



# India's Labour Laws and their Impact on Women

Kona Vijaya Babu <sup>1\*</sup>, Dr. Atal Kaushik <sup>2</sup>

1. Research Scholar, Sunrise University, Alwar, Rajasthan, India  
vijayababukona@gmail.com ,

2. Assistant Professor, Department of Law, Sunrise University, Alwar, Rajasthan, India

**Abstract:** Over the course of its history, India's labour laws have undergone significant change in an attempt to achieve a balance between the advancement of the economy and the protection of workers' rights. Nevertheless, a significant concern is the potential impact that these restrictions may have on working women in particular. There are various challenges that women face in India's official and informal workforces, and this article examines the scope, effectiveness, and limitations of the laws that are in place to address these challenges. Certain essential regulations, such as those that protect women and their children from wage theft, equal pay for equal labour, prohibitions against sexual harassment in the workplace, and the new labour standards, are examined from a gendered perspective in this article. The findings of the research indicate that there are continuous implementation gaps, particularly in the unorganised sector, which is where the majority of women are employed. The structural issues that are addressed include, but are not limited to, unpaid care work, unsafe working conditions, an imbalance in wages between men and women, and a lack of social security. Using policy papers, legal studies, and implementation reports, this essay draws attention to the need of enhancing enforcement mechanisms and implementing labour reforms that are sensitive to gender issues. Even though there are legal safeguards in place, it is evident from the findings that women in India's employment need a more inclusive approach to labour policy in order to be empowered and protected. This is the case even if their rights are guaranteed by law.

**Keywords:** Labour, Women , Impact, Indian Workplace

----- X -----

## INTRODUCTION

Indian labour markets are complex and reflect the country's socioeconomic structure and culture. Women make up about half of India's population, a large yet often disregarded job component. Patriarchal social standards, a lack of opportunities for women to further their education and acquire marketable skills, and a general tendency for males to hold authority in male-dominated and financially rewarding fields have all limited women's workforce participation. In urban and rural regions, women remain over-represented in lower-paying, less-regulated, and less-organized jobs despite decades of gender equality laws. Most women work in low-paying, labour-intensive areas including agriculture, textiles, household, and handicrafts. Most women in cities work as housekeepers or in low-skilled service and manufacturing professions, while many in rural areas do unpaid home tasks or subsistence farming. This work is often unrecognised, thus workers don't have health insurance, social security, or other legal protections. Despite doing the same work as men, women are underpaid and undervalued. Women often earn less than men for the same labour in agriculture and industry, especially in rural areas.

Women still face gender discrimination in many workplaces, making it hard for them to grow, train, and lead. These discrepancies are worsened by poorly enforced workplace laws protecting women's rights. The

Equal Remuneration Act, Maternity Benefit Act, and recently modified Sexual Harassment of Women at Workplace Act encourage workplace gender equality. However, their implementation has been inconsistent and inadequate. Despite these laws, women face poor pay, unsafe jobs, and social marginalisation. Prejudices and inefficiencies in society and institutions prevent many women from fully benefiting from these protections.

The informal sector, where many Indian women work, is notoriously hard to govern. Domestic workers and other women in this business sometimes labour outside labour laws, making them vulnerable to abuse, exploitation, and dangerous circumstances. Due to a lack of a formal employment contract, they generally cannot get paid vacation, maternity leave, provident fund payments, and other worker rights. The socio-cultural assumption that men are breadwinners and women are caretakers limits women's work opportunities. These customs limit their career development, employment mobility, and negotiation power. Due to women's under-representation in government, corporations, and labour unions, their specific issues are frequently ignored during policymaking and decision-making.

This article explores how legislative frameworks and women's labour market experiences intersect in India. To promote gender equality, improve working conditions, and empower women economically, this research will examine how effectively present labour legislation meet women's needs. This study seeks to identify barriers to gender parity in India's labour market and analyse how legal and policy actions have influenced women's earnings, workforce participation, and social status. By exploring these issues and proposing solutions, this research hopes to contribute to the ongoing discussion about women's economic empowerment in India, the importance of strictly implementing labour laws, and the need for persistent advocacy for the full recognition and protection of women workers' rights in legislation and practice.

## **OBJECTIVES**

1. To Examine Indian Labour Laws' Provisions Concerning Women
2. To Evaluate how labour laws are being applied and how they affect female employees

## **METHODOLOGY**

This study will use a mixed-methods approach, drawing from qualitative and quantitative techniques, and will also thoroughly examine all relevant laws and regulations. In order to determine the level of protection, efficacy, and conformity with global norms for women's labour rights, a comprehensive review of key Indian labour legislation, including the Maternity Benefit Act, the Equal Remuneration Act, and the most current labour regulations, will be conducted. In order to examine global standards, this research will be conducted. We can't accomplish this without first researching the pros and cons of the current legislation by reading official documents, policy papers, and statutes. The use of qualitative research methods will allow for the examination of the practical challenges and enforcement gaps encountered by female workers. Interviews and surveys with experts, union officials, and female employees will be among these techniques. To assess the law's real-world effects in many fields, however, quantitative studies will be carried out. Research in this area will rely on secondary sources to learn more about gender pay gaps, workplace harassment, and women's employment rates. This study will shed light on the effects of Indian employment laws on women and pinpoint where reforms are needed to better empower and safeguard women by

combining qualitative and quantitative research methods.

## RESULT

This study's comprehensive grasp of women's rights under Indian labour regulations is the result of its mixed-method methodology. Interviews with female employees, union officials, and lawyers yielded qualitative data that showed persistent problems with the implementation, accessibility, and knowledge of important laws including the Equal Remuneration Act and the Maternity Benefit Act. These findings brought attention to systemic problems, such as a lack of representation in formal employment institutions, cultural obstacles, and insufficient methods for resolving grievances. At the same time, quantitative secondary data analysis revealed that gender differences in employment rates, wages, and workplace harassment claims continue, suggesting that the current legislative framework has minimal practical effect. There were also large gaps in inclusion and compliance when comparing the laws to international labour norms. In order for Indian labour laws to better protect and promote women's labour rights, the results highlight the need for inclusive policy implementation, improved monitoring systems, and changes that are sensitive to gender.

## CONSTITUTIONAL AND LEGAL FRAMEWORK

### Women's Rights under Labour Laws: Constitutional Conspectus

The state has usually considered women equal, even if the Indian constitution guarantees it. Citizenship is traditionally male-dominated. Female identities and lifestyles have been devalued by state-citizen relations. Traditional gender norms have kept women's issues at home. The Constitution's preamble matters most. It is gender-neutral and inclusive. The Preamble guarantees legal equality for everyone as one of its numerous aims. This objective is to provide men and women equal chances.

Part III describes core Indian Constitutional freedoms. Everyone, regardless of gender, must follow Articles 12–35's fundamental rights obligations. Regulations protect women's rights in our country. Article 15 (3) of the constitution guarantees women and children particular treatment regardless of religion, ethnicity, caste, sex, or place of birth. State law safeguarding children and women is valid if it does not violate Article 15. The Constitution prohibits gender discrimination. 3 Besides erasing that humiliation, the Constitution allows the government to actively favour women by implementing specific initiatives to boost their economic, social, and political status until they reach parity with men.

Article 15 of the Constitution guarantees the right to life for all children and women. The state may then pass legislation on this. According to Article 16 of the Constitution, it is prohibited to discriminate against anybody on the basis of gender in public employment and on the basis of race, religion, sexual orientation, or place of birth. The Supreme Court said in the case of *Air India vs. Nargesh Meerza* that a clause that would have allowed a pregnant flight attendant to retire was unconstitutional since it violated Article 14. Gender equality was severely addressed in the case of *Air India v. Nargesh Meerza*. The *Air India* and *Indian Airlines Regulations*, which forbade flight attendants from continuing to work after retirement and while pregnant, were invalidated by India's highest court for being very arbitrary and unfair. *Court of India v. C. B. Muthamma* is another landmark case dealing with gender discrimination in public sector jobs.

The Supreme Court ruled that it is discriminatory to require female employees to get official authorisation from the government before getting married and to refuse them employment just because they are married.

Assuming all other factors remain constant, the court ruled that married women should have the same privileges as married males. It is clear from the decision that the approach was not intended to universalise or dogmatise that men and women are equal in all jobs and conditions, but it does not rule out the need to be pragmatic when dealing with job-specific issues. Selectivity may be necessary to account for sex sensitivity, socioeconomic sector specifics, or disability. Furthermore, equality should be enforced until blatant inequity is present. According to the decision in *Ms. Githa Hariharan Vs. Reserve Bank of India*, neither the father nor his wife may legally operate as the sole guardian without the other's consent. Since the mother's right is cognisable after the father's, the court determined that this undervalued her position as a natural guardian, which violated Articles 14 and 15. So, even when the father is presumed to be away, the mother may be legally responsible for taking care of the youngster. The Indian government is guided by the constitution, which describes the country as a welfare state. In accordance with official policy, men and women must have equal access to food, housing, and employment prospects. These goals were upheld by this policy.

Articles 38, 39(a), (d), and (e), as well as 42, 44, and 45 include the advancement and welfare of women under Part IV of the Constitution. According to Article 39 (a), the state must ensure that all sexes have sufficient food. No matter one's gender, this article asserts that everyone has the right to a decent living. The right to equal compensation for equal effort is guaranteed to men and women under Article 39 (d) of the constitution. Workers' emotional and physical well-being, including those of minors, are guaranteed under Article 39 (e) of the Constitution. We will not abide by working circumstances that are inhumane and dangerous. A national civil code must be draughted by the Indian government under Article 44 of the constitution. The framers of the Constitution understood the need of addressing gender equality and sexual injustice, which is why they included them in Article 44. In the case of *Sarla Mudgal Vs. Union of India*, the Indian Supreme Court ordered the federal government to revise Article 44, which calls for a universal civil code.

According to the court, this code serves to safeguard the vulnerable and upholds the dignity and stability of the country. In order to empower women, the Indian Constitution grants them quotas in Panchayats and Local Bodies (Amendments 73 and 74). As stated in the preamble, the state's dedication to political justice is shown in the section on women's reservation in Panchayats and Local Bodies. There is also an effort to guarantee a certain percentage of state and federal legislative seats to women. Women must be represented in each Panchayat by a third of the direct-elect seats, which must be rotated among constituencies, according to Article 243 D (3) of the constitution. A minimum of 1.33 percent of each municipality's elective seats must be set aside for women, with the percentage varying among districts, according to Article 243 T (3) of the Constitution.

Members of the SC, ST, and PNC are designated to sit at the table of the municipal chairman as stated in Article 243 T (4) of the constitution. The state's legal framework permits women. The State Policy Directive Principle of "equal pay for equal work" for men and women is reaffirmed and enforced in Articles 14 and 16. No longer is the goal of the constitution nebulous, and constitutional remedies may

achieve it. Regardless, women aren't as strong as males. Equal compensation for equal effort has been redefined by the Supreme Court, which has also denounced sex discrimination. As a hiring factor, it no longer accepts quantitative assessments of women's physical strength. We are entering a new era of mutual respect and decency when we establish a culture of gender equality based on equal opportunity and financial stability.

### **Women and Labour Law**

Compensation for layoffs, health insurance, and a workers' provident fund are common provisions in employment regulations. Eliminating barriers in the workplace and improving women's bargaining power, pay, working conditions, skills, and job possibilities have been major goals of government labour policy. There are a few exceptions, but generally speaking, women cannot work at night or do heavy lifting. a) The prohibition of women working in deep mines; b) Paid parental leave; c) Child care centres; f) Equal pay for equal labour; etc. The rights of Indian workers are safeguarded by patchwork legislation. Concerns unique to women are addressed by the Maternity Benefit Act and the Equal Remuneration Act. Their stances on women's rights and welfare may be inferred from these laws. A cursory review of the most pertinent laws would reveal protections for female employees, even if not all laws deal with women's issues.

### **CORE LABOUR LEGISLATIONS PERTAINING TO WOMEN**

#### **Women's Rights under Labour Legislations**

Problems that women face on the job are addressed by almost all labour legislation. Rules prohibiting discrimination against women in the workplace are essential, as stated by the Second National Commission on Labour in 2019. Government enforcement of these ILO Conventions is only one example of how labour laws have expanded to include protections for women. There are two types of laws that deal with employer welfare. The Maternity Benefit Act of 1961 and the Equal Remuneration Act of 1976 both apply only to female employees. Second, there is a subset of laws that aim to safeguard workers in general and women in particular. A different body of regulations

Beedi and Cigar Workers (Conditions of Employment) Act, 1966; Contract Labour (Regulation and Abolition) Act, 1970; Inter-state Migrant Workers (Regulation of Employment and Conditions of Service) Act, 1979; Factories Act, 1948; Mines Act, 1952; Plantation Labour Act, 1951 Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Act, 1996; Workmen's Compensation Act, 1923; Employees Provident Funds and Miscellaneous Provisions Act, 1952 and 1972; Minimum Wages Act, 1948; Payment of Wages Act, 1936; Employees' State Insurance Act, 1948; The Code on Wages, 2019.

These rules prohibit working at night and place restrictions on the transportation of large objects, as well as the employment of those engaged in dangerous occupations. Every aspect of social welfare is covered, including wages, health care, gratuities, maternity benefits, social security, provision of daycare centres, and equal pay for equal work.

#### **Health, safety, and welfare measures for women**



The ladies engaged must be healthy, workers must be safeguarded from accidents that might permanently or partly disable them, and victims and their families must be protected from unanticipated catastrophes for the working process to succeed. Poor mental and physical health hinders work performance. Several labour regulations address female workers' well-being, safety, and health:

As welfare legislation, the Factories Act ensured factory workers' health and safety and set minimum working conditions. The Act will also regulate working hours, vacations, overtime, employing minors, women, and youth, etc. The Act was significantly revised in 1987 to regulate hazardous businesses and safeguard against hazardous material usage and handling. The 1948 Factories Act guarantees female workers separate conservancy facilities.

The Mines Act, 1952 updated and consolidated mine safety and employment legislation. The 1952 Mines Act prohibits women from working at night. The 1952 Mines Act prohibits women from underground mining. The 1951 Plantation Labour Act regulated plantation workers' working conditions and welfare for the first time. The 1951 Plantation Labour Act prohibits women from working at night. Employers must provide and maintain appropriate living quarters for the children of female employees in plantations with fifty or more female workers (including contractors) or twenty or more children. This is required under the 1951 Plantation Labour Act.

In order to ensure the well-being, safety, and employment of construction workers, the Building and Other Construction Workers' (Regulation of Employment and circumstances of Service) Act, 1996 regulates their employment and working circumstances. Employers that have 10 or more construction workers on staff during the last year are subject to the Act. One piece of legislation that specifically addresses domestic workers is the Beedi and Cigar Workers (Conditions of Employment) Act, 1966. The enactment is significant since the majority of beedi rolling home workers are women. Working conditions and employment for migrant workers who travel across states are regulated by the Inter-State Migrant Workers (Regulation of Employment and Circumstances of Service) Act, 1979.

There were less differences between previous Acts and 1961's Maternity Benefit Act, which standardised rates, qualifying requirements, and length of maternity benefits. The law governs the hiring of women in certain industries both before and after they give birth, and it ensures that women will have access to maternity benefits and other workplace rights. The Maternity Benefit (Amendment) Bill was presented in the Lok Sabha on March 9, 2020, and approved in the Rajya Sabha on March 20, 2021. On March 27, 2019, the president gave his signature to the bill. By notice dated 31 March 2017, the appointment of the Ministry of Labour and Employment to carry out the requirements of the Maternity Benefit (Amendment) Act 2017 was announced on 1 April 2017. On the other hand, July 1, 2017 is when certain limitations will be enforced. Working mothers are now eligible for 26 weeks of paid leave after the birth of each of their first two children, according to the new Maternity Benefit (Amendment) Act, 2017 ("Amendment Act"). Now that the Amendment Act is in place, working from home or a crèche is legal.

### **Protection of Women's Wages**

There was an urgent need to safeguard working women against pay and employment discrimination, even if labour welfare laws had already done so. The pay for women labourers in India is quite low. The Equal

Remuneration Act of 1976, the Payment of Wages Act of 1936, and the Minimum Wages Act of 1948 are especially significant for female workers. The 1948 Minimum Wages Act covers women since the majority of their jobs are in the unorganised sector. Industrial employees were safeguarded against unlawful deductions and undue delays by the Payment of Pay Cheques Act of 1936. According to Article 39 of the Constitution, which is included in Section IV of the State Policy Directives, the state is obligated to ensure that men and women get equal compensation for equal labour. Santosh Gangwar, India's Minister of Labour, announced the 2019 Code on Wages in the Lok Sabha on July 23, 2019. All industries, professions, businesses, and production would benefit from wage and bonus payment regulation. The Payment of Bonus Act of 1965, the Equal Remuneration Act of 1976, the Minimum Wages Act of 1948, and the Payment of Wages Act of 1936 are all superseded by the Code. When it comes to recruiting for comparable or similar positions, gender is not a factor at all. Competence, responsibility, experience, and knowledge are all necessary for comparable occupations.

## **IMPLEMENTATION AND ENFORCEMENT**

### **Institutional Frameworks to Support the Application of Legal Protections**

#### **1. The National Commission on Labour**

A 1966 panel investigated child labour throughout the country. The report's main recommendations included gradual expansion of the National Employment Service, improved workers' education, stricter enforcement of safety equipment laws, and welfare facilities like contract worker insurance, workplace injury compensation, and collective bargaining. In 1999, legislators created the Second Commission on Labour to modernise labour laws and protect unorganised workers. Social security, skill development, labour relations, women in the workforce, globalisation, current laws, efficiency and productivity, children in the workplace, the importance of recognising all informal economy workers, and more were discussed.

#### **2. Women's Labour Special Cell**

For the purpose of assisting working women, the Ministry of Labour established the Women's Labour Cell in 1975. A few things that cells do are:

- Develop and manage workforce empowerment programs for women within national economic and manpower plans.
- Working with other government agencies to develop women's worker initiatives.
- Monitoring female employee initiatives.
- Assessing the 1976 Equal Remuneration Act's implementation.
- We fund non-profits and community organisations to create and implement projects to assist women in the workforce.

#### **3. Bureau of Women's Welfare and Development**

The well-being of women was the primary subject of the "Towards Equality" report of the Committee on the Status of Women in India. The need of respecting women's economic independence and empowering them to make greater contributions to the economy at home and abroad via education became clear,

rendering constitutional equality provisions meaningless. Nutrition, education, employment, social welfare, and legal empowerment were all a part of the CSWI Report's National Plan of Action. Raising living standards for Indian women requires concerted action. In 1976, after the National Plan of Action, the Women's Welfare and Development Bureau was set up by the Ministry of Social Welfare to serve as the government's focal point for women's issues in India. Promoting women's development and coordinating policies and efforts are its main functions. Data clearing, monitoring women's welfare programs, liaising with foreign organisations, and handling women's legal problems are all responsibilities of the Bureau, which also interacts and coordinates with programs run by other government ministries.

### **Labour Welfare Schemes**

Alternatives to protective labour regulation include welfare protection for workers. This method is used in government insurance and welfare programs. First, let's briefly review their intentions.

**Insurance Schemes:** Life Insurance Corporation runs a group insurance policy for 23 unorganised sector worker groups. Indian government subsidises premiums by 50% to administer the scheme. In addition to group insurance, the Corporation offers LALGI to agricultural labourers without land. The Life Insurance Corporation, on behalf of the Ministry of Labour, launched Krishi Shramik Samaj Suraksha Yojana, 2001, to provide agricultural workers with social security. The Scheme requires pension, superannuation, money-back, life, and accident insurance, and more.

**Welfare Funds:** In order to help certain categories of workers, welfare fund schemes collect money from both employers and employees. Comparable to the Beedi and Cigar Workers Welfare Funds, which were created under the national Cess Fund Act. Reserved monies from the state are available to other employees. The agricultural workers' schemes in Kerala, Karnataka, and Tamil Nadu fall under this category. Similarly, the insurance and retirement benefit special scheme for employees in the unorganised sector in Tamil Nadu and the scheme for financial assistance to landless women agricultural labourers during pregnancy in Gujarat are also part of this category.

Improving rural women's economic status and empowering women's groups to speak out for what they need and encourage their participation in development efforts were the recommendations of a 2019 working group of the Department of Rural Development, Ministry of Agriculture and Rural Development. Enhanced public initiatives: To help women get employment and advance in their careers, the government offers a number of initiatives. Several programs aim to empower women and increase their labour force involvement, including the National Rural Employment Guarantee Programme (NREP), Rural Landless Employment Guarantee Programme (RLEGP), Programme for Employment and Income Generating Production Unit (PEGP), Development of Women and Children in Rural Areas (DWCRA), and others.

### **Legal Safeguards: Issues and Challenges for Women's Labour**

Some rules safeguard women in the workplace, while others give women broad concessions. India has implemented these employment laws for decades. These policies to protect structured and unorganised work highlight several issues impacting women. We can analyse some of these issues here.

**Discrimination against Women Labour:** Women still feel that many state protection laws work against



them. The requirements envisioned by these labour regulations are costly to maintain, according to the employers. Many people believe that legislation like the "Equal Remuneration Act," the "Maternity Benefit Act," the "Minimum Wages Payment Act," and others are to blame for the downward trend of women's employment in industries and mines. Employers' bias against women in the workforce has its roots in the comparatively high expense of hiring them. Such attributions, however, cannot be completely validated due to a lack of relevant study. The link between decreased participation, women's retrenchment, and the enforcement of protective measures has been disproven by an ILO and National Commission on Labour research. The claim that women's employment has been negatively impacted by the prohibition on night work has also been denied. It has been noted that the restriction will only have an impact on sectors that have implemented a multiple shift arrangement. Although the restriction on hazardous labour, especially weight lifting, has had an impact on women's employment in the jute sector, the National Commission on Labour has maintained that this effect is limited. Because maternity benefits account for less than one percent of overall spending, the argument that they discourage women from working cannot be supported. In line with the Maternity Benefits Act, this is being done. It can't explain why women's employment is falling if one item gets less funding than others, like crèches and sanitary facilities.

**Inequitable Law Enforcement:** Another issue is labour law enforcement. The enforcement of these laws is often dishonest. Structured and unorganised sectors have different enforcement levels. The Employment Commissioner enforces Indian employment laws. As indicated, most women work in the unorganised economy, which is concerning. Disorganised labour inspectors may lack evidence against firms while investigating noncompliance. No staff member testifies in court. They dread job loss. Inspectors generally labour in difficult situations and seldom defend offended women. Workers' rights, especially women's, are partially protected under the 1971 Contract Labour (Regulation and Abolition) Act. Government and unethical employers have exploited legislative flaws. Even though the Act prohibits contract labour for permanent or everlasting employment, firms terminate complainants and hire new employees for permanent positions. This reduces contract worker complaints. Women have poor working conditions in organised industry. The Employees' Provident Fund and Miscellaneous Provisions Act, Equal Remuneration Act, Maternity Benefit Act, and others may not protect working women. Equal Remuneration Act enforcement is lax. Agriculture and industry pay differently. Full-time work increases the female wage gap to 60%. The government and NGOs have organised women for social justice with uneven outcomes. Government and NGOs can conflict. Non-governmental volunteers offer women's programs in various nations. Reports say the government doesn't aid organisations.

**Lack of Security Blanket:** Most employment laws purposely exclude informal workers. Informal workers' health and safety, basic workplace facilities including bathrooms, working hours, prohibition of child labour and night work for women, workplace crèches, and other issues are not covered under the Factories Act, 1948 The 1948 Workers' State Insurance Act, which covers accident, illness, and maternity benefits, does not apply to businesses under 20 workers. Since most labour rules don't apply to the informal sector, employers may fake employment interruptions to avoid permanent hiring. Labour contractors don't pay many contract workers, who are theoretically permanent employees. Rag pickers' salary and conditions are unprotected. Industrial labour law does not protect non-employer-employee workers. Enforcement authorities struggle to handle concerns because it's hard to identify a single employer accountable for this

group's safety, welfare, and working conditions. Due to an imprecise definition of "home-based workers," they cannot get benefits. Domestic labour in the home-based economy is unclear. This industry does not define employment, social security, or health benefits.

**Non-conducive Work Environment:** Employers without a strategy may put informal workers in risk. Construction is the country's second largest employment, employing 32 million informal workers. Poor working conditions describe this sector. Both public and private companies are uninformed of the workplace threats their workers confront. Thus, accidents causing crippling or fatal injuries are surprisingly common (Hensman).

## **JUDICIAL INTERPRETATION AND IMPACT**

### **Women's Rights Under Labour Law: Judicial Aspect**

Judgement has had a significant effect on women. Protecting the economic and social equality of women has been an active goal of the Indian judiciary. To protect women's rights, the court is now interpreting legislation. In a number of decisions, the highest court in India and lower courts have upheld the rights of female employees in areas such as anti-discrimination laws, maternity leave policies, equal pay for equal labour, protection against dangerous jobs, and more. The landmark decision in *People's Union for Democratic Rights v. Union of India*, 21 came down from the Supreme Court. According to the court: "It is the principle of equality embodied in Article 14 of the constitution which finds expression in provision of the Equal Remuneration Act."

Article 14 guarantees equality before the law, which is breached if the requirements of the Act are not fulfilled. Based on the preamble, Article 39, and Articles 14 and 16, the Supreme Court in *Randhir Singh v. Union of India*, 23 inferred "equal pay for equal work" (d). Applying this decision to situations where employees do the same task for the same employer but are paid differently because to unfair or nonexistent categorisation is possible.

Cases 24 (*Air India Cabin Crew Assn. v. Yeshaswince Merchant and Others* with *Air India Officer Assn.* and another *v. Air India Ltd.*) and similar ones were appealed from the Bombay High Court's Division Bench. Air hostesses in India are subject to gender discrimination, according to a high court ruling that followed many petitions filed by the Air India Air Hostesses Association and its members. This goes against many laws in India, including the Indian Constitution (Articles 14, 15, and 16), the Equal Remuneration Act (Section 5), and the Air India Corporation Act (Section 34) of the Central Government. After retiring from flying aged 50, air hostesses are allowed to take ground occupations until the age of 58.

## **LABOUR MARKET REALITIES AND SITUATIONAL ANALYSIS**

### **Women's Employment in India**

A person has the right to an equal opportunity workplace, a fair wage, and the freedom to choose one's own occupation according to Article 23 of the Universal Declaration of Human Rights. In this system, everyone works for the same wage. There can be no peace without social fairness, according to international labour standards. The nation's human resource might be enhanced by any endeavour that

encourages the effective utilisation of labour and the provision of appropriate working conditions. Human rights, as well as UN and ILO conventions and standards, form the basis of India's employment laws, and this framework helps in understanding them. The employment policy of India is based on its employment laws. There has never been a worker protection statute as groundbreaking as the Constitution. In order to guarantee "social, economic, and political justice" and "securing to all citizens equality of status and opportunity," the preamble of the Indian Constitution exclaims. Any kind of bias against women or girls in government or schools is illegal under the Constitution. We are requesting that the government safeguard the interests of women. Indian employee labour policy is based on the Directive Principles of the Constitution (Articles 39, 41, 42, 43, and 43-A). Although these rules are not binding under law, the state must take them into account when passing legislation. Using the phrase "equal pay should be given to men and women doing equal work," the State Policy Directives In Article 39(d), this future is envisioned. Situations in the workplace in India differ according to gender, socioeconomic status, caste, region, and sector. Humane and equitable working conditions, including maternity leave, are mandated under Article 42. The same holds true for women's work. There are significant gender, caste, class, and community inequities in women's access to and control over economic resources. Workforce demand and supply are different in regions that rely on agriculture and those that rely on industry.

How commodities and the expansion and intensity of the work market impact women is determined by these traits. Our next stop will be at the employment status of women in India. The work that women do in India is never stable or satisfying because it is always evolving. It needs to fix a number of problems. Examining them in the section that follows. Both the organised and unorganised sectors have seen a rise in the Work Participation Rate (WPR). Significantly lower rates persist for women. The ratio of the overall population to the working-age population is known as the WPR. From 37.5 percent in 1991 to 39.3 percent in 2001, it increased. While male workers' WPR has grown little, female workers' WPR has jumped significantly, from 51.6% to 51.9%. From 1991 to 2001, it increased significantly, going from 22.7% to 25.7%. It is important to put this development in perspective since the share of marginal workers has expanded. What roles do women play in various economic fields?

**Table 1: The proportion of primary employees working in various sectors**

| Level of Education | Persons (%) | Males (%) | Females (%) |
|--------------------|-------------|-----------|-------------|
| Primary            | 67.5        | 63.6      | 81.2        |
| Secondary          | 12.0        | 13.1      | 8.0         |
| Tertiary           | 20.5        | 23.3      | 10.8        |

Table 1 shows that most working women labour in agriculture and other primary sectors. Few urban women work in the organised sector, whereas most labour in the unorganised sector. In transportation,

storage, and retail, women are over-represented. Female employment has increased most in insurance, real estate, business, and services. Service workers including sweepers, cleaners, waiters, cooks, and ayahs are generally women. Teaching, medical, journalism, design, painting, sculpture, engineering, and other non-traditional vocations are common among educated women in service sectors. A small percentage of women are entrepreneurs. Agriculture has few woman cultivators. In rural areas, women help men farm. They oversee planting, threshing, manuring, harvesting, and weeding. They labour in agriculture. Tribal and highland women cultivators predominate. These ladies manage their little farms while their husbands work in cities. However, their non-farm activities are decreasing. Indigenous and impoverished women work in quarrying and mining. In the third category, industry, women work most in spinning, weaving, dying, knitting, and other industrial jobs. The electric, electrical, and apparel industries employ many women. However, women are losing jobs in construction, trade and commerce, and electricity, gas and water delivery. Several forces have lifted women into non-traditional careers.

The expansion of women's education and employment opportunities, the gradual shift in social values regarding women's paid employment within the urban middle class due to increasing economic pressure, the growth of the tertiary sector due to development, and more pressure on agriculture and cottage industries are all factors that contribute to this trend. Equal employment opportunity and non-discrimination in the workplace are also constitutional guarantees. Some women work for larger companies, while others are independent contractors. Job security, health insurance, and other benefits are perks of working in the organised sector. In the organised sector, women make up only 17% of the workforce. Due to the lack of regulation, there is no employment guarantee in unorganised and self-employed professions. Almost of Indian women work in the informal sector. Unorganised sector women workers are disproportionately involved in cereal production, as opposed to their federal, state, quasi-governmental, and municipal sector counterparts. Not only do most women do housework and attend school, but they also work in the unorganised sector as beedi and textile producers, as well as breeders of cows and goats. The majority of women in the organised sector work as factory workers, miners, or plantation owners.

## CONCLUSION

Legal protections for women in the workplace in India have come a long way, for example, in the areas of maternity leave, equal pay, and workplace safety. These laws are only a few of the many kinds that exist. Meanwhile, insufficient enforcement, implementation strategies, and socio-cultural barriers continue to limit women's involvement in the formal economy. The majority of women work in the informal economy, which presents them with persistent structural obstacles. Among these issues are low wages, dangerous working conditions, and insufficient social security benefits. The legal framework's protections have not been properly used by women because of their under-representation in decision-making roles and the ineffective enforcement of the rules that regulate them. Improving the enforcement of labour laws, educating female workers about their rights, and creating an inclusive workplace are all crucial steps towards eliminating these inequalities. True gender parity in the workplace can only be attained by removing cultural barriers, empowering more women to take up leadership roles, and including them in economic policymaking. Improving the current legislative structure and making sure it is implemented correctly will help women economically and socially, which would help India achieve its development objectives. Doing this would be a good first step.

## References

1. Agarwal, Bina, Jane, Humphries and Ingrid, Robeyns (Eds.) 2019. Capabilities, Freedom and Equality: Amartya Sen's Work from Gender Perspective. Oxford: New Delhi
2. Kalbagh, Chetna (Ed.) 2018. Women and Development (Women Development Series 4) Discovery: New Delhi
3. Kalpagam, U. 2021. Labour and Gender: Survival in Urban India. Sage: New Delhi
4. Mahesh V. Joshi, "Women Rural Labourers, Problems and Prospects", 1999, Pub. A.P.H. Publishing Corporation, New Delhi, p. 21
5. Article 15, 15(1) of the Constitution of India
6. Article 15 (3) of the Constitution of India
7. Article 16 of the Constitution of India
8. AIR 1981 S.C. 1829
9. AIR 1981 S.C. 1829
10. AIR 1979 SC, 1868
11. AIR 1999, 2. SCC 228
12. Shahwat Tewary, "Equal pay for equal work – How far is it recognized as a fundamental right, Labour Law Journal," 2018 III LIJ p. 39
13. AIR 1995 SC 1531: (1995) SCC (3) 635
14. Shahwat Tewary, "Equal pay for equal work – How far is it recognized as a fundamental right, Labour Law Journal," 2019 III LIJ p. 39
15. Suresh V. Nadagoudar, "Right of Women Employees at their work place," Lab. IC. Feb. 2017, p. 35.
16. Ajay Garg, "Labour Laws one should know", 22nd edition 2017, Pub. Nabhi Publication, New Delhi, p. 120.
17. G.Q. Mir, "Women workers and the law," 1st edition, 2018, p. 162.
18. Section 46(1)(a) of the Mines Act, 1952
19. Section 12(1) of the Plantation Labour Act, 1951
20. Retrieved from <https://hscw.in/content/images/TheMaternityBenefitsAct3ac2512835.pdf>, visited on March 2, 2022
21. Retrieved from <https://prsindia.org/billtrack/the-code-on-wages2019>, visited on March 2, 2022



22. 1982 Lab. 9C 1649 at 1658.

23. 2003 SCC (L and S) 840.