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PROTECTION OF RIGHTS OF WOMEN AT WORK-PLACE IN INDIA

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ABSTRACT

The Constitution of India provides many fundamental rights and duties of every citizen of India. The rights are given irrespective of any caste, creed, religion or sex. These rights are freely enjoyed by every citizen of India, with these rights there come to some duties, which the citizens are bound to follow. Every citizen is equal in the eyes of law and is not discriminated on any ground.

From the early times to the present world women are discriminated on every aspect of their lives; from their household to their workplace. In India, there are many laws which are made to protect the rights of women and to punish the offenders. Some of the acts are Equal Remuneration Act 1976, national Commission for Women act 1990, Sexual Harassment of Women at the workplace (prevention, prohibition and Redressal) Act 2013, Maternity Benefit Act 1861. Along with the above-mentioned acts, there are many other acts which are made for the benefit of women so that they are not discriminated for being a woman.

KEYWORDS: Women, Law, Constitution

INTRODUCTION

In India, it is found that men underestimate women and discriminate them in every aspect of a day to day life. The working women's faces many problems in their workplace. Their rights were violated and they were not given the position they deserved. The Equal Remuneration Act 1976 came up with promising effects for payment of equal remuneration to men and women workers for same work or work of similar nature without any discrimination and also prevents discrimination against women employees while making recruitment for the same work or work of

similar nature or in any condition of service subsequent to recruitment.

The section 5 of the act says that while making recruitment for the same work or work of similar nature, or in any condition of service subsequent to recruitment such as promotion, training or transfer shall not make any discrimination against women except where the employment of women if such work is prohibited or restricted by or under any law for the time being in force. Every worker is allowed to work for 48 hours in a week. Women workers shall not be employed except between the hours of 6

a.m. and 7 p.m. However, the state government may by a notification in the Official Gazette vary these limits to the extent that no women shall be employed between the hours of 10 p.m. and 5 a.m.

The Maternity Benefit Act 1961 aims to protect the dignity of motherhood by providing for the full and healthy maintenance of women and her child when she is not working. The Section 4 of the act prohibits women from working in an establishment during the six weeks immediately following the day of her delivery, miscarriage or medical termination of pregnancy. A pregnant woman shall not be allowed to work which is of an arduous nature or which involves long hours of standing, during the period of one month immediately preceding the period of six weeks, before the date of her expected delivery. The above act assures the right to payment of maternity benefit to every working woman.

Every woman shall be entitled to and her employer shall be liable for the payment of maternity benefit at the rate of the average daily wages for the period of her actual absence, that is to say the period immediately preceding the day of her delivery, the actual day of her delivery and any period immediately following that day. The maximum period for which any women shall be entitled to maternity benefit shall be twelve weeks of which not more than six weeks shall precede the date of her expected delivery.

Every woman who delivers a child and returns to work has the right to get the interval for rest and in the course of her daily work, two breaks of the prescribed duration for nursing the child until the child attains the age of fifteen months. The act also provides that if any employer fails to pay any amount of maternity benefit to women entitled under this act or discharges or dismisses such women during or on account of her absence from work in accordance than he shall be punished with imprisonment or fine or both.

SEXUAL HARASSMENT IN THE WORKPLACE

Women faced many kinds of sexual harassment in their workplace too. In an office with more number of male employees than female employees, female employees were harassed a lot sexually either verbally or physically. Sexual harassment is a violation of Article 14, 15 and 21 of the Constitution of India. In this respect on 9th December 2013, the Sexual Harassment of women at Workplace (Prevention, prohibition and redressal) Act came into force. This act ensures that all women will get protection in their workplace in respect of any sexual harassment being faced by them.

Many of initiatives have been taken by the government for protecting the rights of working women's. It has been done because women were showing least interested in working because of the problems which they face. Only the women who are in need of money were working despite those problems

they were facing. It was a loss to the economy as well.

The government with its legislative powers has amended many of the acts for the women and has also made many boards which work in this respect. They take prompt action once a report of such has been logged. Every working woman has specific rights which are given to them. Most of the women worker who is illiterate is exploited by the employer. They are not given their rights.

The government has set special bodies that look after this matter so that the women are made literate that they are entitled to such rights and if violated or cheated they can move to the appropriate courts where they will be given justice. In the present scenario though women still face problem in the workplace or their rights are openly violated but at least women have the knowledge about their rights and how to protect them. These specific rights given only to women don't amount to inequality. These rights and benefits are constituted for the women so that they are not discriminated in any way for being a woman.

Articles 232 and 243 of the Universal Declaration of Human Rights has specified and clarified The Right to Work as an imperative Human Right. Everybody has the privilege to work and can opt for working in a secure environment. The privilege to work is firmly identified as a fundamental right which could be equated with something as simple as the privilege to life. In a nation where a large number of individuals are

denied any financial resources other than work, employment which is profitable is basic for these rights to be satisfied.

Unemployment is one of the leading factors for poverty. The liberty to work negates that. There should be equal pay and equal work opportunities given to all without any discrimination. Right to work not only is a milestone to achieve steady economic, social and cultural development of the country but also ensures that everyone would have the chance to live a safe healthy wholesome life.

DISCRIMINATION AT WORK

Discrimination is defined under ILO Convention No. 111 as any "qualification, prohibition or inclination made on the premise of race, colour, political opinion, religion, sex, social inception or national extraction, etc, which has the effect of nullifying or impairing equal) of opportunity and treatment in employment or occupation."

Inequity and prejudice can propagate destitution, smother improvement, efficiency and touch off political insecurities, says the report which was prepared under the ILO's 1998 Declaration on Fundamental Principles and Rights at Work. According to the report, discrimination is still a typical issue in the work environment. While a portion of the more obtrusive types of discrimination may have ebbed, many still dwindle and have taken on new or less visible forms.

The concept of gender mainstreaming began somewhere around the year 1980 which had been embraced by nations everywhere throughout the world which aspired to make equality of sex fundamental to the development practices. Despite the factor that our Constitution and numerous other authoritative Acts have encouraged general equality, the status of women remains low.

There is an incredible upsurge in the consciousness of ladies' among all segment of society. There is an incredible improvement in the consciousness of women appropriate among all segment of society. Despite urbanization and economy which remains pastoral based thus to accomplish financial gains attempts ought to be made through particular projects for multiplying life expectancy of women decreasing female infanticide to maintain harmony amongst male and female populaces. To completely eradicate gender inequality and encourage equity in society it is vital to eliminate discrimination.

WORKPLACE HARASSMENT LAWS IN HIGHER EDUCATION

Madras University framed sexual harassment code in the year 1991. Sexual harassment includes the commission of any verbal, physical or other conduct including comments or gesture of a sexual nature. It induces eve-teasing, unwelcome remarks, jokes causing or likely to cause awkwardness or embarrassment, gender-based insults or sexist remarks.

Unwelcome sexual overtones in any manner over the telephone, touching or brushing against the body, displaying pornography or other offensive or derogatory picture, cartoon, pamphlets or saying, forcible physical touch or molestation, physical confinement against one's will or any other act violating one's privacy according to the code.

Significantly, denial of equal opportunity in career development and making the work environment unfriendly as well as menacing employees are included as part of the term 'harassment'.

The recommendations of a four-member committee have been sent to Rajya Sabha Deputy Chairperson Najma Heptullah to help enact such a code in all workplace across the country. The code has been framed to deal with complains of sexual harassment in which staffs were either victims or executioners. The penalty imposed under the code shall be a warning, serious warning, fine in monetary terms in proportion to gravity or nature of harassment.

The Solicitor General introduced 'Visakha Guideline' after giving the historical judgment on Visakha Vs. Rajasthan Government in 1997 basing on the writ petition of 1992, to protect the interest of working women both in government and private sector, dealing with violence on women and nature of equal justice.

Directives to constitute Woman's cells also came from the Supreme Court in all

universities to deal with workplace harassment on women. Sexual harassment bill was passed in the India Parliament in 2001, which also deals with workspace harassment on women. Section 304-B, 306, 498-A of Indian Penal Code, Section 32,113-B of Indian Evidence Act also deals with various kind of harassment. Section 354 of IPC deals with assault or criminal force to woman with intent to outrage her modesty Article 15 (3) deals with positive prejudice in favor of women Article 14, 19, 21 of Indian Constitution gives women equal rights and opportunities.

EXISTING LEGISLATIVE FRAMEWORK

Specific aspects of women equality are mentioned in the Constitutional laws but anti-discrimination code is missing. Laws like the Maternity Benefits Act, 1961, Equal Remuneration Act, 1976 and the National Rural Employment Guarantee Act, 2005 attempt to deal with violence against women. An example of civil law which addresses any violence in domestic sector is mentioned in the Protection of Domestic Violence Act, 2005. The Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 is an example of criminal law to counter acts of violence against SC/ST women. There is no broad statutory definition of inequity that takes into account special manifestations of prejudice and its blow in the deficiency of an anti- discrimination code.

The National Human Rights Commission and the National Commission for Women

are constituted to safeguard and protect human rights. For better enforcement of human and women rights these commissions are given the responsibilities. These Commissions have their limitations too. Individual grievances are not being entertained here neither the Commission can bind a government's decision regarding the issues.

It is encouraging to note that the requirement for sex-specific information has been perceived and different censuses and other official large scale level measurements are starting to show up with female calculations. These are best utilized as markers of patterns and not as outright figures.

In the overall public tables of gender ratio demonstrated a descending pattern with the exception of the age limit between 25-29 this could be a positive response to the raised age of marriage and lower maternal mortality in that age aggregate. A diminishing gender ratio in urban zones could be demonstrative of the expanding female-headed rural families which need to depend on small, sporadic settlements from male members who move to urban areas for work, for instance, in Orissa; the gender ratio in 2012 was 871 while the provincial urban breakup was 1000 and 794 separately. Comparative trends were seen in different states also. Curiously, the lopsidedness of gender ratio in the rustic/urban populace was more prominent in states where ladies are accepted to have a lower societal position

with limitations on their movement and social interaction.

CONCLUSION

The Indian Constitution ensures fundamental rights to women, yet its jurisdiction is just to state or public institutions and does not stretch out to the private sector. Furthermore, there is no general anti-discrimination policy in India or even a statutory meaning of “discrimination.” Instead, there is a progression of laws illustrating parts of equality, and standard or personal law which can stay substantial notwithstanding while disregarding these arrangements.

Discrimination is of many kinds but amongst all is the desire to have a male child. Gender discrimination refers to the inequality that exists among the genders. People of the modern era consider this to belong to the narrow-minded orthodox people although many who belong to the higher strata support gender discrimination. Besides this, the unequal treatment that is visible in workplaces among genders is a burning issue that our society is facing.

Workplace gender discrimination reports unusual or unequal or unhealthy behavior towards females as compared to the male populace. This has been supported by researchers as well.

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