



Women and Labour Law Reforms in India: A Critical Study

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ABSTRACT

In India women have been stereotyped and discriminated since ancient times due to the patriarchal system, sati, dowry death, domestic violence infanticide, feticide have been experience by women. All discrimination and exploitations are tolerated by women various legal provisions and constitutional provisions and remedy has been framed to eliminate such evils. The paper attempts to analyse the standard of women Labour reforms in India. The study is based on primary and secondary data collected from various government sources. An analysis of the reforms for the women has also been done. It has been found in the study that female literacy has a positive bearing on the health and decision making of females. Labour reforms specially for women is necessary for women's Economic growth and financial empowerment.

Key Words:- Workman, labour, compensation, equipment, exploitation, backbone, codified, provident, Industrial, Mutually, Codes, Occupational, Insufficient, Hour, Wages, Safety, Conditions, Mutually, Organised, Sector, reforms.

INTRODUCTION

Labour class is the backbone of any country Labour is very much important for any country without labour any country cannot grow and develop in any sphere.

According to the labour refrain from employees are not compel to work on a fixed period basis for job that need a continuous work force. Through the labour reforms many things happened like job security, refrain from exploitation, minimum wages, healthy atmosphere limitations of working hours availability of equipments compensated fairly for their additional work.

In very general words a person who does unskilled physical work for wages is called labourer.

A women who is gainfully employed often, specific, such a woman as distinct from a house wife. In other words plural work women a female worker, worker a women employed or skilled in some mechanical, manual or industrial work.

Labour Laws Relating to Working Women:-

- (1)The prohibition of sexual Harassment of women at workplace Act, 2013.
- (2) Women and the Labour Laws.
 - (i) The factories Act, 1948.
 - (ii) Minimum wages Act, 1948.
 - (iii) The Maternity Benefits Act, 1961.
 - (iv) Minimum wages Act, 1948.

Sexual Harassment at work place broadly Includes:-

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Definition of Labour:-



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- Physical contact and advances.
- A demand or request for sexual favours, or
- Making sexually coloured remarks, or
- Showing pornography , or
- Any other unwelcome physical, verbal or non verbal conduct of sexual nature.

The Factories Act, 1948:-

The Major objectives of the Factories Act are:-

- To Protect laboures from long hours of work.
- Maintain safety of workers.
- Maintain healthy and sanitary conditions at the work place.
- Maintain Industrial machines used by people so as to avoid unnecessary accidents.
- Regular visit of Industrial sites by Industrial inspectors to oversee health and safety regulations.
- Executive provisions have been made for employment of women in factories welfare.
- Adequate facility for, sitting, washing, storing clothes when not worn during working hours.
- To take short rest.
- To provide first aid.
- Safety measurers
- Overtime wages.

Minimum Wages Act, 1948

- Minimum wages must be fixed on.
- Daily Basis.
- Hourly Basis
- Monthly Basis
- Every women must be paid the same wage as a man for the same kind of work i.e. equal to the man and not loss.

The Maternity Benefit Act, 1961

To be a mother is a great achievement in woman's life and motherhood is a very special experience in a woman's life. A woman needs to be able to give quality time to her child without having to worry about her job and her source of income.

Maternity Benefits:-

A woman can get maternity Benefits:-

- During Pregnancy
- After Pregnancy- (During the early months of motherhood)
- Government employed women are entitled for maternity leave with full pay.
- Other working women are entitled for maternity benefits.
- The employer cannot make a woman do any heavy work in the last working month of pregnancy.
- A woman is entitled to 45 days leave full wages in case of miscarriage.

Complaint: According Section 17 talks of complaint that can be made to the inspector appointed under the Act; section 23 deals with complaint that may be lodged in a court of law after exhausting the remedies. The Equal Remuneration Act, 1976:-

- Party in wages is one of the major components of service law jurisprudence which has evolved over the years.
- Workers should be paid equal wages for the same work even Article 39 of the constitution envisages equal pay for equal wages for with men and women.

Conclusion:-

Every women should know about these laws and in running category jot it is



very difficult to perform night duty be there is no provision, restroom, toilet, changing room and food and drinking water. Duty hours are 12 hours which should be curtail.

3.The Prohibition of Sexual Harassment of Women at workplace Act, 2013.

In Vishaka and others V/s State of Rajasthan, 1997 The Supreme Court expressed concerns about the implementation of the sexual Harassment of women at workplace (Prevention, prohibition and redressal) POSH Act, 2013.

The Supreme Court expressed concerns about the implementation of the sexual Harassment of women at workplace (Prevention, Prohibition and Redressal) PoSH Act 2013.

The Court emphasized the serious lapses and uncertainties surrounding the Act leading to many working women feeling compelled to leave their jobs. The POSH Act is a legislation enacted by the Government of India in 2013 to address the issue of Sexual Harassment faced by women in the workplace.

- The act aims to create a, safe, secure and conducive work environment for women and provide protection against sexual harassment.
- The POSH Act defines sexual harassment to include unwelcome acts such a physical contact and sexual advances, a demand or request for sexual favours, making sexually coloured remarks, showing pornography and any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.
- The Supreme Court in a landmark judgment in the Vishakha and

others case gave 'Vishaka Guidelines',

- The guidelines formed the basis for the sexual Harassment of women at workplace (Prevention, Prohibition and Redressal) Act, 2013.
- The SC also drew its strength from several provisions of the constitution including article 15 also drawing from relevant international conventions and norms such as the General Recommendations of the convention on the Elimination of all forms of Discrimination Against women (CEDAW) which India ratified in 1993.

Key Provisions:-

- Internal complaints committee. Employers are required to constitute an ICC at each workplace with 10 or more employees to receive and address complaints of sexual harassment.
- Prevention and Prohibition,, The Act places a legal obligation on employers to prevent and prohibit sexual harassment in the workplace.
- The ICC have the powers of civil courts according CPC for gathering evidence.
- Employers must undertake awareness programs, provide a safe working environment and display information about the POSH Act at the workplace.
- The Act lays down a procedure for filling complaints, conducting inquiries and providing a fair opportunity to the parties involved.
- Non- compliances with the Act's provisions can results in penalties, including fines and cancellation of business licenses.



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- Recommendations of the justice Verma committee on sexual Harassment at workplace?
 - Domestic workers should be included within the preview of the POSH Act.
 - It proposes a conciliation process where the complainant and the respondent are initially encouraged to resolve the issue through negotiation and agreement.
 - The employer should pay compensation to the women who has suffered sexual harassment.
 - Setting up of an employment tribunal instead of an internal complaints committee in the POSH Act. Other initiatives Related to women's safety.
 - **SWADHAR** Greh (A. Scheme for woemn in difficult circumstances).
 - Nari Shakti Puruskar
 - **UJJAWALA** : A comprehensive scheme for prevention of trafficking and rescue, Rehabilitation and Re-integration of victims of Trafficking and commercial sexual exploitation.

Women and the Labour Laws:-

The Factories Act 1948-

First time In India in 1881 the factories Act was passed to protect children and to provide for a few measures for the health and safety of workers. Finally the Act of 1948 aim to consolidate and amend the law and regulate labour in factories. From all points of view this act is complete and implements several provisions of international conventions

the ILO's code of Industrial Hygine and periodical examination of youths.

- Main Features (Objections of the Factories Act 1948).
- Maintain safety of workers.
- To protect labourers from long hours of work.
- Maintain healthy and sanitary conditions at the workplace.
- Maintain Industrial Machines used by people so as to avoid unnecessary accidents to do welfare.
- Adequate facilities for sitting, washing, storing clothes when not worm during working hours.
- Executive provisions have been made for employment of common in factories.
- If a nature of work is to do in standing position, sitting, arrangement to take short rests should be provided.

Facilities incase of large factories:-

- Crèches are to be provided if 30 or more women workers are employed.
- Working hours.
- Safety measures
- Overtime wages- Overtime should not exceed 60 hours in a week and total overtime hours in a quarter should not exceed 50 Register of overtime should be maintained.
- Overtime wages are double the rate of wages payable.
- In a week overtime should not exceed 60 hours in a week and total overtime hours in a quarter should not exceed 50 overtime Register should be maintained.

Rights of working women in Factories:-

- Women must have separate washroom and toilets.



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- If a factory has more than 30 women workers the employer must provide a crèche for the workers children.
- Women cannot be made to clean or oil any moving get one day off in a week.
- Women cannot be made to work for more than 48 hours in a week.
- Women cannot made to lift more than the prescribed weight.
- Timing of work is 6am to the 7pm.
- Women cannot be made to work more than 48 hours in a week.
- Shift can change only after weekly or other holiday and not in between.
- Factories Act has been proposed to be amended to allow night shift for women workers.
- The has decided to amend section 66 of the factories Act, 1948 to allow employment of women workers between 7:00 pm and 6:00 am.
- For contravention of the provisions of the Act or Rules imprisonment up to 2 years or time up to Rs. 1,00,000/- or both.
- Contravention on causing death or serious bodily injury fine not less than Rs. 25,000/- in case of death and not less than Rs. 5000/- in case of serious injuries.
-

The Equal Remuneration Act, 1976:-

- Even article 39 of the constitution envisages that the state shall direct its policy, among other things 40 words securing that there is equal pay for equal work for both a men and women (Randheer Case).
- For the prevention of discrimination on the grounds of sex against women in the matter of employment. This Act was passed.

People's Union for Democratic Rights V/s Union of India.

SC held no discrimination to be made while recruiting men and women workers.

An employer cannot claim exemption on the grounds of financial incapability from the equal Remuneration Act 1976.

Minimum Wages Act, 1948.

Women must get wages because each and every person who works must be paid at least minimum wages. Which is fixed by the government under the minimum wages act, 1948.

- Either men or women must be paid equal pay for equal work.
- Minimum wages must be fixed on:
- Daily basis, hourly basis and monthly costs.

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Reforms:-

- In India Labor Laws refer to the legal frame work that regulates the relationship between employers and employees. Through these laws various aspects of employment covers. Those aspect are wages, working hours, health and safety measures leave policies, social security and industry relations.
- The origins of labour laws in India can be traced back to the early 20th century when Indian workers started to organise themselves to demand better working conditions and protections from exploitation by employers. The first major strike in India occurred in 1918 in the city of Bombay. When textile



workers went on strike demanding better wages and working conditions. This marked the beginning of the labour movement in India.

Objectives of Labour Laws:-

- The primary objectives of labour laws in India is to safeguard the interests of workers and protect from exploitation.
- Labour laws help to maintain industrial peace by providing mechanism for resolving disputes between employers and workers. Labour laws promote stability and harmony in the work place by providing a legal frame work for negotiating, collective labour laws provide a framework for protecting workers, rights, ensuring safe working conditions, and promoting social justice in the workplace labour laws play a significant role in ensuring that workers which are treated fairly and that their rights are protected.

Labour Law Reforms in India:-

- To promote ease of doing business improve the working conditions of employees and encourage economic growth the government of India has made several recent amendments and changes to labour laws. These changes and amendments are as follows.
- The code on wages, 2019: This code replaces four existing labour laws related to payment of wages, payment of bonus, minimum wages and equal remuneration. The code provides for a universal minimum the calculation of overtime wages and bonus payment.

- The occupational safety, Health and working conditions code, 2020. This code aims to simplify and consolidate the existing laws related to occupational safety health. Working conditions. It provides for the registration of establishments, safety officers safety committee and mandates the provision of basic facilities and welfare amenities for workers.

The code on social security 2020.

- This code aims to consolidate and simplify the existing laws related to social security. It provides for the establishment of a universal social security management for workers, including insurance, pension and provident fund schemes.

The maternity benefit (Amendment) Act, 2017:-

- This amendment to the maternity benefit act increases the maternity leave for women workers from 12 weeks to 26 weeks and provides for the provision of crèche facilities in establishments with more than 50 employees.

The apprenticeship (Amendment) Act, 2021:-

- This amendment to the apprenticeship training in India by increasing the flexibility and ease of registration, providing for a stipend for apprenticeship promotion scheme.

The industrial employment (standing orders) central Rule, 2021:

- These rules provide for a uniform model standing order for industrial



establishment simplifying the process of drafting and implementing standing orders.

There are many challenges and issues in their implementations. These are as follows.

The Industrial Relations code, 2020:-

- The objects of this code is to consolidate and simplify the existing laws related to industrial relations. It provides for the formation of a single industrial tribunal to resolve disputes related to dismissal, close of establishment, retrenchment and mandates the provision of a grievance redressal mechanism for workers.
- Need to Reform the Labour Laws in India. The need to reform and codify labour laws are as follows.
- **Contractualization of labour:** Labour compliances and Economics considerations have increased contract labour use.
- **Poor enforcement of Laws:** In a performance audit, CAG Noted that various factors diluted the effectiveness of the adjudication process.
- **Insufficient coverage liking social issues:** Labour law reforms only covered the organised sector, which accounts for 70% of the workforce, and the remaining 93% of the workforce, is informal which is left uncovered.
- **Plethora and complications of laws:** Various labour laws both at the center and in states, and those who added in a piecemeal manner, have resulted in these laws- being- ad-hoc, complexity mutually inconsistent with varying definitions, and containing out dated clauses.

Difficulties in Implementation:-

- One of the major challenges in implementing labour laws in India is the law awareness and compliance among workers and employer many establishments, especially in the informal sector, are not aware of the various labour laws and their requirements.
- Even when labour laws are in place, their enforcement is often ineffective. The lack of sufficient manpower and resources to enforce these laws are main problem. Many industries/ establishments also evade labour laws by engaging in contract labour, which makes it difficult to enforce the laws.
- The process of resolving disputes related to labour laws is often slow and time consuming. The pendency of cases in labour courts and tribunals further compounds this problem. This situation discourage the workers to seek justice and can lead to a lack of faith in the legal system.
- Many labour laws in India do not apply to the informal sector, which comprises a large, proportion of the workforce. This leaves workers in the informal sector vulnerable to exploitation and lack of basis protections.
- To address these challenges, the government needs to take a multipronged and compliance, simplifying and consolidating laws, improving enforcement mechanism and strengthening the judicial process.

Labor Laws in India are a dynamic and complex system, with Various challenges hindering their effective implementation.

Key challenges:-



labour exploitation - stringent labour regulations have led to the widespread use of contract labour, Which can result in exploitation and poor working Conditions.

Complicated law system

Labour Laws of India are numerous and often overlapping creating repundancy and loopholes that can be exploit.

Lack of Resources- Many Companies lack the necessary band width to handle compliance issues resulting in inefficiencies and potential non-Compliance.

Technology and Repundancy outdated peopledependent, and paperbased models Can lead to losses, misplaced documents and unnecessary stress Tension.

● unfamiliarity with Lawses- Management and employees often clear understanding of labour laws and their implications leading to non-compliance anddisputes

Measures to Address These challenges-

simplification and consolidation -

Streamlining labour Laws to reduce complexity and overta.

strengthening Enforcement -

Increasing manpower and infrastructure to ensure effective implementation of labour laws.

Embracing Technology

Leveraging digital solutions to improve Compliance, reduce paperwork and enhance efficiency

Raising Awareness

Educationg management and employees about labourlaws and their implications.

Conclusion:-

India has a complicated network of labour laws that have evolved over time to provide various protections for workers. The primary objectives of these laws is to safeguard the welfare of workers and ensure that they are not exploited by their employers.

Labour laws provide a frame wsrork for protecting the interest of laborers, ensuring safe working conditions and promoting social justice in the workplace. By ensuring that workers are treated fairly and provided with basic protections, labour laws also help to promote economic stability and social welfare.

However, the implementation of labour laws in India faces various type challenges and issues, including law awareness and compliance, complex and overlapping laws ineffective enforcement, slow judicial process, and exclusion of the informal sector. To address these challenges, the government needs to take a Multi Pronged approach, including increasing awareness and compliance, strengthening mechanisms simplifying and consolidating laws. The effective implementation of labour laws are essential for promoting a just and equitable workplace in India.

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