CHAPTER - III

WOMAN LABOUR - IMPLICATIONS AND EFFECTS

The work life of woman workers has its effects not only on themselves, but on their families and on community at large. The new role of woman as 'working woman' has certainly affected her relationship with her children, husband and other members of family. It has affected the male employment and labour productivity as well. Last but not the least, it has affected her physically, mentally and emotionally.

Family

Women shoulder a dual responsibility, one in regard to their work and the other in regard to their family. In most of the situations women work due to economic reasons. When the family income is not sufficient to meet the responsibilities and needs, women move out in search of jobs. Another reason for women's working is the absence of male bread winner in the family. In such situations women work as the head of the household - as the bread winner. There are many widows, divorces and unmarried women who claim themselves to be the bread winner of the family. In some situations women are the principal earners like, when head of the family is unemployed or disabled or is not capable to do work.
Household Work

Families and households are the basic social units within which individuals are socialised and have interest with one another. Among women, their positions within the family and household are often key to the extent of their participation in the larger society. It is important, therefore, to develop indicators of the situation of women in families and households because of their direct access to education and employment. The United Nations Multilingual demographic dictionary defines a "household" as a socio-economic unit consisting of individuals who live together and a family primarily in terms of relationship associated with the reproductive process, and which are regulated by law or custom. The roles and responsibilities of families cannot be considered in isolation from those of the economic conditions comprising the families including the ageing, children, the disabled, youth and particularly those of women. Roles and responsibilities relate to the expectations and behaviour of family members as to the distribution of primary and secondary responsibilities for the tasks and functions carried out by the family. Functions are only rarely equitably distributed among family members. Within families there are often informal allocations of roles which came into being on the basis of social and cultural traditions, the assumptions of one or both parties on the basis of artical capabilities and interests of the parties.

evening. The work life and domestic responsibilities, put together will take about 12-15 hours, leaving 9 to 12 hours for rest, recreation etc. Work of 12 to 15 hours necessitates early rising, say at 4 or 5 in the morning, and going to bed only at about 9 at night. The physical strain involved is considerable; added to it are the care and worries of family, which should tell further on the women's health and efficiency.

Women in organised sector as well as in unorganised sector work for long hours outside home and besides that they do all household chores. Working outside certainly, to some extent, effects their efficiency in doing household jobs. In some cases men help women in household jobs but in most of the cases everything is done by women alone or with the help of children. Women's life in India, has proverbially been associated with the home and it is perhaps a little too early to expect such a sharing of domestic responsibilities.

Report of the survey made by Tata Institute of Social Sciences reveals that working women face certain problems in regard to household work. The 276 women had more than one opinions each about their job (303 responses) and only a few of the responses indicated that the respondents disliked their jobs. Only 7.95 per cent of the response were in the category 'dislike' (service and working conditions, poor or no interest in work). One women felt that the job adversely affected her household work. The vast majority
of the responses (86.13%) were favourable, particularly because the women were interested in their jobs (43.61%) or because the working and service conditions were good (28%). Only 6.28 per cent of the respondents were indifferent to the issue.

Liking one's job is one thing and the ability to hold on to it is quite another. However, one normally expects those who like their jobs to make every effort to carry on their work satisfactorily. All the 238 women who said that they liked their jobs also stated that they did not have any difficulty in holding on to their jobs or in carrying on their work without any major difficulties. Those who disliked their jobs had some difficulty in adjusting to the strenuous work (4), to their colleagues (1), to the routine or had difficulty in coping with both domestic duties and office work (4), lack of training and experience (2), family preserve (1), and conveyance (1). As only woman had said that she disliked her work because it was in conflict with her domestic work, one would expect the others to say that the jobs had no serious effects on the family front. Though about 4 per cent said that they could not devote sufficient time to their families because of their employment, only one person felt so guilty about it that she disliked her job.
Family Peace and Marital Relations

It is difficult to say how and in what way such a set up would affect the husband-wife relationship. Possibilities in marital relationships and consequent domestic discord cannot be overlooked specially when a great majority of the women workers are in the age groups between 25 and 45.

Report of the survey\(^3\) made by Tata Institute of Social Sciences reveals that working women face problems in their work life. These problems, it is assumed, arise out of a conflict of their dual roles. As a result, the job, the home, or the women herself suffers.

A study was\(^4\) undertaken by the Joint Women’s Programme in 1979-80 in Bangalore district of Karnataka. A few selected respondents were asked to comment on the effects of employment of married women on the family. The health of the working mother deteriorates as they have to shoulder tremendous responsibilities of earning for the family.

Sometimes women’s work becomes a source of trouble and affects family peace and marital relations seriously. Women’s sacrifice for her family, sometimes, fails to get

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4. Khan, Mumtaz Ali and Ayesha Noor: Status of Rural Women in India, Delhi, Uppal, 1982, p. 7
any respect and recognition and rather it gives rise to suspicions. Husbands and family members start suspecting the character of woman. If she gets late because of her work, she finds herself in trouble and being cross examined by each member of family. False charges of adultery cannot be ruled out. If husband does not like his wife working out, he tries to has his way by implicating false charges of adultery or character assassination.

Opinion of respondents and their men-folk about employment of women

<table>
<thead>
<tr>
<th>Opinion</th>
<th>Respondents</th>
<th>Males</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
</tr>
<tr>
<td>Good</td>
<td>200</td>
<td>51</td>
</tr>
<tr>
<td>Bad</td>
<td>152</td>
<td>39</td>
</tr>
<tr>
<td>Do not know</td>
<td>38</td>
<td>10</td>
</tr>
<tr>
<td>Total</td>
<td>390</td>
<td>100</td>
</tr>
</tbody>
</table>

Opinion of Respondents of religious groups about employment of women

<table>
<thead>
<tr>
<th>Groups</th>
<th>Good</th>
<th>Bad</th>
<th>No Comment</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>N</td>
<td>%</td>
<td></td>
</tr>
<tr>
<td>Hindu</td>
<td>186</td>
<td>55</td>
<td>120</td>
<td>36</td>
</tr>
<tr>
<td>Muslim</td>
<td>10</td>
<td>20</td>
<td>31</td>
<td>65</td>
</tr>
<tr>
<td>Christian</td>
<td>4</td>
<td>66</td>
<td>1</td>
<td>17</td>
</tr>
<tr>
<td>Total</td>
<td>200</td>
<td>51</td>
<td>152</td>
<td>39</td>
</tr>
</tbody>
</table>

5. Ibid.
Mariappa was a scheduled caste middle aged agricultural labourer. He was married at the age of 15 and his wife was then 11 years of age. His attitude towards women employment was based on the sheer economic necessity. His wife was also working on the same farm where he was working. On average she was earning two rupees per day. This amount, though irregular and indefinite was still an asset to the family. He was happy that his wife could help him in improving the financial position of the family. He justified employment of women on two grounds. First women can contribute to the welfare of family by earning some amount. Secondly, if they are not employed they would be wasting their time in all types of gossip. Though he favoured employment of women outside the home, he made it clear that it will be always desirable if married women worked along with their husbands. This would enable the husband and wife to adjust the work with family conditions. He also replied that he would prefer employment of women in their own houses as this would help the family in many ways, such as, control over children and better household management.\(^6\)

**Family Status**

A survey\(^7\) of 400 women workers in Calcutta reveals...

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6. Id. at 103.

7. This study was made by Nirmala Banerjee, sponsored by Unemployment Committee of the Planning Commission and Financed by ICSSR and was conducted through the organization of the Centre for Studies in Social Sciences, Calcutta. The study was conducted in 1976-77. Banerjee, Nirmala: Women Workers in the Unorganised Sector, Hyderabad, Sangam Books (India) Pvt. Ltd., 1985 p.91.
that in almost all these families in sample the women's contribution was vital. In nearly half the cases, women earned over 40 per cent of the total income. In over a quarter of the cases, the women's contribution was over 60%. The percentage of those earning more than 40% of the family income was as high as 39 per cent for workers of 15 years or below. For those between 16 and 25 years, it was only 34; their figure was significantly below that for the younger group, probably because the young workers of 15 years or less came to labour market only when the family situation was really desperate of those between 26 and 50 years of age, over 50% earned more than 40% of the family income and nearly 30% earned over 80% of it. For the oldest age group, this percentage was even higher. Among the women who earned over 60% of the family income, 82% were in domestic service, and a large number of this group were resident servants. This figure was much higher than the weightage of domestic service in the general sample population, probably because it was easier to earn a higher income in domestic service with the terms of appointment being flexible which allowed a person larger hours if necessary. Women went in for domestic service jobs when they were more desperate than the average.

In all household activity analysis, the economic activity of only the head of the household is considered primary and all other earners are considered secondary for
the household. In this study, the generalisation that women's work is secondary was not wholly supported by the evidence obtained from the sample. There were several widows, divorcees and unmarried women who claimed that they were the head of their household. In addition to these, there were several married or unmarried women from households where the head was unemployed and the woman was the principal earner. A large majority of their group had several dependents - unemployed husbands, fathers, children and siblings. Study reveals that women's work had not been adequate to ensure even the basic necessities for the family. More than half the families were unable to buy a full supply of cereals, pulses, sugar, cooking oil and kerosene which they were entitled under the rationing system. Very few were able to buy anything extra for the family. It was seen that even women who had worked for five or even more years failed to accumulate reserves to buy durables. Not more than 22 women in this group possessed a radio set. Another ten owned a watch or a clock. Only ten families owned all these three commodities. It was observed that in this group of women who had worked for five or more years, the higher a woman's contribution to the family income, the less were the family's chances of obtaining any extras. In other words, since a woman's total earning capacity was severely limited in these occupations and in this labour market, a family which was largely dependent on a woman earner was on
the boarder of subsistence. Most of these women had very long working hours without the relief of occasional paid leave or a weekly holiday. In addition to the long working hours, these women had a particularly heavy load of housework. To begin with, all but two of the families had to fetch water from a well, a public tap or a tubewell. Most of the women collected cowdung to make cakes for fuel and also went over garbage heaps to find any bits of paper, wood or halfburnt coal which could be used as fuel. The only ready made food available were bread and muri (parched rice). Most of these women had large families with more than one minor children (Table 2.2) below.

### Table 2.2

<table>
<thead>
<tr>
<th>Civil Status</th>
<th>Total number</th>
<th>912$^9$ Studied Workers</th>
<th>Worker</th>
</tr>
</thead>
<tbody>
<tr>
<td>Widows and divorcees from households with no other head</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) with dependents</td>
<td>88</td>
<td>52</td>
<td>14</td>
</tr>
<tr>
<td>(b) without dependents</td>
<td>27</td>
<td>13</td>
<td>3</td>
</tr>
<tr>
<td>Married women from households with unemployed</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) with dependents</td>
<td>27</td>
<td>14</td>
<td>2</td>
</tr>
<tr>
<td>(b) without dependents</td>
<td>5</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Unmarried women from single member households</td>
<td>2</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Unmarried women from households with unemployed head</td>
<td>15</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>Total</td>
<td>164</td>
<td>85</td>
<td>27</td>
</tr>
<tr>
<td>Percentage in total sample</td>
<td>(100.00)</td>
<td>(51.8)</td>
<td>(7.9)</td>
</tr>
<tr>
<td>Population</td>
<td>41.00</td>
<td>35.75</td>
<td>26.25</td>
</tr>
</tbody>
</table>

8. Id. at 93.

Table 2.3
Number of women with Families Possessing Basic Amenities in each occupation Group

<table>
<thead>
<tr>
<th>Occupation Group</th>
<th>Buys full ration</th>
<th>Owns a radio/ clock/watch</th>
<th>Owns any two of the items</th>
<th>Owns all the items</th>
</tr>
</thead>
<tbody>
<tr>
<td>'912' workers</td>
<td>60 (42.0)</td>
<td>9 (6.3)</td>
<td>6 (4.2)</td>
<td>1 (neg)</td>
</tr>
<tr>
<td>Others domestic workers</td>
<td>27 (32.9)</td>
<td>8 (9.8)</td>
<td>6 (7.3)</td>
<td>-</td>
</tr>
<tr>
<td>Skilled workers</td>
<td>61 (58.1)</td>
<td>18 (17.1)</td>
<td>19 (18.1)</td>
<td>12 (11.4)</td>
</tr>
<tr>
<td>Unskilled workers</td>
<td>33 (47.1)</td>
<td>21 (30.0)</td>
<td>5 (7.1)</td>
<td>3 (4.3)</td>
</tr>
<tr>
<td>All</td>
<td>181 (45.3)</td>
<td>56 (14.0)</td>
<td>36 (9.0)</td>
<td>16 (4.0)</td>
</tr>
</tbody>
</table>

(Figures in parenthesis are percentage of the row-wise total of each occupation)

The survey further reveals that for the poor families such as those to which these women belonged, life in Calcutta was a tedious struggle. Obtaining essentials like drinking water and rationed supplies of cereals or kerosene was a time-consuming process. There was a limited variety of pre-cooked food except bread available at reasonable prices. A family needed at least two cooked meals and each time cooking was a long time-consuming process. In the absence of any storing facilities, shopping for food was a daily exercise. Thus, on the whole, for a woman with a

10. Supra 7 at p. 93.
normal sized family, household tasks constitute a full day's work and the majority of the women in the sample were married women with children. Since the majority of these women did a full day's work for wages, it would be natural for other members of the family to help them in their domestic tasks or free them of the responsibility of domestic work as seen in the case of male workers. Indeed, the extent to which they got this help indicates the status of the woman as a worker in the family. The status of the woman was determined by allotting marks to each woman according to the help she received in certain household tasks. The more important tasks were cooking, washing, cleaning, child rearing and shopping, especially buying essential food supplies. For most tasks, it was a common practice to utilize the services of minor children as the woman exercised a natural authority over them, but this was obviously at the cost of children's training and education which the woman considered a cost of themselves. A system of allocating marks was evolved for each of the tasks considered.

She did it by herself                  - 1
her minor children helped her          - 1
the minor children did it independently -
some adult helped her                  0
some adult helped her minor children   - +
some adult did it independently        + 1
The possible score for each woman could range from -6 to +4 in the four tasks under consideration - cooking, washing and cleaning, child care and shopping.

Table 2.4
Frequency Distribution of women by their score in each of the Different Tasks

<table>
<thead>
<tr>
<th>Score in each task</th>
<th>Cooking Others and washing Others</th>
<th>Child rearing Others</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Unmarried</td>
<td>Unmarried</td>
<td></td>
</tr>
<tr>
<td>-1</td>
<td>-</td>
<td>55</td>
<td>1</td>
</tr>
<tr>
<td>-1</td>
<td>-</td>
<td>133</td>
<td>-</td>
</tr>
<tr>
<td>-</td>
<td>-</td>
<td>45</td>
<td>-</td>
</tr>
<tr>
<td>0</td>
<td>17</td>
<td>41</td>
<td>31</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>8</td>
<td>5</td>
</tr>
<tr>
<td>1</td>
<td>57</td>
<td>23</td>
<td>42</td>
</tr>
<tr>
<td>Does not apply</td>
<td>5</td>
<td>16</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>81</td>
<td>316</td>
<td>81</td>
</tr>
</tbody>
</table>

As the table shows, cooking was primarily a married woman's responsibility and the only help she received was from her minor children. Not more than 30 per cent of them received any help from an adult in any of these tasks. Cooking was the most time-consuming, immediate and regular

11. Supra 7 at p. 105
task in the family, child rearing on the other hand, was not a major problem since the younger children could be taken to the place of work while the slightly older ones could be left in the care of any member of the family or in the neighbourhood. Nearly 20 per cent of the women working ten hours or more a day, still bore the responsibility of cooking when they got back home. This was also true of nearly 40 per cent of the women who worked between seven to nine hours a day without a holiday on Sundays. It is important to note that most of these women did not get a weekly holiday - neither the domestic servants, nor the piece rate workers who could take a day off only by sacrificing their day's earnings.

Percentage of women by their Hours of work and the help they received in cooking

<table>
<thead>
<tr>
<th>Weekly hours of work</th>
<th>No help</th>
<th>Children help</th>
<th>Other help</th>
</tr>
</thead>
<tbody>
<tr>
<td>42 or less</td>
<td>50.00</td>
<td>17.50</td>
<td>32.50</td>
</tr>
<tr>
<td>43 to 63</td>
<td>37.50</td>
<td>26.25</td>
<td>36.25</td>
</tr>
<tr>
<td>64 and above</td>
<td>19.77</td>
<td>27.50</td>
<td>52.73</td>
</tr>
</tbody>
</table>

The amount of help that a woman received was not related to her contribution to the family income. In fact, the greater her financial responsibility, the more were her

12. Supra 7 at p.106.
household duties, and the only help she could count on was of her young children. Only the unmarried workers were not overly burdened by household duties, while the other women, especially widows and deserted women had to shoulder all the responsibilities.

Table 2.5

Percentage of Distribution of Women by their share in Family Incomes and Total Scores in the Four Tasks - cooking, washing and cleaning, child Rearing and Shopping.13

<table>
<thead>
<tr>
<th>Since in family income (Percentage)</th>
<th>All tasks by herself or with children help: negative score</th>
<th>Some others help but total score</th>
<th>Other help score 0</th>
</tr>
</thead>
<tbody>
<tr>
<td>50 or less</td>
<td>7.84</td>
<td>55.29</td>
<td>36.86</td>
</tr>
<tr>
<td>51.0 - 66.6</td>
<td>16.98</td>
<td>56.60</td>
<td>26.40</td>
</tr>
<tr>
<td>66.7 - 100.0</td>
<td>20.51</td>
<td>62.81</td>
<td>18.87</td>
</tr>
<tr>
<td>All</td>
<td>11.66</td>
<td>56.29</td>
<td>31.34</td>
</tr>
</tbody>
</table>

Interestingly enough, while the average score of all the 400 women in the four tasks together was -1.0, the score of the married out-workers was as low as -1.79. This is to say, the workers who were at home all the time because their wage work was also done at home, received even less help than the others who worked outside the home. This was partly because their work load was uneven and they had no

13. Supra 7 at p. 106.
regular hours, and partly because of the fact that a person who went out of the house formed other relations and associations, and this gave her greater recognition in the eyes of the members of her family.

The ILO workers with Family Responsibilities Convention 1981 (N. 156), stipulates that all measures compatible with national conditions must be taken to enable men and women workers with family responsibilities to meet their obligations at the work place. In relation to their dependent children and other members of their immediate family who need their care and support and at the same time exercising their right to free choice of employment, their needs should be taken into account in terms of conditions of employment and in social security and community planning, the ILO instrument underlines. The convention stresses the development of community facilities, public or private, such as child care and family services. The recommendation (N. 165) which replaces Employment (women with Family Responsibility) Recommendation (N 123 1965) indicates what concrete measures are to be taken as regard national policy, training and employment, child care and family services and facilities, social security and help in exercise of family responsibilities. The section on terms and conditions of employment includes both general measures (progressive reduction of daily hours of work and reduction of overtime, more flexible arrangements as regards working schedules and holidays)
and specific measures such as parental leave or the possibility of obtaining leave of absence in the case of illness or a dependent child or of another member of the worker's immediate family.14

II Resultant Effect on Children

The effect of woman's employment on the family may be broadly classified into relations with and effects on children and husband. It is well recognised fact that children need the care and attention of the mother, at least during the first few years. The fact that mother is away at work for major part of the day tells upon the growth of children, both physical and mental. In the absence of proper factory creches, the children have to be left to the care of elder children, or relatives, if any, or to neighbours.

In India, there is no such provision like child rearing leave. After maternity leave women again start their work and devote most of the time on job outside home. This directly effects the development and health of child as this is the period when child needs much care. Sometimes the child is left under the care of some elderly person in house. If there is no elderly person in home, then the children are left with 'ayahas'. Most of the working mothers, do not have pleasant experience with 'ayahas'.

(a) Child Rearing

Among the 125 countries for which information is available, only 25 countries provide women with the responsibility of taking child rearing leave after the period of statutory maternity leave is over. The length of this leave ranges from 15 days to three years. The age of the child is also a determining factor; six developing countries provide leave from 15 days to one year. Among market economy countries, 11 provide child rearing leave ranging from one month to three years. This leave is usually unpaid. In socialist countries it is partially paid. In Bulgaria, working mothers are paid the minimum basic wage for six or eight months, while single mothers receive increased benefits until the child is 2 years old. In USSR it is partially paid. In Poland it may be extended up to three years. In Hungary, a mother receives a monthly allowance during the period of child rearing leave.15

Most mothers in the developing world are already doing the most they can for their children within the resources of time, energy, income and knowledge available to them. Increasing these resources is a prerequisite of drastically improved health for children and for mothers themselves.16

to eat. If properly fed, there is no difference in average growth between people of different continents. Because so many women have too little food and too much work, they often fail to gain sufficient weight during pregnancy. The result is the physical depletion of the mother and a greater risk of low birth weight. Maternal nutrition can lead to low birth weights which are associated with a 30 per cent greater risk of infant death. In the developing world half of all women aged 15 to 49 suffer from anaemia. Among pregnant women, the percentage is very much higher.

A study has been undertaken to determine how low employment affects breast feeding, specifically the relative importance of timing of return to work, number of hours worked, the importance of breast pumping, mother's perceptions of the impact of employment, and whether recommended patterns are possible for employed women. The respondents reported their experiences for one or more of their children, and the study covered 676 mother-infant relationships. The result showed that most women returned to work six to twelve weeks after birth. The timing of the return to work seemed to have the most effect on the weaning of the child. It was seen that weaning before one year of age was most common when the mother returned to work before the baby was 16 weeks old. The weaning age was found to be influenced less by breast feeding than the employment pattern and the timing of the return to
work. In conclusion, it was found that by establishing an adequate milk supply before returning to work, and planning how to effectively manage the feeding relationship, some employed mothers can continue to follow recommended patterns, thus preserving optional infant nutrition and enjoying the closeness that the relationship affords.  

Child Care

Working mothers are not able to give proper attention to their children. Infants and primary school going aged children need extra attention and care from their parents. Children are neglected. According to an enquiry in the jute industry, out of 97 young children of 276 working mothers, 47 were kept in the creches, 44 were looked after by other members of the family and remaining six were attended to by neighbours or left to themselves.

It is well known that the practice of 'doping' with opium is not uncommon, though the extent of this practice is not unknown. In the jute industry according to one of the branches of the Bengal Provincial National Trade Union Congress, very few workers dope their children. Such

17. Id. at 37.
practice will only retard the growth of children. Want of proper parental care increases the possibility of the children becoming delinquents.\(^{19}\)

According to a few selected respondents employment of married women had certain ill effects on the family. These were (i) children were neglected particularly so in the case of infants and primary school going aged children. Mother's primary responsibility is the upbringing of the children. But this fundamental and most important function receives a blow as the mother leaves the same in the morning either with the child or without the child for work. In either case, the child is neglected.\(^{(ii)}\) Then the other children in the age group of 10-12 years are also prevented from attending the schools as they are to take care of the young children left behind by their mothers. But for this the education of these children would not have suffered.

**Table No. 2.6**

<table>
<thead>
<tr>
<th>Groups</th>
<th>Employed</th>
<th>Unemployed</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
</tr>
<tr>
<td>Adult males</td>
<td>380</td>
<td>45(97)</td>
<td>19</td>
</tr>
<tr>
<td>Adult females</td>
<td>160</td>
<td>19(38)</td>
<td>258</td>
</tr>
<tr>
<td>Male children (15-18 years)</td>
<td>120</td>
<td>14(36)</td>
<td>210</td>
</tr>
<tr>
<td>Female children (15-18 years)</td>
<td>90</td>
<td>11(32)</td>
<td>190</td>
</tr>
<tr>
<td>Male children (14-16 years)</td>
<td>50</td>
<td>6(21)</td>
<td>210</td>
</tr>
<tr>
<td>Female children (14-16 years)</td>
<td>45</td>
<td>5(17)</td>
<td>215</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>845</td>
<td>100(44)</td>
<td>1075</td>
</tr>
</tbody>
</table>

20. Supra Note 4 at p.107.
21. Id. at 108.
According to the study of Tata Institute of Social Sciences nearly 16 per cent of the married women with children felt that they could not devote enough time to their children because they were in employment.  

In the organised sector also there is not sufficient arrangement for creche facilities. The children of working women are generally seen playing or helping their parents. In the unorganised sector situation is worse. The contractors do not feel it their responsibility to provide welfare facilities like creche for babies. Consequently, babies lie on sand piles or on earth or even on stones which are dusty, dirty and dangerous to play around for toddlers. A nearby tree is used as a cradle with fathers turbans tied to branches in which youngers are dangled sitting or sleeping on road sides.

Creches

In unorganised sector no creche facilities are provided and children lie about on sand piles, grass or earth. Young children of age between two and six year are generally found playing under the trees or they can be seen loafing on the roads. Children of this age, specially girls, take care of their younger brother and sisters. Children of school going age help their parents in their work.

In organised sector employers mostly try to circumvent the conditions in such a way so that they can be free from

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22. Id. at 104.
the liability of providing creche facilities. Where it is provided, the facilities are reported to be inadequate and no free nourishment is given to children.

Medical help

In unorganised sector medical help is neither available to workers nor to their children. In organised sector where medical help is given it is inadequate.

Shelter Rooms

In unorganised sector there is nothing like shelter rooms. Women workers sit under the trees or on sand or earth to feed their children and relax. In organised sector either the rest rooms or shelter rooms are not there or they are in such a condition which is unfit for human use.

Child Education—Schooling

In unorganised sector it is difficult to think of having facilities like schooling where basic facilities like creches and medical help are missing. In organised sector, in very few establishments schooling facility is made available to the children of workers.

"Savitri is working in construction work at Patiala University. She seems to be more awakened than her other colleagues as others did not show any interest in the education of their children. It seems that they have accepted this fact that labourers child cannot be anything but labourer. Savitri told in interview that she sent her child to the nearby school
but as the education is very expensive she had to drop her child from school. Another reason for this was that she was not sure whether she could continue her child's education because when the work of contractor finishes at one place, they have to move to another place where the schooling facility may or may not be there.23

The survey made in Calcutta24 reveals that in the sample, the rate of child mortality was quite high. Nearly 13 per cent of all children born alive died before the age of one and over a quarter of the children died before reaching five years of age. In this sample there was considerable improvement over time - children born between since 1970 had a much higher expectancy than those born between 1960 and 1970 and a still higher expectancy than those born before 1960. The current estimate (at the time of study) of infant mortality for the whole of West Bengal was only 8.07 deaths for 100 live births within one year of birth and the figures obtained from this sample were consistently higher than this figure. Among the children born since 1970, the mortality rates for infants and children of unskilled working mothers were significantly higher than among the rest. This may be partly due to the differences in family incomes and partly due to the differences in cultural backgrounds. A striking feature was the high incidence of miscarriage among skilled

23. Interview was made by Researcher at Patiala District of Punjab in April 1985.
24. Supra Note 7 at p.95.
workers. It may be possible that following 1970, a significant percentage of miscarriages could have been induced as part of the family planning drive, though a certain extent, it could have been a result of the long hours of these skilled workers spent on their sewing machines throughout the year.

Even if women could do little to improve either their own or their children's health or their surroundings, they could use their income to provide the child's better education. But in this direction, too, they achieved little. The West Bengal Government records indicate that by 1975-76 for male children in the age group 6 to 11 years, entry into primary schools was nearly universal whereas for female children, it was over 60 per cent. In this study, however, not even half the male children and only about 1/3rd of the female children between 6 to 11 years of age attended primary school. Those who did manage to attend school showed lower rates of drop outs as compared to the total West Bengal average of 33 per cent or more. Official records for West Bengal reveal that nearly half of all the boys and a quarter of all the girls in the 11 to 15 years age group were in secondary schools. The comparable figures in the sample were 20.5 per cent for boys and 17.5 per cent for girls. On the whole, 55 per cent of all the living children of these women were illiterate. Apparently, these children had not been able to take much
advantage of this expanding educational facilities in the region. Added to this was the disturbing fact that several women had been compelled to send their children who were below 15 years of age to work.

Table 2.7
Minor Working Children of Interviewees by their Ages

<table>
<thead>
<tr>
<th>Age in years</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>-</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>10</td>
<td>-</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>11</td>
<td>-</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>12</td>
<td>4</td>
<td>14</td>
<td>18</td>
</tr>
<tr>
<td>13</td>
<td>4</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td>14</td>
<td>5</td>
<td>12</td>
<td>17</td>
</tr>
<tr>
<td>15</td>
<td>6</td>
<td>14</td>
<td>20</td>
</tr>
<tr>
<td>Total</td>
<td>19</td>
<td>47</td>
<td>66</td>
</tr>
</tbody>
</table>

This table does not include children who worked only part-time or occasionally. Nor did it include the vast platoon of female children who helped their mothers regularly in the latter's occupation and/or performed some household tasks like cooking or baby sitting.

The present statutory provisions for Creches take away more than 75 per cent of the registered factories from the

25. Supra Note 7 at p. 97.
purview of the Act. In most of the cases employers try to circumvent the conditions in such a way so that they do not have to provide facilities required under the Act. The survey made in Surat (Gujrat) Textile Industries reveals that such facilities are not available because there is no statutory requirement if the number of working women is less than thirty. These women leave their children at home.26

Most mothers27 in the developing world are already doing the best they can for their children within the resources of time, energy, income and knowledge available to them. Increasing these resources is a prerequisite of drastically improved health for children - and for mothers themselves.28

Malnutrition

Most girls and women in the developing world do not get enough to eat. If properly fed, there is no difference in average growth between peoples of different continents.

Pregnancy

Because so many women have too little food and too much work, they often fail to gain sufficient weight during pregnancy. The result is the physical depletion of the mother and a greater risk of low birth weight.

26. The Survey was made by the Researcher in three Mills of Surat: Himson Group (Textile mill), Garden Mills and Raj Kumar Mills. None of these mills provide for the creche facilities as distribution is made in such a way that no unit employes more than 25 or 28 women.


28. Ibid.
Low birth weights

Maternal malnutrition can lead to low birth weights which are associated with a 30 per cent greater risk of infant death.

Many children

Too many pregnancies too close together undermine the health of both mother and child. Child deaths are typically twice as high when the average interval between birth is less than two years.

Anemia

In the developing world half of all women aged 15 to 49 are suffering from anemia. Among pregnant women, the percentage is very much higher.

III Women Welfare

Welfare work for women is essentially different from that for men because the woman is quite a unique social entity, psychologically and physically. She is subject to the disability of bearing children which requires pre and postnatal rest for a long period. According to an ILO Report, worker's welfare covers such "services, facilities and amenities which may be established in or in the vicinity of undertakings to enable the persons employed in them to perform their work in healthy, congenial surroundings and provided with amenities conducive to good health and higher morale."²⁹

(a) Mental and Physical Health

Working outside home and doing household chores inside home affects the health of women both mentally as well as physically. In organised sectors normal working day for every worker (including woman) is of nine hours. Before going for work, they have to cook, clean and wash. Sometimes household help is available but that too is not reliable. Women has to finish every household job herself before leaving for work. In the case of married women and woman with children, stress and strain of work is more. After coming back from work, she has to look after her children, cook dinner and to do certain other jobs till she is totally exhausted. This routine does not exhaust her physically only but it effects her mental health also. At her work place, during working hours she keeps on thinking about her ill child or about other jobs which she could not complete before coming to work. Promila's case is a very appropriate example at this place. Promila works as a typist in government department. Her job requires her to work from 9 A.M. to 5 A.M. She is unmarried and living with her parents and brothers. She gets up early in the morning at about 5 A.M., sweeps the floors, washes clothes, cooks breakfast for herself and family and prepares and packs lunch for herself and her brothers who are also working.

30. Interview was conducted by the author at Chandigarh
Her job finishes at 5 P.M. She goes to market for shopping and reaches home at six or little after that. She prepares tea and also starts preparing dinner. She gets free from her day’s work at 10 P.M. or little after that. She is totally exhausted by that time. This routine goes on and on. This kind of pattern is affecting her health physically as well as mentally. Stress and strain of work is always there.

Promila finds herself in a better position as compared to her married colleagues. Renu works in the same department and life for her is not easy. Her job is at Chandigarh and her husband and in-laws are at Patiala. She daily comes from Patiala and joins her duty at 9 A.M. She has to start at 7 A.M. from Patiala to reach at 9 A.M. at her work place. She gets up at 4 A.M., cooks breakfast and lunch for all the family members. Besides cooking, she does washing and sweeping also. Her job finishes at 5 P.M. and she reaches back home at about 7 P.M. She prepares tea for everybody and after tea it is time to prepare dinner. Her mother-in-law does not help her as she thinks it is the job of daughter-in-law to do all household chores. Renu has to tolerate abuses and scoldings from her mother-in-law sometimes for not preparing dinner in time or sometimes for reaching home late. Fear of mother-in-law’s abuses always remains with her. She is always under mental tension.
These two cases illustrate the life of the most of the working women. This is not enough. Situation is worse in case of women with children. Besides all other jobs, they have to look after their children's needs and education etc.

(b) Entertainment and Enjoyment

With all this heavy routine women hardly get any time for entertainment and enjoyment. There is hardly any time for picnics or theatres. The only time which they get for entertainment and enjoyment is family get togethers, marriages or other functions in family. Television or theatres are not within the reach of everybody. Where there are televisions in homes, women seldom get time to see its programmes. Even if they are seeing the television, they are found working at the same time like cutting vegetables, knitting etc. During off days and holidays, they have to complete all the pending jobs. Attempts are being made to provide some sort of entertainment and social awakening through media. Radios and televisions are coming up with programmes which are both entertaining and educative. But very few women have time to avail this facility.

Savitri\(^{31}\) is a labourer and works in construction work. She had her colleagues Sobti and Samberi have never seen any movie. They cannot think of any entertainment or enjoyment. The only entertainment which they have is small two band transistor.

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31. Interview was made by author at Patiala.
(c) **Respect and Recognition of Women's Work**

Now the question is whether after making so much sacrifice of herself, woman gets respect in the family or there is some sort of recognition of her work. There is no doubt about the fact that women's income add to the family income. Income of the male members is not sufficient to meet the needs and necessities of family. In organised sectors, government departments and unorganised sectors, women work due to economic reasons. Their sacrifice is to uplift the status of family and to provide better facilities and education to their children. Sometimes, women want to work not only due to economic necessity but due to inner urge to do something, to maintain their individuality and identity and to make use of their qualifications and abilities.

Does she get respect for doing all this? She works hard to make some contribution in house income and certainly she makes contribution to society also. In home, she is seldom respected for doing her work. Whether she works or not, in our male dominated society, she has still the place inferior to man. Male considers her inferior and treats her not as his equal. Where husband and wife have same job, still husband treats his wife as something inferior, although in reality she is not. There are cases where wife is more educated and intellectually more strong. But those qualifications and qualities of her become disqualifications as far as her status in home is concerned. Husbands feel threatened
from such wives and to conceal their weakness and inferiority, they start snubbing and harrassing their wives. Husband and family feels happy when wife brings her salary and adds to family income. Sometimes, husband really wants her wife to work because of economic necessity. But that is all. He wants, she works and brings money. No respect. No recognition.

At the workplace, woman suffers from the biased attitude of her employer and her colleagues. Employers attitude is that women are less efficient than their male counterparts. They prefer male than female worker due to certain reasons:

1. Absence during pregnancy.
2. Maternity leave and other benefits.
3. As woman have to take responsibility of family members and children, they are likely to be absent more on account of illness of children or other urgency at home.

Besides this, male domination and male sense of superiority is so deep rooted that employers and male colleagues treat their woman colleagues as inferiors, less intelligent and less efficient. But in reality women are not less efficient rather they have more sincerity towards their job and work.

The surveys\textsuperscript{32} made at Surat in Textile mills and in some villages of Punjab reveal that women's work is equal

\textsuperscript{32} Survey was made by author.
to that of man. Her efficiency and capabilities are no
where less than her male counterparts.

Next question is regarding recognition of her work
in home. Does her working outside home for 9 or ten hours
get some recognition? Again, the situation is that husbands
and family members consider that primary duty of wife is to
look after her family and children. It is woman’s job to
cook, wash, sweep and to look after children and other old
members of the family. A very few husbands and family members
are considerate and help in doing household chores. Study
of few cases reveals that woman is still treated like a slave
and her work is not recognised. Here is a case of a woman
who is working as an officer in some government department.
Shashi is working as an officer. Her mother-in-law and
husband are not happy with her because she does not give
them her salary. Although she cooks and does all household
chores before leaving for job and after coming back from job.
She has to travel daily and it is one hour journey from her
place of residence to place of work. Her relations with her
husband and mother-in-law are very strained because they do
not want her to work. They want her to remain within the
four walls of house so that if she is maltreated she could
not raise her voice. Shashi says that they are doing so
because she is not giving them any money out of her salary.
If she gives her salary to her mother-in-law which will
certainly please them but will certainly leave her without any money.

When a woman gets late on account of her job, she never finds herself waited with concern by her husband or family members. Rather suspicion and doubts are always there.

IV Women Labour—Effects on Male Employment

The effect of women's employment on the community may be conveniently classified under two categories viz; economic and social. The immediate economic effect would be on the employment situation to the extent that women perform jobs that can be and are usually done by men i.e. women's employment will mean replacement of man, specially in a country where there is surplus manpower.

(a) Problem of Unemployment and Under Employment

The most significant feature of the Decade (1976-85) is that the growth of the female labour force has steadily outplaced that of males, according to estimates, and will continue to do so at least until the end of the century. What needs to be borne in mind is that despite the economic recession in the late 1970 heralding high unemployment, women not only maintained their share in the labour market but also increased their numbers. In 1975, when the International Women's year was declared, the total number of economically active women in the world was approximately 575 million, and according to ILO estimates it should increase to 675 millions
by 1985, that is by about 100 million women. Thus each year, ten million women joined the labour force and entered into paid employment.  

According to ILO projections, during the period 1985-2000, the annual increase in the female labour force is expected to reach a level of 13 million a year. This change, coupled with new technologies, will further induce adjustments in the institutional infrastructure. Thus towards the end of the century, this marked increase in the number of women in paid employment will transform the workplace, so that the economic contribution of women will become not only visible, but more significant.  

Recent analysis reveals that from 1975 to 1982 male participation rates in OECD Countries declined by 2.4 per cent, while female participation rates increased by 4.8 per cent. It is not clear, however, in which economic sector women are getting jobs. The trend is towards feminisation of jobs in the service sector. Age specific participation rate changes have also occurred since 1975 with older workers (aged 55 and over) and teenagers showing declining labour force participation women's increasing participation in the  

34. Women at Work, Geneva, ILO, No.2, 1984, p.6  
labour force, as well as the decreasing participation of men of certain age groups are reflections of major transformations presently under way in industrialised countries. Some of these changes seem to have a lasting character, such as the modification of family structures and the resulting high number of single headed households, the overall increase of the educational level of women and low fertility rates, to name only a few.

A glance at the unemployment rates in industrialised market economy countries reveals that in spite of women's impressive gains in the labour market, it is they who carry a disproportionate share of unemployment. In most OECD Countries Women's unemployment rates are higher than men's; for women workers are as affected by the consequences of macro-economic, demographic and structural changes leading to unemployment as are men but in addition they suffer specific constraints as workers. In other words, women's unemployment rates are caused by the accumulation of factors related to gender.

(b) Family tension leads to multifarious problems with male at work

Employment of women has two fold effects on male employment: one, it increases the family income; two, it increases family tensions also. It is true that work of woman has become very important due to economic reasons and
it is helping to raise the standards of family. It has some negative effects also. As women devote most of the time in their jobs, they, cannot pay much attention to household jobs, motherly duties and wifely duties. This creates tension between husband and wife and family atmosphere becomes disturbed. When both the partners, husband and wife, work for same hours, they come back home totally exhausted. Husband still wants her wife to look after the house properly and everything should be according to his wishes and wants. As wife also comes back home tired and exhausted, she becomes less tolerant of different moods and whims of her husband and family members. This creates a troubled situation and has its effects on both male and female at work. In situations, where husband wife work at different places, one of them has to travel daily. In most of the cases it is husband who travels daily. Of course, in some situations wife also travels daily. This daily travelling or living at different places unsettles family life and give rise to family tensions. These family tensions have a great effect on persons and they face problems at work.

V Labour Productivity

In emerging urban modern sector occupations, most Asian Women were found in sales and services work, and more recently, in export manufactures and industries. Moving to women's economic contribution from conventional employment,
the paid nature of their contributions are more readily traceable both at the household and national levels. But the earlier non-publication of gender-disaggregated labour force and other socio-economic data has left the impression that family and national incomes are overwhelmingly earned by males, while overlooking the economic significance of women's paid employment. However, accounts of the industrialisation experience of Japan and the NIC's reveal that as in industrializing England, women provided the resource necessary for the expansion of factories and the economic growth of these countries. Similar roles are played today by women in other South East Asian countries that have increasingly adopted export led industrialization strategies and manufacturing work that depend heavily on women workers. Though semiconductors, garments, toys and other crafts manufactured by women increasingly account for increases in national revenues, little reference is made to contemporary Asian Women's roles in their countries economic development. Women's frequently noted burden of the "double day" feeds on existing sexual prejudices in the labour market, and jeopardizes women's ability to gain an equal share of employment, earn or increase their increases, and develop and control their own lives. Women continue to have less access to education and training which in turn limit their participation in the economy. There is a higher school drop out rate for
females than males and the participation rate for women in non-formal training programmes is generally low except in traditional areas such as nutrition and sewing.\(^{36}\)

In its discussion of how best to mobilise the reserves of female labour for development, the group emphasised that the extent and nature of women’s contribution to the national economy varied between developing countries partly because the countries had reached different stages of economic development, partly because they had different types of economic and social structures and customs and partly because of basic differences in policy orientation. The task of securing better integration of women in national development could thus not be achieved by applying one uniform world strategy. In each country the Govt. needed to find ways and means to work out and implement an appropriate type of national strategy, related to the stage of development, the economic and social structure and the special cultural, social and economic factors existing in that country.\(^{37}\)

The poor peasant women have hardly any means of production in their possession. Even the small land holdings

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37. Ibid.
and the few head of cattle owned by their families are mainly men's property. They own those basic means of production which were necessary for the daily consumption and subsistence work in the household: utensils and cooking implements. The main means of production of the women are their own bodies, their arms, hands, faces and heads. Their productive forces, apart from their physical energy, are the various skills they have acquired over hundreds of generations in subsistence production in the fields and the house.

The group pointed out that following were some examples of co-ordinated programmes for women's integration in development which Govt. might consider:

1. These programmes should not only train people but should also improve marketing systems, thus avoiding having female participants in such programmes eventually discover that they could not sell the products they had been taught and encouraged to produce either because the links to the market had not been provided or because national or export markets for these types of products were too limited to absorb expanding production. It was necessary to create marketing links and credit facilities simultaneously with the establishment of training facilities, and training and production had to be adopted to demand.

38. Supra Note 3 at p. 7.
2. Co-ordinated programmes of training, vocational guidance and the creation of job opportunities for women. Experience had shown that neither the establishment of training facilities nor the vocational guidance services was sufficient to increase the participation of women in development, unless simultaneous efforts were made to provide employment opportunities for women within the fields to which they had been guided and trained, and for that the group felt that a co-ordinated programme was absolutely essential. It was noted that in some cases there was lack of commitment among women workers, which affected their performance and contribution to prejudice against their employment. To combat that it was necessary to teach women in schools, by mass media in other ways. At the same time, Govts, and other employers of female labour force by discriminatory practices in relation to their employment opportunities, promotion and so on.

(a) Labour Productivity increases in some specialised trades

There are instances where employer himself feels that in particular jobs it is better to employ women as increase in productivity is there. In plantations, woman employment is more. Woman are considered more efficient in plucking and sensitive finger work. Woolen mills, handloom and handicrafts departments of Government get most of the work of embroidery and weaving done by women. Very famous tailors
in big cities are earning lot of money for their neatness and perfection in stitching. But in reality, they are making their name and money at the cost of unknown class of women who stitch clothes for them on contract basis or at very low rates. Nursing and teaching are another two professions where women are considered more efficient and are preferred.

(b) Progenity affects Labour Productivity

There is no doubt that in certain jobs women are preferred and considered more efficient than men. In other jobs, employers sometimes feel that employment of women is affecting labour productivity adversely due to their long absenteeism on account of pregnancy or ill health of child. Employer has to find a substitute in place of a woman who proceeds on maternity leave. Besides this, extra burden of giving maternity benefit is also there. Employer's attitude is that woman with children or married woman is likely to be absent more than the male or unmarried woman. This reasoning for indifferent attitude of employer towards woman is overruled by Supreme Court in Air Hostess case.

(c) Bulk of Woman Workers - impact on Labour Productivity

Employer's views regarding the comparative efficiency of men and women workers in occupations common to both of them were collected by Labour Bureau in the course of its...
study. It was observed that even for the same occupation, the employers, in some cases, expressed divergent views regarding the efficiency of men and women workers. This difference in opinion among employers was partly due to the varying standards of work in their factories and partly due to their personal outlook towards the employment of women. The study revealed that in almost all the main occupations in which women workers were predominantly employed, they were either as proficient as their male counterparts or were even more efficient, in some cases, than the corresponding men workers.

VI National Policy

(a) Policy regarding Women Employment

One of the aims of the Constitution of India is to achieve equality of sexes in wages. Part IV of the Constitution containing the Directive Principles of State Policy, set forth these aims. Unlike the fundamental rights, these provisions cannot be enforced by any court. According to Article 37, Directive Principles, though they are fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making law, are expressly made non-justiciable. These Principles can

be invoked to persuade or pressurise the government to implement welfare measures through public education or mass movements. The Directive Principles affecting the women are laid down in Article 39(a) and (d). Article 39(a) provides for 'Equal right of men and women to adequate means of livelihood. Article 39 (d) provides for Equal pay for equal work for both men and women. Article embodies the general principles of equality before law and prohibits any discrimination on grounds of religion, race, caste, sex or place of birth between citizens. Article 14 embodies the idea of equality expressed in the Preamble. Article 14 declares that the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India. Article 15(3) provides for special provision for women and children. It says that nothing in Article 15 shall prevent the state from making any special provision for women and children. The reason is that "woman's physical structure and the performance of material functions place her at a disadvantage in the struggle for subsistence and her physical well-being becomes an object of public interest and comes in order to preserve the strength and vigour of the race." Under Article 42 women workers are given special maternity relief and a law to this effect will not infringe Article 15(1). Again it would not be a violation of Article 15 if educational institutions are

40. Muller V. Oregon, 52 L. Ed. 551.
are established by the State exclusively for women. The reservation of seats for women in a college does not offend against Article 15(1). In Yusuf Abdul Aziz Vs. State of Bombay, section 497 of the Indian Penal Code which only punishes man for adultery and exempts the woman from punishment even though she may be equally guilty as an abettor was held to be valid since the classification was not based on the grounds of sex alone.

Article 16 guarantees equality of opportunity to all citizens in the matter of appointment to any office or of any other employment under the State. No citizen can be discriminated against or be ineligible for any employment or office under the State on ground only of religion, race, caste, sex, descent, place of birth or residence.

The Supreme Court, in Randhir Singh vs. Union of India, has put more force in the Directive Principle of 'Equal pay for equal work'. The Court held that though equal pay for equal work was not a fundamental right, it was a constitutional goal. This principle could be read into the fundamental rights while interpreting law. So the equal pay principle in Article 39(d) can be read alongwith the fundamental rights to equality.

contained in Article 14 and 16. The judgment delivered by Mr. Justice O. Chinnappa Reddy as he then was observed to the vast majority of people, the equality clauses of the Constitution would mean nothing if they are unconceived with the work they do and the pay they get. To the equality clause will have some substance if equal work means equal pay. Justice Chinnappa Reddy observed that it is true that the principle of 'equal pay for equal work' is not expressly declared by our Constitution to be a fundamental right, but is certainly constitutional goal. Article 39(d) of the Constitution proclaims "equal pay for equal work for both men and women" as a Directive Principle of State Policy. 'Equal Pay for equal work for both men and women' means equal pay for equal work for everyone and as between the sexes. Directive Principles, as has been pointed out in some of the judgments of this court have to be read into the fundamental rights as a matter of interpretation. Article 14 of the Constitution enjoins the State not to deny any person equality before the law or the equal protection of the laws and Article 16 declares for all citizens in matters relating to employment or appointment to any office under the State. These equality clauses of the Constitution must mean something to everyone. To the vast majority of the people the equality clauses of the Constitution would mean nothing if they are unconcerned with the work they do and the pay they get. To them the
the equality clauses will have some substance if equal work mean equal pay.... The Preamble to the constitution declares the solemn resolution of the People of India to constitute India to a Sovereign Socialist Democratic Republic. Again the word 'Socialist' must mean something. Even if it does not mean 'To each according to his need', it must at least mean 'equal pay for equal work'.... The Preamble of the Constitution of the International Labour Organisation recognises the principle of equal remuneration for work of equal value as constituting one of the means of achieving. The improvement of condition "involving such injustice, hardship and privation to large number of people as to produce unrest so great that the peace and harmony of the world are imperilled." Constituting Article 14 and 16 in the light of the Preamble and Article 39(d), we are of the view that the principle 'Equal pay for Equal work' is deducible from these Articles and may be properly applied to cases of unequal scale of pay based on no classification or national classification though those drawing the different scales of pay do identical work under the same employer."

The Equal Remuneration Act was passed in 1976 to ensure that there was no discrimination in pay on the grounds of sex only. The Act provides for setting up of advisory committees by the Government to provide more employment opportunities for women. No employer shall pay to any worker,
employed by him in an establishment or employment, remunera-
tion at rates less favourable than those at which remunera-
tion is paid by him to the workers of the opposite sex in
such establishment or employment for performing the same
work or work of a similar nature.\textsuperscript{44} No employer shall,
while making recruitment for the same work or work of a
similar nature, make any discrimination against women
except where the employment of women in such work is prohi-
bited or restricted by or under any law for the time being
in force.\textsuperscript{45} The Act further provides for increasing employment
opportunities for women. It says\textsuperscript{46} that appropriate Govt.
shall constitute one or more Advisory Committees to advise
it with regard to the extent to which women may be employed
in such establishments or employments as the Central
Government may, by notification, specify in this behalf.
Every Advisory Committee shall consist of not less than ten
persons, to be nominated by the appropriate Government, of
which one half shall be women. In tendering its advice, the
Advisory Committee shall have regard to the number of women
employed in the conceived establishment or employment, the
nature of work, hours of work, suitability of women for

\textsuperscript{44} Equal Remuneration Act, 1976, Section 5.
\textsuperscript{45} Ibid.
\textsuperscript{46} Id. Section 6.
employment, as the case may be, the need for providing increasing employment opportunities for women, including part-time employment, and such other relevant factors as the committee may think fit.

However, the benefit of equality conferred by the Act is not absolute and unconditional. Though the law prohibits any employer from making a distinction in wages between male and female employees, section 16 authorises restrictions regarding salaries if a declaration is made by the appropriate Govt. This clause could work against the interest of women employees as the air hostesses found to their regret. Section 16 of the Equal Remuneration Act, 1976 says that where the appropriate Govt. is, on a consideration of all the circumstances of the case, satisfies that the differences in regard to the remuneration, or a particular species of remuneration, of men and women workers in any establishment, or employment is based on a factor other than sex, it may, by notification, make a declaration to that effect, and any act of the employer attributable to such a difference shall not be deemed to be a contravention of any provision of this Act. Therefore, the Govt. can declare that the difference in wages, in a particular post is not based on sex and the courts have to accept it without enquiry. In the case of air hostesses, the Central Govt. had issued such a notification and declared that the differences in the remuneration of air hostesses and
flight stewards were not based on sex. The Supreme Court in its judgement stated that the declaration by Govt. completely concludes the matter. This rule could be used arbitrarily not only in public sector undertakings but also in private employment. The Govt. has only to issue a notification to shut out an enquiry by the courts.

The Constitution vide Article 23 of the Fundamental Rights, says: "Traffic in human beings and begar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law." "In people's Union for Democratic Rights and others Vs. Union of India, the Supreme Court held that it is not merely "begar" which is constitutionally prohibited by Article 23 but also all other similar forms of forced labour. This Article strikes at forced labour in whatever form it may manifest itself, because it is violative of human dignity and is contrary to human values. Even if a person has contracted with another to perform service and there is consideration for such service in the shape of liquidation of debt or even remuneration, he cannot be forced, by compulsion of law or otherwise, to continue to perform such service, as that would be forced labour within the inhibition of Article 23.

Where a person provides labour or service to another for remuneration which is less than the minimum wage, the labour or service provided by him clearly falls within the scope and ambit of the words forced labour under Article 23. It was observed by Justice Bhagwati that it is the principle of equality embodied in Article 14 of the Constitution which finds expression in the provision of the Equal Remuneration Act and if the Union of India, Delhi Administration or the Delhi Development Authority at any time finds that the provisions of Equal Remuneration Act 1976 are not observed and the principle of equality before the law enshrined in Article 14 is violated by its own contractors, it cannot ignore such violation and sit quiet by adopting a non-interfering attitude and taking shelter under the executive that the violation is being committed by the contractors and not by it.

**Formulation of New Labour Policy**

The basic principles to be followed in our labour policy are already laid down in the Directive Principles of the State Policy. These, interalia, include that there is equal pay for equal work for both men and women, that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter vocations unsuited to their age or strength and that the childhood and youth are protected against exploitation and against moral and material
abandonment. It is further provided that the State shall make provisions for securing just and human conditions of work and for maternity relief, that the State shall endeavour to secure by suitable legislation or economic organisation or in any other manner to all workers, work, a living wage, conditions of work ensuring a decent standard of life and that the State shall take steps to ensure the participation of workers in management of undertakings, establishments or other organisations engaged in any industry. These Directive Principles have inspired our labour legislation from time to time.

More specifically, the Approach Paper to the Seventh Five Year Plan, 1985-90 also provides, interalia, the need for reviewing the existing training programmes, training facilities in identified critical areas of shortage, provision of vocational and technical courses, formulation of a national wage policy, comprehensive legislation in respect of labour relations, possibility of organising labour welfare funds, especially for the unorganised sector, streamlining the administrative machinery for implementing the minimum wages for agricultural workers and measures to be taken to strengthen the organisation and bargaining power of agricultural labour, efforts for rehabilitation of physically

49. Ibid.
handicapped and need to identify the constraints affecting implementation of the legal provisions to project the weaker sections like bonded labour, landless agricultural labours, migrant labour, construction labour and women labour.

Recently, a series of meetings have been held in the Ministry of Labour on various issues concerning industrial relations, safety and health of workers, implementation of several labour laws and workers participation in management etc. Tripartite Meetings of the Central Committees on the various subjects and separate meetings with the representatives of the Central Trade Union Organisations and Employees Organisations have also been held.

(b) **Impact of women employment on Policy Framing - An Employment Approach**

Our Government should keep in mind our family system and social structure before making and regulating any employment policy. Employment of women should not lead to unemployment of men. Otherwise, it is going to affect our family systems. This will be disastrous. Society cannot escape itself if our family system gets destroyed. As the women employment is increasing, it certainly has the affect on the rate of male employment. Some families are becoming double income group and some families do not have any permanent income. Sometimes wife has permanent job and husband is not
able to get any job at all or is working at some temporary job where he has no job security. This type of situation is not going to have positive effects on our family system, family peace and on women themselves. It may lead to serious situation and may increase rate of crimes against women. The reason for this is obvious. In any male dominated society, men will never like to depend on wife's earnings. This kind of situation will increase frustration and result will be atrocities on women.

Secondly, it is very necessary to adopt some balanced approach so that it should not affect male employment in a way that male unemployment rate starts increasing. It will make some families very rich and some families even will not have any earning hand.