits Act and its implications in three places: Ahmedabad, Sholapur and Bombay. The study observed that one mill owner in each Ahmedabad and Sholapur was already paying the benefits in 1919. In Bombay the payment began late i.e. by January 1921 to March 1922 when nine mills introduced maternity benefit schemes. When the Maternity Benefit Act was passed in 1929 it had the provisions like maternity leave and benefits for seven weeks:- three weeks before and four after confinement, flat rate of 8 annas per day, entire cost by way of salary to be borne by the employers, benefit to be paid only on production of the birth registration certificate and women required to
work up to the first week of the ninth month of pregnancy and six month of continuous service to be entitled to claim the benefit. The problems created by these provisions were enormous. The leave period began just three weeks before confinement. The payment of the benefit only after child birth meant that the woman could not use it to buy better food or medicine for herself. The requirement of six months of 'continuous' service permitted the misuse of that condition by employers. Finally any break in service meant that the qualifying period for claiming the benefit would have to be re-worked. The amendment of Act in 1933 extended the qualifying period from six to nine months, making it even more difficult for women to claim the benefits. Another amendment raised the period for payment of maternity leave from seven to eight weeks which was not paid by any of the three centres. In December 1936, the Municipality offered to issue birth certificates 'free of charge' on condition that women should bring letter by management which mentions that it is required in order to settle maternity allowances. The number of claimants for maternity benefits was consistently lower in Bombay even though the number of women employed was far greater. This was due to denial to pay the benefits and the high proportion of employment of widows by the employers.

The study conducted by Sarman and Sandhwar (1990) covers Brick Kilns factories in Bihar and West Bengal. The focus of the study was medical assistance, maternity benefits and working conditions.
Regarding medical help, the study revealed that in Bihar the medical expenses incurred by the owner on women were deducted from their earnings. However, the women workers in West Bengal were in better position where every kiln owner had a permanent medical practitioner who visited the kiln as and when required and no deduction was made from their wages in lieu of the medical services for common diseases. However, no payment was made to the workers for the absence due to pregnancy. Pregnant women workers were not provided any special treatment by the employers. In absence of crèche facility at both the places, children of the workers were roaming here and there often exposed to danger of untoward happenings. Women were subjected to physical and mental torture due to accompaniment of their young children. Regarding working conditions, some of the observations were long working hours, use of contaminated water, unsanitary conditions and absence of pay for weekly holiday and no work no pay policy.

The case study conducted by Arya (1990) covered women workers in three banks located in Jaipur viz. UCO bank, Bank of Rajasthan Ltd. and Rajasthan State Co-operative Bank Ltd. The study covered the aspects like maternity benefits, accommodation, leave and wages. In UCO Bank and Bank of Rajasthan Ltd. maternity leave was granted up to a maximum 12 months during the entire service period. In the Rajasthan State Co-operative Bank Ltd, maternity leave was granted up to a maximum of nine months during the entire service period.
Woman could get maternity leave before or after the delivery as per her convenience. However, no crèche facility was provided in any of these banks. No banks provided housing facility. In case of leave, women had extraordinary leave and special leave for certain occasions. All rules were followed in these banks without any discrimination between men and women.

The case study conducted by Bhadra (1992) gives insight into condition of 550 women workers in two tea plantations in Darjeeling. The study focused on issues like migration, wage difference and crèche facility by employers. The migration of workers with families from Bihar and Madhya Pradesh resulted in owners’ close control over workers. In case of wages Indian Tea Planters Association (ITPA) favoured maintaining the wage difference between men and women workers in plantation as they think that the work-load for women workers is always lesser than that of men workers. Regarding crèche facility, at one place there was a provision of crèche with two female attendants. But most of the workers did not like to keep their children in the crèche due to absence of proper supply of food, milk, water, etc. by the management. Some items were provided to workers annually by the management like five quintals of firewood, uniforms, apron, umbrella and blanket. However workers reported scarcity of the medicines in dispensary and absence of sanitation.
The study conducted by Verma (1993) on women workers in Bihar focused on the impact of ban on women’s night work and underground work in mines in Bihar. The study revealed that the ban on underground work is not responsible for decline in women’s employment in mines. Because this practice had begun long before the enactment of this law. The ban on night work has affected women’s employment in few industries which had adopted a multiple shift system. However, factors like ban on hazardous occupations, lifting of weights, modernization methods, capital intensive technology, lack of skill, illiteracy and unwillingness to learn new processes were responsible for decline in women’s employment. It also observed that the equality has been denied by direct and indirect methods in most of the industries.

The study conducted by Chauvan (1993) covered 360 workers in 12 units of private (06) and public sector (06) in Himachal Pradesh. The study gives insight into nature of work, weight carriage by women workers and level of awareness about labour laws. Regarding nature of work study reports that majority of women workers were skilled in private sector therefore they had night shifts whereas in public sector units only men were skilled workers. Around 80% of women workers in public sector units were matriculates or below matriculates. They had been performing only unskilled jobs and their employment was required during day time only. In case of weight carriage, some women in public sector units were carrying weight up to 50 kg exceeding the maximum
limit. The level of awareness regarding beneficial labour legislation was found to be low among women of public sector units whereas it was higher in private sector due to their higher level of education.

The study conducted by Joshi (1995) gives insight into working conditions of 200 maid servants. The study reveals that many of the servants usually work since early morning till late in the evening. Besides this, they were required by the employers to work till late night during special occasions like festivals and parties. Around 61.5% employers usually treat the maidservants properly whereas in the rest 38.5% of the cases they treat them roughly. Many maidservants, not being aware of the functioning of household appliances, perform work manually. Some other observations of the study are exploitation of women workers, low wages, violence and attack by the employers and undefined employer-employee relationship.

The study conducted by Joseph (1996) covers the problems of working women in organized and unorganized sectors. The study observed that more than half of the women in the formal sector are excluded from social security benefits due to their appointment as casuals or on daily wages or on piece rates or temporary, contracting or sub-contracting. Women workers without bargaining power in the unorganized sector do not have access to social security schemes. The study reveals that Bidi workers were paid entirely on piece rate or under a new system of 'sale-purchase' whereby the principal employer can
never be legally pinpointed. Some of the other observations of the study are reluctance to employ women except where women were found to be more suitable or economical than men, tendency to restrict certain jobs to men and some to women, no active participation in union activities by women, sexual exploitation, ill treatment and threat of transfer.

The case study conducted by Batra (1996) covered employment conditions of women workers in export oriented garment industry in Mumbai, Madras and Delhi. The study reveals that disparities in wage rates exist in processes like tailoring and checking units in Bombay and in stitching and documentation units in Madras. It also reveals that many of the units in Bombay and Delhi operate for longer than eight hours although such practice is against existing labour laws. Service conditions were not the same in all the units for various reasons like the duration of workday being less for women (they were permitted to leave early) and women taking more leave of absence than men.

The study conducted by Kumar (1998) covered working conditions and wages of domestic women workers in Delhi. The study revealed that majority of them had migrated from Bihar, Jharkhand, and Chhattisgarh. Women working for 10 to 12 hours had no job security and personal security. They were not even entitled for weekly holidays and gazetted holidays. They had to adapt to an alien environment and culture different from that of their origin. They were the most exploited and the least organized workers without legal and social protection.
Frequent cases of cruelty, rapes, sexual abuses and molestation on them by their masters were also reported. As far as wage structure goes some of them received no wages because of deductions from their salaries in lieu of advances paid to them, or as punishment.

The study conducted by Jhabvala (1998) covered social security for unorganized sector. The study reveals that although women workers constitute a large share of unorganized sector, they tend to be disregarded when it comes to provision of social security benefits like child care. Provision of child care brings in up to 50% enhancement in the income of the mother, lower morbidity and a better growth of child. The existing crèches by the Central Social Welfare Board for children of working mothers from unorganised sector were less than 14000, covering about 3.5 lakh children. Furthermore, these centres cater to children above two years, whereas the critical need is care for younger babies. Also the centres run for maximum of four hours a day, whereas the working hours of women in the unorganized sector tend to be from eight to twelve hours.

The study by Kapoor (1999) highlights women workers' position in different industries. The following emerge as the characteristics of women's work from the study like: preponderance of women workers in the informal sector, clear segregation of tasks performed by men and women in all sectors of work, men performing more skilled manual work or selling more profitable lines of products and women being
concentrated in the lower paid low profit lines, discrimination in wages between men and women for the same or similar work, women’s engagement in multiple activities and changing with the season leading to a perception of women’s work as an extension of household work contributing considerably to family wage, women working for 14-15 hours leaving little scope for leisure or any other activity, hard physical work by women, no job security even in unskilled occupations, fear of losing job and loss of income restricting the workers from asserting their legal rights despite working with land, livestock, fish, textiles etc, women hardly own these resources, limited access to other supportive resources such as work space, market space, licenses, training etc. and poor implementation of social security provisions in terms of maternity benefits, crèches at worksite, medical care etc.

The Gopalan report (2001) had made very relevant suggestions for protection of women through legislation. Some of them are: expanding the coverage of Maternity Benefit Act to agricultural workers and home workers; inclusion of anti-retrenchment clause in the Act and stringent penalties for non-compliance with the maternity provisions, provision of crèches for the benefit of casual / contract workers, provision of day care centres, crèches near the residence of women workers, permission for night work of women up to 10 P.M., wider application under ESIS, provision of equal remuneration under the Minimum Wages Act, training and training quotas for women and women apprentices, production
centers attached to women's polytechnics, self-employment and development of training-cum-production centers, provision for part-time employment, information to assist women, provision of facilities for long term leave from service and gaining re-entry thereafter with protection of lien, effective enforcement of laws providing labour protection for women and formation of unions for women workers.

The study by Bhagat (2002) covered work life of 172 nurses in two hospitals in Delhi. The study focused on various aspects like welfare facilities, training, crèche and others. Under welfare measures housing facility was provided by management to some senior sisters only. Due to lack of transport facilities and personal safety, the nurses preferred to reach at work place much ahead of their scheduled work hours. Such waste of time, energy and money added to their stress and caused other problems at home as well. Even hostel for nurses was in very poor condition without library and water facility. Working conditions at hospitals were deplorable with gross over crowding. Around 91.3% nurses found no welfare facilities at all. In case of getting training, married nurses were not very keen to attend the desired training course and learn new techniques due to household work. Women also reported partiality on the part of employers in selection of the candidates. Regarding the crèche facility due to union intervention hospital administration maintained a small crèche with two full time ayahs. But
lack of 24 hours crèche service added to anxiety and stress among nurses.

Mahaputra's case study (2002) covered women textile workers in Madras, Madurai and Coimbatore between 1914 to 1939. The study focused on wage practices, working conditions, maternity benefits and role of contractor. Regarding wage practices the Factory Commission in 1908 in Madras Presidency found tacit policy of differential wages practiced by owners for men and women favouring men in the factory. In case of working conditions, the study observed poor state of affairs where women were employed for long hours between 5 a.m. and 8 p.m. Also, they remained in the mill, until their relations were free to accompany them to their homes. Most of the women workers were indebted in those days. Regarding maternity benefits, the study shows that in 1934 in Madras when Maternity Benefit Bill was passed most of the units evaded payment of the benefit by taking advantage of the loopholes in the bill. The maternity benefit scheme and reduction in work time caused dismissal from work or unequal status for women at work. The study also discussed the role of corrupt supervisor who combined in him the roles of supervisor and recruiting agent against whom complaints were innumerable. The prolonged 1920 Madurai mill strike was provoked by the molestation of a woman worker by the supervisor.

The study by Singh and Pandey (2005) covered 100 women employees in 12 call centers. It covered women working in night shifts
and its impact on women's health, family life, and decision making powers. The study observed that most of the women were in lower level management. The positive aspects of jobs in call centers were related to the number years of experience, age and qualifications of the respondent with that of her salary, incentives and facilities. No other area of employment in India gives its employees an attractive pay package at such a young age and with minimum qualifications. Some negative aspects of this job include risks such as the difficulty of traveling at night, health hazards and social stigma.

According to a study conducted by Health Ministry 5, 53000 people work in India’s Business Process Outsourcing (BPO) Sector. The study observed various mental, physical and psychological disorders among the workers of BPOs. According to the study, workers in BPO work only half day and party the rest of the time. They don’t find time to exercise and also follow a bad diet. Smoking, drinking, divorce and marital discord are also increasing among them. Teenagers straight out of school and college looking to make quick money were collapsing in front of their computers. Heart attacks, chest pain, depression, high blood sugar and cholesterol levels are becoming common among executives in their 30’s. Alarmed by the rise in such cases the ministries of health and IT have decided to introduce a special and dedicated IT health policy by early 2008. (Sinha K, 2007)
According to a news report after facing repeated allegations on labour and health related issues from various sections, ILO has expressed concerns about the health of BPO employees in India. It was considering a set of directives for call centre and IT service companies besides other industries to improve the hazardous indoor environment conditions causing other problems. (Sanjiv Kumar, 2007)

According to another news report, the Union Network International (UNI), a federation of 900 global unions has decided to focus on Indian BPOs, call centres where it finds a huge democracy deficit as employees are not allowed to form unions whereas the workers need a union voice. (Times News Network, 2007)

According to the news report government has proposed maternity leave period of six months. Moreover, the period of leave which can be availed in continuation of maternity leave has been raised to two years (730 days) for taking care of up to two children whether for rearing the children or looking after any of their needs like examination and sickness. This leave would be based on the employees' existing accumulated leave, earned leave, casual and half leave. (Choudhury, 2008)

According to yet another news report the Maharashtra state has proposed to make it mandatory for every new non-residential building to reserve space for a child care centre. According to the proposal, crèches must be provided to buildings like educational
institutions, government buildings, offices, industrial, business and mercantile units, small scale industries, hospitals and shopping malls. The area of the crèche will be based on built up area with a minimum of 20 square meters the building must have at least 200 female employees. The crèche should be on the ground or first floor. For safety reason the crèche should be near the security cabin of the building. It should be self contained with a separate bathroom, loo, hall and kitchen with separate access. (Jaisinghani, 2008)

2.5: Studies on Sexual Harassment at Work place:

Several studies were conducted on incidents of sexual harassment at work place, their reporting, enquiry procedure, formation and working of the complaint committee and other related issues. The findings of some of the earlier studies are reported here.

The study by Choudhuri (2008) focused on Sanhita, a women’s rights group in Kolkata, working for the implementation of sexual harassment guidelines at workplaces. So far it has worked as third party representative in about 35 complaint committees covering public sector undertakings, insurance, banking sectors and other workplaces. The study focused on constitution and functioning of the complaint committees, prevalence of sexual harassment, orientation and policy, approaches adopted towards complaints and role of third party. The study covered chair persons of 25 complaint committees of public sector undertakings in West Bengal. It covered those complaint committees
where Sanhita was present as the third party. The study observed lack of
enough information about the constitution, functioning and procedures
adopted by these committees. The study found that many of the work
places were yet to form a complaint committee. In cases of those who had
committee many were not formed as per the guidelines. Many were yet to
amend their service rules. At many work places legal obligations were
completed only on paper. In most cases the employees were unaware of
their obligations. In general employers do not take much initiative in
constituting or in the functioning of the complaint committee. It was
found that workplaces constitute complaint committees only after
intervention by some external body. Many authorities become oblivious
to the existence of complaint committee soon after their constitution.
Therefore redress for most women remains inaccessible. The study
observed that most of the chairpersons in complaint committees were
junior in hierarchy with designations such as stenographer, upper
division clerk, and computing supervisor while chairpersons in the
central government organisations were mostly middle level officers and
few in senior positions. The complaint committee in one of the
organisations did not have a chairperson after the latter had resigned
following allegations of bias by a complaint. The directive of Supreme
Court guidelines states that the complaint committee must be headed by
a woman and also provide 50% representation for women, led to
appointment of women quite junior in the hierarchy in many
organisations. It also brought to light the absence of women in senior positions. Except one committee in all other committees more than 50% members were women. Cases like men being chairpersons of the committees, presence of senior male officers at an ex-officio capacity where chairperson herself was a senior officer were observed by the study. In some cases meetings were not held on account of important official work, absence of allotted funds, transfer of committee members, unwillingness of members to take up responsibility and the absence of complaints. In many cases meetings were held informally and not recorded. In such informal meetings letters were not issued, minutes were not maintained and third party representative was also not informed. Annual reports were also not prepared by most of the complaint committees under study. Regarding sexual harassment at workplace, the study observed the perception that instances of sexual harassment can not happen in their workplaces under the reasons that employees are from good families, highly educated and share family like relationships at the workplace. Therefore there is no need of implementation of the guidelines. But all the respondents felt the need of a complaint committee as the possibility of sexual harassment at workplace in future could not be ruled out. However, the study observed 25 incidents of sexual harassment from 18 organisations. The majority of incidents involved comments which include personal remarks that had sexual undertones and were humiliating in nature. This was followed by
hostile work environment. The study reported that apart from those in positions of authority, significant number of colleagues as well as juniors harass women workers. Colleagues usually are members of unions that provide considerable cover to them. According to study women do not complain fearing loss of reputation, loss of job, consequent hostile work environment and fear of retaliation in public places. It is observed that largely women in contractual positions, women employed on compassionate grounds or newcomers are vulnerable to sexual harassment. Regarding orientation and policy, the study found that majority of members had not attended orientation programmes. None of the organisations had a policy on sexual harassment. Some chairpersons felt that it was not necessary to have an orientation and policy. A change in the code of conduct would be sufficient. But some expressed that policy would be useful as it would provide guidelines regarding inquiry procedure as well as help to generate awareness. The study observed the practice of gender discrimination, i.e., preference in recruitment of men, women not being taken seriously by male colleagues or allotment of work not significant in nature and judging of women as inefficient workers on grounds of marriage, child rearing, shouldering household responsibilities etc. But gender discrimination was considered as outside the scope of the complaint committees by the respondents. Regarding inquiry procedure, the study felt that in the absence of multiple complaints, committee members neither had the opportunity nor felt the
need to develop a clearly defined procedure for inquiry and redress. Committees attempted to resolve complaints as per their discretion. In some places complaints committees received complaints after three years of lodging of complaints. This often happens as the authorities continue to constitute independent inquiry committees without setting complaint committees. Complaints were rarely received by the complaint committees directly but forwarded by the authorities at their discretion. According to the study, power influenced the inquiry, recommendations of the complaint committee and any subsequent action taken by the authorities. Initiative taken by a complaint committee to complete its inquiry and submit its report often depended on directives from higher authorities. Often action was taken when the accused was junior in rank. But when the accused was an important official there was a contrast in the attitude of the complaint committee. At times, the chairperson in these situations tried to influence the third party by expressing appreciation about the ability and character of the accused. Of the 25 incidents narrated by the respondents, seven have not been recorded on the ground that either it is not a genuine complaint or it is very trivial or it is nothing. In some cases it is either motivated or verbal comments. This confusion leads not only to dismissal of complaints, but also discourages women from complaining in future. Action has been taken in nine cases. It mainly included reprimands and apologies. In other cases, either inquiry was not conducted or harasser was at an
advantage due to his association with union or absence of formal complaints by women. Action remained pending in two cases in spite of completion of inquiry and submission of the report due to fear of backlash by harassers and ambiguity regarding establishment of guilt. About the role of the third party the study finds that many organisations were uncomfortable about presence of an outsider in their internal matter especially during complaint resolution. Most of the complaint committees involved the third party in inquiry process only when the internal preliminary inquiry establishes the complaint as genuine. They prefer third party to take initiative only to arrange meetings as the chairperson and members remain busy. The third party would be called to attend meetings only at the discretion of the organisation. But respondents appreciated the third party for its impartial nature, creating awareness, providing information on the issue and functioning of other complaint committees, its advice and its concern in resolving complaints. For some it added credibility to the meetings. The study suggests for redressal procedures to ensure confidentiality, protect the complainant from victimization, timely addressal of complaint, capacity development, and a work environment that empowers women workers to raise their concerns. Some incidents of sexual harassment cited in the study are reported here.

1. Ironically judiciary has been the most reluctant institution in setting up of complaint committees. In a case of Chennai high court where a
woman staff alleged harassment by a senior administrative staff, the chief justice after much delay appointed a one man inquiry into the matter. The complainant requested the court to appoint a complaint committee to which the court filed a reply that the Vishakha guidelines was not applicable to the judiciary as it would affect its independence.

2. In another study conducted in four hospitals in Kolkata it was found that no hospitals had complaint committees. The authorities were not interested in constituting the same. Only 16% of the women interviewed had heard of Supreme Court guidelines.

3. When a reporter of leading news paper made a verbal complaint to the editor against the news coordinator, she was asked to quit. It was only after the intervention from external agencies that complaint committee was set up in Kolkata and Delhi offices.

4. In another instance a senior scientist with a research institute was issued a transfer order when she complained of sexual harassment. The complaint committee was formed only after the institute received a directive from Central Administrative Tribunal. But the advice complainant received from the committee was such things are natural and she should learn to cope with them if she desired to progress in her career.

5. In another case the State Commission for Women, Delhi held that three senior officials of Delhi state government had failed to exercise their
duty while investigating a sexual harassment complaint. The department is yet to initiate any disciplinary action against them.

A study by Maya (2001) focused on reasons for not reporting the cases and complaint committees. It is observed that in addition to lack of awareness, gender myths and value system have conditioned women to turn a blind eye towards lewd remarks, looks or gestures thrown at her. A woman rarely comes forward to protest because she fears that none would support her or believe her. The study shows that most of the persons in the complaint committee were picked at random and asked to be in the committee. None of the members have been given any training on gender sensitisation, Vishakha guidelines or how a complaint of harassment should be handled with sensitivity and confidentiality. Either women who bring up sexual harassment complaints are thrown out or demoted or transferred to some other department or the accused is transferred without any inquiry.

The study by Naunidhi-Kaur (1999) focuses on causes of increasing cases of sexual harassment, reporting of cases, approach of employers and case studies. According to the study, the absence of hard legislation is responsible in continuation of sexual harassment at workplaces even after the court's historic ruling. The study observed that the shame associated with harassment and the fear of being blamed keeps the women from reporting such cases. Women who complain are not taken seriously. Most women do not to raise their voice against
violation of their human rights which further encourages harassment. Regarding approach of employers, the study reveals that most workplaces have limited themselves to putting up circulars on office notice boards highlighting the finer points of the judgement. But they do not necessarily depict the seriousness with which the issue needs to be handled. The study cites some of the observations. Like Multinational Corporation, Pepsi claims that such committees and policies are unnecessary. The Bank of America, which was set up in 1977 in Delhi, has not formulated a policy and has confined itself to a circular on sexual harassment distributed to its various branches saying that no such cases are reported and have very good work environment. Many government-run public sector units like Bharat Petroleum have yet to formulate a policy on sexual harassment as well. Some incidents of sexual harassment cited in the study are reported here.

1. A principal of the well-known Delhi Public School is alleged to be guilty of sexual harassment. When three female employees resigned over these abuses, it appeared that the principal and not the women's rights would be protected by the school board. The National Commission for Women (NCW) demanded the termination of the services of the principal and the reinstatement of the three employees. So far the board has not moved.

2. Rama, a 22-year-old management trainee in a multinational bank was harassed by her boss. He would call her on one reason or the other and
engage her in idle talk while thumbing through pornographic magazines. Initially Rama tried to take it in stride as a part of stepping out of the home and entering the "big bad world" of business. But after three weeks she reported the matter to her institution which called her back but refused to take action.

3. An office secretary at a public sector corporation approached and complained to the All India Democratic Women's Association (AIDWA) - a leading women's organization. When she rejected overtures by the manager he made it impossible for her to work at office by abusing her in front of juniors and humiliating her in front of clients.

4. Shobhna, who worked in a pharmaceutical company, complained of harassment by her boss. The committee set up by the management consisted of the offender's followers and a female colleague who was a particular favorite. Naturally enough, the verdict went against Shobhna with the management showing how it was unbiased, as the committee included a female member. Therefore the study suggests that what is needed to follow the judgement was not only in letter but in spirit as well.

The study by Mala Ramanathan and others (2005) focused on sexual harassment in hospitals and other studies. The study reveals that women who report sexual harassment is doubly victimised, first when they are harassed and subsequently through traumatic process of redress. It is possible that women, who have been abused once, continue to be victimised. In a web-based survey out of 13 responses; 11 women
were reported to be the victims of harassment. The persons involved in nine cases were men in supervisory or senior positions. In two cases they were co-trainees or transport personnel in the same organisation occupying lower levels in the hierarchy. In all these cases, the frequent type of harassment seems to be physical contact and advances and sexually coloured remarks. The victims were mostly young and powerless women, like rural women seeking care in urban health facilities, post-graduate students, field staff and contract employees. Some of the case studies are given here.

1. A faculty member of a medical teaching institution demanded oral sex of a girl who had come to the hospital from a nearby village. Her father tried to protest the hospital authorities but the case was quashed.

2. A senior woman government servant on election duty reported that the financial observer demanded sexual favours and made sexually coloured remarks. It shows women in higher positions are also subject to sexual harassment.

3. The teacher to post-graduate students used to try and make physical contact and advances during the duty. The students refrained from complaining as they believed no action would be taken and they would be blamed unnecessarily. However, later they collected enough courage to complain to the authorities. The teacher was asked to resign.

4. The senior academic kept promising to get the junior staff member a permanent job. All the while he continued to make verbal and physical
advances. One day he took her out on his two-wheeler, supposedly to get her employment status regularised. Instead, he drove out to a lonely place. When he started making vulgar comments she jumped from the moving two-wheeler and was injured. When she complained, an enquiry was conducted and the man was found guilty. However, authorities decided to retain him as he was a permanent employee with a powerful position in the institution. She lost her job.

5. A visiting trainee indulging in voyeurism was asked to leave the programme and a strongly-worded note sent to his parent institution.

Of the 13 persons whose cases were reported, four did not have institutional mechanisms of redress or they did not know of them. Other eight reported the matter to the authorities and resolved the problems by either removing the abusing person or by restraining inappropriate behaviours. Some other incidents of sexual harassment given in the study are reported here.

1. In an anonymous survey of residents and interns three quarters of women reported at least one episode of harassment. Few reported sexual harassment to authorities believing that it would be detrimental to their careers.

2. A nurse at a leading Mumbai hospital was raped by hospital staff.

3. A steady increase in the number of women reporting sexual harassment from 4,756 in 1995 to 11,024 in 2000.
4. According to National Women's Commission 46.58% of women reported sexual harassment in the workplace; only about 3.54% reported the matter to the authorities; 1.4% reported it to the police.

5. In 2001, Sakshi, an NGO in New Delhi, in its five-state survey reported that 80% of its respondents agreed to the existence of sexual harassment at their workplace. Only 23% had heard of the Vishakha Guidelines; 66% of these said that the institutions have not effectively implemented these guidelines. The study observed that trade unions were not involved in the original Supreme Court judgement and have not been particularly sympathetic to complaints. At times they have even agitated against the complaining woman worker.

2.6: Summary:

The above mentioned studies show the coverage and performance of Maternity Benefit Act, Equal Remuneration Act and some other Acts. They reveal that the provisions of the Acts have not been implemented in letter and spirit in a number of cases. Out of workers in livestock forestry, fishing and plantations and mines; only plantation and mines workers were covered by statutory provisions and only female beedi workers had some maternity benefit extended to them. Regarding the other workers, the extent of their coverage under various statutory provisions varies as per the eligibility conditions. The cash benefits payable in place of medical care for maternity were not adequate to cover the cost of such care. The studies show poor enforcement and
inadequacies in the provisions of the Act. The government sector is by and large well covered.

According to 1991 census, 4% of the female workforce is in the organized sector. Even in this sector a substantial portion is contract labour or on temporary basis and become eligible for benefits only on fulfillment of certain conditions. In other words, while the units were registered and fall in to official categorization of organized sector, there were also forms of organizations that had been characteristics of informal or unorganized sector such as casual labour, temporary, subcontracting etc. The maternity benefits and equal remuneration and other related statutory job security provisions for women enable them to compete with men on equal footing. Above studies reveal poor enforcement with contract labour not getting the benefit, some covered establishments not implementing the provisions of the Acts and not all the provisions of the Acts being implemented in areas where the Acts are being followed. In short their implementation record has revealed a big gap between policies, legislation and practice and women suffer from inequality vis-à-vis men in many ways.

The studies on sexual harassment of women workers at work place reveal the wide prevalence of exploitation of women of all strata. In spite of guidelines of Supreme Court the numbers of cases are increasing. Women seem to be becoming bolder and coming out more strongly with their complaints with greater awareness. But it is also true that unless
women themselves are ready to acknowledge that sexual harassment at workplace does take place and has to be brought to the limelight, nothing can change for them.