

WORKING CONDITIONS OF WOMEN IN TEXTILE INDUSTRIES AND SUPPORTIVE LABOUR LEGISLATION

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Abstract

The unorganized workers are living below the minimum accepted standards without adequate facilities and minimum wages fixed by the appropriate government. Most of the women employees were working in the textiles industry with to full fill their daily needs. Women workers in all the countries require special treatments women have got important bearing on home life as well as health of future generation. Hence, society is primarily concerned with the conditions of their employment. Positive steps have been taken for prevention of exploitation of working women is the aim of all the labour legislation. And also in constitution of India in directive principles of state policy there is a provision regarding labourers that the duty of state to ensure their working conditions.

Key words: minimum wage, labour legislation, constitution, exploitation, textile industry

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Introduction

Working conditions have a very great influence on the efficiency and morale of the workers. Provision of the financial incentives alone will not result in higher efficiency, as the root of bad factory morale are not always economic. Welfare refers to all the efforts on the parts of employers which are either imposed by law undertaken voluntarily to improve the conditions of employments in their own factories. According to the ILO. Resolution of 1947 workers welfare covers such service. Facilities and amenities which may be provided in or near the work place to enable the person employed in them to perform their work place to enable the persons employed in them to perform their work in healthy and congenial surrounding conducive to high morale and good health¹. The Labour investigation committee of 1951 defined labour welfare.

Specification of labour welfare

Labour welfare scheme contributed to the maintenance of the morale of employees reduce, absenteeism and labour turnover promote industrial peace; increase the efficiency of the workers to have a wider conception of life and reduce his feelings of insecurity. Fully realizing the significance of proper working conditions for the workers, the framers of the Indian constitution made special reference to working conditions in directive principles of state policy Article 39e and f and Article 42 of the Indian constitution. All the five years plans also have emphasized the effective implementation of factory legislation, which lay down specific conditions conducive to the welfare of workers in the work spot.

1. Welfare within the precincts of the establishments

This includes medical aid, creches, canteens supply of drinking water, proper seating, ventilation, lighting and sanitary conditions.

2. Welfare measures outside the establishments

This includes the provisions of indoor and outdoor recreation housing transport, adult and workers education.

3. Social security measures

¹International labour organization, Asian regional conference, report II. ILO Geneva 1947 p.3

Welfare programme under social security measures includes old age pension, medical and maternity benefits and dependants allowance².

1. Welfare programmes can be also classified in another way also

A larger legal umbrella has been opened up over the physical conditions to work in factory like safety, ventilation and sanitation. They are enforced by comprehensive factory acts.

1. Non-statutory schemes

From the humanitarian welfare point of view employers provide facilities on a voluntary basis. They may not result in directly measurable economic returns.³

2. Mutual labour welfare schemes

They include trade union sponsored welfare schemes. For example the Ahmedabad textile union provides a variety of friendly services like adult education, self-employment scheme for the workers families and schools for their children.⁴

Women's workers and factory legislation

Maternity protection resolution, night work prevention conventions of 1931 and 1948, under found work prevention for women convention of 1935. Maternity protection (revised) convention 1952 and equal remuneration convention of 1952 are some of the important convention of ILO regarding women labour. In 1919 the ILO recommended the prohibition of employment of women and child labour in industries.

Protective legislation for women workers in India

- The factory Acts of 1881 and regulated working hours and rest intervals for women workers for the first time.
- The factories Act of 1948, the mines Act 1952, the plantation labour Act of 1951 and the beedi and cigar workers (conditions of employment) Act of 1966. Prohibited the employment of women between 7.A.M to 6.A.M
- The factories Act of 1948 and mines Act of 1952 provided for relaxation of the night duty restriction by the concerned state governments. However employment of women is not permitted between 10 p.m to 5a.m.

²Channas.n., labour in Indian cotton industry.,p.65.

³ Ibid.,

⁴ Ibid.,

➤ Under the factories Act of 1948 night employment for women may be permitted by the state government for a period not exceeding three years in case of fish curing and canning factories if such employment is considered necessary to prevent damage or deterioration in any raw material. The factory Act of 1948 prohibits employment of women in dangerous or heavy occupations. It further prohibits their employment in pressing cotton, in which a cotton opener is at work. Along with the mines act of 1952, it authorize state government to fix up the maximum load that should be lifted. Carried or moved by the movement by the women.

➤ The mines Act of 1952 provides that no women should be employed below ground and that every woman employed in a mine above ground shall be allowed an interval of not less than 11 hours between termination of employment on any one day and the commencement of the next period of employment.

➤

Equal Remuneration Act, 1976

Article 39 of the constitution envisages that every state shall direct its policy among other things; towards securing equal pay for men and women. The Act provides for the prevention of discrimination on the ground of sex against women in the matter of employment and for matters connected there with or incidental thereto. The Act also prohibits discrimination while recruiting men and women workers for the same or similar nature of work except where the employment of women in such work is restricted or prohibited by or under any law for the time being.

Till 1975, there was no specific legal provision mandating payment of equal wages to women even though discrimination against women. The provision relating to “equal pay for equal work” is not an enforceable fundamental right but is issued as a directive to the state in part IV of the constitution. By this the directive to the state has been obliged to secure such social and economic freedoms for the citizens which could not be guaranteed at the time when the constitution was framed due to the then prevalent socio economic conditions.

In 1951, ILO passed a convention called “equal remuneration convention” (No.100), the full title of which was “equal remuneration for men and women workers for work of equal value”. With

a view to honour this ILO convention and also to implement Article 39 of the constitution of India, the president of India promulgates an ordinance⁵.

The act place duty on a employer to pay equal remuneration to men and women workers employed by him in an establishment or employment for performing same or similar nature of work. It forbids discrimination against women workers either at the time of recruitment such as to place where the employment of women is prohibited or restricted by any law in force.⁶

In order to promote employment opportunities for women, the Act provides for setting up advisory committees and appropriate authorities to hear and decide claims and complaint against out of the Act. With the aim of providing increasing options for women including part time employment, the advisory committee required to tell the government to extent to which may be employed in specified establishment. The inclusion of this section showed of this section recognition of the need to look in to quantitative aspects of women's employment.⁷

Maternity benefit Act, 1961

Performance of the biological role of a child bearing necessarily involves withdrawal of a woman from the workforce for some period. During this period she not only cannot work for her living but needs extra income for her medical expenses. In order to the women workers to subsist during this period and to makes a provisions for maternity benefit so that the women can play her productive and reproductive roles efficiently.

One of the earliest conventions adopted was the Maternity protection convention,1919, the purpose of which was to provide protection of women workers in certain conditions. All the member countries of ILO were directed to pass suitable legislation to extend certain benefits to women during pregnancy and after child birth. India being one of the founder members of ILO was accepted to pass such legislation without delay.

⁵ International labour office., management training for the women workers.,p.98

⁶ Ibid.,

⁷ Ibid.,

It was the government of the state of Bombay that enacted the first maternity benefit legislations in the year 1929. The Act provided for a seven weeks and an allowance of 50 paise per day during the leave period, for any woman workers who was due for delivery. To be eligible to receive this benefit the women should have worked in that factory or establishment for a period of six months.

This legislation was regarded as very progressive. Soon some other followed the example of Bombay state and enacted other similar laws with some minor variation. Bihar and Madhya Pradesh were some of the earliest states to pass maternity benefit legislation. Within a span of the next 25 years ago so, various states had passed similar legislation.

This Act was enacted keeping in mind the unequal physical and sociological burden a women faces at the time of child bearing and rearing. It was enacted with the object of protecting the dignity of mother hood by providing for all full and healthy maintenance of a woman and her child when she is not working.

Minimum Wages Act, 1948

Article 39 of the constitution envisages that the state shall in particular direct its policy towards securing that the citizen of have the right to adequate means of livelihood. The Minimum Wages Act, 1948 was passed to provide for a statutory fixation of minimum wages ,especially needed in our country. Where workers poorly organized and have a less bargaining power. The Act provides for fixation of minimum wages by the government for employment covered under this schedule. It provided for machinery for fixing and revision of minimum wages Act.

Implementation of women related legislation: A critique

Though large number of women related legislation is in place it is seen that the efficiency of these laws is not satisfactory primarily on account of poor implementation. A major reason for this is the lack of adequate knowledge regarding these special legislation and also absence of gender sensitivity on part of the functionaries such as police, prosecution, medical profession, judiciary etc. the central and state government need to give a very high priority to training and capacity building of these stakeholders not only to educate them about the nuances of the laws

but also to inculcate gender sensitivity in the system⁸. The women themselves too need to their protection and rights. For this purpose, awareness generation and dissemination of information on a sustained basis is needed with special modules based on the region and group targets.

Thus while there are a plethora of Acts existing for the protection and socio economic equality of women, it's only through their effective implementation that women receive the intended benefits. However gaps still remain and it's essential that specific laws are brought into effect which provided adequate safeguards and protection to women.

Poor implementation of women specific legislation does not mean that the conditions of women workers have not undergone any change since the early days of industrialization. In urban areas and particularly in large factories and establishments women have better condition and many of the welfare provisions are implemented.

Constitutional provisions of women in India

The constitution of India recognize the right of women to employment and included a number of Article 14 lay down the equality before law of all⁹ citizens of the country, and Article 15 prohibits discrimination on the grounds of Sex, religion, race. Article 16(1) and (2) emphasis equal opportunities for all in the matter of employment and prohibits discrimination in employment.

Article 15(3) of the Constitution empowers the state to make special provisions for women and children within the frame work of the fundamental rights¹⁰. Articles 39 and 42 specially refer to women and children. They direct the state to secure health and strength of all workers, men, women and not abuse children for economic gains. Humane and just conditions of work and maternity benefits are assured to women by Article 42¹¹.

⁸Giri v.v., "Labour problems in Indian industry" .,1970.p.45.

⁹ Article 14 of Constitution of India

¹⁰ Article 15 of Constitution of India.

¹¹ Article 39 and 42 of Constitution of India

Thus, labour legislation for women in India is rooted in the Indian Constitution and is guided by ILO conventions. The objective of these enactments is to protect women from exploitation.

Women as an independent group constitute 48% of the country total population as per the 2001 census. The importance of women is recognized by the Constitution of India which is not only accords equality to women but also empowers the state to adopt measures for positive discrimination in their favour. There are Articles in the Constitution which reiterate the commitment of the nation towards the socio economic development of women and upholding their political rights and participation in decision making.

| Article | Brief Description |
|---------------|---|
| Article 14 | Men and women to have equal rights and opportunities in the political economic and social spheres. |
| Article 15(1) | Prohibits discrimination against any citizens on the grounds of religion, race, caste,sex etc. |
| Article 15(3) | Special provision enabling the state to make affirmative discrimination in favour of women. |
| Article 16 | Equality of opportunity in matter of public appointments for all citizens |
| Article 39(a) | State shall make direct policy towards securing all citizens men and women, equally the right to means of livelihood. |
| Article 39(d) | Equal pay for equal work for both men and women. |
| Article 42 | State to make provision for ensuring just and humane conditions of work and maternity. |
| Art51(A)(e) | To renounce the practice derogatory to the dignity of women. |

Conclusion

Now a day, there is more number of legislation relating to protect the women from discrimination and harassment in work place and mainly about the working conditions of the women. Particularly the research deals with the women in textile industry. The legislation was not an effective. The punishment prescribed in the labour legislation is not that much effective. The government has to take an effective implementation on labour legislation.