Chapter - IV

Women's Status at the Work-Place

Since four decades after independence far-reaching changes have taken place in India. It is during these decades that there have been manifold attempts towards attaining a just and an egalitarian social order where both men and women are able to participate on an equal footing. The social and economic changes have pressurised restructuring of family life and redistribution of labour.¹

Participation of women in economic activity is common in all countries developed as well as developing. Originally the idea of sending women outside their homes did not find favour in India. The same type of attitude prevailed in England in the last century and was due to the reason in the following observation:

"Woman's place was the home. If for one reason or another, she had to be out of it and in the labour market instead, it was an unfortunate accident and presumably only a temporary matter soon to be put right by her marriage and of no great significance to the state."

The social tradition in the primitive society restricted women from wage employment. The evolution of agricultural economy accentuated the division of labour

between the two sexes assigning to men more arduous tasks. With
the advent of the Industrial Revolution, the women started
seeking employment by taking jobs in offices, workshops,
plantations, mines, factories and other industrial establish-
ments to supplement the family earnings which could not make
both ends meet. The spread of education, training etc. opened
more employment opportunities for women in non manual admin-
istrative and professional jobs. The number of women workers
has become so large in many sectors that they should be regarded
an integral part of the total labour force rather than a subsist-
ing source of labour or reserve to be drawn upon in times of
emergency.

The working class particularly, the women workers
in the early stages of industrialisation had no status in society
and were discriminated again and exploited. With an increasing
inflation over the last decades, women have found it necessary
to supplement the income of the family. The women who are
educated search for salaried jobs while those who are deprived
of education and training to get gainful employment have accepted

2. According to 1981 census, 20.4 percent of the total of women
are engaged in some form of economic activity. As much as
73.91 percent in employed women are working agricultural and
out of this 46 percent are employed as labourers and 28% as
cultivators. Women employed in central and state administra-
tive services and public sectors undertaking constitute 12%
of the employed women.

3. Dhingra, L.C., "Women Workers and the Equal Remuneration
Doctrine: Legislative and Judicial Response", in Raizada,
_Or.cit._, p. 173.
### Table - I

**Worker-Population Ratios by Sex-All India 1901-1981**

<table>
<thead>
<tr>
<th>Year</th>
<th>Males</th>
<th>Females</th>
<th>Persons</th>
<th>Ratio of M/F</th>
</tr>
</thead>
<tbody>
<tr>
<td>1901</td>
<td>60.8</td>
<td>31.7</td>
<td>46.6</td>
<td>1.9</td>
</tr>
<tr>
<td>1911</td>
<td>62.0</td>
<td>33.7</td>
<td>48.1</td>
<td>1.8</td>
</tr>
<tr>
<td>1921</td>
<td>60.4</td>
<td>32.6</td>
<td>46.9</td>
<td>1.9</td>
</tr>
<tr>
<td>1931</td>
<td>58.1</td>
<td>28.8</td>
<td>43.3</td>
<td>2.0</td>
</tr>
<tr>
<td>1951</td>
<td>53.9</td>
<td>28.0</td>
<td>43.0</td>
<td>2.4</td>
</tr>
<tr>
<td>1961</td>
<td>57.3</td>
<td>28.0</td>
<td>43.0</td>
<td>2.4</td>
</tr>
<tr>
<td>1971a</td>
<td>52.7</td>
<td>14.2</td>
<td>34.1</td>
<td>3.7</td>
</tr>
<tr>
<td>1981b</td>
<td>53.2</td>
<td>20.8</td>
<td>36.8</td>
<td>2.6</td>
</tr>
</tbody>
</table>

**Source:** Census Reports.

a Includes main workers and secondary workers.

b Includes main workers plus marginal workers.

### Table - II

**Work Participation Rates**

*(India 1971-91)*

<table>
<thead>
<tr>
<th>Years</th>
<th>Rural/Urban</th>
<th>Persons</th>
<th>Males</th>
<th>Females</th>
</tr>
</thead>
<tbody>
<tr>
<td>1971</td>
<td>Total</td>
<td>34.17</td>
<td>52.75</td>
<td>14.22</td>
</tr>
<tr>
<td></td>
<td>Rural</td>
<td>35.33</td>
<td>53.78</td>
<td>15.92</td>
</tr>
<tr>
<td></td>
<td>Urban</td>
<td>29.61</td>
<td>48.88</td>
<td>7.18</td>
</tr>
<tr>
<td>1981</td>
<td>Total</td>
<td>36.70</td>
<td>52.62</td>
<td>19.67</td>
</tr>
<tr>
<td></td>
<td>Rural</td>
<td>38.79</td>
<td>53.77</td>
<td>23.06</td>
</tr>
<tr>
<td></td>
<td>Urban</td>
<td>29.99</td>
<td>49.06</td>
<td>8.31</td>
</tr>
<tr>
<td>1991</td>
<td>Total</td>
<td>37.50</td>
<td>51.61</td>
<td>22.27</td>
</tr>
<tr>
<td></td>
<td>Rural</td>
<td>40.09</td>
<td>52.58</td>
<td>26.79</td>
</tr>
<tr>
<td></td>
<td>Urban</td>
<td>30.16</td>
<td>48.92</td>
<td>9.19</td>
</tr>
</tbody>
</table>

work as industrial labourers in factories, mines, plantations and other industrial establishments. The increased participation of women workers in the productive sector of Indian economy has necessitated a debate over the adequacy of the productive measures concerning women workers under the constitution and the special labour legislation enacted by our parliament from time to time. In particular it is deemed necessary to enquire whether they cater to the changing needs of the women workers taking into consideration the allround progress made in our society. (See Table I and II).

Women in the Unorganised Sector: It is a well known fact that due to inadequacy of labour legislation and ineffective implementation of existing legislation in unorganised sector of employment, the exploitation of women workers is excessive and sometimes it becomes unbearable for them particularly in occupations like construction work, beedi making, cottage and handicraft industries, handloom and powerloom, khadi industries etc. They are also, generally found in much abundance in agriculture, dairying, small animal husbandry, fisheries, social and agro forestry and other related professions in rural areas where their excessive exploitation has been a common phenomenon. After agriculture come the home based industries wherein the employment of the women is maximum. In this context such home based women workers would be covered who personally purchase the raw material, prepare the goods and themselves sell their finished products. At the same time another category of home-based women workers is
attracting increased attention who merely do trading which includes purchasing fruits and vegetables from the whole-sale market and selling the same in residential colonies as hawkers as well as purchasing steel utensils, unbreakable plastic goods and crockery and exchanging them with old clothes from the ladies of residential colonies and these clothes are sold at a profit to the poor needy people.

A constant increase in trends of women participation has been noticed with the advent of time and in this regard it has been observed by National Commission on Self-employed Women and Women in the Informal Sector namely, Shram Shakti, that as per 1981 census the work force participation rate amongst females was only 14 percent (main workers) as against 51.6 percent amongst males and there has been at least fifty percent rise in their number within a span of two years as is evident from the records of NSSO Thirty Eight Round of 1983 which provide that female work-force participation has increased to 21.9 percent (main workers) and 29.6 percent (main marginal) and surprisingly 97 percent of the female work force has been found to be engaged in unorganised informal sector mainly as self-employed workers, wage earners, casual workers and non-wage earners.4

It has been observed since long that inherent inequality also operate against female folk as they are expected

to look after the children and to do domestic work even if they are in employment. Nature has also discriminated against them due to the fact that the women conceive and produce children due to which they are unable to attend the place of work during the period of confinement. In this context, even Mahatma Gandhi, Father of the Nation had observed that the sole occupation of women had been considered for a long time to bear children, look after her husband and otherwise to drudge for the household. In this regard it was quite appropriately observed that the woman was not only condemned to domestic slavery but when she might go out as a labourer for earning wages, she should be paid less than man though she might work harder. These observations have to be necessarily kept in view whenever efforts are made for wiping of inequality between male and female workers based on discrimination between man and woman made since time immemorial.\(^5\)

In the context of existing trends prevailing among the women workers, it has been observed by Nirmala Banerjee that the number of the casual wage earners among female force have been found to be ranging from 75 percent to 96 percent of the total female wage earners and wage rate payable to them. For the same type of work involving same level of skill could be found to be half or even less than that in comparison to the male workers. It has further been observed by the National Commission on self employed women and women engaged in informal sector that the

women could be found to be largely confined to strenuous and monotonous work that might be irregular and seasonal and women workers could be rarely benefited from the introduction of mechanization and new technology which would be quite evident apparently from the existing position due to the fact that inspite of positive effect of modernisation there might be noticed very poor occupational diversification as about 80 percent of the total female work-force continues to work as agricultural labour and a large number of them could be found to be cultivators displaced by mechanization. Due to these reasons the basic issue which has been causing concern recently is that women are not only in need of employment but they also intend to do better jobs for enabling them to earn subsistence wages. Therefore, it is high time that the existing conditions with regard to working women should be thoroughly scrutinized and strategies should be evolved for providing built in safeguards for preventing them dislocation or migration from one avocation of employment to other as far as it is possible and under adverse circumstances to extend to surplus women workers alternate avenues of employment in case of exigencies. 6

Exploitation of the Female Workers in Unorganised Sector and its Basic Reasons: Population explosion and consequential excessive poverty are mainly responsible for exploitation of

Table - III


<table>
<thead>
<tr>
<th></th>
<th>Persons</th>
<th>Males</th>
<th>Females</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Population</td>
<td>846.3</td>
<td>439.3</td>
<td>407.0</td>
</tr>
<tr>
<td></td>
<td>(51.9)</td>
<td>(48.1)</td>
<td></td>
</tr>
<tr>
<td>Working Population</td>
<td>317</td>
<td>226.4</td>
<td>90.6</td>
</tr>
<tr>
<td></td>
<td>(71.4)</td>
<td>(28.6)</td>
<td></td>
</tr>
<tr>
<td>Organised Sector</td>
<td>26.8</td>
<td>23.0</td>
<td>3.8</td>
</tr>
<tr>
<td></td>
<td>(85.8)</td>
<td>(14.2)</td>
<td></td>
</tr>
<tr>
<td>Unorganised Sector</td>
<td>290.2</td>
<td>203.4</td>
<td>86.8</td>
</tr>
<tr>
<td></td>
<td>(70.0)</td>
<td>(30.0)</td>
<td></td>
</tr>
</tbody>
</table>

Note: Figures in parenthesis denote percentages.

Table - IV

Statement showing the percentage of women engaged in organised and unorganised sector in India

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Year (ending No. month)</th>
<th>Percentage of women engaged in Organised Sector</th>
<th>Percentage of women engaged in Unorganised Sector</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>1961</td>
<td>10.9</td>
<td>89.1</td>
</tr>
<tr>
<td>2.</td>
<td>1966</td>
<td>11.3</td>
<td>88.7</td>
</tr>
<tr>
<td>3.</td>
<td>1971</td>
<td>11.0</td>
<td>89.0</td>
</tr>
<tr>
<td>4.</td>
<td>1976</td>
<td>11.8</td>
<td>88.2</td>
</tr>
<tr>
<td>5.</td>
<td>1980</td>
<td>12.1</td>
<td>87.9</td>
</tr>
<tr>
<td>6.</td>
<td>1981</td>
<td>12.2</td>
<td>87.8</td>
</tr>
<tr>
<td>7.</td>
<td>1982</td>
<td>12.3</td>
<td>87.7</td>
</tr>
<tr>
<td>8.</td>
<td>1983</td>
<td>12.5</td>
<td>87.5</td>
</tr>
<tr>
<td>9.</td>
<td>1984</td>
<td>12.6</td>
<td>87.4</td>
</tr>
<tr>
<td>10.</td>
<td>1985</td>
<td>12.7</td>
<td>87.3</td>
</tr>
<tr>
<td>11.</td>
<td>1986</td>
<td>13.0</td>
<td>87.3</td>
</tr>
<tr>
<td>12.</td>
<td>1987</td>
<td>13.2</td>
<td>86.8</td>
</tr>
<tr>
<td>13.</td>
<td>1988</td>
<td>13.4</td>
<td>86.6</td>
</tr>
<tr>
<td>14.</td>
<td>1989*</td>
<td>13.6</td>
<td>86.4</td>
</tr>
</tbody>
</table>

*Provisional

the female workers, particularly in unorganised sector of employment where female workers are not having trade unions of their own nor there are trade unions of workers in general for the purpose of protecting their interest. At the same time statutory protection available to them is just negligible as compared to workers employed in organised sector. Minimum wage Act 1948 and other related legislations even if in vogue but in reality are not being implemented effectively in consonance with their object and purpose due to either location of employments in rural areas or violent attitude of the employers or other corrupt practices being practised on the part of enforcement machinery in connivance with the owner of such employments. 7

Women Workers in Organised Sector: After independence of India it could be observed that in the organised industrial sector of employment the strength of the workers increased correspondingly with the total increase in number of work-force in all the industrial sectors of employment. But in cotton and jute textile industries there was decline in proportion of woman workers in comparison to the male workers mainly due to technological advancement thereby decreasing the scope of employment for the women workers. Female labour force engaged in organised sector of employment hardly constitute 10 percent of the total women workers and they are mainly engaged to do low paid and

unskilled jobs, thereby enjoying low status in the establishment. In this context, it has been quite appropriately observed in National Perspective Plan for women 198-2000 A.D. that the women have been found to be concentrated in occupation which are usually at the lowest rung of the ladder and in most occupations they are engaged in the more arduous and less skilled areas of work mainly due to the fact that due to lack of the skills women continue to be employed in monotonous, low skilled and low wage sectors. Women's employment status is adversely affected mainly due to the few basic factors viz. segmentation working against women in labour market, lack of organisation in terms of forming trade unions among female workers, adverse impact of technological growth on women labour, absence of purposeful human resource development policy on improving women's employability through training etc. In organised sector at least 90 percent of the women are engaged for doing unskilled or semi-skilled jobs. A fundamental economic force that keeps women's wages low is the gape between supply and demand for female labour. The traditional activities mainly engage female workers but these have been ousted in competition by the capital intensive organized sector which has been heavily male oriented. 8

It is a well recognised fact that one of the basic hurdles to the development of employment opportunities for

the women has been lack of adequate training to women workers. The Department of women and child development has not so far initiated any programme for women 'training'. There is an urgent need to introduce systematic and integrated programme for women's training and its focus should be pertinently on the informal or unorganised sector being the most disadvantaged sector for employment of women wherein 90 percent of them are employed. The training should explore new avenues of employment to facilitate occupational shift wherever possible for women workers. Such training programmes are likely to offer better avenues to the trained women workers and once they are in a position to establish their utility, the increased demand of the women workers would enable them to demand proper working conditions as well as improved wages and ultimately it would be feasible to minimise disparity between male and female workers, thereby compelling the employers to offer equal terms and conditions of employment to them.

In the organised sector, the growth in female employment (4.8 percent) was almost double of the growth in total employment (2.6 percent) between 1971 and 1990. This tendency is also reflected in the increased share of regular wage/salaried workers in total female workers as per NSS data from 6.6 percent in 1977-78 to 8 percent in 1987-88. In the period as a whole compared to men, women have been better able to secure regular jobs and avoid increasing casualisation.

9. Ibid., para 34 at 30.
Given the faster growth of female employment in the organised sector the share of women in total organised sector employment increased from 11.30 percent to 13.64 percent between 1971 and 1989. Public sector has been the major contributor to this increase with female employment growing at an annual rate of 8.45 percent between 1971 and 1990 while growth in private sector was only 1.78 percent. In fact in the eighties, overall private sector employment growth decelerated significantly to 0.36 percent per annum. Under operation Blackboard more than 60,000 female teachers have been recruited all over India.

A large share of the organised sector jobs have gone to educated women, whereas the overall employment of educated women grew at a faster rate of almost 10 percent in the same period.

Women Labour in Agriculture:

It is a well known fact that more than 75 percent of people live in rural areas and they are mainly engaged in the profession of agricultural and out of total female working force at least 81 percent of them are engaged in agriculture and otherwise 94 percent of the women being engaged in the unorganised sector of economy. Unfortunately they fail to enjoy legal protection extended to other sectors of employment, particularly, to the women working in the organised sector of employment. This is mainly due to the fact that minimum wage act, 1948 is effectively enforced only applicable in their case and its implementation has been quite ineffective, particularly, in the rural areas. Due to this reason meagre wages are paid to
them and their exploitation on the other hand has been maximum. Wages are paid to the agricultural labour not only in cash rather quite often wages are paid to them in kind as well and they are totally on the mercy of the employer as the agriculture labour do not have associations for the protection of their interest and due to poverty and unemployment they have no option except to continue to work with the same employer in return for negligible wages. Due to these reasons they are the victims of economic exploitation mainly due to discrimination between male and female labour. Employment is only during the period of seed-sowing and harvesting of crops thereby exposing them to the conditions of extreme starvation and poverty. Landless women labour continue to remain idle during non-seasonal period of different five year plans as well as various agricultural policies have failed to mitigate their sufferings in respect of horrible working and living conditions to which they are being subjected since a long time. (Table VII)

Therefore an urgent need is being felt for formulating different policies for the upliftment of women agricultural labour. A cursory glance over various planned schemes and policies of government of India could convincingly establish the absence of concerted efforts for the upliftment women workers in general and those engaged in agriculture in particular. Undoubtedly other aspects relating to women such as health, social welfare and education could attract attention of the planners from time to time under various Five Year Plans. It would be pertinent to emphasise that under the Second Five Year Plan
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Cultivators</td>
<td>43.70</td>
<td>43.20</td>
<td>39.62</td>
<td>34.18</td>
</tr>
<tr>
<td>Agricultural labourers</td>
<td>19.56</td>
<td>46.18</td>
<td>21.01</td>
<td>44.83</td>
</tr>
<tr>
<td>Livestock Forestry and Fishing</td>
<td>2.34</td>
<td>1.85</td>
<td>1.94</td>
<td>1.58</td>
</tr>
<tr>
<td>Mining &amp; quarrying Manufacturing</td>
<td>0.62</td>
<td>0.35</td>
<td>0.69</td>
<td>0.31</td>
</tr>
<tr>
<td>A. Household Industry</td>
<td>3.18</td>
<td>4.59</td>
<td>2.08</td>
<td>3.49</td>
</tr>
<tr>
<td>B. Non Household Industry</td>
<td>8.92</td>
<td>3.55</td>
<td>8.88</td>
<td>3.81</td>
</tr>
<tr>
<td>Construction</td>
<td>1.80</td>
<td>0.80</td>
<td>2.31</td>
<td>0.63</td>
</tr>
<tr>
<td>Trade &amp; Commerce</td>
<td>7.32</td>
<td>2.04</td>
<td>8.93</td>
<td>2.22</td>
</tr>
<tr>
<td>Transport, Storage &amp; Communications</td>
<td>3.32</td>
<td>0.38</td>
<td>3.51</td>
<td>0.31</td>
</tr>
<tr>
<td>Other Services</td>
<td>9.22</td>
<td>7.05</td>
<td>10.78</td>
<td>8.26</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>100.00</td>
<td>100.00</td>
<td>100.00</td>
<td>100.00</td>
</tr>
</tbody>
</table>

although special attention of the Planning Commission was focused on various problems of women workers but its proposals failed to yield positive results in terms of improving the working and living conditions of the women workers. With the object of devising various schemes for their upliftment Ministry of Social and Women's Welfare of the Government of India organised one important seminar in April 1985 where various experts could focus attention on some current problems of women workers such as increasing unemployment among agricultural-labour in particular and women folk in general due to technological advancement, the feasibility of Employment Guarantee scheme for women workers in case of being rendered surplus by their employers, training and education of the women workers at the initial stage of their employment, fixation of minimum wages and payment of equal remuneration to the women workers etc. In this context it has been highlighted in a study conducted in Punjab that the pattern of employment of male and female workers has changed significantly due to cumulative effect of certain factors such as modernisation, increase in irrigation facilities, cropping factors and intensity.  

Problems Pertaining to Employment and Conditions of Work For the Employed Women: With the advent of time it has been observed that problems regarding employment opportunity and working

conditions available to the women workers have assumed serious dimensions particularly in developing countries which necessitate such countries to pay special attention to the concerned problems to which the women are generally confronted with during their routine working. Therefore, it becomes imperative for such countries specially to ensure availability of proper working conditions to the employed women and to grant them equality of opportunity in economic terms. Although requisite statutory measures have been taken by the different countries in this regard but nature and dimensions of these problems differ from one country to another. In the same manner the industrially advanced countries have also taken suitable measures for this purpose which operate as basic guidelines for the developing countries.

In Australia a women cell has been established by Department of Labour and National with the object of promoting research on the problems of particular concern to women workers. In the same manner in Argentina a National Directorate for the security and protection of women has been set up in the Ministry of Labour and social security for the purpose of rendering advice to the various public agencies on the matter relating to problems of women workers as well as to study the relevant laws relating to employment of women in order to improve their conditions of work and ensure admissibility of other programmes for providing educational and training and facilities which might be aimed to raise the status of women workers. Similarly
in Canada a Bureau of Employed Women has been set up in the Department of Labour with the main purpose of promoting a wider grasp and understanding of the problems peculiar to the women workers in order to enable them to enjoy a better status as well as to make a more effective contribution to the development of the country. With this basic objective, United Nations organised a seminar on the status of women which was held in Tokyo in May 1962 wherein it was agreed to establish by governmental agencies of member countries of improving the status of women workers. On the basis of experience offered so far it has been established that such administrative arrangements made by member countries have played a useful role in visualising needs and problems of the workers as well as to enable the member states to take action in a coordinated manner in order to enable the women workers to overcome such problems. On these proposed lines various countries have from time to time taken requisite measures aiming to provide improved working conditions to their women workers. Belgium has been one of the countries which constituted Advisory Committee on the matter of women power and Employment Resource which is from time to time required to take up relevant problems of the employed women and to suggest requisite remedies for improving the status of women workers. In the manner in Italy a National Commission on women's work which is responsible for investigation and making recommendations for improving the employment and working

conditions admissible to the women workers with special reference to such matters such as vocational guidance and training for women for their placement in employment and the problems of special categories of women workers such as domestic servants.\textsuperscript{12} Similarly in Netherland widely represented Advisory Committee has been constituted on women's and girls' work vested with the power of advising public authorities on subjects specially concerned with the employment and working conditions admissible to them.\textsuperscript{13}

At the same Norway has also set up a special women's consultative committee having a tripartite representation namely that of Government employer and the employees representatives which is generally called Equal pay council to which many matters can be referred such as payment of wages, conditions of work promoting measures in order to facilitate effective and efficient participation of women in economic life. In the same manner number of other developed countries have also constituted similar bodies which have passed an effective role for examining and rendering advice on matters of special women concern to women workers.\textsuperscript{14}

All these member countries had constituted such commission on the basis of resolution adopted by the United Nations Commission on the status of women at its 17th held in

\textsuperscript{12} Ibid.  
\textsuperscript{13} Ibid.  
\textsuperscript{14} Ibid. at 118.
march, 1963 which could be drawn the attention of the member states to the relevance of appointing National Commission on the status of women in order to formulate plans and make recommendations for improving the position of women in their respective countries.\textsuperscript{15} These various consultative and advising bodies have played a very useful role for providing a valuable channel for focussing attention on problems of special concern to women workers and for suggesting ways and means by which these problems could be solved.\textsuperscript{16}

All the bodies constituted for the purpose of providing proper working conditions as well as to improve the status of working women have played a significant role in the developed countries but the position in this regard is not satisfactory in the context of developing countries and due to these reasons it is imperative for them to constitute such commissions on the pattern of the developed countries so that it might be possible to formulate basic policies for improving the status of women in developing countries of Asian and African Regions as well as to provide proper working conditions to them in various sector of employment particularly the unorganised rural and urban occupations employment as well as the home based establishment wherein the women workers might be usually expected to do work.

Factors facilitating Employment for Women Workers: In addition to economic factors technological advancement has also played a significant role in enabling the increased number of women to

\textsuperscript{15} Ibid. at 117.
\textsuperscript{16} Ibid. at 118.
seek employment mainly due to the fact that it has been rendered less taxing in terms of physical exertion as well as less arduous thereby making it feasible for the employers to utilise the female labour force even without any skill or technical training. At the same time, due to changing pattern and style of living as well as consequent decrease with regard to domestic responsibility many women have been in a position to free themselves from household engagements and to utilize their energies and talents by seeking employments. The impact of the spread of automation and similar techniques have created new employment opportunity for women in some industries and occupations but at the same time employment opportunities have been reduced as a result of decrease in overall labour requirement. Many a time women workers are prohibited from employment during night hours thereby decreasing employment opportunities for them.

On the whole technological advancement has on the one hand provided attractive employment perspective to women while on the other hand it has operated against their interest in the sense that the other related factors adversely affecting the employment of the women has cumulatively made the position of women workers comparatively more difficult. 17 The relevance of varied factors having direct impact on the scope of employment opportunities available to the women workers vary from

one country to another. The patterns that emerge had to be interpreted which in each country against the whole complex of social, historical, technical and economic factors. The relevance of varied factors having direct impact on the scope of employment opportunities available to the women workers vary from one country to another and the patterns that emerge had to be interpreted within each country against the whole complex of social, historical, technical and economic factors which formed the highly coloured objective and subjective background with the employment of the women in society which are passing through the process of rapid economic change and social development.¹⁸

women Labour and the Planned Policies of the Government

The seventh five Year Plan was intended to ensure for equity and empowerment for the women workers, particularly, during the International Decade for women. For the first time an attempt has been made to focus attention for inculcating confidence among women and for generating awareness in them regarding their rights and privileges as well as to provide training to them for generating better employment resources to them. In furtherance of this objective the Government of India have introduced more than 27 schemes for women. At the same time, the Government of India has constituted a separate department in the Ministry of Human Resource Development for the prosperity and ensuring suitable employment to the women

¹⁸. Ibid., at 21.
and children for achieving the desired goals. Some of the specific programmes to be implemented by the Department of Women and Child Development mainly include strengthening and improvement of women's work and their employment in agriculture, small animal husbandry, dairying, fisheries, handlooms, handicrafts, khadi and village industries and sericulture. It also includes economic rehabilitation of the women from weaker section of the society by providing training and employment to them on sustained basis. At the same time it also includes extending better employment avenues for women in order to bring them into main stream of National Development.19

These proposed plans for the upliftment of the status of women in India appear to be a distant dream and it would be quite difficult to accomplish the desired goals unless effective implementation process is not evolved for the purpose of providing better living conditions and proper working conditions to women workers and suitable models should be devised to implement the aforesaid programme in a well coordinated and systematic manner. At the same manner it would not be out of the context to putforth that social awakening on the part of the employer could play a meaningful role for the betterment of employed women in India.

Issues in Employment Policy in Relation to Women: Vina Hazumdar and her colleagues raised some basic issues in relation to employment policy. The issues listed by them - A fundamental issue is rehabilitation in the current occupations versus encouragement of shift from traditional low paid industries to others. The draft sixth plan suggests a policy of increasing investment in women preferred industries to stimulate greater opportunities for their employment. The working group on the employment of women however, expressed certain reservations against this policy on the ground that most of the women preferred industries confine women to low income, low productivity and low status occupations in the unorganised sector, with sub-human working conditions and wage below subsistence level. Increasing their employment in such occupations would tend to strengthen existing social biases which seek to prevent widening opportunities and occupational choice for women. Increased investment only in sectors like dairying, food and food processing etc. which would be providing both employment and status to women open up possibilities for learning new skills with greater exposure to new economic structures and markets. Employment policy for women should also reckon with the need for strengthening women's participation and dignity. Unless supportive services like creches/child care centres, lighter household work through access to processed food etc. is ensured, the increased employability of women will only further increase their load of work and reduce them to mere beasts of burden.
Rural women's income generating projects in the past have depended primarily on grants emanating from governmental agencies like the Central Social Welfare Board or the Central Ministry of Agricultural Development. Lack of independent collateral and the biases of credit institutions that give automatic preference to males in distribution of credit distribution agencies like co-operative banks small farmer Development agency. The Marginal Farmers and Agricultural labourers Agencies etc. It would be necessary to ensure that these agencies direct their attention to women and devise measures to bring their assistance within the reach of rural women. The working group on employment of women, therefore, recommended preferential treatment to collective organisations of women rather than to women entrepreneurs.

There is also an issue of non-discriminatory access to agricultural inputs and social and economic services versus a target group oriented approach. Unless women are mentioned specifically as a target group and some compulsion is placed on the agencies to devise appropriate measures procedures based on an understanding of women's situational disabilities/constraints, the possibilities of such assistance reaching women who really need it (and can use it effectively) will be rather remote. But in a large number of situations the needs of women workers could be fulfilled only by an overall improvement of the situation of the poor. Women special interests need to be safeguard not by separate organisation but by
increased participation in such organisation. 20

The improvement in bargaining power as well as status of women would depend upon effective women's organisations at the grassroots level. But women's organisations like the Mahila Mandals cannot meet all situations and the need of all groups because of existing inequalities and differences in the interests of rural women.

In all comprehensive area Development plans, manpower budgeting of the female labour force should be a special component and the schemes included in the plans should be carefully designed to offer a variety of training and work opportunities to women.

Modern technology has dual a role - positive as well as negative in relation to women. The positive aspect of modern technology pertains to its role in respect of reduction of drudgery of women both within the household as well as in the market place. But technology is also observed to have a negative role. It is found to lead to a greater degree of marginalisation of women. There would be a need for better understanding and grasp of the total and complex process of social change in order to anticipate the impact of some projected development on women. An appropriate monitoring

and training methodology for development of cadres, planners and agencies to sensitivise them to rural women's situations and needs would be necessary. Wide female participation has improved the income and consumption position of the family, but has little effect on women's status within the household.

Devaki Jain suggests that this situation is due to the fact that women participation in the decision making bodies i.e. co-operative work of Kaira is weak. It is said to confirm the hypothesis that income is a necessary but not sufficient condition for female emancipation. Such participation is equally important for directing development to the needs of women producers and is conditioned by the extent to which the domestic burdens of women are reduced by community activities relating to child care centres. 21

Legal Protection to Women in Employment:

Constitutional commitment recognising Right to Equality has been explicitly laid down under Article 14 of the Constitution of India which provides that the state shall not deny to any person equality before the law or the equal protection of the law within the territory of India. But at the same time it permits discrimination on the basis of reasonable

classification. In the same manner Article 15 provides that the state shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any one of them. But a proviso has been added by laying down under clause (3) of article 15 that nothing in the article shall prevent the state from making any special provision for women or children. It is due to the fact that the welfare of children and women is of vital significance in a welfare state. The constitutional commitment imposes obligation on the welfare state to protect the interest of women and children in general and women and child labour in particular. As they are weaker sections of the labour force, so their exploitation by the employer has become in practice a rule rather than an exception. It would not be wrong to state that constitutional safeguards and statutory enactments have failed to provide needed protection to them. They are prone to exploitation to a greater degree in the unorganised sector of the employment where labour force does not operate in an organised manner against their employers in order to protect their rights and to enforce their demands effectively against them. It is mainly due to the fact that the women and the labour class do not have trade unions of their own nor there are effective trade unions of the working class for protecting their interest particularly in organised sector.

Women labour enjoys protection under the statutory enactments in vogue for the purpose of preventing their exploitation by the employer but
they do not get protection to the desired extent mainly due to the fact that they are not organised, in the sense that they do not have trade unions of the employees in general are not interested to take up the exclusive demands of the women workers with much interest. In this context it has been quite appropriately observed by the National Commission on 'Self Employment women and women in the informal sector' that the labour in the unorganised sector is characterised by a high incidence of casual labour mostly doing intermitted jobs at extremely low wages and there is a total lack of job security as well as admissibility of social security benefits. In unorganised sector of employment there is excessive exploitation of the labour including women workers resulting in long working hours, unsatisfactory working conditions and occupational health hazards.22

**Legislative Provisions Provided for Protection:** Legislative provisions for the protection and welfare of women have been enacted on the basis of I.L.O. conventions. The conventions laid down by the International Labour Organisation (I.L.O.) to provide protection to women workers include maternity protection, 1919, Night work, 1919, Underground work, 1933, Equal Remuneration, 1957 and discrimination (Employment and occupation) 1958.

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Wage Discrimination: The problem of poor economic status of women in India is not merely attributed to their low participative role in employment but has been accentuated due to the allround wage discrimination practised against them. The casual workers engaged in the village side for weeding, harvesting and transplantation are usually from women folk belonging to tribal and low caste families. The wage of women workers are lower than those of men inspite of the fact that they may be engaged on the same or similar occupation. For instance, there are low rate of wages for women. This is due to (a) who work as form labour unorganised nature of employment, (b) the case with which hired labour can be substituted by family labour (c) the seasonal nature of demand for labour and (d) the traditional classification of certain jobs as the monopoly of women.

The enforcement of minimum wages fixed under the Minimum wages Act, 1948 is not uniform and many areas have not still been brought within the ambit at this Act, Farm Labourers, particularly women who are handicapped by poverty, illiteracy, ignorance of the law and the casual nature of employment are not able to employ methods now common to industrial labour. Another factor contributing to low wage for women is the practice of identifying a workday as equivalent of 7-9 hours. Women reporting even half an hour late because of domestic responsibilities have been paid wages for half a day only. However, the acceptance of the principal
of equal pay for equal work for women workers in Indian organised industries has led to a decline in the employment of women workers at many places because the employers feel themselves to be at a disadvantage to employ women who have to be paid many benefits. Hence they are employed at low wages.\textsuperscript{23} The concept of women as a sort of balancing force in the family or national economy has a whole series of practical implications which have the net effect of making it difficult for women to become integrated as a permanent part of the work force and of rendering them particularly susceptible to unscrupulous and discriminatory treatment in the employment market.\textsuperscript{24}

A study undertaken by the I.L.O. as well as National Commission on Labour has dismissed the argument that the reason for retrenchment of women in industries was due to the cost of maternity benefits.\textsuperscript{25} Same restrictions have been imposed under the Factories Act 1948 upon employment of women in any factory between 6 p.m. and 7 a.m.\textsuperscript{26}

Despite efforts of the government to reduce wage disparity between men and women by statutory fixation of wages under the Minimum Wages Act, 1948 and secondly by declaration of standard wages for different jobs through the working of the industrial relations machinery, but still disparity exists.

\textsuperscript{25} Encyclopaedia of Social Sciences, Vol. VIII, p. 453.
\textsuperscript{26} The Factories Act, 1948
The difference in the wages to the men and women in various sectors has been quite substantial which is a matter of serious concern for us. It was pointed out by the National Commission on Labour (1969) that those who suffer more even among women as a group, are ignorant, unskilled and semi-skilled workers coming from communities belonging to the lower strata and for protecting whom Article 40 of the constitution is intended. In a way, women belonging to these communities are intended to be doubly protected, firstly because they are from weaker sections and secondly because of the comparatively unfortunate communities to which they belong, and it is here that the protection is the least. The Commission further observed: "But even in this regard we do not want to under rate what has been achieved while generally conceding that the wages of women workers have been lower than those of men, the differences have tended to narrow down in recent years mainly for two reasons:

i) Fixation of statutory minimum wages under the Minimum Wages Act and

ii) Standardisation of wages for different jobs through the operation of Industrial Relations Machinery."

Legislative Measures by the State to ensure wages to the Female workers at par with male workers: In the United Kingdom,

equal pay act, 1970 has been enacted and enforced to ensure payment of equal wages to the male and female workers for the same type of work. Under Section I, Clause 1 obligation has been imposed on the employer to include equality clause into the contract of employment made between him and the women workers provided that the woman does work of the nature which may be rated as equivalent with that of men under the same employment of the employer, Section I clause 4 of the Act defines the term 'Like work' as the work of same nature or broadly similar nature. The object of Equal Pay Act of United Kingdom is to secure treatment for female workers which is not in any respect less favourable than given to a male worker in the circumstances under this Act it is obligatory for the employer to regard female worker on the work rated basis equivalent to that of male workers. Under Section I, clause 5 of the Act the tribunal has been empowered to correct the scheme, if any. Party has challenged the validity of the scheme and if the scheme framed by the employer is based on different values for the male and female workers. Otherwise also section, clause 6 of Equal Pay Act, 1970 clearly provides that the general rule on the subject of comparison in the Act would be that the male and the female workers should be in the same employment or the different employments provided that the terms and conditions applicable in both the employment are the same. Section 3 of the Equal Pay Act, 1970 provides the remedy to the aggrieved parties by
enabling them to bring their claim before an Industrial Tribunal.

The aggrieved party could either be the female worker or sometimes even the employer. In case the female worker has already left the employment in question even then she can make her claim within a period of six months from the time of leaving such employment. 29

**Equal remuneration act, 1976**

In part IV of the Constitution of India dealing with Directive Principles of state policy certain policies are laid down which are required to be fulfilled by the state in this part. Article 34 of the Constitution of India provides that the State shall direct its policy for equal work both for men and women. The United Nations Organisation had declared the year 1975 as the International Women's Year and in pursuance of it, the President of India promulgated an ordinance called the Equal Remuneration Ordinance, 1975 on 26th September, 1975 aiming to implement the spirit of the subject matter provided in Article 39. Subsequently, the Equal Remuneration Act, 1976 replaced the above said ordinance and it was enforced in the year 1976. 30 In the statement of objects and reason of the Act, it is mentioned that it is an Act to provide for the payment of

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29. Ibid., at 251.

equal remuneration to men and women workers and it also provides for prevention of discrimination against women in the matter of employment as well as in matters connected therewith or incidental to the employment of the women.

Remuneration would mean and include basic wages or salary and any additional emoluments what so ever payable either in cash or in kind to person in respect of work done in such employment if the terms of the contract of employment either express or implied. The term 'same work' or 'work of a similar nature' for the purpose of this act would mean work in respect of which the skill efforts and responsibility required are the same when performed under similar conditions by a man or a woman, particularly, when the differences if any between the skill efforts and responsibility required of a man in terms of conditions of employment. Under Section 4 of the Act, the duty is imposed on the employer to pay equal remuneration to men and women workers for the same work or a work of similar nature. Under this section obligation is imposed on the employer not to pay any worker employed in his establishment remuneration at rates less favourable than those at which remuneration is paid by him to workers of the opposite sex in such establishment for performing the same work or work of similar nature. The employer is prohibited under section 6 of the Act wherein provision is made for the appointment of Advisory Committee by the appropriate Government for advising it with regard to the extent to which women may be employed
in such employments as may be specified by the Central government by the concerned notification issued for the same. Section 7 of the Act makes a provision for the appointment of adjudication authority for adjudicating the dispute arising between the management and the employees of an establishment. An appeal from the decision of the adjudicating authority could be filed to Appellate Authority by the aggrieved party. In order to ascertain the fact whether the work done by the male and female workers was same or of similar type the authority should take a broader view, secondly in deciding whether any differences were of practical importance or not the authority should take equally broader approach because the very concept of similar work would imply differences in details. But these differences should look at the duties actually performed by men and the women. If men work at inconvenient times, there should be no requirement that all those who work at night would be paid same remuneration as all those who work during normal day shifts. Thus a woman who worked during day shifts could not claim equality with a man on higher basic rate for working during nights but in case of women for working during nights could claim wages that rate too and the applicant on this case could also be entitled to claim that in case she worked night shifts.  

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 various types of employments otherwise it is bound to have adverse effect on the service prospects of the female employees including those doing skilled, semi skilled, clerical, supervisory or sale promoting jobs. In case statutory and non-statutory measures resorted for the purpose of extending protection to the women workers lead to impossible imposition of unreasonable and excessive burden on the employer which may operate contrary to the profit making tendency being the sole object of the employer then he is bound to devise and adopt evasive measures thereby enabling him to minimise the employment of the women workers. In such situations instead of doing favour to the women workers it will certainly amount to creating injurious impact due to resultant reduction in employment opportunities for them. Hence it becomes imperative that a balanced and reasonable approach may be adopted in order to achieve desired objectives.

Studies have revealed that the condition of women workers in the export oriented industries are far from ideal women workers (Elson Diane and Pearson, 1981 Heyzer, 1988). The entire logic of these industries is based on the cheapness of female labour. Apart from low pay, the women workers work long hours in employment for short duration have little upgradation in skills have virtually no scope for promotion and
have high incidence of job related health problems. Given the high volatility of the market most women workers are thrown out with absolutely no skills for any other job.

And with marriage many disappear into the urban informal sector. The new industrialisation has so far not been able to provide sustained employment. In other words the new wisdom is that production efficiency increase if production is organised around a sake of small firms linked together. Such a system would entail a small core of permanent workers with a periphery of a large number of casual workers. These casual workers have high labour turnover and are outside whatever labour legislation exists. The eightees have witnessed increase in part time employment and growth of sweet shops, household units, small firms. Industrialisation is thus dependent on the conversion of all industrial employment to the condition of female employment. This has been referred to as the global feminisation of the labour force.

The NSS data also reveals that 90 percent of these women do not go for outside home jobs. A little more than a quarter (26 percent) of those women engaged solely in domestic duties however were willing to work in it was part-time but were however not seeking work. The low participation rate is therefore largely a result of narrowness of definition that excludes domestic related subsistence activities, the well documented operational biases and also a discouraged worker effect.
The trend in female participation rate indicate that the situation has not improved overtime. The 1971 Report has pointed to a downward trend in the participation rate with the women in modern manufacturing. However, in the eightees, the conclusion of declining participation rate based on census data was questioned with the support of NSS data which indicated a secular increase in the participation rate from 1972-73 and 1983. For a secular section trend it is not possible to compare the 81 and 91 censuses with the 1971 census. The latter is well known to have excluded a large number of women workers through its key question enumeration method. On the other hand the 1961 census is generally regarded as having better enumerated women workers especially the self-employed, through its framing of the key question as a choice of activities. It is therefore more possible to compare the 1961, 1981 and 1991 censuses.

Given these broad contours of employment growth what have been the changes in the structure of employment share of women workers in overall employment has remained constant at about 25 percent between 1977-78 and 1987-88. However, the female share in total employment has increased in several sectors such as agriculture (from 32 to 34 percent) construction (from 14 to 24 percent) and finance, insurance and real estate (4.5 to 7.5 percent (Papola, 1971) overall agriculture has continued to be the mainstay of female employment 1977-78 and 1987-88 while the increase in manufacturing trade transport and services was marginal. Construction accounted for an
increasing share of female employment (from 0.93 to 3.3). In other words, female employment grew in sectors offering low returns and insecure employment.

Numerous micro studies have pointed to the increased employment of women in the export zones and informal units geared to the production of these exports. Further if the organised sector is considered separately, there were significant gains made by women in the eighties.

Under section 5 the 1976 Act obligation has been imposed on the employer not to discriminate against women while making recruitment for the same work or work of similar nature against women except where the employment of women in such work has been prohibited or restricted by or under any law for the time being in force, provided that this provision would not affect any priority or reservation for scheduled castes, scheduled tribe, Ex-servicemen, retrenched employees or any other class or category of persons in the matter of recruitment to the posts in an establishment or employment.

It has been established on the basis of statistical data available so far in this regard that the strength of the women employees constitute hardly twenty five percent of the total work force in the Third World Countries which means that seventy five percent of the employees are the male workers.
It has been observed that the employers might be confronted with various limitations and restrictions in case of women employees. They could not be employed during night hours or during late hours or in other words, they are, generally engaged to do work only during normal working hours. There is a common feeling that comparatively they possess less muscular powers so they are considered to be less suitable for such jobs which require physical labour and heavy weight lifting. As it is obligatory for the employer to provide them maternity leave. So even if cash benefit as well as medical care is provided under social insurance scheme but the employer is at loss mainly due to the fact that during their absence either continuity of the work is interrupted or due to engagement of unexperienced persons in their place result in loss of production. This has been the peculiar feature in the organised sector of employment and in this context some variation could be noticed in unorganised sectors mainly due to the fact that in unorganised sector some employments such as electronic industries, handloom, powerloom, handicrafts etc., female workers are more as compared to male workers. In this context it has been observed in a study conducted by International Labour Organisation experts.32

Safety Provisions

A. Factories Act 1948

In order to ensure safety of women the occupiers of the factories are prohibited to employ women to clean lubricate or adjust any part of a prime mover or of any transmission machinery while the prime mover or transmission machinery is in motion. Women cannot be employed in any part of the factory for pressing cotton in which a cotton opener is at work. But if the feed end of a cotton opener is in a room separated from delivery and by a partition extending to the roof or as permitted by the inspector concerned in writing the women may be employed on the side of partition where the feed end is situated. The State Government under section 34(2) of the Act is authorised to make rules prescribing the maximum weight which may be carried by the women employed in the factory. Thus state Governments by framing suitable rules can prohibit the employers from engaging women in carrying more than the prescribed weights and hence these rules provide safety to women employed in the factories.

B. Mines Act, 1952

Under this Act it has been expressly laid down that no woman shall be employed in any part of the mine which is located underground. However, every women employed in a

33. The Factories Act, 1952 Sec. 46(1)a.
34. The Factories Act, 1948.
35. The Mines Act, 1952 Sec. 46(1)a.
mine above ground shall be allowed an interval not less than eleven hours between the termination of employment on any one day and the commencement of the next period of employment. So this provision has been enacted in the Mines Act with the object of protecting women workers from the risk in which they are involved while working in underground mines.

As regards prohibition for underground work for women in mines, the Royal Commission on Labour (1931) had hoped there would be improvement in the conditions of life in the collieries and increase in the miners efficiency, if women were excluded from underground work. However, the conditions have not improved after this ban. Local miners go home more frequently to visit their families particularly in the rural areas men leave their wives and children reluctantly. Further, the disparity in the sex ratio has also led to general moral deterioration in the coal fields. The remedy of the aforesaid problem, however, does not lie in allowing the women to work underground again. But the step should be taken to reserve for the miners women vacancies occurring among the surface workers wherever possible. Secondly, the management should make systematic efforts to bring improvement of housing and sanitary conditions so that the miners may be able to bring their families.

Working Hours

A. Factories Act, 1948

The women workers cannot be required or allowed to

36. Ibid. Sec.46(2).
work in a factory for more than nine hours in any day as prescribed under section 54 of this act. They will be required or allowed to work between 6 a.m. and 7 p.m. during day time only. This restriction imposed can be varied by issue of notification by the State Government so as to reduce the period from 10 p.m. to 5 A.M. The working shift of the women cannot be changed except after a weekly holiday or any other holiday. The State Government is also empowered to frame rules under Section 64 of this Act defining the persons who hold supervisory position or employed in confidential position in a factory but women workers have been excluded.

B. **Plantations Labour Act, 1951**

No women worker shall be employed by the employer in any plantation before 6 a.m. and after 7 p.m. except with the permission of the State Government. This restriction shall not apply to midwives and nurses employed as such in any plantation. Section 21 of this Act expressly provides that a period of work on each day shall be so fixed so that no period shall exceed five hours before she has had an interval for rest for at least half an hour.

**Creches**

**Factories Act, 1948**

For the convenience of the women workers in every factory wherein more than thirty women workers are employed, the

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37. The Mines Act 1952 Sec.46(2).
38. The Factories
employer is required to provide a suitable room or rooms of adequate size, well lighted, ventilated and maintained in clean and sanitation conditions for the use of infants and children of women workers below the age of six years. Females trained to take care of the children are to be employed for purpose of taking care of infants and children of the employed women who are kept in those creches during their working hours. The State Government is empowered to make rules prescribing the location, standard of construction, size of accommodation, furniture and other equipment to be provided for the facility of the children using these rooms. Rules may also be framed by the concerned State Government with regard to additional facilities of free milk or refreshment to be given to infants and children and the facility of washing and changing their clothes. Facilities may also be given to the mothers of such children to feed them at regular intervals in case they so desire. 39

The desirability of the amenity of creches was observed by the Royal Commission on labour in the following words:

"Creches are not uncommon in factories employing women. In many of the factories employing women in substantial number no creches have been provided. As a result of their absence, infants are taken into the mills and found lying on sacking, in bobbing boxes and other unsuitable places, exposed

39. The Factories Act 1948, Sec.48.
to the noise and danger of moving machinery and a dust laden atmosphere."

In practice, it has been found that despite the statutory provision, creches have not been provided in many factories employing more than fifty women workers. Even section 12 of the Plantation Labour Act, 1951 is observed in its breach.

The Committee on Labour Welfare has also recommended that the State Governments should make adequate and speedy arrangements to ensure that at least two inspections of each factory are carried out every year.40

Maternity Benefit Act, 1961
This is the latest central legislation on the maternity benefits available to the employed women and the purpose of the legislation is to bring uniformity in the field of maternity provided under the Mine Maternity Benefits Act, 1941; Employees' State Insurance Act, 1948; and Plantation Labour Act, 1951 because considerable diversity was noticed in the provisions. Maternity benefit is an indemnity for the loss of wages incurred by a woman who voluntarily before child birth and compulsorily thereafter abstains from work in the interest of the health of her child and herself. Maternity Benefit Legislation were introduced for the first time in India in the year 1929 with the

enactment of Bombay Maternity Benefits Act, 1929 under which maternity benefits were paid to the employed women before and after child birth. This was followed by the enactment of the similar legislations by the other states providing maternity benefits to employed women with varying qualifying conditions. The Government of India has provided maternity benefit Act of 1941, the Employees' State Insurance Act of 1948 and the Plantation Labour Act of 1951. The maternity benefit Act 1961 is another legislation providing for maternity benefit and certain other benefits to women workers employed in the Industrial establishments to which this Act is applicable.\(^41\)

Discrimination Against Employed Women and the ILO Standards

The Declaration of Philadelphia enabled the ILO to incorporate in its constitution certain policies which were adopted in the year 1944 and one of them had stated that all human being irrespective of race, creed or sex had the right to pursue both their material well being and their spiritual development in terms of economic security and equal opportunity.

ILO in its conference of 1958 adopted an important convention and recommendation which prohibited discrimination on the basis of race, colour, sex, religion etc.\(^42\) United Nations Organisation adopted a convention in the year 1979 which provided for elimination of all forms of discrimination against women. Subsequently in the world conference of United Nations held in Copenhagen

\(^{41}\) The Employees State Insurance Act, 1948 Sec. 50(1).

\(^{42}\) Discrimination (Employment and occupation convention (No.11) and Recommendation (No.111).
in the year 1980 under auspices of Decade for women the object of equality, development and peace in the context of women was highlighted in order to protect their interest which was in furtherance of the ILO declaration of 1975 on equality of opportunity and treatment for women workers in order to prevent discrimination being practised against working women. It would not be improper to state that the International Labour Organisation has made remarkable contribution for the labour, in general and the working women in particular. It has been itself admitted that the day is still far off when working women would everywhere be equal partner with men in the efforts to achieve social and economic progress. In this regard its future plan is that the women work should be perceived in most of the countries as an essential component of development process. Secondly special measures should be taken to ratify and implement under National Legislation, ILO and United Nation standards specially on equal employment opportunities, equal pay for equal work, working conditions, job security and equal protection.

Role of United Nations for Promoting Equality Between Men and Women

United Nations Organisation has played a laudable role for the upliftment of status of women in general and that of

employed women in particular. In consonance with these objectives the year of 1975 was declared as the International Women's year and a World Conference was held in December 1975 in Mexico and in this conference a plan of action was formulated and it was divided into two categories, namely, the World Plan of Action and the Regional Plan of Action. The basic objective was to frame socio-economic structure in order to promote equality among men and women and to elevate women from an inferior position. The Mexico Plan of Action provided for accomplishment of few basic objectives within a span of next five years and these objectives mainly included increased employment opportunities for women, reduction of unemployment and increased efforts to eliminate discrimination in respect of the terms and conditions of the employment for employed women. It also provided for extension of technical and vocational training in basic skills to women and men in the industrial and agricultural sectors. These objectives also provided for the recognition of the economic value of women's work at her home, in domestic food production, and to promote women's organisations within workers organisations as well as to ensure development of modern rural technology and cottage industry in order to save energy and to reduce the heavy work load of women particularly in rural sectors. It was also intended to establish interdisciplinary and multisectoral machinery within the government for accelerating the achievement of equal opportunities for women and their full integration into national life.
An important convention on the elimination of all forms of discrimination against the women was also adopted by the United Nations in the year 1975. This convention is intended to promote equal rights for women regardless of their marital status in all fields, namely, political, economic, social and civil status. This convention also called upon member states to enact and enforce national legislation to ban discrimination as well as to take special measures to expedite equality between men and women. This convention mainly provided for non-discrimination in terms of employment/wages payable to employed women as well as to guarantee job security in the event of marriage of employed women and during the period of their maternity. The convention also underline the equal responsibilities of men and women in the context of family life.

The General Assembly of United Nations vide its resolution of 1975 decided that a world conference on the U.N. declared for women would be convened on the expiry of half of the decade in the year 1980 with the sole object of reviewing and evaluating progress made by member countries in implementing the recommendations of the world conference of the International Women's Year held in the year 1975 and to formulate programmes for the IIInd half of the decade in the light of experience gained as well as research made.

In South and North African countries strength is rather twenty percent only of the total workforce. In Asian region such variation has been noticed with their strength as low as
6 percent in Bangladesh and as high as 39 percent in Philippines. In Latin American countries on an average women work force constitute 32 percent of the total workforce, the lowest being 23 percent in Peru and highest 39 percent in Puerto Rico. Female employees include women working in formal as well as informal sector of employment such as small business, household etc. 45 Although protective legislations enacted by the member countries in compliance with ILO standards e.g. convention No.89 of 1947 banking night work by women in industry, convention No.45 of 1935 prohibiting underground work by women and convention No.127 of 1967 limiting the maximum weight carried by an adult woman could be said to be intended to facilitate the cause of the working women but many a times create negative impact on the employers in actual practice who might discriminate against women by limiting their employment opportunities. In this context it could be convincingly established that it might prove to be true on the basis of existing data with regard to industrially advanced countries on in other words the developed countries but in case of developing countries, particularly of Asia and Africa it has been generally noticed in actual practice that rather women have been doing heavy work. In this context it has been quiet appropriately observed that the fact that in many developing countries heavy work is traditionally done by women indeed lead to one to suspect that the idea that women are capable of such work may have been imparted from industrialized countries. 46

45. Ibid.
46. Ibid., at 83.
The indepth study on the subject of women workers could convincingly lead to conclusion that it is a complex, multidimensional problem which involves multifarious activities on the part of the employers with one of the basic objectives on his part, namely, to earn maximum profit and this process involves excessive exploitation of the women workers, particularly in the unorganised sector of employment of the developing countries. Women workers are also subjected to harassment and humiliation and they are also exploited by the employers in the same manner as that of the child labour rather in some unorganised sectors of employment their exploitation is even more in terms of its gravity and nature. In rural sector of employment the women workers are generally frequented with the serious problem of unemployment and due to extreme poverty they have to accept under compulsion under-employment wherein they are exposed to the worst working conditions for inadequate wages payable to them. In urban employments also the women workers are discriminated in comparison to their male counterparts particularly in case of skilled jobs and supervisory position which are preferably assigned by the employers to the male workers in most of the cases. In many cases due to industrial and technological advancement the women workers are even sacked and in their place male workers are employed and such practice seriously jeopardise the interest of women labour force. A wide disparity also exists between
male and female workers in the unorganised sector of employment. It has been observed quiet often that the women workers are segregated by reserving certain functions involving specialised knowledge and experience for the male workers in big industries and other organised sectors of employment and the less skilled as well as the low paid jobs are marginalised for the women workers. One of the basic reasons for the existing state of affairs could be the lack of interest among the leaders of trade unions for the problems of the women workers in the industries and other organised sectors of employment and in case of unorganised sector it is mainly due to absence of trade unions over there. In terms of access to skilled women continue to be employed in monotonous, low skilled and low wage sector. It was also observed by the core group that on the basis of relevant studies conducted so far as it has been established that modernisation and mechanisation has certainly tended to marginalise women workers in many sectors of employment and they have been either pushed down or rendered unemployed or in other words have been thrown out of the work force.