CHAPTER 1

INTRODUCTION
"Women constitute half of the world's population, work two third of the world's working hours, earn one tenth of the world's income and own less than one tenth of the world's property".

According to a recent report of the International Labour Office (ILO) women represent 70 percent of the world's poor and 65 per cent of its. One billion illiterates. The report further says that while more and more women are working, a large majority of them is simply swelling the ranks of the working poor. Although women work longer hours than men and bear the double burden of paid work and unpaid domestic labour yet their economic activities remain highly concentrated in low wage, low productivity and precarious forms of employment.

Women in India from antiquity were accorded the most respectful place in the society. In Vedic age women occupied a high position in society. But their position deteriorated during the post-vedic period. Although their role since the vedic period remained confined within the four walls of the
house and was considered traditional yet the entry of women in the economic sphere is, not a new phenomenon. Ever since, the evolution of human race, women have been entrusted a certain type of work. In primitive society, while men fought, hunted and went to sea, the less dangerous and more circumscribed occupations, such as maintenance of home, cooking and care of children, were left to be managed by women.

The women also were performing the job of production and marketing or handicrafts. This basic division of labour illustrates most aptly the forces which probably operated to give human society its orientation towards a division of activities between men and women. The evolution of the agricultural economy accentuated the division of labour between the sexes, assigning to men the more arduous tasks and to women less tiring chores of the hearth and home. No doubt, women also assisted their menfolk on work in the fields but early women workers were not directly competitive with males and were considered interior to them.

Women's work, though important was seldom reckoned to be productive and was rarely paid for. It was only after the advent of industrial Revolution that this orderly scheme of women's work and women's role was upset and women left their hearth and homes to work for wages, often an arduous jobs, in factories, mills, mines and plantations. The pattern of their employment changed with the advent of Industrialisation. The handicrafts and domestic duties yielded place to factory employment. Articles and goods which were herebefore made at home,
were now being manufactured in factories. Therefore, the transition of work from home to the factory resulted in the emergence of women as wage earners.

However, this transition from home to the factory was not smooth for women. During the 19th century, it was considered derogatory for a woman to take outside work as a means of earning even though she had no other means of subsistence. But due to the encouragement of national leaders coupled with the pressure of economic necessity, the rising cost of living and the insufficient income of the family, women came out of the four walls of the house to work side by side with men.

After Independence of the country the number of women to come out of their homes for work increased day by day. They also took to education. In the beginning women were mostly engaged in unskilled or semi-skilled occupations, as ayahs, nurses, midwives, water-women, cooks, domestic servants, as labourer on construction sites, in agricultural farms and on plantations. But now they are increasingly being employed in services, industries, shops, establishments, offices and professional/technical occupations. They are gradually entering into occupations and jobs formerly considered to be almost exclusively for men. Old distinctions between men's and women's work are breaking down. Still there are many restrictions imposed by customs and other factors on women's access to positions and occupations.
Although entering of women into work force raised their economic and social status yet it gave rise to many problems and difficulties to them. These problems and difficulties got multiplied due to their peculiar social, biological and psychological conditions and due to their ignorance and illiteracy. Therefore, a need was felt to provide some security and protection to women through law.

The constitution of India, inter-alia made several provisions for the protection and security of women. These provisions besides the preamble are contained in Articles 14, 15, 16, 23, 39, 43 and 46 of the constitution. Under these Articles the constitution provides for equal rights and privileges for men and women and makes special provisions for women to help them to improve their status in society.

In line with these provisions and to comply with the different conventions and Recommendations of the International Labour organisation, the Government undertook various ameliorative legislative measures particularly after independence to provide security and protection to women workers. These labour legislations are: The Factories Act, 1948, The Employees State Insurance Act, 1948, The Plantations Labour Act, 1951, The Mines Act, 1952, The Maternity Benefit Act, 1961, The Beedi and cigar workers (conditions of Employment) Act, 1966 and The Equal Remuneration Act, 1976. These legislations relate to the regulation of employment in dangerous occupations/employments,
prohibition of night work, restriction on carriage of heavy loads, maternity relief, equal pay for equal work, provision of creches and other welfare facilities, etc.

The role of judiciary has also been quite significant with respect to women. The Indian judiciary to a certain extent has taken lead in securing socio-economic justice to women. There is a new trend in the judiciary to interpret laws so as to provide better protection to women in respect of their rights. The Judiciary is playing a creative role in harmonising and balancing the rights and interests of men vis-a-vis women. The Supreme Court recently by declaring sexual harassment at work place a penal offence, enlarged the gamut of fundamental rights of women by pronouncing that the right to life for working women includes an environment free from sexual harassment. Special provisions under different plans have also been made to uplift the position of women. Many socio-economic programmes were started under these plans. These programmes aim at providing special facilities and opportunities to women for gainful employment. However, it is an admitted fact that despite formal policy declarations, and legislative measures, there are still grey areas between legislation and enforcement, policy and practice and the enunciation of the principle of equality and its actual implementation. The reasons are fairly simple. Women, in general are at a disadvantaged position in the labour market, not only in India but mostly in all the developing countries, owing to a complexity of factors such as low literacy level, absence of adequate skills and lack of
mobility. Women are therefore, employed in restricted range of jobs requiring only low levels of skills and education. The de-facto inequality in the status of men and women originating from social, economic, political, caste and cultural factors has been further accentuated by the job segregation over a period of time and by their place in the family.

Nevertheless, India is committed to the improvement of the status of women. The pledge made by the constitution makers and the Government is being implemented by passing different labour and social welfare legislations. The Government has been endeavouring to throw open more and more employment opportunities to women. The women themselves have increasingly started venturing into new avenues of public and private employment. Yet in the final analysis the participation of women in the world of work has been handicapped by several factors which are given as follows:\(^{13}\).

1. The share of women in total employment has shown a declining trend due to the introduction of Automation and modernisation of operational methods as in cotton, silk, Jute and textile mills and in coal mines. It has made manual labour on unskilled and semi-skilled jobs redundant.

2. The division of labour market into 'male and female' sectors have tended to control the distribution of women workers within the economy and restricted their employment opportunities. Even in newer industries like engi-
neering, electronics and pharmaceuticals, which employ a large number of women, their employment is limited to a few processes where the job involves dexterity of fingers or is of a repetitive nature.

3. Legislative measures prohibiting or regulating employment of women at night, limiting their hours of work, prohibiting their employment on hazardous, arduous and unhealthy work such as under-ground mining, work on risky machines and carrying heavy loads have adversely affected the employment of women and are responsible for the decline of employment of women. Therefore, some legislative measures for the protection of women workers have proved counter-productive and are said to be responsible for decline in employment of women.

4. The employment of women has also been adversely affected because of the extra social charges which make the cost of employing women workers higher and lead to reluctance on the part of employers to employ them at all or in any number. For example, creches are to be provided in mines, even if a single woman is employed and in factories where 30 or more are employed. The application of the principle of "equal pay for equal work" has made the employment of men workers more economical resulting in replacement of women workers by men workers.

5. Women are sometimes not provided employment because they take long leave due to pregnancy and child birth. Hence,
women workers are sometimes employed on conditions that they will leave the job on getting married. (Although this condition has been struck down by the supreme court in *Nergesh Meerza's Case* yet the statistics shows a steady decline in women's employment).

6. Social factors also adversely affect the employment of women. Social norms/traditions generally do not permit women to work on shop floors, alongside men. Further lack of mobility, either because of house-hold chores or due to inadequacy of arrangement for care of children does restrict employment of women.

7. Lack of training and housing facilities, also restrict their employment. The guardians of women consider it unsafe to send their women wards away from their homes to take up work. Employment preference of women continue to be for work locally available. Non-availability of housing facilities for a single woman acts as a major deterrent for many women who aspire for employment other than those available in their local area. Transfer of location after marriage also comes in the way of the stability of employment of married women.

Despite these handicaps, women are and will continue to remain in the labour force. Had these handicaps not been there, the rate of women in the labour force would have been much more. According to the census of 1991, out of the total population of 846.30 million, there are 439.23 million males and 407.07 million females. The literacy rate is 63.86 males and
Although women are less literate as compared to males yet as per previous Census Reports, the literary rate is steadily increasing both in males as well as in females.

Out of the total working population in our country, 90 per cent are in the un-organised sector, i.e., only 10 per cent are in the organised sector. The census of 1991 has registered 22.69% of the female population as workers - 91.4 million persons in absolute terms out of the total female population of 407.07 million. It is also revealed that out of the total of 28.2 million "marginal workers" 21 25.5 million are female workers i.e., 90.4% of the marginal workers are women, and out of a total of 285.9 million main workers 22, 66.3 million are female workers i.e. 23.2% of the main workers 23. The work participation rate of women continues to be lesser than that of men, but it has increased, compared to the two earlier census periods.

The table 1.1 reveals that the work participation rate (WPR) for females has gone up from 19.97% in 1981 to 22.73% in 1991. In the rural areas, the female WPR has gone up from 23.06% in 1981 to 27.20% in 1991 and in the Urban areas it has gone up from 8.31% in 1981 to 9.74% in 1991. In contrast, the male, WPR has gone down.

The census also reveals that majority of the women workers are in rural areas and 87% of them are employed in agriculture - as cultivators and labourers. Amongst the women workers in urban areas about 80% are employed in sectors other than
### TABLE 1.1
WORK PARTICIPATION RATE IN INDIA, 1971 - 1991

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Rural Urban</th>
<th>(IN MILLIONS)</th>
<th>Persons</th>
<th>Males</th>
<th>Females</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>1971</td>
<td>Total</td>
<td>34.17</td>
<td>52.75</td>
<td>14.22</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rural</td>
<td>35.33</td>
<td>53.78</td>
<td>15.92</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Urban</td>
<td>29.61</td>
<td>48.88</td>
<td>7.18</td>
<td></td>
</tr>
<tr>
<td>1981</td>
<td>Total</td>
<td>36.70</td>
<td>52.62</td>
<td>19.67</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rural</td>
<td>38.79</td>
<td>53.77</td>
<td>23.06</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Urban</td>
<td>29.99</td>
<td>49.06</td>
<td>8.31</td>
<td></td>
</tr>
<tr>
<td>1991</td>
<td>Total</td>
<td>37.68</td>
<td>51.56</td>
<td>22.73</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rural</td>
<td>40.24</td>
<td>52.50</td>
<td>27.20</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Urban</td>
<td>30.44</td>
<td>48.95</td>
<td>9.70</td>
<td></td>
</tr>
</tbody>
</table>

Note: The Census of 1991 excludes Jammu and Kashmir state where census was not held due to abnormal conditions.
agriculture largely in the un-organised sector like house-hold industries, petty trades and services, building construction etc. In the organised sector, labour participation by women is said to be 10 per cent in factories, 8 per cent in mines and 51 per cent in plantations.

It is submitted that the higher participation rate of females in the rural areas is indicative of their worsening economic situation and un-employment which are pushing women into labour force, particularly, in the impoverished and un-organised sector. But so far as the increase in their number in the urban areas and in the organised sector is concerned, it is an encouraging trend which indicates their modernisation, development and the movement for the emancipation of women. This is also due to technological advancement because mechanisation has simplified the working methods and procedures.

Coming to the state of Jammu and Kashmir, which because of poor literary statistics and low development in industrial and agricultural sectors is still a backward state, women continue to be engaged in their domestic and household services. A very small percentage who have availed of the educational opportunities have taken to employment outside their homes. As per the projected figures of the census of 1991, the total population of the state is estimated to be 77,18,700 of which 40,14,100 are males and 37,04,600 females. It is further estimated that 58,79,300 people live in rural areas and 18,39,400 in urban areas. So far as the literary rate of the people is concerned, the census of 1981 shows that out of the total
population, only 26.67 per cent people are literate of which 36.39 per cent are males and only 15.93 per cent females. The literary rate is very low but as compared to 1971 census it has increased. The census of 1981 also shows that in Jammu and Kashmir the total number of workers was 18,51,846, out of which 16,51,846 were male workers and 1,66,725 were female workers.

The state of Jammu and Kashmir has a special status in the Indian union by virtue of Article 370 of the constitution of India. This is the only state of India which has a separate constitution. The constitution of Jammu and Kashmir state is said to be the miniature of the constitution of India. This constitution is there due to political expediency. The provisions relating to women contained in the constitution of Jammu and Kashmir are identical with those contained in the constitution of India.

Initially, the workers in the state were covered by a few state labour legislations only. Upto 1971 no central labour legislation was applicable to the state. There are many reasons for this. First, due to the constitutional barrier created by Article 370, a central law relating to a matter specified in list I or III is not applicable to the state of its own, unlike other states. If such a law is to be applied to the state, the procedure prescribed in Article 370, therefore, has to be followed. Since labour matters fall within the list III of the constitution of India, none of the central labour laws operated in the state till 1971.
The second reason for the slow growth of labour legislation in the state is, that it is one of the most industrially backward states of the country. The industrial backwardness of the state is due to many factors. Firstly, due to the presence of Article 370, non-residents in the state of Jammu and Kashmir cannot acquire immovable property permanently as land is an essential element in raising factory buildings. Secondly, the state of Jammu and Kashmir being a border and politically sensitive state, the entrepreneurs from other parts of India cannot risk heavy investment in such circumstances. Thirdly, the state of Jammu and Kashmir is a hilly state. The means of communication are less developed and consequently, the cost of transportation of raw materials is high. Besides, these the state does not have sufficient resources in terms of money and raw material of its own.

Despite these handicaps many industries both in the public and private sector have come up in the state and many people both men and women are working in them for their livelihood. A need was felt badly for having central labour legislations in the state. This would serve two purposes. Firstly, to integrate the state fully with rest of the country and secondly to provide welfare amenities and facilities to workers in general and women workers in particular. The state Government ultimately agreed to the adoption of the central labour laws to the state during the chief ministership of late G.M.Sadiq. Consequently, the central labour laws (Extension to J & K) Act, 1970 was passed and a number of important central labour laws
were extended to the state. The Act was enforced in the state on 1st September, 1971, and the laws extended under the Act started operating in the state from this date. At present there are twenty two central labour legislations and three state labour Acts in operation in the state, many of which provide specific provisions relating to women workers and some of them are exclusively devoted to women labour.

I) The Problem Profile:

As has been mentioned above that because of illiteracy and under development of industrialisation, the state of Jammu and Kashmir is still a backward state and women mostly continue to be engaged in domestic works. A very small percentage who have availed of the educational opportunities have taken to employment in the public and private sectors. Although there is an organised machinery which envisages the protection of women workers under the provisions of law yet employers have been exploiting them. The different socio and cultural factors of discrimination and exploitation of women workers include lack of domestic care and nutrition, lack of facility for education, low wages and sex discrimination and exploitation.

To undo the aforesaid discrimination and exploitation legislative provisions have been incorporated in different statutes including labour statutes to protect them against the same in pursuance of Articles 14, 15 and 16 of the constitution. To improve the lot of women workers, it is not only protective legislation that has been enacted but there are certain policy principles regarding women's welfare incorporated in Fundamen-
tal Rights and Directive Principles of the state policy. These policy principles provided in the constitution of India are implemented through protective legislations.

II) Research Hypothesis:

Our main hypothesis is to evaluate the impact of protective legislations on the socio-legal status of women workers in organised and un-organised sectors. This being a matter of common knowledge that such legislations could not be very effective, an effort has been made to identify the institutional deficiencies in the protective legal framework and the functional problems in its implementation which frustrated the implementation of the constitutional mandate and suggestions have been made to make it more effective and result oriented.

To verify the aforesaid hypothesis, the present study has been undertaken with numerous objectives in mind. First of all the need and rationale of protective discrimination has been examined. Secondly, the study concern itself with the constitutional philosophy and the policy principles of protective discrimination. Thirdly, an effort has been made to study the legislative framework of the protective discrimination. All the relevant provisions of such legislations have been dealt with. Fourthly, the functional assessment of the working of the protective legislations has been made. Fifthly, the judicial response and activism on protective discrimination has been discussed with reference to important judgements and their impact on socio-legal status of women.
However, the study is not only expositional but is functional as well with a view to identify the institutional deficiencies in the legal framework as also practical problems that have hampered the effective implementation of the protective legislations. Thus it is an analytical and evaluative critique to identify the reasons for the gap between the theoretical protective discrimination and its functionality.

III) Research Methodology:

The present study is investigative and evaluative type of survey based on the objectives discussed earlier. Since the main attention of the researcher is towards the labour laws vis-a-vis their application to the women workers in different sectors, an attempt has been made to make a preliminary survey of the labour laws in force and their application to the women workers in the light of constitutional mandate. It is generally observed that the women workers in the state of Jammu and Kashmir are employed in organised and un-organised sectors. In the organised sector women are employed in both private and public sector whereas in the un-organised sector women are mostly engaged in agriculture. Most of the women workers employed are in the age group of 20 to 40 years. An assessment of the working conditions under which these women workers are working and an investigation has been conducted to establish the care taken by the employer of the health and hygiene of women.

A sample of 100 respondent women workers by random sampling technique has been drawn from both the organised and un-
organised (agricultural) sectors, taking 50 women workers from each sector. Out of the organised sector, women workers were drawn from 5 factories both public and private by selecting 10 women workers from each factory and out of the un-organised agricultural sector women workers were drawn from 10 different villages of 10 Tehsils spread over three districts of Anantnag, Baramulla and Srinagar. In such a way each subject, organisation and area has been given an equal opportunity to be included in the sample.

In order to arrive at the objectives under investigation, the researcher developed three separate questionnaires of which one is for the employers, the other for the employees and the third one for lawyers, judges and social activists. The purpose of employer's questionnaire is to elicit information with regard to working conditions, health, hygiene and other facilities provided to women workers. The second questionnaire for the women workers includes areas like name, age, marital status, family background and their living and working conditions. The third questionnaire for lawyers, judges and social activists inquires from the legal and social personalities, their assessment of social and economic status of women workers, the adequacy of labour legislations and the extent of their implementation.

All the three questionnaires have been evaluated and analysed. The inferences on the basis of these questionnaires have been interpreted in the light of hypothesis and objectives, that is, to identify the institutional deficiencies in the
IV. Plan of Study:

To discuss the various objectives in the light of the hypothesis, mentioned above, the present study is planned as follows:

Chapter I deals with the Introduction. It lays down a broad perspective which the researcher has kept in view while dealing with the subject. It gives a sketch of the research problem, research hypothesis, research methodology and plan of the study. The researcher outlines the reasons which prompted women to come out of the home for work. While pointing out the difficulties faced by women workers at the work place in India in general and Jammu and Kashmir State in particular, the researcher refers to the protective measures undertaken by the government in the form of constitutional provisions and labour legislations, for providing protection and security to women workers. A brief description is also made of the role of judiciary in this regard. The researcher also brings home the point that although women constitute half of the population yet their less number in workforce and poor literacy literary rate speaks of the discriminatory treatment with them despite the constitutional and legal guarantees.

Chapter II deals with the protective discrimination of women workers in historical perspective. It explains chronolog-
ically and systematically the measures undertaken over a period of time for providing protection and security to women workers. For the sake of convenience the protective measures undertaken are divided into two periods viz. Pre-constitution period and post-constitution period. In the post-constitution period reference is also made to the different plan periods during which different protective measures for women workers have been undertaken. Loopholes in the protective measures have been pointed out and various suggestions for their rectification have been put forward.

Chapter III deals with the constitutional frame-work of the protective discrimination in respect of women workers. The constitutional policy which tries to bring equality between the sexes has been dealt with. The protective measures provided to the women workers under the Fundamental Rights and Directive Principles of the state policy have been discussed at length. These articles of the constitution which form the policy principles for protection and security of women deal with right to equality in law, right to social equality, right to protective discrimination, right to equality of opportunity in public employment, right against exploitation, right to equal remuneration and maternity relief.

The role of judiciary in interpreting the constitutional provisions and their impact on the protective discrimination is dealt with in this chapter. The role and approach of judiciary has been quite significant with respect to women. The Indian judiciary to a certain extent has taken the lead in securing
socio-economic justice to women. The judiciary is playing a creative role in harmonising and balancing the rights and interests of men vis-a-vis women. There is a new trend in the judiciary to interpret laws so as to provide better protection and security to women in respect of their rights. The Supreme Court recently by taking a lead from the legislature declared sexual harassment at work place a penal offence. It also enlarged the gamut of fundamental rights of women by declaring that the right to life for working women includes an environment free from sexual harassment. The decisions given by the courts have been critically examined, problems have been identified and suggestions made for improvement.

Chapter IV deals with the legislative framework of the protective discrimination. All the relevant labour legislations which provide protection and security to women workers have been discussed at length. Despite these protective measures, women workers are still made to suffer discrimination in social and economic spheres and continue to be the most exploited lot. Therefore, much more remains to be done. It is true that laws are made for the welfare and benefit of people but laws and constitution do not by themselves solve all the problems. It is the strict and sincere implementation which matters. The need for more and more laws is always felt in a welfare state like ours, yet the existing labour laws, with necessary modifications and amendments are sufficient, for the time being to take care of women workers. Let us try to be honest in the implementation of these laws.
Moreover, much also depends upon the women workers themselves. Their ignorance and lack of awareness about their rights is also responsible for the evasion of these beneficial legislations. Therefore, the need of the hour is that women should get fully conscious of their rights and get courageous enough to fight for their rights by participating in the trade union activities.

Chapter V gives a critical evaluation of these protective discriminatory legislations. We find a positive and an effective contribution of the legislature in protecting the interests of women workers through these enactments. However, these labour legislations apply to organised sector only, leaving unorganised sector unattended. It has been suggested that these legislations should be extended to unorganised sector also so that majority of the women who work in this sector are protected and get the benefits.

In the organised sector where these legislations apply, the statutory provisions, are not being strictly complied with. In many cases it has been found that protective measures such as creches, maternity benefits, separate latrines and urinals and washing facilities etc. are either not provided or are not adequately maintained. Other safety and welfare measures are also not being provided. It seems that the present penal provisions of these enactments are not deterrent to prevent the employer from making violations of these provisions. The machinery for inspection and enforcement is inadequate. The
women workers due to their ignorance and lack of education do not approach the enforcing agencies for the redressal of their rights and grievances.

Although the two legislations i.e. ESI Act and MB Act are covering the same field of maternity benefit yet they are not uniform. The defects of both these Acts have been pointed out and necessary suggestions made. However, despite the defects the virtue of both ESI and MB Acts is that they recognize the needs of pregnant women workers and guarantee paid leave for them at a national level, a step that many other countries have not had the realism and foresight to do.

Like MB Act, even under the ER Act instances are not lacking where women do not assert their rights due to fear of losing their jobs. The ER Act which prohibits discrimination between men and women in regard to wages is not being effectively implemented. Although this legislation is in right direction yet it does not go very far. The ER Act is observed more in breach than in observance. Many defects in the ER Act have also been pointed out and necessary suggestions made.

The judiciary has played an active role in enforcing and strengthening the constitutional goal of "equal pay for equal work" for both men and women and has brought equal remuneration within the contours of fundamental rights. The decided cases reveal a creative role of judiciary in securing equal pay for equal work.
Chapter VI deals with an empirical assessment of the functioning of protective discrimination in both organised and un-organised sectors of employment of Jammu and Kashmir state. The social and economic position of women workers in the state is not different from the status of women from other parts of the country. The working and living conditions of majority of the women workers are not satisfactory and they do not receive the benefits provided under different labour legislations. Men are preferred over women in employment. Women are considered inferior to men and are discriminated by the employers at the place of work.

Although constitutional law provides equality of men and women yet that seems to be a mere slogan. Labour legislations also provide them security and protection but these legislations are not properly implemented in the organised sector and are not at all applied to the un-organised sector where women are working in large numbers. Women workers do not receive most of the benefits provided under different labour laws. The service and working conditions of women workers are worst in private sector and in the un-organised sector. The women workers in these sectors are treated as bonded labourers and suffer the highest form of discrimination and exploitation. In totality the condition of women workers in Jammu and Kashmir state is very pathetic and disgusting. The reasons for the non-implementation of labour laws have been highlighted and suggestions have been made for making necessary improvements. An effort has also been made in this chapter to throw some light on the
working and functioning of the Labour Department in the Jammu and Kashmir State and the impact of its mal functioning on the working conditions of employees in general and women workers in particular.

The last chapter is in the nature of a summary of conclusions and suggestions. It has been proposed that in order to raise the socio-economic position of women workers the labour legislations should be made effective and result oriented. This can be achieved by removing the loopholes as pointed out and by incorporating the various suggestions in the law.

Lastly, it has been pointed out by making a general observation that there is a need to ensure that the protective discrimination resorted to in favour of women workers should not have an adverse impact on the scope or the avenues of their employment. In such a situation instead of doing favour to the women workers it shall certainly amount to creating injurious impact on their service prospectus. Hence, it becomes imperative that a balanced and reasonable approach may be adopted in order to achieve the desired results.

In the end selected bibliography and three questionnaires are enclosed.
REFERENCES

1. Varma, A. P. etc. Women Labour In India - A Comprehensive Manual. Noida, V. V. Giri National Labour Institute, 1996, P.7. In contrast The Humphrey Institute of Public Affairs points out: "While women represent 50 per cent of the world population, they perform nearly two-thirds of all working hours, receive one-tenth of the world income and own less than one per cent of the world property". See The Sunday Times of India, New Delhi, August 24, 1997, P.19.


3. Ibid.


8. Supra note 6.

9. The movement for freedom and upliftment of the status of women was started by celebrated reformers and national leaders like Raja Ram Mohan Roy, Swami Dayanand Saraswati, Pandith Ishwar Chandra Vidyasagar, Gopal Krishan Gokhale and Sir Syed Ahmad Khan. They were all champions of women's social liberation. The movement was taken to a logical conclusion by the leader of Independence Mahatama Gandhi. He perceived the dormant potentialities of women and encouraged them to participate in freedom struggle and other spheres of life.


11. The preamble to the constitution of India resolves to secure to all its citizens, including women, justice, social, economic and political; Liberty of thought, expression, belief, faith and worship; Equality of status and opportunity and to promote among all fraternity assuring the dignity of the individual and the unity of the Nation.

13. Supra note 10 at P.133.


17. To promote greater mobility of women in the employment market, the Department of Social Welfare, Government of India, launched the scheme of hostels for working woman in 1973 to provide safe and cheap accommodation to single working women who come to the cities/towns for the sake of employment. At present 740 hostels have been sanctioned to be constructed all over the country to benefit about 49507 working women. See Gopalan, Sarla. Women and Employment in India. New Delhi, Har-Anand Pub., 1995, P.183.

18. Supra note 10.


20. Ibid at Page 5.

21. Those workers who work for less than six months or 183 days in a year are called marginal workers (See Census of 1991, Series I, P.5).

22. Those workers who work for more than six months or 183 days in a year are called main workers. (See Census of 1991, Series I, P.5).


25. Ibid.

26. The Census of 1991 was not conducted in the state of Jammu and Kashmir due to disturbed conditions. The population figures are projected by the Standing Committee of Experts set up by G.O.I. on Population Projections, October, 1989.

28. The latest literacy rate available in the state is only that of 1981 Census.

29. Supra note 27 at P. 28.

30. Id. at P. 22.

31. In exercise of the powers conferred by this Article the President, on the recommendation of the Constituent Assembly of the State of Jammu and Kashmir, declared that, as from the 17th day of November, 1952, the said Article 370 shall be operative. Article 370 is a special provision in the constitution of India, which regulates the relation of Jammu and Kashmir State with the Indian Union. As this Article is temporary and can be abrogated any time in future, so the special status conferred by this Article on the State of Jammu and Kashmir is also temporary.

