CHAPTER I

INTRODUCTION

Women labour is not of recent origin. Every known economic system from times immemorial has needed and utilised the services of women. From the primitive times when men hunted animals down to the present day, women are found to stand shoulder to shoulder with men in all the occupations and fields of life. Though we are not sure as to what part women played in primitive society they seem definitely to have shared a partnership with men in the Indus Culture of About 3000 B.C.

In Aryan male dominated society things were not nearly so simple. Northern climates had long winters and life depended upon hunting and fishing and maintaining a fire for survival. It is very possible that the struggle of women against men that has characterised western society from the suffragette movement in 1860s to "Woman's Lib" in the 1960s, right upto International Women's Year 1975, stemmed from the simple fact that centuries ago women did not share in the hunt. Upto 2000 B.C. we can assume that a dark skinned possibly matriarchal people lived here in pockets of agricultural land hemmed in by large forests. Life came from food. Food came from soil, man came from woman, woman gave life. It is not astonishing that God was a woman.  

In Harappa and Mohenjo-Daro, men delved and women span, the former category of jobs depicting the harder and more masculine, the latter the more feminine occupations which possibly developed later into "Women's jobs", in factories and domestic life. In Harappa and Mohenjo-Daro, long before the Aryans came to India, a definite pattern of culture reveals that though women were mainly domestic in their occupations, they were responsible almost entirely for weaving and spinning the clothes which were worn, and took part in the fashioning of pottery and designing of jewellery. Men fashioned the pottery and women gave the finishing touches, and this, together with the leather industry, the making of musical instruments, and other simple crafts, formed actually the foundations of the present village industries in India. With the coming of Aryans in the second millennium B.C. we had much clearer evidence of industries, such as leather work, the making of gur and rab and various other activities. In the home, their duties consisted mostly in drawing water, churning butter-milk and making butter and ghee, husking and winnowing grain and managing the household finances. Women understood the plaiting of mats and sewing, and were familiar with the manufacture of wool which they converted into clothing for their men and animals. The rapid rise of religious dogmas and the invasions of India by foreigners, however, gradually deteriorated their position until they began more and more to rely on the security offered to them in their homes and to content themselves with
domestic duties. In medieval India, therefore, one does not hear much of the activities of women. On the other hand, their status became lower and lower until, when the British came to India, the position of women was anything but happy. Early in the era of British rule in India an economic situation arose which made it essential for women of the lower income groups to work. The Industrial Revolution in Europe also had its repercussions in India. As the technological changes of the industrial revolution transformed the processes of production, the women of the urban proletariat and many of the artisan class were drawn into the factories, mills and mines as unskilled wage earners. In India, women left homes for work in factories and industries, though not to such an extent as in Europe. It suited entrepreneurs to employ these low paid hands. Sardars were sent out to lure women into factories by promising cash wages. Women, being completely ignorant and wholly gullible, fell easy victims into the bait set for them by entrepreneurs seeking cheap labour. Women thus came to occupy the position of marginal workers in the new economy. The large scale imports of consumer goods into British-ruled India also broke up the self-sufficiency of the village economy, and the agriculturists and village artisans migrated into the towns in search of work. Many abuses and much exploitation crept in when women and children were employed in factories, and soon protective legislation was introduced to force employers to improve their working conditions. For three decades of
factory legislation, from the first Factories Act of 1881 to
the Act of 1911 the labour laws mainly dealt with their hours
and conditions of work. This was gradually followed by other
legislations to provide amenities and a measure of social
security for women workers.  

The transition from work at home to work in the factory
was not, however a smooth one for women. Although they could
adapt themselves to new conditions, they could not visualise
the tremendous changes in their economic and social life
brought about by modern industrialisation. The factory system
destroyed a great body of significant custom throwing the
workers into an unfamiliar world where they had neither
experience nor tradition to help them. Women in Indian
Industry, as elsewhere, were assigned those occupations which
did not call for any particular skill or special aptitudes.
The first World War changed some of the conceptions regarding
woman's capacity and physical strength limited their range
of occupations, which had been used to justify lower wages
and exclusion from skilled trades, was discredited in the face
of the feverish desires of industry to produce for the war.
Women were drawn into men's work in production and began to
handle machines which they had never operated before and to

2. Sen Gupta, Padmini; Women Workers of India. Bombay;
Asia, 1960, p.175.
Quoted in Economic and Social Status of Women
Workers in India, Labour Bureau, Ministry of Labour,
Government of India, 2-3(1953).
take part in many new tasks in the heavy industries, in metal trades, in engineering trades and in transportation. 4

Today the economic activity of women has been rapidly expanding and according to the ILO statistics, one third of the world's labour force is composed of women. They work through 2/3rd of all its working hours. Add to it labour expanded in raising families and doing household chores which finds expression in no statistics. Against this work performed women receive barely 1/10th of the world's income and own 1/100th of the world's property. 5

The International Labour Organization, ever since its inception in 1919, has been trying to further the cause of women workers through conventions and recommendations on social security, occupational safety, employment of women with family responsibilities, health, hours of work, vocational training, maternity benefit, equal remuneration and so on. Nearly all the conventions and recommendations apply to both men and women workers and cover a wide range of subjects and all categories of workers. Among these instruments, a number are of special concern to women workers, although relatively few convention and recommendations apply exclusively to them. They are the following:

1. Night Work (Women), 1919, Convention No. 4.

3. Night Work (Women), (Revised), 1934, Convention No. 41.
5. Night Work (Women) Revised), 1948, Convention No. 89.
6. The Equal Remuneration Convention (No. 100) and Recommendation (No. 90), 1951.
7. Maternity Protection (Revised), 1952 (No. 103).
9. Workers and Family Responsibilities Convention (No. 156) and Recommendation (No. 165) of 1981.

India has ratified some conventions like Maternity Protection, Night Work, Underground Work and Equal Remuneration. The Constitution of India guarantees to women equality before law, prohibits any discrimination on grounds of sex and makes provision for equality of opportunity in case of public employment. Besides this, Directive Principles of State Policy emphasise 'equal pay for equal work', maternity protection and humane condition of work. Provisions has been made in various labour legislations for the welfare of women workers. Despite such noble principles enshrined in the

7. The Inter-State Migrant Workers Act, 1979.
constitution and several legislations, the implementation of these ideals into practice has remained rather nominal and imperfect.

It is a gloomy, even stark picture. The women workers in India have unduly long working hours including of course their domestic work. Their working conditions are harsh. They are discriminated against in the matter of wage payment. They have a subordinate position in the family and society. The arduous, hard and disagreeable life the female workers have, leave them with little for leisure, rest or recreation, over exertion and low calorie and protein intakes make her susceptible to various diseases and shorten her life span. The women workers in Indian villages are poor, socially insulted, and illfed, ill-clothed, malnourished, ill-housed, ill-educated, ill-organised and in a state of permanent indebtedness. Almost all indication economic and social point to the fact that as a group of workers, they are the poorest, the most economically vulnerable and socially discriminated group of workers in society. In spite of the enforcement of Equal Remuneration Act, 1976, the difference in wage rates of men and women is still found to be counting. Women are denied equal opportunities which is necessary for personal growth and social development. Our constitution, the laws passed and amended, have given Indian women a dejure status. That is unique! But most of the rights and privileges conferred on them remain paper laws confined to the statute
books. There are various factors responsible for this; one, ignorance, illiteracy and lack of social awakening; two, lack of proper implementation machinery; three, social attitude.

Inequalities, blatant or subtle, still characterize the position of women in most societies despite the efforts made towards improving their status. The great paradox of the modern world is that everywhere men attach themselves to the principle of equality and everywhere, in their own lives as well as in the lives of others, they encounter the presence of equality. Over the ages, the course of advance from the lesser to the larger, from the human to the divine, from the finite to the infinite, from duality to unity and chaos to cosmos, has been by the dialectical process of thesis, antithesis and synthesis. The values of a time hold good as just but, with the emergence of injustice, these very norms degenerate, into cage-bars provoking struggles for a fresh harmony and thus a brave new world is born; often in blood, sweat and tears. Women, an equal of men in the march of the human race, has had her ups and downs in the zigzag stream of pre-history and history. Mostly, she has been a slave, a serf, subordinate, punctuated by periods when she has been idolised, but remained a doll, the cyphosure of vicious eyes and praised in the prison-house of domestic drudgery. Fable and philosophy, biology and sociology, have been deftly and diabolically used to sustain the unnatural,
unjust, philistine stance that woman has to be segregated. This obscurantists apartheid at its worst, harshly unequal and at its best, separate but equal, has been under challenge not merely by bold and sensible women but by all lovers of freedom, justice and social homogeneity and happiness. How can half of mankind - womankind - be in chains and rest be blessed with liberty.  

Since the adoption of UN Convention on the elimination of all forms of discrimination against women on December, 18 1979, by General Assembly Resolution 34/180, more than one-third of the member States of the United Nations have become party to this Convention. It opened for signature on 1 March 1980 and entered into force on 3 September, 1981. As of 9 March, 1984, the Convention had received 56 ratifications. Since the 71st session of the International Labour Conference (June 1985, held in Nairobi) adopted resolution on equal opportunities and equal treatment for men and women in employment. In order to ensure the implementation of the principles laid down in the Declaration on Equality of Opportunity and Treatment for Women Workers (1975), and further to the Plan of Action with a view to promoting Equality of Opportunity and Treatment for Women Workers (1975), measures should be

intensified in order to promote and achieve equality of opportunity of women and men in employment and in society as a whole.⁹

Women workers in the organised sector constitute only about 6 per cent of the total women workers in India. This is official statistics. The proportion of women working in the 'organised sector' is even less than official statistics indicate and number of agricultural labourers, poor peasants and casual labourers in even larger.¹⁰ Women workers employed in the organised sector are covered by the protective labour legislations which seek to provide them a certain degree of protection with regard to their employment, wages, working conditions etc. Although wages and other working condition of women workers employed in the organised sector have improved in the recent past and are better than their counterparts in the unorganised sector yet their existing working conditions are still unsatisfactory. They are, in some cases, still deprived of some of the statutory benefits and amenities like equal wages, maternity benefits, child care service, etc. There is a wide gap between the statutory provisions made and the facilities actually available to them. About 94% of the total women workers in India are in unorganised

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¹⁰. Omvedt, Gail: *We shall smash this prison someday*, The Illustrated Weekly of India, April 8, 1984.
sector which are not covered by any labour legislation. Their conditions of work are worse. They are not even given minimum wage according to the statutory requirement. They are deprived of benefits like wages equal to their male counterparts, maternity benefits and other welfare facilities.

The purpose of the study is to examine various dimensions of the phenomenon of women labour and their occupational distribution. The study seeks to assess how far the existing laws are adequate and provide protection to women workers and how far existing laws are effective in promoting national and international labour standards. It further endeavours, to suggest ways and means for strengthening the efficacy of the implementation of laws, to highlight loopholes in existing laws and plugging loopholes in the existing laws. An attempt has been made to suggest the extent to which the existing legislations could be made more comprehensive and meaningful.

The work has been divided into nine chapters. An attempt has been made to give the historical background, causes, national and international approach towards women labour in this introductory chapter. The second chapter analyses - the phenomenon of women labour in the light of economic, social and cultural background and factors, magnitude and sectoral distribution of women labour in various economic activities. The third chapter presents an analysis of the multi dimensional effects and implications of women labour.
on family, children, women welfare, male employment and labour productivity.

Women labour is, by and large, a global phenomenon. Chapter four presents the position of women labour in some selected countries. Only twelve countries have been selected for this purpose. In this chapter women employment, labour legislations governing them, their service conditions, etc. have been discussed. Besides this an attempt has been made to trace the role and contribution of international institutional organisations, e.g. ILO, UNO and UNESCO for upliftment of women labour.

In the chapter on Women Labour and Public Policy Perspective, an attempt has been made to discuss and analyse constitutional safeguards, judicial trend and national policy. Chapter six attempts an exhaustive survey of labour legislation, which attempt to provide better working and service conditions for women labour. In chapter seven, an attempt has been made to present and analyse trade unionism among women workers, disproportionate participation in trade unions and reasons for discouragement.

Chapter eight contains a first hand account of the working conditions and practices in certain occupations where women are employed in large numbers. For this purpose, survey has been made by the researcher in both organised as well as unorganised sectors. Survey has been made in textile
industries in Gujrat. As now-a-days, a good number of women are found to be working in big shops and establishments, women working in emporiums have been interviewed. In unorganised sector, mostly women work at construction sites and agriculture. For the purpose of this chapter women construction workers and agricultural workers have been interviewed. Preference of the researcher has been to interview women workers in large numbers so as to know the exact implementation of legal provisions and to have more vivid view of their working conditions and other facilities. Extensive empirical study could not be undertaken due to many constraints and limitations. The most important constraint being the paucity of financial resources.

The last chapter nine contains summary of the findings of the research study and the suggestions which the researcher has to make in connection with various matters concerning women labour. Recommendations made in this connection by some important committees and study groups have been considered.