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Nibha Kumari

Research Scholar, Department of Home Science, Patna University, Patna, Bihar, India

Prof. Anju Srivastava

PG, Department of Home Science, Patna University, Patna, Bihar, India

Awareness of women in unorganised sector towards act/laws

Nibha Kumari and Prof. Anju Srivastava

Abstract

The present research paper is an attempt to procure information regarding awareness of the rights of women working in the unorganised sector of the economy. 100 women from the unorganised sector in the Vaishali District of the State of Bihar were selected and information regarding enactments and their rights under the same was procured through interviews. Analysis of the data revealed a minimal level of information regarding enactments pertaining to women working in the unorganised sector. In summary, even though these women workers were financially capable yet it could not be conclusively said that they are empowered.

Keywords: Unorganized sector, act, economic disability

Introduction

Education holds the key to women's empowerment. It helps secure financial independence which acts as a catalyst for the same. Though financial independence varies with work as some jobs earn a fortune while others merely fetch daily bread, the moot point is to secure employment or a source of income. Needless to state that financial independence will follow when women are employed and it will play a pivotal role in empowering them. Since Independence, there has been a steady growth in the women's workforce. The number of working women has risen over the years and the same is attributable to many reasons such as self-driven consciousness, widening mindset, income change due to education, financial independence, self-esteem and self-worth, life skills, desire to become role models or to get social respect besides availing fruits of reservation etc. Courtesy of reservation, the rate of increase in the women workforce has increased further. Female participation in labour competition at the national level amounts to a total of 52.1% of women and 45.7% of men working in cities. But women in rural areas still lag behind men in jobs, though their share has doubled in the last six years from 5.5% to 10.5%. Of the pie chart of urban working women, 52.1% are employed, 34.7% are self-employed and 13.1% are temporary workers. Women, today, are quite aware and actually strive for a job. However, despite having one, they possess less knowledge about the job or their rights regarding the same. No doubt women's participation has increased across various fields. In fact, the scope and number of work areas have also increased. But if there's anything that has not exhibited a corresponding increase, it is their knowledge of work rights in those areas. Naturally, if there is a dearth of knowledge, it will not be used. At the same time, frustration with work starts from here because if we do not know our rights, then there is harassment and disappointment. The situation becomes worse when this frustration travels beyond work, into their homes and affects the households.

At present, the participation of women working in both organised and unorganised sectors has increased. Unorganised sectors are those that are outside the control of the government and often not regular; employment is not secure. The worker does not get any benefit. The unorganised sector includes shopkeepers, farmers, factory workers, domestic helpers, etc. The rights of women in unorganised sectors are enumerated in various enactments of the Parliament of India such as Employees' State Insurance Act, 1948, Maternity Benefit Act, 1961, Payment of Gratuity Act, 1972, Employees' Compensation Act, 1923, Employees Provident Fund and Miscellaneous Provisions Act, 1952, etc.

Corresponding Author:

Nibha Kumari

Research Scholar, Department of Home Science, Patna University, Patna, Bihar, India

Though for the benefit of women in the unorganised sector and to prevent exploitation, the fruits of these enactments seldom reach the beneficiaries due to poor awareness and implementation.

If women are duly aware of such enactments and their benefits, most of their problems on the ground level will disappear, thereby helping them in maximising emoluments besides motivating the unemployed ones to join the bandwagon. There has been very little research on legislation concerning working women. Therefore, it is necessary to research from time to time in order to inform the women workforce about their work-related rights and allow them to reap dividends of the same.

There has been some research regarding legislation on working women which are as follows

Ankushsaraf told in his research that there are many rights for women that every woman should know. He described the conference on several women who are associated with the organised and unorganised sectors. He said that the advancement of women has been the main focus of the United Nations.

“Report of the working group on Empowerment of Women for the 11th Plan (2016)”^[3]. The report has shown many rights of women, including those related to the workplace. He says that if women use their rights well, then this right will prove to be a milestone in their empowerment.

Gupta, P., Jaiswal, S (2019)^[4] highlighted the problems faced by working women in the workplace. She found in her research that the participation of Indian women in economic activities has increased, but they have to face many complex situations. Many enactments have been made in India which provide protection to working women but due to a lack of knowledge about their rights and the negative attitude of society, they are not able to raise their voices.

Gwal, R., Vajdi, T.K. (2015)^[5] According to the survey, the women of 21st century India have become financially independent. They have become more aware of the rights and equal treatment pertaining to their workplace, but many problems inherent in the social perspective during work are hindering working women.

Working women face many challenges in the workplace. Those challenges should be studied from time to time so that they know where and what steps they have to take in which area. In Bihar too, there has been an increase in the number of working women in the unorganised sector, but there has been no research regarding their rights relating to work. Therefore, given the low quality of the research, the subject presented has been chosen as a research study.

Research Objective

Study of information about existing enactments / legislation pertaining to women working in the unorganised sector.

Research Method

This study included women working in various jobs (factory workers, shopkeepers, hotel workers, brick kiln labourers, non-seasonal employees, private educational institution teachers, labelling and packaging staff, etc.) under the unorganised work sector in Vaishali district of State of Bihar, India. The data was collected through interviews and analysed in percentage.

Results and Discussion

The study included 5 enactments pertaining to the Unorganised Sector:

- **Employees' State Insurance Act, 1948:** This Act is

applicable to all government factories, non-seasonal factories, shops, hotels, restaurants, cinemas, theatres, educational institutions, newspaper establishments, establishments engaged in the insurance business, non-banking financial companies, airport authorities, etc., where 10 or more employees work.

- **Maternity Benefit Act, 1961:** This Act is applicable to all establishments employing ten or more persons. A woman working in any organisation should have worked for at least 80 days in the last 1 year only then will she be a beneficiary under this Act.
- **Payment of Gratuity Act, 1972:** It applies to unorganised sectors with 10 or more employees. The objective is to make payment of gratuity to employees working in factories, mines, oilfields, ports, railway companies, shops, teachers and other establishments.
- **Employees' Compensation Act, 1923:** Workers engaged in factories, mines, transport establishments, construction work, etc., which are not covered under the ESI Act, 1948 are covered under this Act.
- **Employees' Provident Fund and Miscellaneous Provisions Act, 1952:** This Act applies to all factories where the number of workers is 20 or more. This Act will not apply to institutions under the state and central governments, cooperative societies and institutions where the number of employees is less than 50 and any institution which has been formed for less than 5 years.

The results obtained from the study are as follows

- Under The Employees' State Insurance Act, 1948, 16 per cent of women were currently aware of the rate of contribution, percentage of contribution by employer and percentage of contribution by the employee. 2-12 per cent of women were aware of the wage ceiling per month, the wage ceiling per month for persons with disabilities, what percentage of simple interest payment till the actual payment date if the principal employer did not pay the contribution on the due date, what is the contribution and benefit period, penal provisions for the employer for non-compliance of the Act. 20-26 per cent of the women were aware of the Act at the time of maternity benefit contribution, the total weekly days of maternity benefits.
- About the rights under The Maternity Benefit Act, 1961, 5-20 per cent of women knew about getting a medical bonus of Rs. 1000 under the Act, the facility of taking two breaks during the child's work for 15 months, giving the woman with written information proof about the maternity status 6 weeks before the expected delivery date. If the benefit is required before the expected date, then the facility of getting 6 weeks' salary advance by submitting proof was known. 20-30% women get full paid leave for pregnancy, beneficiaries of the Women Act who have worked a minimum of 80 days in previous years, the entire period is 26 weeks, provision of leave 6 weeks before the date of delivery and 8 weeks of leave in any special circumstances, 12 weeks maternity benefit for 'Adopting Mother'. The provision of crèche is mandatory in establishments with 50 or more employees and the appeal for complaint within 60 days of dismissal from the job during maternity benefit was known.
- Under The Payment of Gratuity Act, 1972, 5-25 per cent of women were aware of the penalty for non-payment of gratuity, penalty amount for failure to contribute where compulsory insurance is provided, and penalty amount for each day for a repeat offence, rate of gratuity for

every 6 years of service or more than 6 months. 25-40 per cent were aware of the maximum limit for payment of gratuity, how many years of continuous service is required for payment of gratuity, how many days the amount is paid to the employer within how many days from the date of payment of gratuity, the rate of gratuity for the employee employed at a proportionate rate. 10 per cent of the women were aware of the penalty for each day they repeated the crime.

- Of the rights under The Employees' Compensation Act, 1923, 5-10 per cent of women were aware of the day of the impact of accidents under the Employees' Compensation Act, the maximum limit of monthly salary for calculation of compensation, eligibility of the Employees' Compensation Act, recovery of total interest from the employer if the employer does not pay the compensation amount within 1 month. No one was aware of the percentage of penalty to be paid if the employer delayed the payment without any reason.
- About the rights under the Employees' Provident Fund and Miscellaneous Provisions Act, 1952, 1-15 per cent of the salary of the employee and the employer is added to the provident fund, the eligibility of the employee to join the provident fund, the taxability qualification of the PF under the eligibility of the scheme, the type of provident fund, the employee who has received more than 15000 per month salary at the time of joining. Women had knowledge about whether they were required to contribute or not. 15-25 per cent of the women had knowledge of total month continuous service conditions, total PF withdrawal after 1 month of service, total PF withdrawal after 2 months of the job, and income tax liability rate rights on PF withdrawals to qualify for the scheme.

Conclusion

The above results inter alia reveal a number of situations, notably the very minimal knowledge of the rights related to the attached workplace, the lack of effort to obtain information, ignorance of the violation of rights and what and how to take action in the event of a violation.

Economic efficiency is certainly important in women's empowerment, but many steps have to be taken to empower them. If information is the only tool, then many measures have to be simultaneously taken to sharpen that tool such as copies of relevant enactments in black and white at every workplace and scheduled workshops by women-centric organisations imparting minimum but necessary education to women workers from time to time. While they may appear mutually exclusive, economic empowerment has to be linked with educational empowerment so as to make significant strides in women's empowerment.

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