
GENDER EQUITY: NATIONAL AND INTERNATIONAL LAWS FOR THE PROTECTION OF WOMEN LABOURERS IN INDIA

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ABSTRACT

Law serves as a powerful tool to protect individuals from injustice and unfair treatment, ensuring a peaceful society where everyone's interests are safeguarded. The Constitution of India, as a sovereign, socialist, secular, and democratic republic, mandates the enactment of legislations to uphold justice and equality. Women laborers are granted legal protection not because they are inherently vulnerable but due to societal structures and workplace conditions that necessitate special safeguards.

This work not only highlights the Constitutional provision, National labour framework, and international conventions aimed at protecting women labourers, designed to protect women labourers but also critically examines the challenges they face in reality. It assesses whether these laws truly offer effective solutions or if they remain largely theoretical due to gaps in enforcement and accessibility. It provide a comparative analysis of the national and international legal framework and conventions such as CEDAW and ILO's conventions while throwing light on several landmark and transformative cases in the protection of women labour in India. Through this exploration, the work underscores the immense potential of law as a transformative force when implemented effectively, legal mechanisms can serve as a powerful tool in reshaping societal structures, ensuring justice, and securing a dignified position for those who have long been marginalized. Just as Mother Earth nurtures and sustains life, the law, when properly enforced, can safeguard the rights of the deprived, empower women workers, and bridge the gap between mere legal existence and real-world impact.

Keywords: Women, Gender parity, Employment, Worker, Labour, Constitution.

Research Objectives:

- * To examine the legal framework in protection of women labourers in India.
- * To assess the effectiveness of International legal instruments in influencing Indian Labour laws.
- * To analyze Judicial interpretation and landmark judgments related to women Labourers's right.
- * To recommend legal reforms to strengthen the protection of women labourers through a comparative analysis of laws in other countries.

Research questions:

- * How do international legal instruments, such as ILO conventions and CEDAW, influence the protection of women laborers in India?
- * How have Indian courts interpreted and enforced labour laws concerning women workers, particularly in the unorganized sector?
- * What are the major socio-economic challenges faced by women laborers despite the existence of protective labor law.

Methodology:

- * Doctrinal approach: Focusing on the interpretation and analysis on the interpretation and analysis of legal text, judicial decisions, and legislative frameworks.
- * Comparative legal analysis: Including best practices from other country's jurisdiction.
- * Primary sources: National Laws, International Conventions, Constitutional Provisions and landmark judicial precedents.
- * Secondary Sources: Books, Reports of governments bodies, policy briefs and Journal articles.

1. Introduction: A Gender Perspective

“Labourer” means a person who does physical work.¹ As per Section 2(m) of Factories act, “Women Worker” means a women employed, directly or through any agency, for wages in any establishment.² of Women Constitution of India provides several provisions to protect women workers, such as Article 14 (equality before the law), Article 15(3) (special provisions for women and children), Article 16 (equality of opportunity in employment), Article 39(a) & (d) (equal right to livelihood and equal pay), Article 42 (just and humane working conditions), and Article 43 (living wages and decent conditions of work). These constitutional mandates have led to labor laws like the Maternity Benefit Act, 1961, the Equal Remuneration Act, 1976, and the Factories Act, 1948, ensuring the welfare of women workers. By amalgamating 29 separate labour enactments into four streamlined Codes effective from Nov 21, 2025. the new labour law regime seeks to modernize and harmonize the legal protections afforded to women labourers in India.

On the international front, recent efforts highlight a growing commitment to gender equality. The UN Gender Equality Declaration (2025), adopted by all 193 member states, aims to accelerate actions in promoting women's economic participation, reducing unpaid domestic work, ensuring access to education, and preventing gender-based violence. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) mandates that nations integrate gender equality into domestic legislation, repeal discriminatory laws, and establish institutions to protect women from discrimination. The International Labour Organization's (ILO) Equal Remuneration Convention (1951) reinforces equal pay for equal work, with 174 out of 187 ILO member states committing to wage equality. Additionally, initiatives like Worker-driven Social Responsibility (WSR) and the Dindigul Agreement (2022, India) have emerged as crucial frameworks in preventing workplace harassment and ensuring better working conditions for women, particularly in industries like textiles and garment manufacturing. Out of the 149.8 million female workers in 2011, a significant **121.8** million were from **rural areas**, while **urban** areas accounted for **28.0** million.³ This reflects

¹ “Labour,” *Cambridge Dictionary*,

Available at: <https://dictionary.cambridge.org/dictionary/english/labour> (last visited on Mar. 12, 2025).

² The Factories Act, 1948 (Act 63 of 1948), S. 2(m).

³ Government of India, Ministry of Labour & Employment, *About Women Labour*,

[https://labour.gov.in/womenlabour/about-women-](https://labour.gov.in/womenlabour/about-women-labour#:~:text=According%20to%20the%20information%20provided%20by%20the%20office,urban%20areas%20are%20121.8%20and%2028.0%20million%20respectively)

[labour#:~:text=According%20to%20the%20information%20provided%20by%20the%20office,urban%20areas%20are%20121.8%20and%2028.0%20million%20respectively](https://labour.gov.in/womenlabour/about-women-labour#:~:text=According%20to%20the%20information%20provided%20by%20the%20office,urban%20areas%20are%20121.8%20and%2028.0%20million%20respectively)

(Last visited Mar. 04, 2025).

the unique dynamics of rural employment opportunities for women, often linked to agriculture and allied sectors. Four labour codes which the core legislation and India providing a holistic framework for better wages, Industrial safety, social security, health and working conditions and better health and safety environment which ultimately helps in improving the overall productivity which is beneficial for the economy and as well as the Individual who is working in factories, industries and unorganized sectors etc. It is quite fascinating to look at the Indicative list of 127 professions published by the Ministry of labour and employment⁴ and how the list includes Professions like “**Beautician**” alongside agriculture and construction which is traditionally associated with labour in India which reflects how labour is broadly classified and encompasses all type of work contributing to the economy, including personal service professions. This highlights the importance of addressing labour rights and protections of individuals in these roles, this also indicates the workforce participation of women and their increasing importance in the economy. The four labour codes in India Code on Wages, Industrial Relations Code, Social Security Code, and Occupational Safety, Health and Working Conditions Code are transformative in their approach to consolidating and simplifying labour laws. They aim to ensure wage security, social security, and better working conditions for both organized and unorganized sectors, including small industries like bidi manufacturing. Industries like **bidi manufacturing**, where women dominate the workforce, exemplify the challenges targeted by these reforms. Women in such sectors often face low wages, Lack of social, Security, poor working conditions etc. The labour codes, in theory, can uplift these workers by mandating fair wages, providing access to social security, and improving occupational safety. However, enforcement remains a significant challenge, as many unorganized workers are unaware of their rights.

2. Review Of Literature

2.1. Indian Practices on Implementation of International Law: This paper by Srishti Yadav highlights the complex relationship between Indian and international law. It discusses various constitutional provisions, case laws, and the dynamic interpretations made by the

⁴ Ministry of labour and Employment, *List of professions/ occupations covered*, <https://labour.gov.in/list-professions-occupations-covered> (Last visited Mar. 04, 2025).

judiciary on matters such as human rights conventions.⁵

2.2. The Supreme Court of India and International Law: Prabhash Ranjan's paper traces the journey of the Supreme Court of India from dualism to monism in incorporating international law into the domestic legal regime. It discusses the inconsistencies and challenges faced by the court in this process.⁶

2.3. Problems and Challenges Faced by Urban Working Women in India: Dr. Shambunath's work focuses on the various challenges faced by urban working women in India, particularly those in white-collar jobs. It examines issues such as mental and physical stress, work-life balance, unfair treatment in the workplace, and discrimination. The study uses a mixed-methods approach, including face-to-face interviews, focus group discussions, and questionnaires, to gather data from respondents in Rourkela city.⁷

2.4. A study on the Socio-Economic Problems faced by the women Workers in the Unorganised Manufacturing Sector: Evidence From Ernakulam District: Raji Prasad reflected in the broader national issues. This study examines the socio-economic challenges encountered by women in Ernakulam's unorganized manufacturing sector. Common issues highlighted in such research include: Lack of Education and Skills, Wage Disparities and Irregular Payment, Poor working conditions, Absence of Social; security. Job insecurity and Exploitation and little bargaining Power.⁸

3. Challenges Faced by Women Workers:

To analyse the legal framework better, it is important to know the General problems faced by women across various sectors of employment. Challenges are as follow;

⁵ Srishti Yadav, "Indian Practices on Implementation of International Law" *International Journal of Scientific Research*, vol. 11, no. 9, 1-10 (2022). Available at: <https://www.ijsr.net/archive/v11i9/SR22926051920.pdf>. (last visited on Mar. 16, 2025).

⁶ Prabhash Ranjan, "The Supreme Court of India and International Law: A Topsy-Turvy Journey from Dualism to Monism" *Liverpool Law Review*, vol. 43, no. 3, pp. 571-595 (2022). Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4210902. (last visited on Mar. 16, 2025).

⁷ Shambunath, "Problems and Challenges Faced by Urban Working Women in India," *International Journal of Creative Research Thoughts*, vol. 5, no. 3, pp. 87-95 (2017). Available at: <https://ijcrt.org/papers/IJCRT1703087.pdf>. (last visited on Mar. 15, 2025).

⁸ Raji Prasad "A study on the Socio-Economic Problems faced by the Women Workers in the Unorganised Manufacturing Sector: Evidence from Ernakulam District" *Manpower Journal*, Vol. LVII, Nos. 1 & 2, (January – June, 2023) Available at: <https://www.nilerd.ac.in/writereaddata/UploadFile/Raji%20Prasad%20G%20V.pdf>. (last visited on Mar. 15, 2025).

1. **Gender Pay Gap:** Globally, Women only make 77 cents for every dollar earned by men.⁹The gender pay gap remains a persistent challenge worldwide, with variations across countries. In *Mackinnon Mackenzie & Co. Ltd. vs. Audrey D'Costa & Anr.* (1987)¹⁰ The case arose when Audrey D'Costa, a female stenographer, alleged that she was being paid less than her male counterparts for performing the same work. This was a violation of Section 4 of the Equal Remuneration Act, 1976. The Supreme Court ruled in favor of Audrey D'Costa, emphasizing that men and women performing the same or similar work must be paid equally. The court rejected the employer's argument that the disparity was justified by a prior settlement with the employees' union. The following graph presents an analysis of the gender pay gap in India, based on the latest available data.

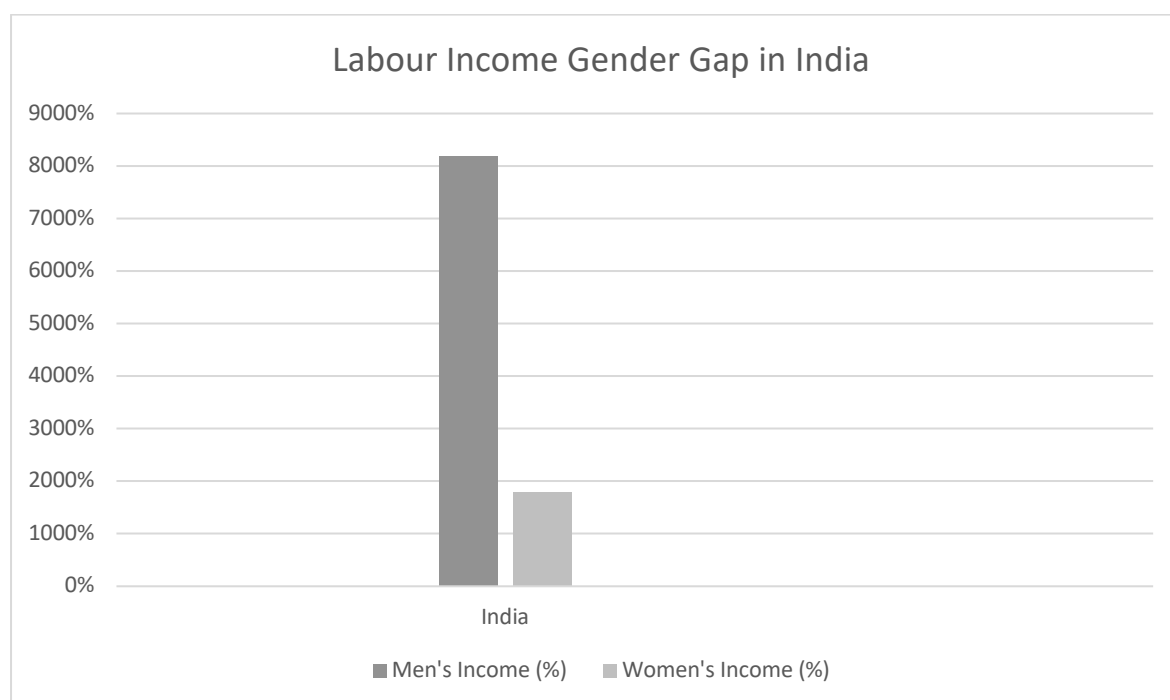


Figure 1: Labour income Gender Gap¹¹

2. **Occupational Segregation:** Women are disproportionately employed in the informal sector, which lacks legal protections such as maternity benefits, paid leave, and workplace

⁹ UN Women, *Equal pay for equal value*, Available at: <https://www.unwomen.org/en/news/in-focus/csw61/equal-pay> (last visited on Mar. 15, 2025).

¹⁰ *Mackinnon Mackenzie & Co. Ltd. vs. Audrey D'Costa*, 1987 AIR 1281.

¹¹ World Inequality Lab, "World Inequality Report 2022" (17 Dec. 2021).

Available at: https://wir2022.wid.world/www-site/uploads/2022/01/Summary_WorldInequalityReport2022_English.pdf (Last visited on Mar. 13, 2025).

safety regulations.

3. **Lack of Access to Sanitary Napkins and Hygiene Facilities:** Many women labourers, especially in factories and construction sites, lack access to sanitary napkins and clean toilets, leading to health issues and absenteeism. The Menstrual Hygiene Management (MHM) Policy needs better implementation in workplaces to ensure access to hygiene products and proper sanitation.
4. **Maternity Leave and Job Security:** Despite the Maternity Benefit (Amendment) Act, 2017, which provides 26 weeks of paid leave, many employers in the informal sector fail to comply. Women in daily-wage jobs often lose their employment after childbirth, increasing economic vulnerability. The *Mangalore Ganesh Beedi Works vs. Union of India (1974)*¹² case is closely tied to the rights and welfare of women laborers, particularly in the beedi industry, where women form a significant portion of the workforce. The Supreme Court upheld the **Beedi and Cigar Workers (Conditions of Employment) Act, 1966**, which aimed to improve the working conditions of beedi workers. This Act provided for measures like fixed working hours, maternity benefits, and health and safety provisions, directly benefiting women laborers.
5. **Stereotypes and Workplace Discrimination:** Women labourers often face biases about their physical abilities, commitment to work, and leadership potential. Many employers hesitate to hire women for certain jobs, assuming they will require frequent leaves for family responsibilities.
6. **Safety Concerns and Harassment:** Many workplaces lack mechanisms to prevent sexual harassment and gender-based violence, despite the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. High profile cases such as the rape and murder of trainee doctor in Kolkata highlights the persuasive threat against women in all sectors. Due to Women don't seek employment out of fear contributing to India's low female employment rate of under 33%, compared to the global average of 47%.¹³

¹² *Mangalore Ganesh Beedi Works vs. Union of India* 1974 AIR 1832.

¹³ The Guardian, "India Is Outraged at a Young Doctor's Death – and We Have Been Here Too Often," (August 23, 2024), Available at: <https://www.theguardian.com/global-development/article/2024/aug/23/india-is-outraged-at-a-young-doctors-and-we-have-been-here-too-often> (last visited on Mar. 15, 2025).

7. Caste-Based Discrimination: Caste discrimination remains largely unaddressed in corporate India's Diversity, Equity, and Inclusion initiatives, which typically focus on gender, sexuality, physical ability, and race. Despite caste being a deeply embedded social hierarchy affecting millions of Indians, companies often avoid discussing it, fearing backlash and complexity. In *Kailas & Others vs. State of Maharashtra (2011)*¹⁴ The Supreme Court emphasized the need for courts to be sensitive while dealing with cases involving SC/ST women, recognizing the intersection of caste and gender discrimination.

Although India banned caste-based discrimination in 1947 and implemented quotas in government jobs and education, these measures have not eradicated inequality, leading to calls for a national caste census. The caste system continues to influence hiring practices and workplace dynamics, with lower castes underrepresented in high-paying jobs.¹⁵

3.1. Low Worker population Ration and Low Labour Participation Rate for Female: The

Data from the Periodic Labour force Survey (PLFS) 2019-20 provides the Worker population Ratio (WPR) of Women in India, the low female WPR (28.7% for women aged 15 and above highlights gender disparity in Labour force participation. It also gave a data on regional disparity in WPR. For instance, Bihar at 9.4% and Himanchal Pradesh at 63.1% shows the socio-economic and cultural factors influence women's employment opportunities.¹⁶ As per the latest data by the same ministry Labour Force Participation Rate (LFPR) for female aged 15 and above has increased from 23.3% in 2017-18 to 41.7% in 2023-24. Similarly, the WPR for females in the same age group rose from 22.0% in 2017-18 to 40.3% in 2023-24.¹⁷

- Labour Force participation: According to the International Labour Organization (ILO), the labour force comprises all individuals who are either employed or actively seeking employment.¹⁸

¹⁴ *Kailas & Others vs. State of Maharashtra*, AIR 2011 SUPREME COURT 598.

¹⁵ Gardner Hannah, Caste remains off-limits in corporate India drive for diversity, Financial Times, 13 Nov 2024, Available at: <https://www.ft.com/content/b0a7eb5e-2f03-4855-81ea-3d8fd07e4b26> (last visited on Mar. 15, 2025).

¹⁶ Government of India, "Periodic Labour Force Survey (PLFS) - Annual Report, 2019-20" (Ministry of Statistics & Programme Implementation, July, 2021).

¹⁷ Government of India, "Annual Report, periodic Labour Force Survey (PLFS) 2023-24" (Ministry of Statistics & Programme Implementation, Sept., 2024).

¹⁸ International Labour Organization, *Resolution concerning statistics of work, employment and labour underutilization*, 19th International Conference of Labour Statisticians (2013).

→ Worker Population Ratio: WPR is the proportion of the working-age population that is employed, reflecting the ability of an economy to generate jobs.¹⁹ As per National Statistical office WPR is the percentage of persons employed among the total population aged 15 years and above.

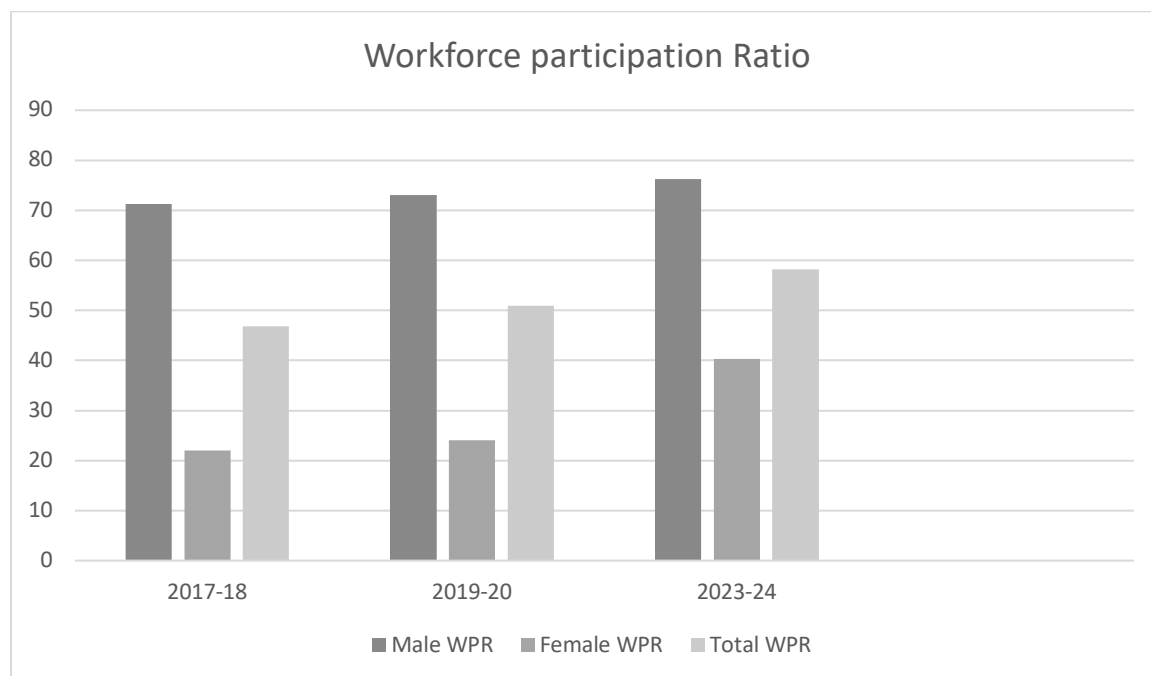


Figure 2: WPR in 2017-18, Pre covid and post covid times.²⁰

4. National Legal Framework

The new labour law framework introduces several statutory protections for women workers through clearly identifiable provisions under each Code. The Code on Wages, 2019²¹ mandates gender-neutral wages by prohibiting discrimination on the ground of sex in matters of remuneration and recruitment for the same or similar work (Section 3)²², thereby strengthening the principle of equal pay for equal work. The Industrial Relations Code, 2020 reinforces non-discrimination in employment conditions while safeguarding women's rights within industrial establishments. Most significantly, the Occupational Safety, Health and Working Conditions Code (OSH Code), 2020 explicitly permits women to work in all establishments and in night

¹⁹ Ibid.

²⁰ Government of India, "Annual Report, Periodic Labour Force Survey, PLFS, 2017-18" (Ministry of Statistics and Programme Implementation (MoSPI) (May, 2019).

²¹ The code on Wages, 2019, Act No. 29 of 2019

²² Id. § 3.

shifts between 7 p.m. and 6 a.m., subject to their consent and the employer's obligation to ensure adequate safety, transportation, and working conditions (Section 43)²³. Further, the Code on Social Security, 2020 enhances benefits for women by integrating maternity benefits, extending coverage to women in the unorganized sector through schemes for gig and platform workers, and strengthening entitlements under the Maternity Benefit provisions. Together, these Codes attempt to modernize India's labour regime by aligning workplace norms with constitutional guarantees of equality and women's right to dignified and secure employment.

Table 1. Various National legislation and their constitutional basis

Sr. No.	Law	Constitutional Basis	Challenges
1.	The Equal Remuneration Act, 1976	Article 39(d)	Wage disparity still exists due to lack of enforcement.
2.	Maternity benefit Act, 2017	Article 42	Only 40% of Unorganised women workers receive maternity benefits.
3.	The Sexual Harassment of Women at workplace Act, 2013	Article 21(Right to dignity)	Poor implementation in the informal sector.
4.	Code on Social Security, 2020	Article 43	Limited coverage for women in informal work.
5.	The Minimum Wage Act, 1948	Article 14	Women in informal sector have limited representation making it harder for them to demand fair wage.

4.1.The Equal Remuneration Act, 1976

From 1976 till now, efforts have been made by gender equality activist who are working to

²³ Occupational Safety, Health and Working Conditions (OSH) Code, 2020, § 43.

reduce the gap in the wages on the basis of sex, but as per the World Economic Forum's Global Gender Gap Index (GGGI), 2024²⁴ India ranks 129 among other nations 145 nations. Thankfully, various legislations have been introduced to reduce this persuasive gap and to name a few there are Maternity Benefit Act 2017, Equal Remuneration Act 1976 and most importantly, the Code on Wages 2019 etc. To align with aim of these legislation employer are not allowed to discriminate in terms of wages on the basis of sex (Transgender included)²⁵ for the same work. International Labour organization is one leading organization working for the welfare of labourers all over the world by setting minimum standards to be followed by member nations in form of conventions and recommendations. India has ratified two major conventions firstly, Convention on Discrimination (Employment and occupation) 1958 and secondly, Equal Remuneration Convention, 1951. The Equal pay of wages is based on the principle of fairness and the aims for "equal pay for work of equal value" addressing the gender disparity. The **Transgender Persons (Protection of Rights) Act, 2019** explicitly prohibits discrimination against transgender individuals in various spheres of life, including employment, education, healthcare, and access to public services.²⁶

Iceland is the Top Scorers in equal Pay for equal work. India has a strong precedent of drawing inspiration from global best practices to strengthen its frameworks, be it in the Constitution or in modern legislation. Implementing successful measures like those from Iceland's Gender Equality Act or the EU's Pay Transparency Directive is achievable, but it would require a tailored approach to fit India's unique socio-economic context. Interestingly, look at the Indicative list of 127 which includes Professions like bakery work, bead making, embroidery etc, these works are indeed women dominated and often tied to traditional gender roles. For many women, engaging in these profession occupations may arise out of necessity such as economic, pressure, or lack of alternative opportunities due to limited skills and educations. Most importantly these jobs fall under the informal or Unorganised sector which makes up for

²⁴ World Economic Forum, "Global Gender Gap 2024 INSIGHT REPORT" (2024), Available at: https://www3.weforum.org/docs/WEF_GGGR_2024.pdf (last visited on Mar. 20, 2025).

²⁵ *Navtej Singh Johar v. union of India Ministry of Law And...*, AIR 2018 SUPREME COURT 4321.

²⁶ Section 3 of the Transgender Persons (Protection of Rights) Act, 2019, prohibits discrimination against transgender persons in various areas of life. It ensures that transgender individuals are not subjected to unfair treatment in education, employment, healthcare, housing, access to public goods and services, or their right to freedom of movement. It also protects their rights to reside, purchase, or rent property, as well as to hold public or private office. This section aims to safeguard transgender persons from being denied opportunities or facing unjust treatment in both public and private establishments, ensuring their equality and dignity in society. (See: https://www.indiacode.nic.in/handle/123456789/13091?sam_handle=123456789/1362).

80 % of employment in India.²⁷ According to the recent data Only 38.5 % of Indian women with advanced education are part of labour force, on the other hand 85.4 % of total men which highlights a glaring gender gap in workforce participation among educated Individuals.²⁸ The unorganised sector workers mainly females suffer from unequal pay, lack of job security and social security etc. The following table show earning comparison between men and women;

Table 2: Gender Wage gap in various Sectors

Sr. No	Sectors	Year	Men Earning (Avg.)	Women (Avg.) Earning	Gender Gap (%)
1.	Self Employed ²⁹	2023-24	₹ 8,591	₹ 2,950	65.66 %
2.	Regular wage ³⁰	2023-24	₹ 11,858	₹ 8,855	25.32%
3.	Casual Labour ³¹	2023-24	₹ 242	₹ 159	34.30 %

4.2. Maternity benefit Act, 2017

The Maternity Benefit (Amendment) Act, 2017 primarily provides extended maternity leave and other provisions for women in the organized workforce but leaves the unorganized sector, which constitutes more than 80% of India's workforce, significantly underserved. Workers in this sector often lack formal contracts and access to social security, including maternity benefits, highlighting the importance of inclusive policies for vulnerable groups. The Indian

²⁷ Ejaz Ghani, et al., *The Exceptional Persistence of India's Unorganized Sector*, 6454 World Bank Policy Research Working Paper 1 (2013).

²⁸ Manika Malhotra Jain, *International Women's Day; India's Female Labour Force Participation – why It Is a Paradox of Progress*, CNBC TV18 available at: <https://www.cnbcvtv18.com/economy/international-womens-day-indias-female-labour-force-participation-rate-a-paradox-of-progress-employment-survey-world-bank-data-19569658.htm> (Last visited on Mar. 7, 2025).

²⁹ Shiva Rajora & Shika Chaturvedi, "Salaried, self-employed real wages below 2017-18 levels: Eco Survey" *Business Standard* (Jan. 31, 2025), Available at: https://www.business-standard.com/budget/news/real-earnings-fell-for-salaried-self-employed-in-past-6-years-eco-survey-125013101362_1.html (last visited on Mar. 13, 2025).

³⁰ Ibid.

³¹ Economic Survey 2024-25.

Constitution upholds the principle of equality in Article 14, which ensures equal protection of laws, while Articles 15(3) and 16(4) focus on affirmative action to uplift marginalized sections of society. However, social security standards advocated by the **International Labour Organization (ILO)** emphasize equity and provisions for unorganized workers. Policies such as India's **Unorganized Workers' Social Security Act, 2008**, address some gaps but remain limited in ensuring adequate maternity protection. By linking economic empowerment with constitutional principles, inclusive social security frameworks can promote equality and ensure substantive justice, especially for women in informal work environments. Judicial interventions, such as *Municipal Corporation of Delhi v. Female Workers (Muster Roll)*³² Supreme court emphasized the section 12 according to which it is unlawful to dismiss a woman if she absents herself as per the act³³ and have also emphasized the necessity of extending maternity protections beyond the organized sector. As per the data released by world Bank, women labour force participation Rate in India constitute only 32.7 % in 2023 out of which 64.6% are employed in agriculture sector, while rest 35.8 % of female employment in industry and services sector. The Supreme court emphasized on providing Maternity leave with pay or other corresponding social security³⁴ and as per section 8 women is entitled to get medical bonus of 250 rupees from employer.³⁵

4.3. The Factories Act, 1948: In the case of *Occupational Health and Safety Association v. Union of India*,³⁶ the Supreme Court of India recognized the right to a safe and healthy working environment as a fundamental right under Article 21, emphasizing the state's duty to protect workers in hazardous industries. **Article 42** directs the state to ensure humane working conditions, and **Article 21** guarantees the right to life, which includes the right to a safe workplace. The principle of **substantive equality** is particularly relevant, as achieving safety measures for women in hazardous industries requires more than just formal equality.

→ **Working Hours and Night Shifts under Section 66(1)(b):** Prohibits the employment of women between 7 PM and 6 AM. However, later amendments allow night shifts under

³² *Municipal Corporation of Delhi v. Female Workers (Muster Roll) and Pooja Jignesh Doshi v. State of Maharashtra*, AIR 2000 SUPREME COURT 1274.

³³ Maternity benefit Act, 2017, S. 12.

³⁴ *Supra* note 29.

³⁵ *Supra* note 30, s. 8.

³⁶ *Occupational Health and Safety Association v. Union of India*, AIR 2014 SUPREME COURT 1469.

strict safety measures.

- Section 54: Limits the maximum working hours to 9 hours per day.
- Section 55: Ensures that no worker, including women, works more than 5 hours continuously without a break.
- Section 59: Provides for overtime wages for work exceeding prescribed hours.

The **Factories Act, 1948**, and its provisions for health, safety, and hazardous activities become vital for ensuring her right to a safe and secure working environment. In industries with hazardous processes such as handling chemicals, working with heavy machinery, or confined spaces the Act mandates measures like protective gear, regular training, and proper safety protocols. A **2011 survey on women's safety in hazardous industries**³⁷ revealed that over **60% of women workers** reported inadequate safety equipment and training, highlighting systemic gaps in workplace safety. Yet, for many women workers, especially in factories dealing with textile dyes, tannery chemicals, or manufacturing units, these measures are often under-implemented, exposing them to risks like chemical burns, respiratory issues, or injuries. Tailored approaches, such as providing special safety equipment suited for women's needs or ensuring better crèche facilities, can bridge the gap, promoting both equity and empowerment in the workplace. In The case of *M/S Bhikuse Yamasa Kshatriya (P) Ltd. vs. Union of India* (1963)³⁸, has particular relevance for women workers in the beedi industry, as it recognized their rights and extended crucial protections under the Factories Act, 1948. Additionally, provisions under the Factories Act, such as those ensuring clean drinking water (Section 19), protection from hazardous processes (Section 22), and prohibition of dangerous operations (Section 27), were particularly significant for safeguarding the health and well-being of women workers. Women often lack awareness of their workplace rights under the Act, and state appointed inspectors and committees are tasked with ensuring compliance. However, enforcement gaps remain widespread, and women frequently bear the brunt of hazardous working conditions, underscoring the need for active state intervention to safeguard their health and dignity.

³⁷ Government of India, Census of India 2011, "women's safety in hazardous industries" (2011).

³⁸ *M/S Bhikuse Yamasa Kshatriya (P) Ltd., & Anr. vs. Union of India, And Anr.* 1963 AIR 1591.

- 4.4. The Mahatma Gandhi National Rural Employment Guarantee Act, (MGNREGA):** It guarantees 100 days of wage employment in financial year to rural household, ensuring work opportunities for women. The Act mandates that **at least one-third** of the beneficiaries must be women, but in practice, women's participation has often exceeded 50%, providing them with a stable source of income. By providing work within 5 Km radius of the worker's residence the act makes it easy for working women to balance employment with household.
- 4.5. The Sexual Harassment of Women at workplace Act, 2013: The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013,** serves as a beacon of hope for achieving gender equity in Indian workplaces. Born out of the foundation laid by the landmark **Vishakha Guidelines** in *Vishakha v. State of Rajasthan* (1997), the Act acknowledges the right of every woman to a safe, dignified working environment, free from harassment. However, while its intent is commendable, the scope of the law and the accessibility of its provisions reveal critical challenges. The Constitution of India aligns harmoniously with this framework, guaranteeing equality under Article 14, prohibiting discrimination via Article 15, and ensuring the right to life and dignity under Article 21. However, in practice, societal and institutional limitations dilute these protections. Judicial interpretations have sought to strengthen the Act's scope to Informal sectors as well. At its core, the Act mandates the establishment of **Internal Complaints Committees (ICCs)** in organizations with ten or more employees and **Local Complaints Committees (LCCs)** for unorganized sectors. These mechanisms, supported by the legal framework, aim to ensure justice and foster accountability. Yet, data underscores a significant gap in implementation. A **2021 study by the National Commission for Women (NCW)**³⁹ revealed that nearly **50% of organizations** still lacked functional ICCs, and training for committee members remains inadequate. Moreover, the Act largely depends on the existence of structured workplaces, leaving women in informal sectors without the safeguards they desperately need. For many in rural areas, geographic and logistical barriers hinder access to redressal mechanisms, such as LCCs, which often lack resources and trained personnel.
- 4.6. The unorganised worker's Social Security Act, 2008: The Report of the Committee on Unorganised Sector Statistics (2011)** underscores the critical role of the unorganized

³⁹ Government of India, "Annual report 2021-2021" (National Commission for Women, 2022).

sector, which contributes approximately **50% to India's GDP**.⁴⁰ The report highlights gaps in data collection and the need for a robust statistical framework to address issues like access to credit, sustainability, and risk management. Surveys conducted by the **National Sample Survey Office (NSSO)** reveal that over **80% of workers in the unorganized sector** lack access to basic social security measures, emphasizing the urgent need for targeted interventions. The Act aligns with the **Directive Principles of State Policy**, particularly **Article 41** (right to work and public assistance) and **Article 43** (living wage and decent standard of life). However, its limited integration with other labour laws, such as the **Maternity Benefit Act, 2017**, and the absence of gender-sensitive provisions leave significant gaps in addressing the unique challenges faced by women and marginalized groups in the unorganized sector. The Act establishes **National and State Social Security Boards** to recommend and monitor welfare schemes, covering areas like health, maternity benefits, old-age pensions, and housing. However, its reliance on registration through district administrations has proven to be a bottleneck, with many workers unaware of the process or unable to access it due to logistical barriers. Furthermore, the Act lacks provisions for mandatory employer contributions, placing the financial burden primarily on the government and workers themselves, which undermines its sustainability.

- 4.7. The Minimum Wages Act, 1948:** The Minimum Wages Act, 1948, is a crucial piece of legislation aimed at ensuring fair wages for workers, including women, in various sectors. It seeks to prevent exploitation by setting a minimum threshold for wages, below which employers cannot pay their workers. The Act mandates that minimum wages must be fixed without discrimination based on gender.⁴¹ Empowers authorities to hear complaints regarding non-payment or underpayment of wages.⁴²

5. Policy framework:

The **Government of Uttar Pradesh** has introduced the Economic Empowerment Index for Women the first initiative of its kind in the state to systematically measure and enhance women's participation across key domains of socio-economic life. Using advanced AI-data tools, the index tracks women's progress **across five critical dimensions: employment,**

⁴⁰ Government of India, "Report of Committee on Unorganised Sector Statistics" (National Statistical Commission, 2011).

⁴¹ The Minimum Wages Act, 1948 (Act 11 of 1948), S.3(3)(a).

⁴² Ibid, S. 20.

education, skilling, entrepreneurship, and livelihood and mobility, offering a comprehensive, real-time picture of gender inclusion. By generating data-driven insights at both district and sectoral levels, the index seeks to bridge long-standing information gaps that often leave women's contributions invisible and unaccounted for. This visibility is essential, as reforms without reliable, disaggregated data tend to become symbolic and entrenched rather than transformative. The initiative therefore represents a significant shift toward evidence-based policymaking aimed at strengthening women's economic agency in Uttar Pradesh.

Central-level schemes like the Mahila Samridhi Scheme, Pradhan Mantri Ujjwala Yojana (PMUY), and Stand-Up India have significantly contributed to empowering women labourers in India. These schemes provide financial assistance, access to clean cooking fuel, and support for women entrepreneurs, respectively. By addressing economic, health, and entrepreneurial needs, these initiatives help women labourers achieve financial independence, improve their health, and create sustainable livelihoods. For instance, the PMUY has reduced health risks associated with traditional cooking fuels, while Stand-Up India has enabled women to start and expand their businesses, fostering economic growth and self-reliance.

Table 3: Schemes and Support from Central government and State Governments

No.	Scheme	objectives	Key features	Eligibility Criteria
1.	Beti Bachao Beti Padhao	Addressing the declining child sex ratio, promote child education and well being	Focus on ensuring gender equality, improving survival and protection of girls and encouraging their protection in education and society.	Girl child particularly in regions with a declining child sex ratio: applicable nationwide.
2.	Mahila smman saving certificate (MSSC)	Provide secure investment options for women	Offers a fixed interest rate of 7.5% p.a. on deposits up to Rs. 2 lakhs, with a maturity period of two years and partial withdrawal options	Women and girl children: applicable nationwide.
3.	Lakhpati Didi Scheme	Empower Women in Self-Help	Recognizes women with an annual income of at last	Women members of SHGs with an annual income of at least Rs. 1

		Groups (SHGs)	Rs. 1 lakh for agriculture, animal husbandry, and small industries providing financial assistance and training	lakh: applicable nationwide
4.	Mission Indradhanush	Achieve full immunization coverage for children and pregnant women	Provides Vaccination against 12 vaccine-preventable disease, targeting children under 2 years of age and pregnant women	Children under 2 years of age and pregnant women: applicable nation-wide
5.	Swadhar Greh Scheme	Support Women in difficult Circumstances	Provide institutional support for rehabilitation, ensuring women can lead their lives with dignity	Women in difficult circumstance, include g widows, destitute women, survivors of violence: applicable nationwide
6.	Mahila shakti kendra (MSK)	Empower rural women through community participation	Facilitates inter-sectoral convergence of schemes Implemented through (State/UT)	Rural Women particularly from economically weaker section: applicable nationwide
7.	Mudra Yojana for women	Promote small business growth and self-employment among women	Provides collateral-free loans up to Rs. 10 lakhs, encouraging women to start and expand their businesses	Women entrepreneurs in small and micro-enterprises: applicable nationwide.
8.	Ladki bahin Yojana	Economic Independence to women age 18-60	Provide monthly Assistance of Rs. 1,500 to women aged 18-60 annual family income below Rs. 3 lakhs	Maharashtra
9.	Mahila Samridhi Scheme	Financial support for economically weaker women	Women aged 21-60, BPL cardholders, not availing other government schemes	Delhi

However, despite the existence of various national and international legal frameworks aimed at ensuring their protection, the very community these laws seek to uplift often remains unaware of their rights. This lack of awareness, coupled with inadequate implementation, leaves women workers vulnerable to exploitation, wage disparity, unsafe working conditions, and workplace discrimination.

6. Key International Conventions & Declaration in Protection of Women Labourers:

As per Article 1 of ILO Convention on Equal Remuneration, "Women workers" include all women engaged in economic activity, whether in formal or informal sectors, including domestic and unpaid labour,⁴³ hence the international law is more inclusive. Following is the key International Conventions & Declaration in Protection of Women Labourers;

- Convention No. 100 (Equal Remuneration Convention, 1951) – Mandates equal pay for men and women for work of equal value.⁴⁴
- Convention No. 111 (Discrimination (Employment and Occupation) Convention, 1958) Prohibits discrimination in employment based on gender.⁴⁵
- Convention No. 156 (Workers with Family Responsibilities Convention, 1981) – Recognizes the need for equal opportunities for workers with family responsibilities.⁴⁶
- Convention No. 183 (Maternity Protection Convention, 2000) – Ensures maternity leave of at least 14 weeks with health benefits.⁴⁷
- Convention No. 190 (Violence and Harassment Convention, 2019) – Addresses

⁴³ International Labour Organization, Convention on Equal Remuneration, C100, 1951 art.1, Available at: https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_Code:C100 (last visited on Mar. 20, 2025)

⁴⁴ ILO, Equal Remuneration Convention, 1951 (ILO Convention No. 100), adopted June 29, 1951, 165 U.N.T.S. 303.

⁴⁵ International Labour Organization, Discrimination (Employment and Occupation) Convention, C111, 1958, Available at: https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C111 (last visited on Mar. 20, 2025).

⁴⁶ International Labour Organization, Workers with Family Responsibilities Convention, C156, 1981, Available at: https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C156 (last visited on Mar. 20, 2025).

⁴⁷ International Labour Organization, Maternity Protection Convention, C183, 2000, Available at: https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C183 (last visited on Mar. 21, 2025).

workplace violence and harassment, including gender-based violence.⁴⁸

Universal Declaration of Human Rights (UDHR), 1948 Article 23 ensures the right to just and favorable working conditions without discrimination.⁴⁹

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979: Recognizes women's rights to equal employment opportunities and protection against discrimination.⁵⁰ Often described as the "International Bill of Rights for Women," CEDAW establishes a comprehensive framework to eliminate discrimination against women in political, economic, social, cultural, and civil life. The Indian judiciary has relied on CEDAW in landmark cases to advance women's rights. For instance, in *Vishaka v. State of Rajasthan* (1997),⁵¹ the Supreme Court formulated guidelines on sexual harassment at the workplace, explicitly referring to CEDAW as a basis for ensuring women's safety at work. In the context of women labourers, **Article 11**⁵² of CEDAW plays a pivotal role in shaping international and domestic commitments towards eliminating discrimination in employment. It obligates State Parties to ensure equal remuneration and benefits for work of equal value, provide non-discriminatory maternity protection including safeguards against dismissal on grounds of pregnancy or maternity leave and guarantee social security, safe working conditions, and protection from workplace harassment. **The Optional Protocol to CEDAW (1999)** further strengthens these obligations by enabling individuals and groups to bring complaints of violations directly before the CEDAW Committee, thereby enhancing the enforcement of women's labour rights. These international standards have significantly influenced India's legislative landscape, inspiring reforms such as the **Maternity Benefit Act, 1961 (as amended in 2017)**, which expanded paid maternity leave; the **Equal Remuneration Act, 1976**, aimed at eliminating gender-based wage disparities; and the **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013**, which codifies the Vishaka guidelines to ensure safer and more dignified workplaces for women.

⁴⁸ International Labour Organization, Violence and Harassment Convention, C190, 2019, Available at: https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C190 (last visited on Mar. 21, 2025).

⁴⁹ Universal Declaration of Human Rights, 1948, adopted Dec. 10, 1948, G.A. Res. 217A (III), U.N. Doc. A/810.

⁵⁰ Convention on the Elimination of All Forms of Discrimination Against Women, 1979 (CEDAW), adopted Dec. 18, 1979, 1249 U.N.T.S. 13.

⁵¹ *Vishaka v. State of Rajasthan*, AIR 1997 SC 3011.

⁵² Convention on the Elimination of All Forms of Discrimination Against Women, 1979 (CEDAW), adopted Dec. 18, 1979, 1249 U.N.T.S. 13. Art. 11.

Collectively, these developments reflect the enduring imprint of CEDAW on national labour protections for women.

Beijing Declaration and Platform for Action, 1995

Adopted at the Fourth World Conference on Women (Beijing, 1995), the Beijing Declaration and Platform for Action is a landmark document that sets forth strategic objectives and actions for achieving gender equality across twelve critical areas, including women and poverty, education, health, violence, and economic participation.⁵³

In the context of women labourers, the Beijing Platform for Action:

- Recognizes women's economic rights and the need to eliminate barriers to equal employment opportunities.
- Calls for the implementation of equal pay policies and support for women in informal and unorganized sectors.
- Urges governments to ensure maternity leave, parental leave, and protection from workplace discrimination.
- Encourages ratification of ILO Conventions related to maternity protection and equal pay.
- The Beijing+25 Review (2020) reaffirmed the commitments made in 1995 and highlighted the persisting challenges, such as the gender wage gap, lack of social protection, and workplace harassment.⁵⁴

International Response: **The ILO** adopted Conventions on maternity protection, domestic work, and workplace harassment, aligning with Beijing's objectives.

The Sustainable Development Goals (SDGs): particularly Goal 5 (Gender Equality) and Goal 8 (Decent Work and Economic Growth), reflect commitments made under the Beijing

⁵³ Beijing Declaration and Platform for Action, 1995, Fourth World Conference on Women, U.N. Doc. A/CONF.177/20 (Sept. 15, 1995).

⁵⁴ "Beijing+25 review", on the 25th anniversary of the Beijing Declaration and Platform for Action (BPfA), 2019 Available at: <https://www.unescap.org/intergovernmental-meetings/asia-pacific-regional-review-25th-anniversary-beijing-declaration> (last visited on Mar. 21, 2025).

Platform for Action.

India's Response: The National Policy for the Empowerment of Women (2001) was formulated in line with Beijing's recommendations.⁵⁵ Women-centric labour laws have been strengthened, including provisions for equal pay, maternity benefits, and occupational safety.

7. Comparative Analysis of Women Labourers' Rights in different jurisdictions

India lags behind countries like Sweden and Germany, where paid parental leave, comprehensive social security, and gender-equal wages are effectively enforced. UK and US provide stronger anti-discrimination protections, but US laws lack paid maternity leave. Germany and Sweden set global benchmarks for social security coverage, wage equity, and parental leave policies. For India, improving enforcement of the Social Security Code and expanding coverage to informal workers remains a critical need.

7.1. Global Gender Pay Gap & Women labour force Participations: According to the World Economic Forum's Global Gender Gap Report,⁵⁶

*"India's low female labour force participation rate (24%) highlights the stark inequality in employment access for women workers, particularly in the unorganized manufacturing sector. In contrast, Sweden and Germany, with FLFP rates above 70%, demonstrate how strong legal frameworks and social security policies encourage female workforce retention."*⁵⁷

7.2. Wage Disparity in the Unorganized Sector: A 2022 ILO report found,⁵⁸

*"The gender wage gap remains a pressing issue in India's unorganized manufacturing sector, where women earn on average 35% less than men. In contrast, Germany and Sweden have significantly lower wage disparities due to robust equal pay legislation and enforcement."*⁵⁹

7.3. Maternity Leave & Social security Coverage: According to UN Women, only 40% of Indian women workers in the unorganized sector have any form of maternity benefit despite

⁵⁵ National Policy for the Empowerment of Women, 2001, Ministry of Women and Child Development, Government of India.

⁵⁶ World Economic Forum, Global Gender Gap Report 2023 (World Economic Forum, 2023) <https://www.weforum.org/reports/global-gender-gap-report-2023> (last visited on Mar. 14, 2025)

⁵⁷ Ibid.

⁵⁸ International Labour Organization, World Employment and Social Outlook: Trends for Women 2022 (ILO, 2022) <https://www.ilo.org/global/research/global-reports/weso> (last visited on Mar. 14, 2025).

⁵⁹ Ibid.

the Maternity Benefit (Amendment) Act, 2017. Germany provides 14 weeks of fully paid maternity leave, and Sweden offers 480 days of parental leave, while India's informal sector largely lacks enforcement of its maternity policies.

“Despite the existence of the Maternity Benefit Act, 2017, its coverage remains limited, with only 40% of women workers in the unorganized sector receiving maternity benefits. This contrasts sharply with Germany and Sweden, where comprehensive parental leave policies ensure greater workforce participation for women post-childbirth.”⁶⁰

7.4. Workplace Safety and Harassment: A 2021 National Commission for Women (NCW) report found *“85% of female workers in India's informal sector face workplace harassment, but only 10% report it. This is largely due to the lack of accessible legal redress and weak enforcement mechanisms, which contrasts with the robust protections available in European countries.”⁶¹*

8. Constitutional Framework for Women Worker:

The Indian Constitution provides a strong legal foundation for the protection and empowerment of women workers, particularly in the unorganized sector. Various provisions ensure equality, non-discrimination, and social security, while judicial interpretations have reinforced these rights.

8.1. Fundamental Rights (Part III of the Constitution)

In *Air India v. Nargesh Meerza & Ors. Etc. Etc*⁶² the Supreme Court struck down discriminatory service rules that forced female employees to retire upon marriage or pregnancy, reaffirming gender equality under Articles 14, 15, and 16.

- Article 14: Guarantees equality before the law and equal protection of laws, ensuring that women workers are not discriminated against in employment and wages.⁶³
- Article 15(1): Prohibits discrimination based on sex, preventing gender bias in hiring,

⁶⁰ UN Women, Progress of the World's Women 2023: Gender Equality in Labour Markets (UN Women, 2023) <https://www.unwomen.org/en/digital-library/publications> (last visited on Mar. 15, 2025).

⁶¹ National Commission for Women, Report on Workplace Harassment in the Informal Sector (NCW, 2021) <https://ncw.nic.in/reports> (last visited on Mar. 15, 2025).

⁶² 1981 AIR 1829.

⁶³ The Constitution of India, art. 14.

wages, and workplace policies.⁶⁴

- Article 15(3): Allows the State to make special provisions for women and children, forming the basis for laws such as the Maternity Benefit Act, 2017, and the Equal Remuneration Act, 1976.⁶⁵
- Article 16: Ensures equal opportunities in public employment, though its direct applicability to the unorganized sector is limited.⁶⁶

8.2. Directive Principles of State Policy (Part IV of the Constitution)

In *Mackinnon Mackenzie & Co. v. Audrey D'Costa*⁶⁷, the Supreme Court reinforced the right to equal pay under Article 39(d), emphasizing that women workers cannot be paid less than their male counterparts.

- Article 39(a): Ensures equal right to livelihood for men and women.⁶⁸
- Article 39(d): Mandates equal pay for equal work, forming the constitutional basis for the Equal Remuneration Act, 1976.⁶⁹
- Article 42: Directs the State to provide maternity relief and humane working conditions, leading to legislations like the Factories Act, 1948, and the Maternity Benefit Act, 1961.⁷⁰
- Article 43: Promotes living wages and decent working conditions, which remains largely unfulfilled in the unorganized sector.⁷¹

8.3. Fundamental Duties (Part IVA – Article 51A)

Article 51A(e): Encourages citizens to renounce practices derogatory to the dignity of women,

⁶⁴ *Id.*, art. 15(1).

⁶⁵ *Id.*, art. 15(3).

⁶⁶ *Id.*, art. 16.

⁶⁷ 1987 AIR 1281.

⁶⁸ *Supra* note 55, art. 39 (a).

⁶⁹ *Supra* note 55, art. 39(d).

⁷⁰ *Supra* note 55, art. 42.

⁷¹ *Supra* note 55, art. 43.

strengthening the argument for strict workplace safety laws in the unorganized sector.⁷²

8.4. Reservation and Representation for Women

Article 243D & 243T: Provide reservation for women in Panchayati Raj institutions and urban local bodies, ensuring political participation in decision-making related to labour policies.⁷³

9. Judicial Interpretations Through Landmark Cases

In *Bachpan Bachao Andolan v. Union of India & Others* (2011)⁷⁴, the Supreme Court of India addressed the exploitation of children in Indian circuses. The petition, filed under Article 32 of the Constitution, highlighted that children were trafficked from impoverished regions of India and Nepal, subjected to inhumane conditions, and deprived of their fundamental rights. While the case primarily focused on child labour, it underscored broader issues of trafficking and forced labour that also affect women, especially in informal sectors like circuses. Women and girls are particularly vulnerable due to factors such as poverty, lack of education, and socio-economic inequalities.

*Khurana and Others v. Union of India and Others*⁷⁵ In this case, the Cine Costume Make-up Artists and Hair Dressers Association of Mumbai was denied registration under the Trade Unions Act, 1926. The court addressed the rights to equality, livelihood, and employment, emphasizing that denying registration infringed upon these fundamental rights. This case underscores the importance of allowing workers, including women, to organize and protect their labour rights.

*People's Union for Democratic Rights v. Union of India*⁷⁶ in this case Public Interest Litigation (PIL) reaffirmed the principle of 'equal pay for equal work' irrespective of whether the employer is in the public or private sector. In the judgment Justice Bhagwati emphasized that non-discrimination in wages is a fundamental right, thereby directly impacting women labourers who often face wage disparities.

⁷² *Supra* note 55, art. 51 A(e).

⁷³ *Supra* note 55, art. 243D & 243 T.

⁷⁴ AIR 2011 SUPREME COURT 3361.

⁷⁵ *Khurana and Others v. Union of India and Others* WRIT PETITION (CIVIL) NO.78 OF 2013.

⁷⁶ 1982 AIR 1473.

*State of Maharashtra v. Indian Hotel & Restaurant Association*⁷⁷ this case dealt with the exploitation of women in dance bars. The court examined the balance between morality, women's right to livelihood, and protection from exploitation. The judgment highlighted that while regulations are necessary to prevent exploitation, outright bans could infringe upon women's rights to earn a livelihood.

*The Chairman, Railway Board & Ors v. Mrs. Chandrima Das & Ors*⁷⁸ in this case, a Bangladeshi national was gang-raped by employees of the Railway. The court held that the victim could seek compensation under public law due to violations of her fundamental and human rights. This case underscores the state's responsibility to protect individuals from human rights violations, reinforcing protections for women against workplace-related crimes.

*Vishakha v. State of Rajasthan*⁷⁹ is a landmark case where the Supreme Court laid down guidelines to prevent sexual harassment at the workplace, enforcing constitutional protections and aligning with international women's rights norms. This judgment led to the formulation of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, providing a direct legal framework to protect women labourers.

10. Conclusion

While India's constitutional framework provides a strong legal basis for protecting women workers, gaps in implementation remain a significant challenge. Judicial activism has played a crucial role, but structural reforms are necessary to translate constitutional promises into real economic and social security for women in the unorganized manufacturing sector. Addressing these challenges requires not only robust legal frameworks but also active state intervention and alignment with international standards, such as those advocated by the **International Labour Organization (ILO)**. Despite these constitutional and international safeguards, women workers continue to face significant challenges. The gender pay gap persists, with women earning less than men for the same work. Workplace harassment remains a serious issue, even with laws like the Sexual Harassment of Women at Workplace Act, 2013 in place. Many labour laws suffer from poor implementation, particularly in the unorganized sector, where women lack formal protections. Maternity discrimination discourages employers from

⁷⁷ AIR 2013 SUPREME COURT 2582.

⁷⁸ AIR 2000 SUPREME COURT 988.

⁷⁹ AIR 1997 SUPREME COURT 3011.

hiring or promoting women due to extended leave policies. Additionally, limited leadership roles for women in various industries continue to reinforce systemic inequalities.

The legal protection of women workers is essential for achieving true gender equality. While India's constitutional framework and international treaties provide a strong legal foundation, effective implementation, policy reforms, and enforcement mechanisms are required to bridge the gap between law and reality. Ensuring workplace safety, promoting equal wages, strengthening maternity benefits, and eliminating workplace discrimination are critical steps toward creating an equitable society where women can work with dignity and security.

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