

Protective labour legislation for women workers in India

Dr. Ravi Prakash Yadav¹, Nishit Ranjan²

¹University professor, UNIV. Department of industrial relations & personnel management T.M.B.U Bhagalpur University, Bhagalpur, Bihar, 812007

²Research scholar, Univ. Dept. Of industrial Relations & personnel management T.M.B.U Bhagalpur University, Bhagalpur, Bihar, 812007

INTRODUCTION

Women workers in India have faced social, economic, and political discrimination gender discrimination is risible against organized and unorganized sector women workers. They are always treated as supplementary earworms woman all order India doing paid, underpaid and largely unpaid works in human, factories, fields forests and mines. They are still being employed in lone paid and less secure jobs.

The Government of India has enacted several legislations for the protection, welfare, and security of woman workers. Such legislations one based on the ideals of human dignity and social justice. Such labour legislations provide various sane fits concessions, protection and safeguards to women workers, these labour legislations also regulate the working and living conditions of women workers.

The following labour legislation in India provide special protection for women workers at their wore place.

THE FACTORIES ACT, 1948

women all around the world have been doing paid underpaid and largely unpaid work in homes, factories, fields, forests, and mines. Women workers are important part of labour. They are playing vitae role in production under factory system. Women along with men contribute might for industrial growth. The factories act is a protective legislation, regulate the working, health, welfare, safety conditions of the male and female workers of the factories. The present legislation provides the following special provision for the protection, welfare, and the development at the women workers.

(i) Latrines and urinals for women section -19

Under section 19(i) in every factory

a. Sufficient latrine and urinal all immolation of prescribed types shall always be provided

conveniently situated and accessible to workers while they are at factory.

- b. Separate enclosed accommodation shall be provided for male and female workers.
- c. They shall be adequately lighted and ventilated.
- d. All such accommodation shall be maintained in a clean and sanitary condition at all time.
- e. Sweepers shall be employed whose primary duty it would be to keep clan latrines, urinals and washing places.

Under section 19 (2) in every factory wherein more than 250 workers one ordinarily employed.

- a. The floor and internal walls, up to a height of 19 centimetres of the latrines and urinals and the sanitary blocks shall be laid in glazed tiles or otherwise to provide smooth polished impervious surface.
- b. The floors, portions of the walls and blocks so laid or finished and the sanitary pars of latrines and urinals shall be thorough washed and cleaned at least once in every 7 days with suitable detergents or disinfectants or with both.

Under section 19 (3) the state government may prescribe the numbers of latrines and urinals to be provided in any factory in proportion to the numbers of mall and female workers ordinarily employee therein.

(ii) Prohibition of women to work on or near machinery in motion (Section-22(2))

According to Section 22 (2) provides That women or young person shall be allowed to clean, lubricate or adjust any part of a prime mover of or any transmission machinery while the prime movers or transmission machinery is in motion to clean, lubricate etc. that would expose the women to risk of injury or of any adjacent machinery.

(iii) Prohibition of employment of women near cotton openers (sec 27) section 27 of the factories act says no. women or child shall be employed in any part of a factory for pressing cotton in which a cotton opener is at work

Provide that if the feed ends of a cotton-opener is a room separated from the delivery and by a partition extending to the roof or to such right as the inspector many in any particular case specify in writing, women and children may be employed on the side of the partition where the feed and is situated.

(iv) Washing Facilities (Section-42)

According to section 42(i) in every factory.

- a. Adequate and suitable facilities for washing shall be provided and maintained for the use of the workers therein.
- b. Separate and adequately screened facilities shall be provided for the use of male and female workers and.
- c. Such facilities shall be conveniently accessible and shall be kept clean.

(V) Crèches (Sec.48)

Section 48 provides that.

- a. In each factory wherein more than 30 women works are ordinarily employed these shall be provided and maintained a suitable room or rooms for the use of children under the age of 6 years of such women.
- b. Such Rooms shall be provided adequate accommodate on shall ad equally light and ventilated, shall be maintained in a clear and sanitary condition and shall be under tow charge of women trained in the care of children's and infants.
- c. Further state government can make rule Describing for providing of furniture's and equipment of rooms facilities or both for such children's mother of such children to fed them and the necessary intervals.

(VI) Restriction on employment of women during night section-66.

According to section-66 provides that no women shall be required or allowed to work in any factory except between the hours of 06:00 AM to and 07:PM however the state government may authority the employment of women between hours 5 am to 0 P.M further in the

case of fish corning or currying industries such as reaction may receded if necessary to prevent damage to or deterioration of any materials.

But the central government has decided to amend the provision to provide for women working in Late right shift in I.T industries, call centres etc. flexible work timing for women should not be allowed unless adequate safeguards in factory as regards to occupational safety & heath, equal opportunity for women workers, adequate projection for dignity, the nearest point of their residence are made.

The recent incidents of murder of women workers in at Bangalore, Delhi and other cities are eye open and help and help the significance of retraction under the provisions of the factories Act, 1948.

(VII) Dangerous operations (Sec. 87(b))

According to this section, where the state Government is of opinion that any manufacturing process or operation carried on in a factory exposes any persons employed in it to a serious risk of bodily injury poisoning or disease, it make any rules applicable to any factory in which the manufacturing process or operation is carried on.

1. Prohibiting or restricting the employment of women, adolescents or children in the manufacturing process or operation.
2. The plantation Act 1951.

The various sections of this act provide welfare of women workers. This act also regulates the conditions of women workers in plantations as per the act, the employers of plantations are responsible to provides crèches if umbers of female workers are 50 or more. They are also prohibited to employ workers between the house 7 PM 6 am under this act, the weekly house of women employed is fixed as 54 houses. Section 32 of this act provides for sickness and maternity benefit to women workers.

3. The mines Act, 1952
 - a. Section 46 of this act protect the interest of women workers. Section 46 (1) provides that no woman shall, notwithstanding anything contained in any other law, be employed.
 - b. In any part of a mine which is belong ground.
 - c. In any mine above ground except between the house of 6 am and 7 am.

According section 46(2) of this act, every women employed in a mine above ground shall be allowed are

interval of not less than elevate house between the termination of employment on any are day and the commencement of the next period of employment.

Further, it is provided that no employment of any women between the house 10 pm and 5 am above the ground is permitted.

4.The Beedi and cigar workers (conditions of employment) Act, 1966

Beedi manifesting is one of the traditional and mainly home-based work in India. It is a labour intensive wore. About 50 million workers aged engaged in this work out of this, about 70 % one women. The conditions of Beedi workers one very unsets factory, Beedi are manufactured through ‘contract system’ and by distributing were in the private duelling house where the workers take the raw maturates mainly givers by the contractors there has been a leniently on the part of the employer to split their unit in to small units.

Employee Employer Relationship: - not being well defined the application of the factories act has met nether difficulties. The labor is unorganized are not able to protect their interests.

The act imposes are obligation an employer to provide sufficient latrine are urinal facilities. Under section 14, in every industrial premises wherein are than 30 female employees one employed, there shall be provided in maintained a suitable room or rooms for the use of children under the aged of six years of such female employees.

No women shall be required or allowed to be were in any industrial premises except between 6 am and 7 P.M.

CONCLUSION

The problems of women workers deserve special attention and focus on view of their marginalized position within the class of workers. A number of national and international studies have documented the sex-typing of jobs and occupations by women “occupational segregation” represents form of discrimination. discrimination on the lines of gender is not always overt.

There are so many labour legislations and governmental and NGOS welfare programmers are existing. Despite of this women works are still made to suffer discrimination majority of labour legislation apply to the unorganized sector. Whereas more than 90% women workers are working in unorganized

sector. There is urgent need or many labour legislations for unorganized women workers. All through the statutory provision are not strictly complied in organized women workers.

In many cases, it has been found that protective, welfare and social security measures like-crèches, maternity benefits, separate toilets and washing facilities etc. neither provided nor properly maintained. The penal provision is not sufficient. The inspection and enforcement machinery are inadequate and ineffective. It is a very weak side of the present law.

Female-male wage gap can be an important indicator of women’s disadvantaged position in labour workers. In the fast-growing globalised world, the women are more likely to be employed in lone paid, less secure jobs. That is why feminization of workforce, coincides as well with “feminization of poverty’

Suggestions

The following measures should be taken in this regard.

1. Effective implementation of existing labour legislation.
2. Appointed of special enforcement officers for implementation of labour legislation with women workers.
3. Creation of awareness among women workers about their rights related to employment and other affects.
4. Creation of special social security net for women workers and
5. Steps taken relating to stop “sexual Harassment” at were place.

REFERENCE

Base ACTS

- [1] The factories Act, 1948
- [2] The plantation Act, 1951
- [3] The mines Act, 1952
- [4] The Beedi and cigar works condition of employment Act, 1966.