



## Women Empowerment through Awareness of Laws

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**Abstract:** Empowering is an act of building, developing and increasing power through co-operation, sharing, and working together. The major root of the word “empowerment” is power. In pragmatic term empowerment implies rethinking about power on the lines of ‘what can be’ rather than ‘what has been’. Empowerment results in a change in the balance of power, in living conditions, and in relationships. Hence it is women who matter because, if one woman is empowered through law and gender equality then the whole family is benefited and these benefits are spread-over the whole society. Women participate fully in and benefit equally from the development process. What is also needed is to inform women themselves of their rights and responsibilities under the law. An important reason why inequalities persist is because although a number of rights for women have been enshrined in both international standards and national laws, the remain largely un-known. After independence the government passed some enactments for the protection and upliftment of women, which are not known to women which lags their development.

**Key Words:** Gender Equality, Women Empowerment, Globalization, Women Laws,

### **Introduction**

*“In order to awaken the people it is the women who have to be awakened. Once she is on the move, the family moves, the village moves, the nation moves.”*

Pandit Jawaharlal Nehru

The main aspects discussed in this article include empowerment of women through laws, gender justice, gender equality and rights. Women empowerment means giving them or making them powerful by which they can take decisions about their life, family and also contribute to the community decisions, where women’s right to ‘personhood’, ‘bodily integrity’ is respected where their reproductive

rights, social, economic and political rights are respected, their work and contribution to the family, society is recognized, where there is no fear of sexual and social violence, where women feel a sense of acceptance and belongingness, where their right to their home and to their children as guardians is recognized.



For social change agents empowering is an act of building, developing and increasing power through co-operation, sharing, and working together. It is an interactive process, based on a synergetic assumption about power. In pragmatic terms empowerment implies rethinking about power on the lines of 'what can be' rather than 'what has been'. The Second National Commission on Labour (2002) defines empowerment as the process by which powerless people can change their circumstances and begin to exercise control over their lives. Women empowerment is sought to be examined in terms of improving literacy, self-employment, economic independence, law, political representation, gender equality and human rights, strengthening organisation or unionism, promoting awareness about legal/human rights etc. Empowerment results in a change in the balance of power, in living conditions, and in relationships. The human species is capable of modifying its behaviour, as well as its organisations, and social systems whenever survival demands it. (Jacob, 2000).

Hence it is women who matter because, if one woman is empowered through law and gender equality then the whole family is benefited and these benefits are spread-over the whole society. Thus the empowerment of women is a part of human resource development and cannot be treated independently. The major root of the word empowerment is power. Power is usually defined in two ways, (a) the ability to get what one wants, (b) the ability to influence others to think, feel, act and believe in ways that the former one's are interested.

The Manual of ILO (1984) states; what is needed is, at one level, to raise awareness of the issues of concern to women in the world of work, and, another level, to provide those responsible with the practical tools for incorporating these concern in policy, programme or project formulation, implementation, monitoring and evaluation, so as to ensure that women participate fully in and benefit equally from the development process. What is also needed is to inform women themselves of their rights and responsibilities under the law. An important reason why inequalities persist is because although a number of rights for women have been enshrined in both international standards and national laws, the remain largely un-known.

#### ***Women and Legislation***

In India, there are as many as 78 central laws and around 161 state laws which regulate the working conditions of women workers of industrial, mining, colliery, railways, textile, transport, plantation and various other sectors including the rural and agricultural workers. There are certain HR laws which are meant for enforcing social security for the workers, but these are applicable only in the organized sector while women in the rural, agricultural and unorganized sectors are completely unprotected and suffer silently.

*“Nature gave women too much power:*

*The law gives them too little”*

After independence the government passed some enactments for the protection and upliftment of women. The constitution realizing the unequal status of women and introduced Articles



14, 15 and 16 in the Constitution guaranteeing the principle of equality before law, equality of sex, and equal opportunity in all walks of life.

The Directive Principles of State Policy contained in Part IV of the Constitution incorporate many directives to the State to improve the status of women and for their protection .

- Article 39 (a) directs the state to direct its policy towards securing the right to an adequate means of livelihood for all citizens equally (men and women.)
- Article 39 (d) directs the state to secure equal pay for equal work for both men and women. The Equal Remuneration Act, 1976 was enacted to give effect to this directive principle.
- Article 39 (e) specifically direct the state not to abuse the health and strength of women workers.
- Article 42 incorporates a very important provision for the benefit of women. It directs the state to make provision for securing just and humane conditions of work and for maternity relief. The Maternity Benefit Act, 1961 is the result in this direction.

Oberai (2000) also express the view that in many countries including India, most national labour laws do not cover unorganised labour. As far as employment is concerned legal protection is provided to the workers in the organised and unorganised sector. In spite of these statutory and constitutional provisions, women workers in agriculture generally get lesser wages than men for the same work. There are other types of social

legislations which seek to protect the women. A number of legislations were enacted to improve the status of women for social and economic development. In the field of labour welfare, certain legislations were enacted which restrict exploitation of women workers. Women in India, though acquired many legal rights, have to wage battles for acquiring many of their social and economic rights. (Khan, 2000).

The following are some of the enactments governing women and a synoptically view is given of the selected Acts:

***i) The Hindu Succession Act, 1956***

The Act has revolutionised women's right over property. According to the provisions of the Act, a female has equal rights of succession along with the male heirs. The Andhra Pradesh State brought an amendment to The Hindu Succession Act in 1986 with the following objective. As women are not members of the coparcenaries under the *Hindu Mitakshara Law* and therefore they are not entitled to claim partition in coparcenaries property, and such exclusion of daughters (women) has led to the creation of socially pernicious dowry system with its attendant social ills. The above Act which confers equal rights for women along with the male members so as to achieve the constitutional mandate of equality.

***ii) The A.P. Women's Commission Act, 1998***

Basing on the National Commission for Women Act, 1990, the A.P. Government enacted this law. The Act is intended to provide for the constitution of a women's commission to improve the status of women in the State of Andhra Pradesh



and to inquire into unfair practices affecting women.

**iii) The Equal Remuneration Act, 1976**

The Act provides for payment of equal remuneration to men and women workers for the same work, or a work of similar nature, and for the prevention of discrimination on grounds of sex. It gives effect to the directive principles contained in the Article 39(d) of the Indian Constitution.

**iv) The Minimum Wages Act, 1948**

The Act provides minimum rates of wages in certain employments. As per the Minimum Wage Act 1948 (Second Schedule) minimum wages are to be fixed by the state government for organised and unorganised sector workers and the wages are to be reviewed periodically at intervals not exceeding five years. The minimum wages they prescribed have to be implemented.

**v) The Trade Union Act, 1926**

The Act provides for registration of unions of agricultural workers also. But at present there are only a few such trade unions registered under the Act. Recent amendments made in Section 4 of the Trade Unions Act, 1926 recently appear to disentitle workers in the unorganised sector from getting their trade unions registered.

**vi) The Factories Act, 1948**

The Act protects the women workers in factories. The Act fix the working hours for women workers in factories and the Act also insists to maintain safety measures. The welfare provisions were also mentioned under the Act.

**vii) The Employees State Insurance Act, 1948**

The Act provides benefits such as medical, sickness, extended sickness for certain diseases, maternity, funeral expenses, medical benefits to insured person and his/her spouse.

**viii) The Maternity Benefit Act, 1961**

The objective of this Act is to provide certain facilities to the working women during the delivery of a child. The woman employee is eligible to get 12 weeks leave with pay as well as certain non-cash benefits. However, the leave before the delivery should not exceed 6 weeks. She can avail the advance for the first 6 weeks or can nominate any person to receive the benefits on her behalf. The payment for the next 6 weeks can be availed within 48 hours after producing the document that she had delivered a child.

**ix) The Mines Act, 1952**

It aims at providing safe and proper working conditions in mines and certain amenities to the women workers employed therein. The main objectives of the Act are to protect health, safety and welfare of the workers. The management or any agent or owner of the mine should look after the health and safety matters and provide drinking water, medical facilities, etc.

**x) The Plantation Labour Act, 1951**

An act to provide for the health and welfare of women workers and to regulate the conditions of work in plantations. It deals with the working hours and leave of the workers at the plantations.

**xi) The Beedi & Cigar Workers (Conditions of Employment) Act, 1966**



An Act to provide for the welfare of the male and female workers in Beedi and Cigar establishments and to regulate the conditions of their work and for matters connected therewith.

***xii). The Protection of Human Rights Act, 1993***

An Act to provide for the constitution of a National Human Rights Commission, State Human Rights Commission in States and Human Rights Courts for better protection of human rights and for matter connected therewith or incidental thereto. Human Rights means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the constitution or embodied in the international covenants and enforceable by courts in India. Human Rights Commission to exercise the powers conferred upon, and to perform the functions assigned to it under this Act.

***xiii). Bonded Labour system (Abolition) Act, 1979***

This is an Act to provide for the abolition of the bonded labour system, with a view to prevent the economic and physical exploitation of the weaker sections of people. A labourer who incurs or has incurred, or is presumed to have incurred a bonded debt is called a bonded labourer.

***xiv). The Protection of Women against Sexual Harassment at Workplace Act, 2007***

To provide for prevention and redressal of sexual harassment of women at workplace and for matters connected therewith or incidental thereto. This Act deals with the constitution of committees, internal complaint committee, complaint of sexual harassment, conciliation, enquiry into complaint action during

pending of enquiry, enquiry report, punishment for false or malicious complaint and false evidence, determination of compensation, appeal, duties of the employer. Women are, and have been entering the work place in rapid numbers. Although some women may face workplace discrimination, evidence shows that middle and upper-class women are prospering. When talking about women in the workplace, often the term "glass ceiling" is used. It refers to the imaginary career barrier that seemingly impedes a women's ability to rise to the top ranks of her profession / while men effortlessly continue up in the ranks.

The legislation demonstrates that one is committed to all that is modern and progressive, and if the laws are not enforced, the fault lies not with the legislators or bureaucrats but with a society that is not responsive to the laws injunction. The situation with regard to the implementation of labour laws applicable to rural women workers is more or less the same. Thus, the laws governing the women workers suffer severe enforcement deficits and bent in one way or other to the advantage of the employer and as a result the workers are left exploited. Unlimited scope of exploitation in varied forms can, therefore, Upendra Baxi (1982) said to be associated with the rural women workers. An attempt is made to know the awareness of women workers about various protective legislations.

**Specific Legislations for Women Workers in Un-organised Sector**

Unorganised sector women workers and agricultural women workers in India are always a neglected community although nearly 58.4 per cent



of the total workforces are in agriculture. The issue of workers fall under concurrent list and states can also enact their own legislation to protect the workers. The following are that Acts which are applicable to unorganised sector women workers and agricultural workers:

- The Minimum Wages Act, 1948
- The Plantation Labour Act, 1951
- The Payment of Wages Act, 1936
- The Trade Union Act, 1926
- The Contract Labour (Regulation & Abolition) Act, 1970
- The Equal Remuneration Act, 1976
- The Child Labour (Prohibition and Regulation) Act, 1986

There were several attempts by the Indian government to enact a special Act for the agricultural workers. In spite of a number of legislations operating in the country to protect the unorganised sector women workers and Indian agricultural workers, the plight is still deplorable, and a legislation, strongly backed by workers organisations on issue basis, is a necessity.

Some protective laws for women's safety in public spaces;

- Criminal Law(Amendment) Act, 2013
- Commission of Sati (Prevention) Act, 1987
- Indecent Representation of Women (Prohibition) Act, 1986
- National Commission for Women Act, 1990
- Protection of Women from Domestic Violence Act, 2005

- The Dowry Prohibition Act, 1961
- Immoral Traffic (Prevention) Act, 1956
- Child Marriage Restraint Act, 1929.
- Children (Pledging of Labour) Act, 1933.
- Protection of Children from Sexual Offences Act, 2012
- Amends the Indian Penal Code, 1860
- Code of Criminal Procedure(CCP), 1973
- The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2007.

Thus, in India, compared to other countries, a lot of legislative protection is provided to women workers. In spite of these laws, women workers, especially agricultural workers, are left as an exploited lot. This may be due to the unorganized nature of agriculture work, poverty and illiteracy of the worker, particularly women worker, which is preventing them from enjoying their human and constitutional rights.

### Conclusion

It is imperative on the part of the nation to focus on girl's education by unleashing a full spectrum of programmes. The empowering of women is necessary for their family and national development. Empowering is an act of building, developing and increasing power through co-operation, sharing and working together. Women are engaged in variety of low paid and low skilled operations in the industrial sector, services sector and agriculture sector. The government should bring specific policy initiative aimed at building up the women worker's capabilities for seeking



environment are needed. This will to some extent empower the working women and bring them into the main stream. The male member's attitude towards women empowerment should change and women must be given due participation in the development activities at home and society.

The government also needs to bring some legislation prescribing working hours, rest facilities and health and safety provisions to women workers. By endorsing the Human Development Report of 1990 the Second National commission on Labour 2002 states the need to redesign national census, because "the value attached to women's work requires a fundamental remedy: If women's work was more fully accounted for, it would become clear how much women count in development. To do that requires much better gender-specific data on development. It further states that the contribution of women as a category of workers is grossly underestimated. This under-valuation manifest itself in disparities in wages, in access to and control over resources, in lack of infrastructural support and above all, in great disparity in the work burden.

Various research studies revealed only less than, 7 per cent of women workers are aware of various laws applicable to them. About 92 per cent felt that they were denied of human rights. As weaker sex, women are discriminated and differentiated in many respects. As suggested by the Second National Labour Commission to overcome this difficulty, a specific provision may be made to enable workers in the unorganised sector to form trade union, and get them registered even if an employer – employee relationship does not exist or is difficult to establish and the proviso stipulating

10 per cent of membership shall not be applied in their case.

Majority of women workers are not aware of legislations. Without social, economic and cultural change in the society, women welfare legislations can achieve little success. Not only the government but also voluntary organisations, and trade unions should come forward for accelerating women welfare legislations. Awareness about legislative provisions applicable to women workers must be aroused and effective implementation of these provisions must be ensured by the labour administration machinery. Separate legislation addressing to the specific problems of women workers and which can be understood very easily by the workers, must be enacted and implemented vigorously.

#### Reference

- Baxi, U. (1993). "Unorganised labour? Unorganised Law," In Debi Saini (ed.), *Labour work and development* Essays in Honour of P.G. Krishnan, pp. 3-19.
- Government of India. (2002). *Report of the National Commission on Labour*. New Delhi: Ministry of Labour.
- Gandham Sri Rama Krishna, Kotta Ramesh, Kolla Siva Rama Krishna(2005), *Marginalised Women and Economic Development*, Dominant Publishers and Distributors, New Delhi.
- ILO (1984). *The Promotion of Equality of Opportunity and Treatment for Women*. ILO manual for Asia and Pacific.



- Jacob Saramma. (2000). "Role of Central Board for Workers Education in Empowerment of Women." *Workers Education* Nagpur : Quarterly Journal of Central Board of Workers Education, September, p.86.
- Khan, A.A. (2000). "Empowerment of Women in India - A Changing Phase," *Workers Education* Nagpur : Quarterly Journal of Central Board for Workers Education, September, p.110.
- Oberai, A.S., Sivananthiran, A and Venkata Ratnam, C.S(2000)(ed.), *Perspectives on Unorganized Labour*, New Delhi: ILO Publications.
- Siva Rama Krishna, K., Ramesh, K., Gangadhara Rao, M.. (1995). *Human Resource Management in Agriculture*, New Delhi : Discovery Publishing House, pp.40-41.
- [www.spaceandculture.in](http://www.spaceandculture.in)