



LEGAL ASPECTS OF WOMEN AT WORKPLACE IN RAJASTHAN

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1.1 Introduction

Many studies have been conducted to determine whether there have been any changes in the social or economic circumstances of women worldwide since the issues surrounding women in development began to take shape in the early 1970s and to be noticed by policy planners, academia, the media, and everyday women worldwide. Additionally, numerous women's groups have been pressing political parties and governments to include women as direct participants in development planning. Numerous studies have also been conducted in India, and national and state administrations have been made aware of the obstacles that women face in their pursuit of advancement. Some of the groundbreaking research conducted in India in the late 1980s include Towards Equality: Report of the Committee on the Status of Women, the National Perspective Plan, and the Shram Shakti report. They served as the foundation for national initiatives aimed at the development of women. It was anticipated that the establishment of the National and State Commissions for Women, as well as the 73rd and 74th amendments to the Indian Constitution, which strengthened the Panchayati Raj system and local urban bodies and granted women 33% reservation at every level within them, would help women achieve their desired outcomes. The Women Development Programme in Rajasthan, also referred to as the Saathin Programme, raised the bar for rural women's expectations significantly. However, the program's original goals and objectives were undermined, and the gains made under it were not recognized by the government or society for almost ten years.

UNICEF conducted a review of women's and children's conditions in Rajasthan in 1991. In the past, UNICEF and NCERT collaborated to release a report named "Hamari Betiyan" in 1989. It was an assessment of the girl's situation. Individually, we need to start treating women with dignity and providing them with the same possibilities as men. In terms of employment, further



education, business endeavors, etc., we need to support and motivate them. The administration has already implemented a number of initiatives aimed at empowering women. However, everyone of us can help empower women by doing away with societal ills like child marriage and the dowry system. Women will feel more powerful and their status in society will improve as a result of these modest changes.

There aren't many studies that look at different aspects of women's labor in Rajasthan. In Rajasthan, women make up around 48.14% of the population and are heavily involved in the state economy. Based on the 2011 census figures, there are 29.9 million people working in Rajasthan; 18.3 million of them are men and just 11.6 million are women. It is more crucial to draw attention to the fact that, in Rajasthan, 10.6 million women labor in rural regions and just 0.98 million are employed as primary or secondary workers in metropolitan areas. In Rajasthan, cultivators and agricultural laborers make up around 77 percent of all rural female workers and 18 percent of all urban female workers. These jobs often pay minimal salaries and provide unsuitable working conditions because to the state's climate. Therefore, while there are fewer urban women employed, those who do so often work in jobs such as domestic industry workers and other industries where pay is better than that of rural women employed as agricultural laborers. Over the past few decades, the global trend and structure of female labor participation has drawn attention. In recent years, Rajasthan in India has also been an effective place to highlight the true situation of women's participation, including whether or not their increasing level of work participation is empowering.

In India, women account for half of the population, do two thirds of the labor, and produce half of the food eaten there, but they only earn one third of the country's income and own 10% of its assets. This is organized subordination; women are picked out when it comes to employing cheap labor, and society works to keep them in via social structures. Gender-based pay disparities can act as a deterrent for women, making them more susceptible to abuse.



1.2 Socio Economic Effects

In order to determine how women are socioeconomic position is affected by their job, a number of important questions including family income, education, health care, and food and non-food expenses were explored. The following information has surfaced:

- Nearly all of the responding women report an overall increase in family income. Despite the fact that there is a great deal of diversity in income growth. This variance was shown to be caused by a variety of variables, including the job status of women, the area's development, family income, etc.
- There was a notable rise in the overall percentage of women receiving treatment and birth in institutions at private hospitals.
- The percentage of women's children attending private schools has climbed, as has the percentage of family members with higher educations.
- During a field study, it was noted that there had been improvements in housing circumstances and eating habits overall.
- The ability for working women to borrow money reduces their reliance on moneylenders.
 - The majority of women prefer to shop whenever rather than around holidays or other special events for clothing and other products.
- Women are now more knowledgeable about issues pertaining to banking. They are now more knowledgeable about various assistance programs and government initiatives.
 - According to the poll, women's self-esteem and awareness have improved as a result of their jobs, and they are now more aware of the education and career paths of their children. However, women's voices are not always heard in the home, and 70% of them are content with the many roles they play.
- Women who responded said that work had improved their social and economic standing.



1.3 Literature review

In 2000, Puhazhendi and Satyasai examined the socioeconomic conditions of 560 SHG members and conducted an effect study of the groups. They discovered that after joining SHGs, average net income and average asset value rose per family.¹

In Southern India, Myrada studied how self-help organisations impacted women's empowerment. It hasn't worked out well for their empowerment, and women don't frequently have a say in decisions made at the village level, she found out, even if these organisations' members save money.²

In their study titled "Potential Women Entrepreneurs - Their Profile, Vision and Motivation," Singh and Gupta (1984) uncovered the reasons behind the respondents' decision to establish their own firm. In terms of importance, "keeping oneself busy" came in at number two, just behind "economic gain." After "wanted to become independent" and a number of other considerations, "fulfilling one's ambition" came in at number three.³

In their study "Successful Women Entrepreneurs -their Identity, Expectations and Problems," Singh et al. (1985) identified the driving forces behind the sample respondents' decision to become entrepreneurs. The research also showed that, despite starting their careers for diverse reasons, women ultimately developed into high achievers and independent thinkers. Just 29.2 percent of the respondents were conducting their businesses totally alone, compared to 70.8 percent who relied on male assistance.⁴

¹Published by NABARD in Mumbai in 2000, "Microfinance for Rural people - An Impact Evolution" was written by Puhazhendi V. and Satyasai K.T.S.

²Vortrag von Myrada: "Impact of Self Help Group on social empowerment status of women in Southern India" (25–26 November 2002) at the SHG bank linkage project seminar in New Delhi. The Micro Credit Innovations Department of NABARD, Mumbai, published this.

³Singh and Gupta (1990) conducted a research report titled "Potential Women Entrepreneurs-Their profiles, Vision and Motivation." This study was published as Serial 1 by the National Institute of Entrepreneurship and Small Business Development in New Delhi, in collaboration with the Management Development Institute in Gurgown. The report was initially published in 1985.

⁴In 1990, a collaborative study was conducted by the National Institute of Entrepreneurship and Small Business Development in New Delhi and the Management Development Institute in Gurgao on the topic of successful women entrepreneurs. The authors of the report were Singh N.P., Tinani, Madan, and Gupta, Rita Sen.



According to Rani's (1986) study on "Potential Women Entrepreneurs," the primary motivation for the respondents to launch their own businesses was a want for autonomy. She found that the women in her sample were confident in their ability to make independent decisions and said that the idea to start a business was totally their own. Further research by the author found that factors such as educational attainment and financial stability had little to no impact on their decision to get on the entrepreneurial bandwagon.⁵

Vinze (1987) discovered that the businesses founded by these women entrepreneurs were in various industries after doing a research study on 50 women entrepreneurs in Delhi for her book "Women Entrepreneurs in India - A Socio-Economic Study of Delhi." People in low- and middle-income groups with some education and modest experience established small-scale companies in significant numbers in places like Delhi, a metropolitan state. As a result, entrepreneurship was mostly learned there. Bank financial aid has been helpful, but more flexibility is needed in processes and formalities, according to female entrepreneurs. Simplifying processes was also seen to be crucial for gaining technical expertise.⁶

The elements that shape men's and women's entrepreneurial journeys are more similar than dissimilar, according to recent studies. Nonetheless, statistics show that women are more likely to work for traditional commercial businesses or run their own businesses out of their homes (Stevenson & Lois, 1986). Female entrepreneurs make up a smaller percentage of high-tech company owners compared to male entrepreneurs (Logcock & Robinson, 1991; Anna et al., 1999). Former communist (or transition) countries' economic frameworks vary from those of non-rendition countries. Centralised economic development, with an emphasis on scale economies, limited the scope of entrepreneurial activities since corporate cultures did not promote innovation and entrepreneurship (Roman, 1990; Mugler, 2000). Many people believe

⁵A research on potential female entrepreneurs was published in SEDME in 1986 (Vol. 13, No. 3, pages 13–32).

⁶Vinze Medha Dubashi wrote a book called Women Entrepreneurs in Indi: A Socio-Economic Study of Delhi, 1975–1985, which came out in 1987 with Mittal Publications in Delhi.



that developing countries' low rates of quality education make it very difficult for their citizens to break into the formal employment sector. This motivates women to start their own businesses so they won't have to worry about being unemployed (Minniti and Naudé, 2010). Women tend to be more entrepreneurial during a nation's formation than throughout its production (Kelley et al., 2013). Yadav and Unni (2016) argue that research should be supported alongside cross-border network practice. As a result of these factors' substantial effects on the "Push" and "Pull" components of female entrepreneurship, we may infer that the drivers of female entrepreneurship across countries are highly structured. When seen through the prism of different cultural frameworks, the findings suggest that cultural aspects and society's perception of female entrepreneurs provide a favourable atmosphere for these entrepreneurs. The next phase of international efforts to promote female entrepreneurship is the most important part. This phase should focus on making sure that college and university girls are able to study relevant fields in response to societal demands, as well as encouraging and expanding women's part-time or correspondence learning so that they can balance work outside the home with family obligations (S. Kumar, 2017). In developing countries like India, women face several challenges, including social norms, low levels of education, and an overall lack of safety. Transitioning from a stay-at-home mom to an accomplished entrepreneur is no easy feat. This picture is changing, however. Female entrepreneurs, especially those with smaller enterprises, are seeing a rise in popularity among modern Indians who want to strike out on their own financially. World Bank (2011) and Mammen and Paxson (2000) both found that female entrepreneurs' economic effect is lower than that of developed nations. This disparity persists even after accounting for these developments. There is less entrepreneurial activity in India compared to other industrialised countries, according to the World Bank's Entrepreneurship Snapshots report. Based on the Female Entrepreneurship Index, India ranks 70th out of 77 countries, indicating a lower gender ratio among entrepreneurs compared to other nations. Additional research is necessary to determine the reasons for the underrepresentation of female entrepreneurs in India.



1.4 Laws for Women at Workplace in India

India has enacted a number of labor-related legislation throughout the years, some of which are specifically tailored to the needs of women. It was time for these legislation to be established. We have always been there when the time has come for regulations that can safeguard women and keep the peace in the community. The process of introducing new laws and amending existing ones to reflect changing circumstances is ongoing. There are legal regulations pertaining to women in the workforce and in general.

- ***Rights Under the Constitution of India***

The Indian Constitution addresses almost every aspect of Indian society, government, and law. Many rights are guaranteed to women under India's constitution. An individual's holistic development is largely the subject of Part III of the Fundamental Rights portion of the Indian Constitution. Achieving parity between the sexes in all areas of society, including politics, economics, and the workplace, is the aim of Article 14⁷. In essence, it allows for fair classification but forbids regulation based on social classes. Women are now legally protected from all crimes against them on an equal footing thanks to this rule. It connects the dots between gender inequality and violence against women. It connects the dots between gender inequality and violence against women. No one may be discriminated against in the country because of their ethnicity, religion, gender, sexual orientation, or place of birth, according to Article 15⁸. But this clause also gives governments the green light to pass laws that are good for women. Article 16⁹: All citizens of India are guaranteed equal work opportunities, marital rights, and the right to both spouses' informed consent. Article 23¹⁰ effectively states that men and women should have equal rights in all spheres of life, including the workplace, compensation, and the ability to choose one's own employer. It is not a breach of the equality principle to uphold or implement measures that help the underrepresented gender. also forbids

⁷Art 14

⁸ Art 15

⁹Article: 16

¹⁰Article: 23



the practice of human trafficking and forced labour. Specifically, Article 39¹¹ guarantees and requires the state to pass legislation promoting gender equality in the areas of a minimum income and the right to an adequate standard of life. It also debunks several myths that hold women to lower standards of strength and intelligence compared to males. The creation of Section 42¹² of the Maternity Benefit Act of 1961 was prompted by the need for governments to establish regulations for maternity help and fair and compassionate working conditions. Article 243¹³, Each Panchayat and Municipality must set aside one-third of its total elective seats for female candidates. The goal here is to improve rural women's status. The Indian constitution guarantees specific rights for women. Moreover, a small number of statutes guarantee women the right to work in office jobs, agricultural fields, mining operations, and other similar commercial and industrial settings.

The Mines Act, 1952¹⁴ Those who work in coal, metal, ferrous, or oil mines and utilize equipment like shafts, opencast workings, conveyors, aerial ropeways, etc. are outlined in this document. The right to use gender-separate restroom facilities is guaranteed to female employees under Section 20. Plus, women can't do any kind of mining work—above or below ground—until the hours of 6 a.m. to 7 p.m. Additionally, it states that for every woman working above ground in a mine, at least eleven hours must pass between the end of the workday and the start of the next day.

The Maternity Benefit Act, 1961¹⁵: The career-minded woman who is adamant about continuing her job after having a kid and who would prefer not to start from scratch may find this rule to be extremely useful. This policy allows women to take 26 weeks of paid maternity leave, which includes one month off in the event of pregnancy difficulties. Additionally, if their

¹¹Article: 39

¹²Article: 42

¹³Article: 243

¹⁴Mines Act, (1952).

¹⁵According to the “Maternity Benefit Act”, in 1961.



employers cover their prenatal and postpartum care, they may get a medical bonus up to a specified amount. If an employee dies without a will but can provide evidence of birth and payment 48 hours in advance, their maternity benefit will be given to anyone they want. Employer eligibility is not guaranteed for six weeks after a medically assisted pregnancy termination, birth, or miscarriage. While you are on maternity leave, your employer has no right to fire you. In doing so, individuals may be able to conquer their anxiety over losing their job due to their pregnancy.

The Equal Remuneration Act, 1976¹⁶ :In turn, it aids in narrowing the wage gap that women in our country confront. Article 39 of the Indian Constitution guarantees the right to equal pay for equal work. Companies are required to pay men and women the same wage for equivalent work. Also, with a few notable exceptions, companies can't use any kind of discrimination against women while recruiting. To end prejudice and treat both sexes fairly, equal pay is offered to men and women. The CIRM, or Central Industrial Relations Machinery, was responsible for enforcing these laws. The sections 4 and 5 of this act address the topic of equal pay or remuneration for men and women in equal positions.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013¹⁷ : Sexual harassment in the workplace is often seen as a violation of women's fundamental rights to autonomy, dignity, and independence. Because it promotes an unsafe and unwelcoming workplace, which deters women from working, it undermines both the objective of comprehensive development and the aim of women's socioeconomic emancipation. The term "sexual harassment" is used interchangeably with "sexual advances," "requests for sexual favours," "comments with overt sexual overtones," and "pornographic displays," among other types of unwelcome sexual conduct. Assaults of a sexual nature, whether desired or not, are considered harassment. All relevant rules and regulations must be followed while establishing a

¹⁶According to the "The Equal Remuneration Act", in 1976.

¹⁷According to the "Sexual Harassment of Women at Workplace Act", in 2013.



formal Internal Complaint Committee (ICC). In response to a complaint, the committee may try to mediate a resolution between the party making the complaint and the person making the response; in such a case, further investigation is not necessary. If the committee determines that the respondent has violated any of the settlement criteria or if conciliation fails, the inquiry will be initiated. The LC has seven days from the date of receipt to file a complaint against a domestic worker under Section 509 or any other relevant part of the Indian Penal Code if they have sufficient reasons to do so. After all this time since the Act was passed in 2013, people still don't know enough about sexual harassment to recognise when it happens and how to report it. In order to implement the POSH Act, it is crucial to educate men on how to treat women at work and to provide a safe space where women may report abuses and obtain restitution.

Vishaka v. The State of Rajasthan¹⁸

Bhanwari Devi is here; she was a government employee from the Dalit caste who campaigned against child marriage and dowries and brought attention to the need of personal hygiene. As she goes about her day, she helps a young lady whose parents forced her into an early marriage. Despite her best efforts, she was unable to stop the marriage via the rally she had planned. While Bhanwari Devi and her husband were walking down the street, they were attacked by a crowd in responding to the demonstrations. The victim was the victim of a gang rape. Suing these individuals with rape charges, she follows it up with a lawsuit. She is still without assistance from the judicial system, including the police. Although it is a far lower charge than rape, the five men were convicted guilty of assault by the Rajasthan High Court.

Protests and marches were organised by various organisations and individuals who were worried about the safety of women after the verdict of the Rajasthan High Court. As a result, Bhawani Devi had no choice but to get justice from the state and its courts. The precedential case of *Vishaka v. State of Rajasthan*, which is referred to as the Vishaka Guidelines, had already come before that. The sexual harassment rules define the issue and provide ways to

¹⁸AIR 1997 SC 3011



eliminate it in the workplace. They also include increasing public awareness, establishing a committee to handle complaints, requiring employers to report harassment and assist victims, broadening the application of the standards, and forming a committee to deal with complaints.

Shanta Kumar v. Council of Scientific and Industrial Research (CSIR)¹⁹

Here, the petitioner first complained to the ICC about being in the lab when the third respondent arrived, turned off all of the equipment, pulled her out, locked the lab, and used foul language. After looking into the situation, the committee concluded that the accusation was more administrative and managerial in character than sexual. Then Shanta Kumar filed a writ case contesting the ICC's actions before the Delhi HC.

In this case, the Delhi High Court ruled that any physical interaction that takes place in the context of sexually suggestive conduct qualifies as sexual harassment. It was also noted that an unwanted contact, even if unintentional, would not qualify as sexual harassment. The definition of "sexual harassment" was defined by this significant ruling. It could also discourage those who bring up false accusations against the accused in an effort to agitate or threaten them.

Conclusion

Similar to caste systems, the patriarchy of medieval civilization was strongly ingrained. Women's bodies, freedom of movement, and access to the economy and law were all severely limited. The contemporary state of affairs differs greatly from that of the ancient and medieval periods because people are more enlightened and open-minded. Wives provide assistance to their wives who leave the home to work most of the time. These days, women are able to defend themselves, respond, or react with the same vigor as males since they are conscious of how society views them. If not, the reader must change their viewpoint, overcome their fear, muster the strength to overcome whatever issue they are facing, or prepare for the situation that may arise. To protect oneself, build a mental fortress around yourself. There are many laws

¹⁹AIR 2018 (156) W.P.(C) 8149/2010



protecting women, but they are all ineffective if women are prepared to tolerate whatever happens to them. Until people speak out, no one can help them or act to change their circumstances, thus we have to oppose anything that offends us. Everyone has a particular threshold for openness, and we should all be conscious of this. Demanding what is rightfully ours—privacy, respect, compensation, honor, etc.—is necessary. It is necessary to raise awareness in this regard within a certain amount of time. Women in particular need to speak out and share the challenges they experience in the contemporary world if we are all to work toward overcoming these barriers and if we want the government to act accordingly. Without cooperation, we will not be able to progress in this field any further. Women still face obstacles before joining the workforce and must debunk the myth that they are defenseless, reliant on protection, and incapable of standing up for themselves, even in spite of the fact that society has distinct rules. Why is protection all that women need? Why do individuals inquire about the location of women? Why is it that legislation safeguarding women at work are required? The day these problems are fixed will be the day when women have complete independence.

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