CHAPTER - II

Protective Discrimination Of Women Workers: A Historical Perspective
Women in India from antiquity were accorded the most exalted and respectful place in the society. In Vedic age women occupied a high position in society and played a significant role in all fields including cultural, social, religious and political. She had equal rights with men and played a more active economic role. She performed numerous tasks as did men.

However, during the post-vedic period the position of women began to deteriorate. Even Manu was very harsh about them and stated that they are not entitled to independence. Women were deprived of their individual decisions and choices. They were brought under the full control of men. The condition of women deteriorated further during the medieval period when their dependence on men became absolute and they became victims of the inhuman practice of sati, child marriage and female infanticide. During Muslim period, the position of women further deteriorated and other evils such as Purdah system and Polygamy came into being.
These customs, traditions and practices reduced women to the position of a liability and forced them to a life of unhealthy discrimination. A writer on women's issues, Shakuntala Narasimhan sums up the position of women during those days: "Smothered or poisoned at birth, given away in marriage at a tender age, bargained over like some commodity by dowry hungry in-laws, secluded in the name of chastity and religion and finally burnt for the exalation of the family's honour or shunned as in-auspicious widows".

As women were confined to the four walls of the house so they performed the house hold work of maintenance of home, cooking and care of children. They also helped their menfolk in the agricultural work and in production and marketing of handicrafts. They were, however not supposed to seek any gainful employment outside their homes.

Significant changes occurred in the social, economic and political status of women during the 19th century in India. All the important social reform movements of the 19th century focussed on ameliorating the miserable plight of Indian women. The celebrated reformers such as Raja Ram Mohan Roy, Swami Dayanand Saraswati, Pandith Ishwar Chandra Vidyasagar, Gopal Krishan Gokhale and Sir Sayed Ahmad Khan were valient champions of women's social liberation. They raised their powerful voice against the inhuman and oppressive social customs. As a result education was promoted among women and all the regressive customs were either altogether abolished or a trend was
set for their steady decline. With this inaugurated an era of women's emancipation.

With the advent of industrialisation and introduction of mechanical means of production, a tremendous change also took place in the character of work assigned to women. As the technological changes of the Industrial Revolution transformed the process of production, the women of the Urban proletariat and many of their artisan classes were drawn into factories, mills, mines and plantations as unskilled wage earners. Therefore, women became an important feature of the labour market. However, this transition from work at home to work in the factory was not a smooth one for women. Although, they could adapt themselves to their new conditions yet they could not visualise the tremendous changes in their social and economic life brought about by industrialisation. The factory system destroyed a great body of significant customs throwing the worker into the fields where they had neither experience nor tradition to work and help each other.

In the early days employers took full advantage of the prevailing conditions and the weaknesses of the women and therefore, women workers were subjected to long hours of work. They were required to toil under insanitary and unhygienic conditions and were paid extremely low wages. Not only this, they were denied any leave after confinement and their services used to be terminated on the first sign of pregnancy.
Due to these dismal working conditions, the life of women workers became more miserable. It was realised that some sort of protection and security should be provided to them because they are facing these problems due to their unique features. Different measures were undertaken from time to time to provide security and protection to them. It is in this context that an effort is made in this chapter to discuss the measures and protection provided to women workers over a period of time and to analyse them in the historical perspective. For the sake of convenience these measures are divided into two periods—viz Pre-Constitution Period and Post-Constitution period.

A) PRE-CONSTITUTION PERIOD:

In this period we shall be discussing those measures which were undertaken for women workers before the adoption of the constitution of India in 1950.

I. Factory Legislation:

The first cotton textile mill in India was set up in 1851 at Bombay by a local textile merchant Mr Gawasjee, Naubhai Davar, followed by a Jute Mill in 1855, in Bengal. This marks the beginning of factory system in India. The industries grew rapidly thereafter and in 1872-73 there were 18 cotton mills and 5 Jute manufacturing units, employing about 10,000 workers many of whom were women and children. The conditions prevailing in these factories were inhuman, uncongenial and harsh. There were excessive working hours. Twelve to fourteen hours a day for women workers was not an unusual phenomenon. Women were shockingly underpaid and the human factor was completely ig-


nored. Employers took advantage of their illiteracy and ignorance and expected heavy work from them. There was no provision for safety, welfare, holidays and leave for workers. The worst working conditions at that time were found in cotton, gins and presses. It was found that gins and presses worked both day and night, with an hour's rest in the evening. The same persons continued to work day and night for about 8 days. When it was impossible for them to carry on any longer, a fresh batch of workers was employed. The women were looked upon as part of the gins. The gins and presses never stop for meals. The hands (which were mostly women) as a rule take their meals at gins\textsuperscript{11}.

Public attention was drawn to the subject, for the first time, by Major Moore who published his report on the "Administration of Bombay Cotton Department". The author dealt at length with long working hours, conditions of women labour and child labour. At the same time sufficient availability of raw materials and cheap labour, resulted into rapid growth of cotton and jute industries. This created an unprecedented competition with the Lancashire manufactures, who were afraid of losing their market in India\textsuperscript{12}. They, therefore, started an agitation for regulation of labour conditions in India which would free the Indian market from any import duty on their goods and their competitors in India would not get any undue benefit out of the prevailing conditions of urban India labour\textsuperscript{13}. The agitation was supported by philanthropists both in England and in India. This led to the appointment of Bombay Factory Commission of 1875, to look into the conditions of labour in factories\textsuperscript{14}.
The Commission gave its recommendations to the government and ultimately the first Indian Factories Act was passed in 1881. The Act, however, did not come up to the expectations of labour. It also failed to provide any protection to women.

An agitation was started afresh in Bombay. Both the Europeans and Indians championed the cause of labour. This led to the appointment of another Factory Commission by the Government of India in 1884. The Commission recommended legislation to protect women workers and children. But the recommendation was not implemented. In 1890, the First International Labour Conference was held at Berlin. It recommended, among other things, the regulation of working conditions of women workers and children. Great Britain was a signatory to the resolution of the conference. This gave a basis for competitors in Britain to plead for the adoption of factory legislation in India which could be at par with the factory legislation in the United Kingdom. The government of India, therefore, appointed another commission in 1890 to inquire into the conditions of factory labour in India.

A brief description of the daily routine of working women of 1890 throws some light upon the life experience of working women and the context in which the new Commission made its recommendations. "The working women woke up at 4.30 a.m. prepared the morning and lunch meals, took care of the children, washed and cleaned..... all in time to reach the mill gate at
7.30 a.m. With just half an hour break, she worked in the factory till 5 p.m. After this she walked back home to do the cooking, washing, cleaning and to take care of the children. She had only two holidays in a month, when she had to do the marketing of the provisions for the home. While those in the reeling department had a full holiday for these two days, those in the winding department had to clean the machines for two hours in the morning even on these two holidays.

The Commission submitted its report to the government. Based on its recommendations, the Indian Factories (Amendment) Act was passed in 1891. The Act for the first time regulated the working conditions of women workers. Women workers were not allowed to work before 5 a.m or after 8 p.m. Their hours of work were limited to 11 in any one day with an hour and a half rest. The reason for shortening of hours of work for women was that they had to perform household duties also. So, the role of women as housewives was given recognition.

There was as yet no rigid enforcement of the legislation in this regard. Immediately after the passing of the amendment there was no response from the workers. However, in 1921 three strikes were recorded by women expressing a resentment against the Factory Act which necessitated a rest period of an hour and a half each day. The fact that the strikes occurred 30 years after the passing of the law indicates that the long lunch break for women was implemented only in a much later period.
The fact that only women's hours of work were controlled despite the fact that the workers demanding controlled hours of work for all workers male and females, indicates that the pattern of legislation in India was determined by the nature of legislations which had earlier been passed in the U.K. Though, there is no doubt that the conditions of work in the Indian mills did require legislation which protected the rights of the workers, the fact that India was a colonial country meant that the pattern of legislation was not a reflection of the conditions and concerns being expressed by the workers in India, but by the legislations which had developed under much different conditions.

The Amended Act was also inadequate. An agitation to amend the Act started at once in England. The question of factory legislation was, therefore, re-opened by the Government of India and a Bill was introduced in the Legislative Council in 1905. In 1906, the Government of India appointed a Committee to inquire into the conditions of textile factories. The Committee was followed by a Commission in 1907, which investigated into the conditions of all types of factories in India. A somewhat revised Bill was, therefore, introduced in 1909 and passed in 1911. The Act limited the hours of work for adult male workers to 12 in any day with a rest interval of 1 hour. The hours of work for women workers remained the same i.e., 11 hours in a day, but the rest interval was for one hour. Also, women and children were prohibited from being employed in certain dangerous work, such as the cleaning of any part of
mill-gearing or machinery of the factory while the same was in
motion, or work in any part of a factory for pressing cotton in
which a cotton opener was at work, unless its feed end was in a
room separated from the delivery end.

Not long after the Factories Act of 1911 came into force, the First World War broke out. It gave a new impetus to the
growth of Industry and was followed by the rise of a well
organised class of Indian Industrialists and a self conscious
class of workers. In the meantime, the ILO was inaugurated as
apart of the League of Nations under the Treaty of Versailles
of 1919. Under its auspices, the first International Labour
Conference was held at Washington in 1919, and among other
things, draft conventions were adopted on hours of work and
night work of women and children. These conventions were
ratified by Government of India in 1921. In order to implement
these conventions of 1919 and due to the growing consciousness
of people, the Factories Act, 1911 was amended in 1922. The
changes brought about by this amendment, in addition to others
were that the hours of all adult workers, including, both men
and women, were restricted to 11 in any one day and 60 in any
one week and women and young persons under 18 were prohibited
from employment in certain lead processes. The employment of
children and women before 5.30 a.m and after 7 p.m i.e during
night was forbidden in all factories. The reasons given for
prohibition of night work for women were that if women continu-
es to work at night children, who are at home will be neglect-
ed. Secondly, there will be chances of sexual abuses during

36
night and thirdly during night she may have to work on artificial light which may be injurious both for her health and for the health of her off-spring. The 1922 Act was amended twice, in 1923 and 1926. But nothing special with respect to women was provided.

The Royal Commission on Labour was appointed in 1929 to inquire into the conditions of factory labourers. As a result of its recommendations, the Factories Act was passed in 1934. The Act reduces the hours of work for all adult workers from 60 to 54 a week and from 11 to 10 a day in non-seasonal factories, but retains a 60 hour week and 11 hour day in seasonal factories. Women are permitted to work only for 10 hours a day in both seasonal and non-seasonal factories. The period over which a working day may be spread is fixed at 13 for adults, whether men or women. Women and children may not be employed before 6 a.m and after 7 p.m, but the Local Government may, by notification in the official gazette, vary these limits so as to make the working day fall within any span of 13 hours between 5 a.m and 7.30 p.m in respect of any class of factories for the whole or any part of the year. The object of this provision is to secure for women a rest period of not less than 11 hours, as prescribed by the International Labour Conventions on this subject. Local Governments are also granted power to make modification of the above restrictions in the case of women employed in fish curing and fish canning factories to prevent damage to, or deterioration in any raw material.
The Act also requires any factory employing more than 50 women to reserve a suitable room for the use of their children as creche. So the creche facility was for the first time introduced in factories. By having the children looked after in a separate room, the women's attention would be concentrated on her work and thus the productivity would improve. Therefore, introducing of creches was an encouraging step, beneficial to both employers and the employees. Despite the fact that setting up of creches was made compulsory in 1934 Act there is evidence that only a minority of the mills started them. As late as 1943, only 24 mills out of 66 had creches in their premises.

In exercise of the power conferred by sub-section 33 of the Factories Act, 1934, the Governor General in Council made rule called the Hazardous occupation (Lead) Rules in 1935 and declared every operation involving the use of lead compounds to be hazardous when carried on in any factory, and prohibiting the employment of women, adolescents and children except in accordance with the following special provisions: (a) special certification of fitness and the carrying of a token thereof while at work; (b) periodical medical examination by certifying surgeon at intervals of not more than three months; and (c) provisions made in the factory for the elimination of dust or fumes of lead compounds. Moreover, no food, drink or tobacco shall be brought in or consumed in such working room and adequate protective clothing should also be provided by the employer for each worker. This shows that law took note of the health of the women workers and hence these security measures
were provided. It is also obvious from the outline provisions of the Factories Act, 1934, that with the passing of this Act, legislative reform movement gained considerable ground.

The Factories Act of 1934 was amended in 1935. Contrary to the Draft convention of 1919 which was ratified by the Government of India in 1921, the Factories Act of 1934 granted powers to Local Governments to exempt women holding supervisory posts in factories from the provision prohibiting night work. Meanwhile, some Member states of ILO having desired the exemption of women in supervisory capacities from this convention and having been unable to do so under the ruling of the court of International Justice, the International Labour conference adopted a revised convention in 1934 granting women the right to work at night in the supervisory capacities. The Government of India ratified this revised convention in September, 1935, but at the same time amended the Factories Act of 1934 prohibiting, inter alia, the night work of women in Indian factories in any capacity whatsoever, on the ground that it was contrary to the social custom in India.

Now came the Second World War, which had far-reaching consequences in all fields of activity including labour. The number of factories and factory workers increased enormously. The Factories Act, 1934 was amended off and on during and after the Second World War. This was now the period of Indian Independence, after which the labour welfare movement acquired new dimensions. The state took its social responsibility towards weaker sections of the population seriously. The Factories Act
of 1948 was passed, which replaced all previous legislation on labour welfare. It brought in many new concepts particularly with respect to women workers & children and is therefore, considered as an important milestone in factory legislation. The Act applies to all factories, employing 10 persons or more when it uses power and 20 persons where no power is used. The special provisions provided for women workers are crèches, prohibitions of employment of women near cotton openers, separate latrine and washing facilities, prohibition of night work i.e., before 7 a.m and after 7 p.m. States are given power to fix heavy loads to be lifted by women. The Act reduces the weekly hours of work from 54 to 48 and daily hours from 10 to 9 a day for adult workers both men and women and are given half an hour rest after every five hours of work.

The Act is certainly an improvement in minimum standards over the earlier legislations, but it leaves much scope for improvement. Violation of the Act is not uncommon.

II. Mining Legislation:

Mine is the second industry in which women came out for work. Mining is an ancient activity in India, but it is fair to say that mining, primarily coal mining, as a large scale industrial activity, was first introduced in the country in the early 19th century. Although mines appeared sometime before the first cotton mill came into existence yet they were not subject to labour legislation until 1895. In all major aspects, however, the development and principles of mining labour legislation was closely parallel to that of factory legislation. Women
along with men were also working in dangerous occupations, such as, under-ground mines, but were getting low wages and were working without any adequate safety and protection. Their un-regulated working conditions were also brutal and primitive. The dismal working conditions of miners can be depicted as follows:

The miner, his wife, and in many cases his children, went under-ground, worked and rested in the mine, perhaps staying for twenty four hours or more at a stretch, after they had cut enough coal, they left for their villages for a few days and come back after an interval. Such irregular mining was carried on for some months.31

The absence of foreign competition and the nature of the mines, which were mostly near the surface, were partly responsible for tardiness in undertaking mining legislation, but the increasing employment of labourers, especially of children and women, in an industry which was especially subject to insanitary conditions led to the appointment of a mining inspector in 1893. A Mining Committee was also appointed in 1895 for drafting rules. On the basis of its report, a Bill was prepared in 1899 and passed into law in 190132. According to this Act the chief Inspector of mines was granted power to prohibit the employment of children and women in mines where the conditions, in his opinion, were dangerous to their health and safety 33.

With the passage of time and the growth of mining industry, the inadequacy of the Act of 1901 became more and more evident. The Act was lacking in providing any provision for regulating the conditions of employment and was having inade-
quate provision for regulating the labour of women and children. A new Act was, therefore, passed in 1923. It restricted the hours of work to 60 and 54 per week above and below ground, respectively. The Act did not prohibit the employment of women under-ground for the reason that it would have seriously disorganised the mining industry, as nearly as 45 per cent of the under-ground workers consisted of women. But the need of this reform become clear a little later, as under-ground work is known to be harmful to women, and has been prohibited in all western countries.

By an amendment in 1929, the employment of women below ground was prohibited in all mines except in coal mines in Bengal, Bihar, Orissa, C.P and salt mines in the Punjab. The exempted mines were to introduce a system of gradual reduction of their women work force working below ground, leading to a total elimination of the practice in 1939. After the adoption by the International Labour Conference of the under ground work (women) convention in 1935 (No.45), the Government of India revised the Regulation of 1929 and prohibited the employment of women in under-ground work in all mines from 1st July, 1937. But owing to the shortage of labour and at the representation of mine-owners the Government of India postponed the enforcement of the revised regulation for three months, i.e until 1st October, 1937, in all coal mines in Bihar and Bengal the central provinces and Orissa of a daily average number of 42,635 women employed in mines in 1936, 7,301 were employed under-ground and all of them except 32 (in salt mines of Punjab) were
employed in coal mines. The percentage of women employed underground was 6.87 in 1936 as compared with 18.39 in 1930\(^3\).

In the light of Recommendations of the Royal Commission on labour, 1931, in 1935, by an amending Act, the following changes were made weekly hours of work and daily spread-over were reduced. For surface workers both male and female, 54 hours a week and 12 hours a day with a daily spread-over of not more than 12 hours, and for workers below ground, 54 hours a week and 9 hours a day with a daily spread over of 9 hours, were introduced. The surface workers were to have one hour's rest for every six hours of work. During the Second World War, restrictions on the employment of women below ground were lifted but were reimposed after the war\(^3\).

III. **Plantation Legislation:**

As the plantation is the oldest among Indian Industries, therefore, women came out to work in this area also. Assam tea gardens are among the earliest plantations in India. The paucity of population in Assam and the location of tea gardens in isolated districts made it necessary to import labour from outside and a class of recruiters, therefore, grew up for the supply of labour of tea gardens. This unregulated recruitment of labour gave rise to many abuses. As a result, the plantation legislation was first concerned with the regulation of recruitment and transportation of labourers from outside districts of tea gardens. Legislation to regulate employment and working conditions of the plantation labour came much later\(^3\).
However, the workers employed in plantations were forced to live in inhuman conditions, and there was a constant tendency on the part of their employer to resort to harsh restrictions. The situation in the plantation industry continued to engage public attention. The Royal Commission on Labour, 1931, made several recommendations regarding plantations also. Among other things it recommended the provision by legislation of maternity benefit and the employment of women doctors for confinement in hospitals, for the training and supervision of midwives and dais and for child welfare work. As per the recommendations of the commission, the Tea District Emigration Act, 1932 was passed, which among other things provided that no married women, living with her husband, could be assisted to proceed to Assam without the consent of her husband. The Act also empowered the central Government to make rules. The rules among other things, provided for milk enrichment of children, in the age of 2-10 years. A comprehensive legislation in plantations which regulates the working conditions of plantation workers and provides special provisions for women workers was enacted in the post-constitution period.

IV. Maternity Benefit Legislation:

Maternity benefit was said to be indemnity for the loss of wages incurred by a woman worker who voluntarily before the birth of a child and compulsorily thereafter abstain from work in the interest of her health and that of her child. Maternity is a state of disability in women workers from undertaking any work during the few weeks immediately preceding and following
child birth. In order to protect the health of the mother and the child, it is necessary that she should be made free from being engaged in work during this period. With the emergence of the system of wage labour in the industrial undertakings, many employers tended to terminate the services of the women workers when they found that maternity interfered with the performance of normal duties by women workers. Many women workers, therefore, had to go on leave without pay during this period in order to retain their employment. Many others had to bear a heavy strain to keep their efficiency during the periods of pregnancy, which was injurious to the health of both, the mother and the child. To remove this hardship of the women workers the Government undertook the task of making maternity benefit legislation in order to enable the women workers to carry on the social function of child-bearing and rearing without undue strain on their health and loss of wages.

The origin of the scheme of maternity benefit can be traced towards the end of Nineteenth century in Germany when maternity allowance itself became a part of the insurance scheme. This was followed by other developed countries including U.K and Australia. In Great Britain, maternity allowance was included in the health insurance scheme in 1912 and in Australia, Maternity Allowance Act, came into force in 1912. The ILO also accepted the maternity Protection Convention, 1919 (Convention No.3), which came into force in 1921. The convention provides 12 weeks maternity leave for women employed in industrial and commercial undertakings. The income security is also
provided during this period. It also guaranteed nursing facili-
ties and re-instatement in employment after leave.\textsuperscript{42}

At the time when the Maternity Protection Convention was
adopted by the ILO in 1919, it was suggested that the countries
represented should carry out inquiries into the question of
maternity benefits for women workers. The conference, there­
fore, adopted a special resolution requesting the Indian Gov­
ernment to make a study of the question of maternity benefits
and to submit a report to the next conference. Upon this the
Government of India consulted the provincial Governments and
employers etc. and submitted a report to the International
Labour Conference held in 1921. The report prescribed that
"legislation upon the subject would be premature, but an at­
tempt would be made to induce the principal organised indus­
tries to start voluntary benefit scheme by assisting them
financially\textsuperscript{43}". Therefore, the Government of India expressed
its inability to adopt the convention. The reasons given were
(a) the impossibility of enforcing the compulsory periods of
absence from work in case of the pregnant women workers (b) the
shortage of medical women who would be necessary for issuing
medical certificates, (c) the impossibility of compulsory
contribution schemes to provide benefits and (d) the absence of
need for provision regarding nursing periods and for the pro­
tection of women from loss of employment during pregnancy\textsuperscript{44}.

However, the provincial Governments, continued to per­
suade the employers to take unilateral decision for the adop­
tion of the ILO conventions. In the meanwhile, a private member
Mr. N.M. Joshi, who had attended as worker's delegate the International Labour Conference at which the Maternity protection convention was adopted, introduced a Maternity Bill in the Central Legislature. The Bill seeks to make statutory provisions for maternity benefit for women employed in factories and mines, and paying them cash benefits during confinement. The Bill could not be passed because of lack of public support, impossibility of supervising the scheme, low availability of women doctors and because of migratory character of women workers. There was also a feeling that the passing of the legislation would harm the employment prospects of women.

Despite the negative attitude of the central Government the state Governments considered the feasibility of maternity benefit legislations in India. And as such, the maternity benefit legislations took their roots with the passing of the Bombay Maternity Benefit Act, 1929. Under the Act, every woman worker who has worked for nine months in a factory is entitled to maternity benefit on the production of a medical certificate. She is entitled to leave of absence for four weeks before and four weeks after confinement. Maternity benefit is paid to her at the rate of 8 annas per day. This was the first maternity benefit legislation in India. This was followed by enactment of a similar law by the central provinces and Berar in 1930. Another milestone in the field of maternity benefit was reached with the appointment of the Royal Commission on Labour in 1929. The Commission, inter alia, recommended that maternity benefit legislation on the lines of Bombay Maternity
Benefit Act, 1929 should be enacted in other provinces. The commission also recommended that the maternity benefit should be non-contributory and the employer alone should bear the burden. Consequent upon these recommendations a number of provinces passed their own maternity benefit legislations. Madras and Ajmeer passed this legislation in 1934, Delhi in 1937, U.P in 1938, Bengal and Sind in 1939, Hyderabad in 1942, Punjab in 1943, Assam in 1944 and Bihar in 1945. In Bihar the Maternity Benefit Act was re-enacted in 1947 with certain changes. Many other states passed these legislations a bit later, during the post-constitution period. The application of these Acts has been reviewed from time to time and necessary modifications have been introduced.

However, the central Government did not lag behind. It took the clue from the provincial governments and passed the maternity benefit legislations. The first central enactment in the sphere was the Mines Maternity Benefit Act, 1941. This Act was of a very limited application as it was applicable only in mines. The Act was followed by a social insurance legislation, the Employees State Insurance Act, 1948, which contains provisions for the payment of maternity benefit. A full fledged legislation on maternity benefit was enacted during the post-constitution period only.

After India attained Independence, the constitution was formulated and adopted in 1950. The constitution which is the foundation and the guiding principle of all future legislations, contains specific provisions, providing rights and
privileges to the women. These rights and privileges are contained in the Fundamental rights and Directive Principles of the State Policy. These rights and privileges are: right to equality in law, right to social equality, right to equality in employment, right to protective discriminations, right against exploitations of women, right to adequate means of livelihood, right to equal pay for equal work, right that the health and strength of workers both men and women are not abused, right to just and humane conditions of work and maternity relief and right to improvement in employment opportunities and conditions of the working women.

The measures and provisions which are made in the post-constitution period for women workers are mostly based on these constitutional provisions.

B) POST-CONSTITUTION PERIOD

The post-constitution period reflects a great expansion of industrial activity and is of interest in respect of industrial labour that marked an increased acceptance of socialist policies and the welfare state. The National Planners and the Policy Makers have felt that the constitutional safeguards for equality were not adequate and served no purpose unless women's rights to economic independence were recognised. Women were treated as equal members of the society and they were accepted as equal participants, agents and beneficiaries in the development process. Thus the principles of equality of women in employment opportunities and elimination of all forms of discrimination against women were sought to be translated into
practice through formal policies, legislations and affirmative or positive actions by way of integrating women in the developmental process. Special institutions and machineries have also been created to deal with the women's specific problems effectively. All these measures for the welfare and benefit of women were undertaken during different Plan Periods starting from 1951.

1. The First plan (1951-56):

Welfare measures for women were provided in the very First Five year Plan launched in 1951. The First Five year Plan (1951-56) gave due attention to social services like health, education, sanitation, housing and rehabilitation to build up human capital. The plan recognised the problems of high infant and maternal mortality and undertook to develop school feeding schemes, maternity centres and child birth centres. The Central Social Welfare Board was established by the Government in 1953 with a nation wide programme of grants in aid for promoting development of women and children. The Board had its counterparts in the states and they provided assistance to voluntary agencies for improving and developing welfare programmes. This led to the growth of a number of women's organisations and provided status and activity to many of the erstwhile active women social workers. Proliferation of Mahilamandalas is a striking phenomenon of this period.

The two legislations which provide special provisions for the women workers and which were enacted in the First Plan period were the Plantations Labour Act, 1951 and the Mines Act,
1952. The plantations Labour Act, 1951 covers all persons employed in tea, coffee, rubber, cinchona and cardamom plantations. The Act limits the duration of work for adult workers both male and female to 48 hours a week and provides a rest interval of half an hour for work exceeding five hours and spread over of 12 hours. The Act prohibits the employment of women during night and provides for separate latrine and urinal facilities, creche facility and maternity benefit to women workers (The provision relating to maternity benefit has been repealed by Maternity Benefit Act, 1961).

The Mines Act, 1952, repealing all previous Acts was re-enacted in 1952. It applies to mines only. It provides separate latrine and urinal facilities for women workers. It prohibits them from night work and from work in under-ground mines and hazardous occupations.

A survey of the provisions of the plantation Act reveals that much improvement has been made since Independence in the plantations area. However, the Act still suffers from certain defects. Its coverage is narrow. The Act is not properly enforced. Non-observance of the plantation rules under the Act is a matter of complaint.

2. THE SECOND PLAN (1956-61):

This plan persisted in welfare approach so far as women issues are concerned. It recognised the need for organisation of women as workers, that women should be protected against
injurious work, should receive maternity benefits and creches should be established for children in work places. It also recommended speedy implementation of the principle of equal pay for equal work and provision of training to enable women compete for higher jobs.

In 1961, at the end of this plan period, it was reported that in the organised sector, due to the necessity of providing welfare measures, many of the employers were reluctant to employ women and the participation rate of the female working force in comparison with the males declined. The participation rate of the female working force stood at 27.96 as against 57.12 for males. Further, as women were not encouraged to take technical training or on the job training, modernisation of some industries like, textiles led to the displacement of women.

In the areas of health and education there was some progress. The literate percentage of female increased to 12.95 but still low, as compared to males, which was 43.44%. Expectation of life at birth in 1961 was 40.6 for females as against 41.9 for males. The decline in the sex ratio continued and in 1961 it stood at 941 female per 1000 males.

The Second Five year plan saw further development in the field of labour welfare. The ESI scheme was made applicable to more workers which means maternity benefit to more women workers. Towards the end of this plan period one of the important developments took place so far as maternity benefit is con-
cerned. A new central legislation on maternity benefit, the Maternity Benefit Act, 1961 was enacted. We have seen in the pre-constitution period that there were many legislations both central and state providing maternity benefit to women workers. But the qualifying conditions for payment, the period and rates of maternity benefits under these legislations were not uniform. Therefore, due lack of uniformity in their provisions and in order to reduce the disparity relating to maternity benefit under these Acts, it was thought proper to consolidate these various schemes into one single code. In fact, the Royal Commission on Labour had recommended as far back as in 1931 that a legislation on maternity benefit should be enacted on an all India basis. Thus the central Government enacted the Maternity Benefit Act, 1961, keeping in view all these legislations and the revised ILO Maternity protection convention, 1952. The Maternity Benefit Act, 1961 extends to the whole of India and applies to every establishment, factory, mine or plantation (including such establishments belonging to the Government) except those factories or establishments to which the provisions of ESI Act, 1948 are applicable.

With the passage of time many loopholes were found in the Act but most of them were removed by the Maternity Benefit (Amendment) Act, 1988. Despite this Amendment much more remains to be done.

3. THE THIRD PLAN (1961-68)

This plan focussed on expansion of girls education as a strategy for women's development. Efforts on providing con-
densed courses for adult women in health, nutrition and family planning continued. In this plan period it was observed that one of the industries, namely, beedi industry was growing fast mostly in the un-organised sector, in which women were employed in large numbers. They were found to be working in vulnerable and unhygienic conditions. They were not properly paid nor any amenity was provided to them.

To regulate the working conditions of these beedi workers the Beedi and Cigar workers (conditions of employment) Act, 1966 was enacted. The Act provides specific provisions to women workers. Facilities like creches and separate latrines and urinals were provided to women workers under the Act. Women were also prohibited from working during night hours. Although the enactment of the Act is a welcome decision but it needs some improvement. Its scope should be widened and more amenities should be provided to women workers. The enforcement machinery should also be strengthened. Despite the enactment of Beedi and Cigar workers (conditions of Employment) Act, 1966 the gap between the amenities enjoyed by workers in the organised industries and those in the un-organised industries widened further.

During this Plan Period, creche facility was also provided under Mines creche Rules, 1966, by way of supplement to the Mines Act.

One of the important developments which took place in this plan period was the establishment of a National Commission.
on Labour in 1966 by Government of India. The jurisdiction of the commission was to review the labour laws, industrial relations and working and living conditions of labour. The commission submitted its report in 1969 and made necessary recommendations with respect to every aspect of labour including problems and working conditions of women labour.

4. THE FOURTH PLAN (1969-74)

The Fourth Plan continued the emphasis on women's education. The outlay on family planning was stepped up, high priority was given to immunisation of pre-school children, supplementary diet for children, expectant and nursing mothers.

As per census of 1971, the literacy percentage of females increased from 12.95 (1961) to 18.69%. The literacy percentage of males increased to 39.56. Sex ratio continued to decline. The figures for 1971 being 930 per 100 males. Enrolment of girls in the education system continued to rise in the schools. There were 54 girls for every 100 boys and in the University system, 21.9 girls per 100 boys enrolled. Thus the rate of progress of education of girls was very slow and there was wide gap between the education of boys and girls at all stages. Participation rate of female working force declined from 27.96 to 11.87 as against 52.51 for males. Therefore, displacement of women continued. The middle class educated women faced better, they assumed a new role as earning partners and they developed career interests. But as the several division of labour between men and women in the family was pro-
nounced, these women had to carry on the burden of two full time jobs.

At the beginning of this Plan Period, the National Commission on labour submitted its report. The recommendations with respect to factories, inter alia, were that the standard of creches in a majority of factories needs to be improved. The limit of 50 women workers, which makes the provision of a creche obligatory in factories and plantations, should be reduced. The limit should be prescribed taking into account local considerations or on the basis of 20 eligible children of working mothers who are to avail of this facility. Children of women workers employed by contractors should also be covered by this facility. Standards of schooling facilities available in the welfare centres run by the Government should be improved and new schools be set up. Employees should provide scholarships to deserving children of their workers. Also, it was recommended that working hours of both men and women should be brought down to 40 a week, but in two stages. In the first stage they should be brought down to 45. With respect to the hours of work and creches in mines the recommendations of National Commission on Labour were the same as for factories.

In order to give effect to the recommendations of the commission the Factories Act, 1948 was amended in 1976. The Factories (Amendment) Act, 1976, therefore, prescribed the provision of creche facility in every factory wherein more than 30 women workers (instead of 50, as provided in the Principal Act) are ordinarily employed.
The National Commission on Labour 1969 made a number of recommendations in plantations area also. It recommended that the hours of work per week for both male and female be reduced from 54 to 48. The recommendation has been incorporated in the Act by 1981 Amendment. The Commission again recommended that the 50 women workers, which makes the provision of creche obligatory in plantation should be reduced in accordance with the local consideration or to 20. This recommendation has also been incorporated in the Act by giving powers to the state Government to direct a particular employer where the number of women workers is less than 50 or the number of their children is less than 20, to provide creches facility, if the state Government deems it fit.

So far as maternity benefit is concerned, the National Commission on Labour recommended the creation of a central Fund on the lines suggested for workmen's compensation. This recommendation is yet to be incorporated in the Act.

One of the important areas of industrial relations which was attended to in the Fourth Plan period is contract labour. It is one of the exploited sections of the human labour. For several years contract labour has been paid low wages, employed for longer hours of work and on sub-contract basis, placed in insanitary working conditions and denied benefits and facilities equal to their counterparts who are employed under regular contract of service. As large number of women are employed in this area so special provisions were made for women contract
labourers under the contract Labour (Regulation and Abolition) central rules, 1971. These rules are supplementary to the contract Labour (Regulation and Abolition) Act, 1971 and they apply to the area to which the said Act applies. Separate facilities of latrines and urinals, washing and bathing and rest rooms are made for women workers under these rules. Also creche facilities are provided under contract Labour (Regulation and Abolition) central Rules, 1971 construction and Maintenance of creches.

5. THE FIFTH PLAN (1974-79)

The Fifth Plan elaborated upon some of the reasons for fewer employment opportunities for women and pointed out that the labour market as it was operating was far from being neutral regarding gender. It also admitted the existence of certain amount of bias against recruitment of women in various occupations which further got accentuated by the existing power structure within the traditional families and the communities which prevented women from seeking adequate education and outside employment. The plan also recognized that a relatively smaller proportion of women were in a position to join the labour market for regular full time employment and that most women needed part time employment. To improve the situation, the plan came out with a comprehensive policy for women's employment emphasising the need to expand and diversify education and training opportunities available to women. It provided for special steps for admission of women to educational institutions on a strictly non-discriminatory basis and recommended a
programme of functional literacy. The plan period coincided with the International Women's Decade. The Report of the committee on the status of women in India was also submitted during this period in 1974\textsuperscript{87}. The Committee analysed various issues relating to the rights and status of women in the context of changing social and economic conditions in the country and pointed out the problems relating to the advancement of women. A major outcome was the recognition of women as a group adversely affected by the social and economic transformation\textsuperscript{88}.

In 1976, a National plan of Action was evolved based on the United Nations World Plan of Action for women. A women's welfare and Development Bureau under the Ministry of social welfare was established to serve as nodal point to co-ordinate programmes of other Ministers and to collect relevant data\textsuperscript{89}.

One of the programmes, the Integrated Rural Development Programme (IRDP) which aims to benefit women was initiated during this plan period. It is a major poverty alleviation programme in the field of rural development, and was started on a limited scale in 1976 to enable poor families in rural areas to cross the poverty line. During the years, 1990-91, 30.9 percent of the beneficiaries were women as against 40 per cent reserved for them \textsuperscript{90}.

One important aspect which attracted the attention of the policy makers during this plan period was the principle of "equal pay for equal work" between men and women. Despite the constitutional guarantees women are paid less as compared to men. It has been found that sex discrimination for equal remu-
eration is not only a national problem but it is an international problem also. According to an ILO Report in every country in the world, women are paid less for doing the same work as men.  

A significant milestone in acceptance and promotion of the principle of "equal pay for equal work" was earlier reached with the establishment of the ILO. While the preamble to the ILO constitution of 1919 stressed the urgency of, inter alia, recognition of the principle of "equal remuneration for work of equal value", the preamble to the constitution as amended in 1948 reaffirmed the urgency in improvement of the condition of labour as regards the principle of "equal pay for equal work". As already mentioned the constitution of India which was adopted in 1950, also directs the state in one of the Directive Principles of the State Policy to ensure that there is equal pay for equal work for both men and women. At the same time in its 34th session ILO adopted a convention concerning equal remuneration for men and women workers for work of equal value, known as equal Remuneration convention 1951. This was complemented by Recommendation No 90 of ILO 1951. The later underlined that the achievement of equality of remuneration should be accompanied by more extensive measures than mere fixing of pay rates. In 1958 ILO adopted convention No_111 against discrimination in matters of employment and profession.

In 1958, India ratified the ILO convention NO.111 which requires a member state ratifying it to promote as well as ensure application of the principle of equal remuneration to
all workers through national laws or regulations, legally established or recognized machinery for wage determination, collective agreements between employers and workers or a combination of these means.  

In 1967 the General Assembly of the United Nations unanimously adopted a "Declaration on the Elimination of Discrimination Against women", which guarantees a broad range of rights to equality in education, work and marriage. Article 10 of the Declaration, interalia, provides:

All appropriate measures shall be taken to ensure to women married or unmarried, (a) the same right as to men in the field of economic and social life, and ... (b) the right to equality of remuneration with men and equality of pay for work of equal value.

In order to implement the constitutional directive, the ILO conventions and the UN General Assembly Resolution of 1967, India in the International women's year, 1975, promulgated an ordinance, 1975, which was later on replaced by the Equal Remuneration Act, 1976. The main object of the Act is to provide for the payment of equal remuneration to men and women workers and for the prevention of discrimination on the ground of sex, against women in the matter of employment. The Act extends to the whole of India and has been applied to all employments. Despite the Act, being on the statute book for two decades it is found that at many places particularly in the unorganised sector women are still getting less remuneration for equal work than their male counterparts. Many loopholes have been found in the Act. Although, most of the defects were
removed by an Amendment in 1987, yet still much more remains to be done so that women do not suffer from any further discrimination.

6. THE SIXTH PLAN (1980-85)

During the sixth plan period a variety of programmes, were taken up under different sectors of development to ameliorate the working conditions of women and to raise their economic and social status. A separate chapter on "women and Development" was incorporated in the plan document. A special women's income generating programme was also introduced in 1982. The plan emphasised that the women workers would require new skills and that the existing skills need to be up-graded. Hostels for working women, training cum production centres for women, assistance to women in distress etc. were some of the schemes for which financial assistance was given to voluntary organisations.

The implicit expression of policy relating to women employment was embodied for the first time in Sixth Five Year Plan. While social services, like health services, education etc., are required by all labour, male or female, the employment of female labour would call for special attention towards provision of basic amenities in working and living conditions, such as housing, water supply, hospital and medical services, sanitation etc., provision of care and education for all the children of the family and provisions of alternative employment schemes for off-season and unemployment periods.
At the beginning of plan period some legislative measures were undertaken to provide security and protection to women migrant workers. One of the significant features of India labour is its migratory character. Labourers both men and women from certain states migrate to other states in search of employment or for getting better wages. But in the process of inter-state migration and during their employment, they are exploited by contractors and middlemen. It has been reported that these migrant labourers particularly women migrant labourers become the victim of payment of low wages, in-human working conditions etc. An effort has been made to regulate their working conditions and provide some protective measures for them, initially towards the end of the Fifth plan period by enacting Inter-state Migrant (Regulation of Employment and conditions of service) Act, 1979. In 1980 the Inter state Migrant (Regulation of Employment and Conditions of Service) Rules, 1980 were adopted. These rules are supplementary to the Act and apply to the persons to which the Inter-state Migrant Act applies.

Rule 11 of the Inter state Migrant (Regulation of Employment and Conditions of Service) Rules, 1980 provide that no female migrant worker shall be employed by any contractor before 6 a.m and after 7 p.m, but this shall not apply to the employment of female migrant workmen in pit head baths, creches and canteens and midwives and nurses in hospitals and dispensaries. The rules relating to restrooms, canteens, washing facilities and latrines and urinals for women migrant workers are
same as provided in contract Labour (regulation and Abolition) Central Rules, 1971 except that in case of latrines where number of females exceeds 100, one latrine should be provided for every 30 females instead of 50\textsuperscript{101}. Rules also provide creche facility for the migrant women workers\textsuperscript{102}.

7. THE SEVENTH PLAN (1985-90)

The seventh plan also provided that the women labour has to be given recognition and be provided with the requisite facilities for bringing them into the mainstream of economic growth. In this regard the major tasks highlighted in the Plan were to treat them as specific target groups in all rural development programmes, to properly diversify the vocational training facilities for them to suit their varied needs and skills, to provide creche facilities and family planning centres, to increase women's participation in trade unions and in decision making and to improve and enlarge the scope of the existing legislation for women workers\textsuperscript{103}.

The seventh plan envisaged to instill confidence and to generate awareness amongst women and to open up new avenues of work by expanding areas of women to critical resources such as land, credit, training, etc. Women's Development corporations were set up and training and employment programmes were started to promote self-employment and wage employment. A new omnibus scheme for rendering support to women's employment in various sectors such as agriculture, dairying, small animal husbandry, fisheries, khadi and village Industries, handlooms, handicrafts
and sericulture, where women are preponderantly engaged in work, was formulated at the beginning of the seventh plan\textsuperscript{104}.

The Government of India constituted a separate Department of women and child Development under the Ministry of Human Resource Development, in 1985 for the development of women and children. This Department plans and executes programmes for women besides monitoring the programmes meant for women in other ministries and departments. In order to promote awareness about the participation of women in various aspects of national development, the University Grants Commission also started a scheme since 1986 by establishing Women's Studies Centres in Universities and Colleges\textsuperscript{105}. Women's studies centres were envisaged as playing an interventionist role by initiating the gender perspective in many domains: in the generation of knowledge and in the field of policy design and practice. The introduction of the women's studies in the higher education system was a major achievement for women's movement in India.

A National Perspective Plan for women set up by the Department of women and child Development, presented its report in 1988. The perspective plan for women is an effort at a long term overall policy for Indian women, guided by those constitutional principles and directives relevant to the development process. It is linked at the national targets determined for the need of the country in respect of certain basic indications especially health, education and employment. The Plan views women not as the weaker segment of society or as passive bene-
ficiaries of the development process, but as a source of unique strength for reaching national goals\textsuperscript{106}.

The plan aims at economic development and integration of women into the mainstream of the economy, equity and social justice for all women.

The overall approach of this National perspective plan is to perceive women in a holistic manner. This plan has made sectoral reviews of the situation of women in Rural Development, Employment, supportive services, Education, Health, Legislature, Political participation and Media and communication and suggested inter linkages and converging strategies. The specific recommendation of this Plan is that well articulated national policies with specific objectives should be formulated for increasing the participation of women in development plans. This should aim at the creation of services to women so as to enable them to participate more fully in economic growth and social progress\textsuperscript{107}.

This plan recognises the importance of women's potential as a human resource and the most critical input for development as training. The establishment of an apex body for women's training in the country is urged and this body would be responsible for re-orientation and sensitization of the administrative machinery at all levels to the issues of women in development. This apex body would be responsible for revamping the existing content methodology and monitoring the training of catalyst functionaries.
rights should be appointed for the enforcement of law to ensure women's rights. The unpaid work of women in the household and outside and its value was to be taken into account and a conceptual clarity on work and no work and their economics value should be examined.

During the Seventh Plan period a National Commission on self Employed women was also set up by Government of India, to make a comprehensive study of the working and living conditions of poor women in the un-organised sector. The commission was headed by Smt. Ela R. Bhatt, M.P. The Commission presented its report titled 'Shramshakti' to the Prime Minister on 5th July 1988. Action on the recommendations of the commission relating to issues concerning working women and to improve the effectiveness of institutions and mechanisms is on.

Again, a 29 member National Committee on the women headed by Prime Minister himself was set up during the Seventh Plan period. The member of the committee were drawn from a cross section of people which include women activists, state ministers, MPs, Journalists, lawyers, social workers and representatives of media, academics and women's organisations. The committee is an advisory body on policy and legal issues and programmes and administrative measures relating to women. The committee has already met in 1988 to discuss the Draft Perspective Plan for women 1988-2000 AD and made certain recommendations to fully crystallise the ideas highlighted in the plan.
During this plan period hostel facilities for working women were also provided. During 1985-86, 1986-87 and 1987-88, 120 hostels to provide accommodation to 7251 working women with day care centre facilities for 1674 children have been sanctioned. A budgetary provision of Rs.500 lakhs had been made for the year 1988-89 with a view to start 60 additional projects to benefit 3000 working women during the year. Upto, December 1988, 18 hostels for providing accommodation to 197 working women with day care centre facilities for 285 children have been sanctioned. This brings the total number of projects sanctioned so far to 479 hostels for 30638 working women and day care centre facilities to 3823 children.

Efforts to provide the hostel facilities to more working women is continuing in full earnest. But the fact is that the management of the hostels is generally extremely authoritarian and exist with unnecessary restrictions put on the inmates. Even economically independent adult women are vigilantly over-protected and supervised and sometimes are punished on the plea of going against rules and regulations of the hostels. These restrictions curtail their freedom, which ultimately in the long run affect their career and keep women backward.

Among the wage employment programmes, Jawaher Rozgar Yojana (JRY), started in 1989 by merging two erstwhile employment programmes viz. National Rural Employment programme (NREP) and Rural Landless Employment Guarantee Programme (RLEGP) needs to be mentioned. It has a special component for women to
enhance their employment opportunities. JRY is aimed at providing additional gainful employment opportunities in rural areas for the un-employed and under-employed by creating physical assets and thereby strengthening rural economic infrastructure. Under the JRY, 30 percent of the employment opportunities have been reserved for women. The share of employment generation for women under the programme was about 24 percent in January 1992.

During this plan period efforts were made for proper implementation of the Equal Remuneration Act, and to ensure that women workers are paid wages as prescribed in the Act. Efforts were also made to see that interest of women are adequately protected under the Factories Act, 1948, the Plantations labour Act, 1951 and the Mines Act, of 1952. Emphasis was also placed on the study and identification of factors that hinder women's employment.

8. THE EIGHTH PLAN (1992-97)

The Eighth Five year plan (1992-97) continues to identify certain thrust areas for women's development. The plan reiterates that the women must be equal participants at par with men in the national development process. In order to increase the visibility and to acknowledge women's contribution, the Plan states that steps will be initiated for identification and registration of women workers. Obstacles will also be removed to expand women's access and control over resources, better wages and improved access to social security.
At the end of the seventh plan period, in 1990 the then Prime Minister, Mr. V.P. Singh announced in parliament to constitute a National Commission for women to serve as a mechanism to ensure enforcement of laws concerning women. In fact, for long, there has been a persistent demand for the setting up of a National Commission for women, beginning with the committee on the status of women in India in the early 70's which had voiced the demand for mainstreaming women by eliminating discrimination against women on various fronts. This demand was reiterated by several committees, Commission and plans including the National Perspective plan for women (1988-2000). Even a large number of NGO's working exclusively for the cause of women's development and women MPs also advocated the setting up of a National Commission for women.

In response to this widespread demand the Government of India, after consultations with central Ministers, state Governments and the NGO's introduced the NCW Bill in the Lok Sabha in May, 1990. The Bill was passed and it received the assent of the president on August 30, 1990 and became effective on 31st January 1992. The significant functions of the NCW are:

(a) to investigate and examine the legal safeguards provided for women under the constitution and the laws made from time to time and recommend to the Government suitable measures for their effective implementation;

(b) to suggest amendments to the provisions in the Constitution and the laws concerning women to eliminate loopholes and inadequacies;
(c) to look into complaints and take notice of matters relating to the deprivation of women's right and take up the issues with appropriate authorities;

(d) to take up studies/research, etc. on socio-economic issues;

(e) to participate and advise on the planning process of socio-economic development of women and evaluate the progress made.

While investigating cases of violation of safeguards for women and complaints relating to deprivation of women's rights, the commission has the powers of a civil court trying a suit. It can summon anyone, and examine him on oath and can requisition documents and receive evidence on affidavits. Section 16 of the Act makes it obligatory on the part of the central Government to consult the commission on all major policy matters concerning women.

So far as hostel facilities to working women are concerned, efforts are on to provide more such facilities to them. At present 740 hostels with attached day care centres have been sanctioned to be constructed all over the country to benefit about 49507 working women and their dependent children numbering about 6552.

The Ministry of Labour has also planned a scheme with the objective of assisting and organising women workers in the unorganised sector through NGO's. This programme also includes training of women in non-conventional trades such as masonry, plumbing and electric works. Central Board for workers Education (CBWE) of the Ministry of labour also runs an Education
and Awareness Generation Programme for the women workers. The Board has 48 Regional workers education Centres throughout the country. During 1990-91, 19,921 women were trained as against 70,078 in the previous two years. During 1991-92, the number of women trainees reached 59,604 by January 1992.

Programmes for women labour undertaken during this Plan period also include financial assistance to voluntary organisations for taking up action oriented projects, studies relating to women labour, organization of child care centres for the benefit of women workers, welfare projects for women workers in the construction industry and strengthening of the enforcement of the provisions of the Equal Remuneration Act, 1976.

The creche services which include day care facilities, supplementary nutrition, immunization, medicines and entertainment etc., are provided to the children (age group 0-5) of working and ailing mothers through 12,470 creches in the country. The scheme is being implemented by the three national level voluntary organizations viz. the central social welfare Board (CSWB), Indian council for child welfare (ICCW) and Bhartiya Adimjati sevak Sangh through their network of local organisations all over the country.

To meet the growing demand of creche services, the Department has set up a National creche Fund in February 1993 with a corpus fund of Rs.19.90 crore. During 1994-95 600 creche were sanctioned to be run by the voluntary organisations from the interest accrued to the Fund.
Recently in June 1997 the National Commission for women (NCW) has suggested that a separate employment exchange be formed for women in the state of Kerala. This would help in monitoring movement of women workers to the neighboring states and abroad and would help in preventing exploitation of the migrant Malayali women in other states. The commission had received several complaints regarding exploitation of the Malayali women workers engaged in fish processing industries in Gujarat. As per report State of Gujarat has 42 fish processing units, all of which employed migrant women workers\textsuperscript{122}.

Finally, to give boost to the awareness about the participation of women in various aspects of national development, the UGC during the Eighth Plan Period continued with the scheme of Women's study Centres. In this respect 22 women studies centres and 11 women studies cells were established in various Universities and Colleges respectively, involving an expenditure of Rs. 2.02 crores\textsuperscript{123}. It is proposed to continue with the scheme during Ninth Plan Period also with a thrust on research, field work and extension. One of the important areas in which research is proposed to be undertaken is "Women in the organised and un-organised labour force"\textsuperscript{124}.

From the foregoing discussion, it is clear that in order to protect and safeguard the interests of women in general and women workers in particular, different measures have been undertaken from time to time. Although, the early legislature measures during British Period were initiated for the self
interest of Britishers than for the welfare of workers but ultimately it proved blessing in disguise. These measures ameliorated the condition of women workers and protected them from exploitation and discrimination. Free India provided a basic framework for possible improvement of women's status. There have been conscious effort to change the position of women from inequality to equality during this period through different legislation and other programmes, plans and schemes.

In spite of progressive labour legislations for women workers and in spite of various attempts to provide opportunities to them to develop their skills, awareness and employment, much more needs to be done. While progress, no doubt, has been made, it has not been commensurate to the size and complexity of the problem. There are still large gaps which need to be removed through concerted efforts of all parties concerned. The social and political environment is generally an inhibiting factor for any social change that would enable the women workers to become equal partners in development. Joint campaign or action programmes and strategies need to be taken up by the Government, the specialised agencies, educational and training institutions etc. along with full participation of women workers.

Even though labour laws de jure, protect and provide women with various welfare measures, de facto coverage is far from being satisfactory. Secondly the coverage is restricted to organised sector only, leaving un-organised sector unprotected. Thirdly, despite the coverage and protection, it is the women
themselves who should become conscious of their inequality and oppression and seize all available opportunities to improve their status. This can be achieved by educating them through seminars, conferences and other training programmes. The trade unions and other voluntary organisations can play a vital role in this regard.
REFERENCES


2. Manu who is considered the father of Hindu Legal System said that a woman should never be independent. Her father has authority over her in childhood, her husband in her youth and her son in her old age. See Khurana, J. C. Status of women in Law and Society. The Indian Advocate, July - December 1974, p. 89.


4. Sati was an inhuman practice amongst Hindus of voluntary or coerced immolation of widow on the funeral pyre of her deceased husband.


12. Lancashire manufacturers were the British Textile Magnates of that time. They were exporting goods to India as it was a good market for them.


17. Ibid.


20. Initially the women preferred to come to work later and leave earlier rather than have a long break in between the working hours.


23. See the Indian Factories Act XI of 1911.

24. The Hours convention, while adopting a 48 hour week and an 8 hour day, for all countries, was increased to a 57 hour week for Japan and a 60 hour week for India.

25. The Night work of women's convention Prohibited the employment of all women and girls at night, although it permitted India to suspend the prohibition in respect of industrial undertakings other than factories as defined by the Factories Act.

26. See the Indian Factories (Amendment) Act XII of 1922.

27. Supra note 18 at P. 52.


30. See the Factories Act, 1948.


34. Ram, V. Shiva. State in Relation to Labour in India. Delhi, University of Delhi, 1939, P. 108.


39. Id. at P. 42.


44. ILO. Labour Legislation in India, 1952, P. 98.

45. Mr. N. M. Joshi was a Trade Union leader and general securetary of the All India Trade Union Congress. He was Instrumental in getting the Trade Unions Act, 1926 passed.


47. 8 annas are equal to 50 paise according to today's currency.

48. Article 14 of the constitution of India.

49. Id., Article 15.

50. Id., Article 16.

51. Id., Article 15 (3).

52. Id., Article 23.

53. Id., Article 39 (a).
54. Id., Article 39 (d).
55. Id., Article 39 (e).
56. Id., Article 42.
57. Id., Article 46.
58. Government of India. First Five Year Plan (1951-56), P. 621.
59. Substituted for 54 hours a week by the Plantations Labour (Amendment) Act, 1981.
60. S.25 of the Plantations Labour Act, 1951.
61. Id., S.19
64. S.20 (1) of the Mines Act, 1952.
65. Id., S.46 (1) (b), Incorporated by the Mines (Amendment) Act, 1960.
66. Id., S. 46 (1) (b) Incorporated by the Mines (Amendment) Act, 1960.
68. Government of India. Second Five Year Plan, (1956-61), P.
69. Two central legislation were the Mines Maternity Benefit Act, 1942 ands the ESI Act, 1948. A third legislation which provided maternity benefit was the Plantations Labour Act, 1951.
70. The ILO Maternity Protection Convention, 1919 was revised in 1952. According to the revised convention every women irrespective of age, nationality and status in public or private, industrial or commercial undertaking was required to be absent for a period of six weeks after the child birth and allowed to be absent for a period of six weeks prior to child birth. For such absence she was to be paid full benefits sufficient for the full and healthy maintenance of herself and her child. These benefits were to be paid either out of public funds or by means of a system of insurance but the exact amount was to be determined by the competent authority in each country. Additional benefits like free attendance by doctors and
midwives, and two nursing breaks of half an hour's per
day were provided, and no employer could dismiss a women
for such absence.

71. Government of India. The Third Five year Plan (1961-68),
P.590.

72. S.14 of the Beedi and Cigar workers (conditions of Em-

73. Id., S.12.

74. The night hours were fixed between 7 p.m and 6 a.m under
section 25 of the Beedi and Cigar workers (conditions of


76. Government of India. Report of the National Commisssion
on Labour, 1969, P.118.

77. Ibid.

78. Id., at Page XII.

79. Id., at Page XI.

80. S.12 (2) of the Plantations Labour Act, 1951 incorporated
by the Plantations Labour (Amendment) Act, 1981.

81. Supra note 76 at P.XIV.

82. A good number of contract labourers are mostly employed
in selected industries. Occupations in which they are
employed vary from that of purely unskilled employment
such as loader, cleaner, sweeper and Khalasi to that of
skilled employment such as polisher, turner, gas cutter
and rivetter in oil distribution and driller, blaster,
blacksmith, carpenter and fitter. Apart from these, there
are certain regular processes such as nickel polishing
and electroplating in engineering establishment, dyeing,
bleaching and printing in some units in textiles and
designing and raising work in almost all carpet manufac-
turing units where contract labour is common. See Govern-
ment of India, Report of the National Commission of

83. The Act applies-- (a) to every establishment in which
twenty or more workmen are employed or were employed on
any day of the preceding twelve months as contract la-
bour, or (b) to every contractor who employs or who
employed on any day of the preceding twelve months twenty
or more workmen. Power is given to the appropriate Gov-
ernment to relax the rule relating to number of workmen
upto less than twenty provided a two months notice is
given for that.

84. Rule 51 of the contract Labour (Regulation and Abolition)
85. Id., Rule 57 (3).
86. Id., Rule 41 (3).
87. The Committee constituted to examine the social status of
women by the Government of India in 1971 submitted its
P.214.
90. The Proceedings of the National workshop on Employment,
Equality and Impact of Economic Reform on women organised
by ILO and NCW in India, 1993, P.131.
92. Supra note 54.
94. Government of India. Labour Bureau,. Ministry of Labour,
95. Supra note 93 at P. 82.
96. Supra note 54.
97. The ILO conventions are: The Equal Remuneration Conven-
tion, 1951 (No.100) and the Discrimination (Employment
and occupation) convention, 1958 (No.11).
98. Government of India. Sixth Five Year Plan (1980-85), P.
408.
99. Ibid.
100. The Inter state Migrant (Regulation of Employment and
conditions of service)Act, 1979 applies to migrant la-
bourers if they are employed in an establishment in which
five or more inter state migrant workmen are or were
employed or applies to a contractor employing five or
more inter-state migrant workmen.

102. Id., Rule 44.


104. Ibid.


107. Ibid.


110. Id. at P. 97.

111. Ibid.

112. Supra note 90 at P. 132.


115. Rashtra Mahila- Quarterly Newsletter Published by the National Commission for women, New Delhi, Vol 1, No.1, July 1996, P. 5.

116. Ibid.

117. Ibid.


119. Supra note 90 at P. 133.

120. Supra note 114 at P. 157.

122. The Times of India, New Delhi, June 9, 1997, P.5.

123. Supra note 105 at P. 134.

124. Id., at P. 82.