



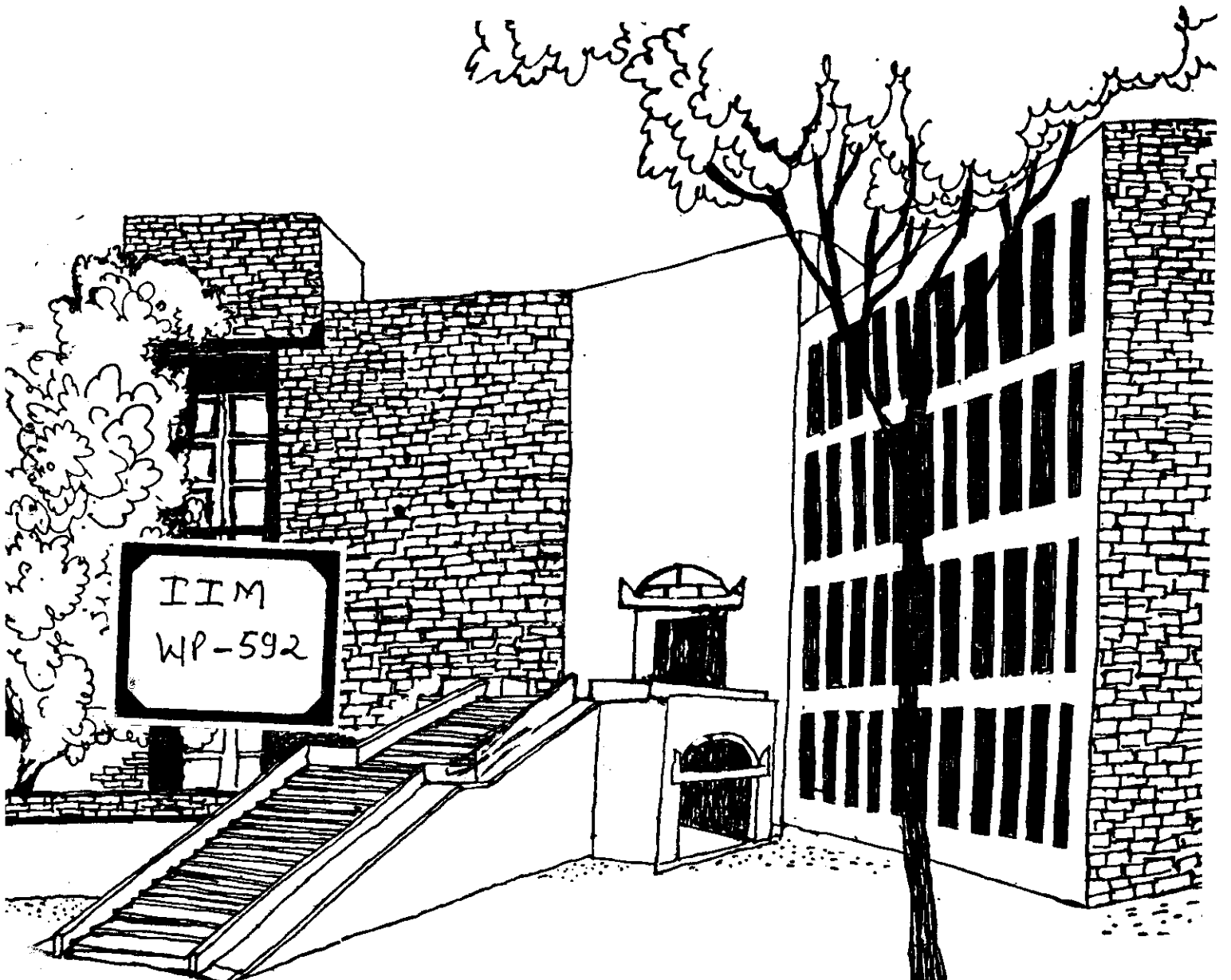
विद्यया विनियोगाद्विक्रमः

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AHMEDABAD

W.P. 592

# Working Paper



DISCRIMINATION AGAINST FEMALE WORKERS:  
AN EXPLORATORY NOTE

By

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W P No. 592

October 1985

592  
1985  
(592)

The main objective of the working paper series of the IIMA is to help faculty members to test out their research findings at the pre-publication stage.

INDIAN INSTITUTE OF MANAGEMENT  
AHMEDABAD 380015  
INDIA

## ACKNOWLEDGEMENT

Authors are grateful to the IIMA Research and Publications Committee for granting a seed money project entitled "Discrimination Against Female Workers: An Exploratory Study of Personnel Practices in Indian Industry". This note reports the findings of the project.

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## DISCRIMINATION AGAINST FEMALE WORKERS

By

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There is a growing concern in recent years about discrimination in employment and wages against female workers. The problem of discrimination is universally recognised. The International Labour Organization has considered this as a matter of vital importance for achieving social development.<sup>1</sup> It has accordingly evolved a series of Recommendations and Conventions on this subject (Appendix I). The Government of India has been one of the first few countries to have ratified the ILO Conventions and has enacted the Equal Remuneration Act (Appendix II), 1976.

This Act also implements the Constitutional obligation contained in Article 39: "The State shall direct its policies among other things, towards securing that there is equal pay for equal work for both men and women".

This paper provides a brief review of measurement, evidence and explanations for discrimination. This review is based on the research studies on discrimination

in developed countries as well as in India. The paper also notes the progress of the implementation of the Equal Remuneration Act with special reference to Gujarat. The paper finally suggests an action plan to initiate measures against discrimination.

### Measurement of Discrimination

Discrimination in wages and employment against female workers is difficult to measure because the discriminatory behaviour is rooted in not merely economic benefits accruing to the employer but is related to his taste for discrimination which is a socio-psychological phenomenon.

Pure discrimination in the labour market is said to exist when women are relegated to poor jobs even when they are equally qualified and capable and when they are paid lower wages than men in similar jobs.

To measure discrimination against women, Becker<sup>2</sup> has proposed the market discrimination coefficient (MDC) which is defined as the proportional difference between the wage rates obtaining for the male and female.

$$\text{Thus: MDC} = \frac{\bar{w}_m - \bar{w}_f}{\bar{w}_m}$$

where  $w$  refers to wage rates of male workers and  $n$  refers to wage rates of female workers. However, where  $w$  and  $n$  are perfect substitutes, MDC will measure the difference between the ratio of  $w$ 's and  $n$ 's wage rates due to discrimination. This approach however assumes that the employer is maximizing his profits by discriminating against the female labour. As indicated earlier the source of such discrimination may not lie merely in the maximizing behaviour of the employer.

Loveridge and Mok<sup>3</sup> suggest that the labour market is segmented into one sector characterized by good high paying and stable jobs and the other by bad, low paying and self-terminating jobs. They suggest the following propositions:

1. Stigmatized groups are identifiable because people with their characteristics are "crowded" into low-paying jobs with no career prospects, low security of employment, and bad working conditions.
2. Stigmatized groups with defined characteristics, but who otherwise possess similar educational qualifications to those of non-stigmatized groups, are crowded into jobs possessing the above defined features to a greater extent than are the latter groups (pre-entry discrimination).

3. Stigmatized groups possessing qualifications similar to those of the non-stigmatized and occupying similar jobs are paid significantly less than the latter and are also subject to worse jobs and career conditions (post-entry discrimination).

A number of more contextual propositions may also be included which help in explaining and locating the cause of the problem, namely;

4. that smaller companies and companies with low capital/labour ratios;
5. that a number of defined industries; and
6. that defined sectors of employment within and across industries may all become stigmatized employment opportunities in themselves.

In a similar manner, Papola argues that discrimination may manifest itself in one of the following ways:<sup>4</sup>

1. Women constitute a much smaller proportion than men amongst the employed;
2. Women workers are concentrated in jobs with low pay, low career prospects, insecurity, and poor working conditions;

3. Women are paid lower wages than men in similar jobs.

#### Evidence on Discrimination

Several research studies in US and India suggest that discrimination against female workers is more covert than overt. It is difficult to prove whether it is directly due to the maximizing behaviour of the employer.

The evidence in the US labour market<sup>5</sup> suggests that the women's employment is concentrated in a limited number of occupations and in such occupations men are relatively fewer in numbers. On the contrary there is some reduction in wage discrimination against women at the higher managerial and professional levels.

Mary Stevenson<sup>6</sup> classified occupations into seventeen levels on the basis of the amount of general educational development (cognitive skill) and specific vocational preparation (training time that the job requires). She then compared men and women within each occupational level. These men and women typically had different jobs, but these jobs all required equivalent



amounts of education and training. Several interesting findings emerged:

1. Women with a given amount of education tend to be at a lower occupational level than men with the same amount of education i.e., women tend to "work below their ability". An implication is that the rate of return to education is lower for women than for men.
2. Within each occupational level, women are more concentrated in fewer occupations than men. Men get more occupational choices.
3. There is segregation by industry as well as by occupation. Women dominated industries tend to be less profitable and have less market power than men.

Stevenson estimates that industry characteristics such as concentration, profit rate, and unionization account for one-third of the male to female earnings differential at the semi-skilled level.

Harold Wilensky<sup>7</sup> identified the kind of jobs in which women are concentrated.

(a) Traditional housewives' tasks, cleaning, sewing, and carrying, (b) few or no strenuous physical activity, (c) patience, waiting, routine, (d) rapid use of hands and fingers, (e) a distinctive welfare or cultural orientation, (g) contact with young children and (h) sex appeal.

Donald McNulty<sup>8</sup> who analyzed eleven occupations employing substantial number of men and women found that, for most occupations, two-thirds to three quarters of the people were employed in establishments employing only men or only women for the occupation in question. In these separated establishments, the occupational wage level in men-only establishments was usually one quarter to one-third higher than in the women-only establishments. In the minority of establishments where men and women shared the same occupation, differential were considerably smaller and of the order of 8 to 14 per cent.

In Great Britain a survey carried out by the Department of Employment<sup>9</sup> in 1973 on the attitudes to employment of women found that 75 per cent of the policy formulators reported to a Chairman, Managing Director, or Board, while 42 per cent of the implementers were responsible to board level. Formulators were almost

entirely men but 11.5 per cent of the implementers were women.

Specific aspects of attitudes to equal opportunity for women were examined. On equal pay, there were very few who expressed outright opposition, but 75.8 per cent of the formulators and 81.9 per cent of the implementors said that they had serious reservations. Those with reservations said that it would become harder for women to get work, since women cannot or will not work the same hours; women were a less stable part of the work force; it would affect family life; women cannot do the same work; men should earn more; and the cost to employers would be too great.

The survey's most important finding was the prejudice about the recruitment of women. Though precise occupations were not available from the survey it is clear that men were said to be unable to do those jobs which are low in status and which might mean a loss of face. Physical effort was one reason; another reason was that "it has always been a man's job", which provided an insight into the very traditional attitude towards women and work.

Table 1.  
Worker-Population Ratios - All India

Year	Persons	Males	Females
1	2	3	4
1901	46.4	60.8	31.7
1911	48.1	62.0	33.7
1921	46.9	60.4	32.6
1931	43.8	58.1	28.8
1951	39.1	53.9	23.4
1961	43.1	57.3	28.0
1971	34.2	52.7	14.2
1981	37.5	53.2	20.8

Source: Census Reports

Table 2  
Work Participation Rates

	1961			1971			1981		
	Persons	Males	Females	Persons	Males	Females	Persons	Males	Females
	2	3	4	5	6	7	8	9	10
	Total Population			Total Population			Total Population		
Total	42,48,36,466	21,85,98,192	20,62,38,274	52,89,17,868	27,38,76,721	25,50,41,147	65,81,40,676	33,98,95,757	31,82,44,919
Total	34,72,74,466	17,66,01,010	17,06,73,414	42,19,51,334	21,63,47,948	20,56,03,386	50,19,52,169	25,68,36,190	24,51,15,989
Rural	7,75,62,000	4,19,97,182	3,56,64,818	10,69,66,534	5,75,28,773	4,94,37,761	15,61,58,507	8,30,59,577	7,31,28,930
	Workers			A - Workers			A - Main Workers		
Total	18,25,42,602	12,49,46,400	5,75,96,202	17,50,22,612	14,40,88,814	3,09,33,798	22,00,82,531	17,41,15,384	4,59,67,147
Total	15,65,79,715	10,29,51,319	5,36,28,396	14,36,34,620	11,60,04,845	2,76,29,775	17,45,29,113	13,40,97,736	4,04,31,377
Rural	2,59,62,887	2,19,95,081	39,67,806	3,13,87,992	2,80,83,969	33,04,023	4,55,53,418	4,00,17,648	55,35,770
				B - Non-workers with Secondary work as worker			B - Marginal Workers		
Total				57,19,183	3,78,232	53,40,951	2,70,65,784	66,91,182	2,03,74,602
Total				54,39,190	3,44,277	50,94,913	2,35,53,480	54,26,640	1,81,26,840
Rural				2,79,993	33,955	2,46,038	35,12,304	12,64,542	22,47,762
				A and B			A and B		
Total				18,07,41,795	14,44,67,046	3,62,74,749	24,71,48,315	18,08,06,566	6,63,41,749
Total				14,90,73,810	11,63,49,122	3,27,24,688	19,80,52,593	13,95,24,376	5,85,58,217
Rural				3,16,67,985	2,81,17,924	35,50,061	4,90,65,722	4,12,82,190	77,83,532
	Work Participation Rate			Work Participation Rate A and B			Work Participation Rate A and B		
Total	42.97	57.16	27.93	34.17	52.75	14.22	37.55	53.19	20.85
Total	45.09	58.30	31.42	35.33	53.78	15.92	39.46	54.32	23.89
Rural	33.47	52.37	11.16	29.61	48.88	7.18	31.41	49.70	10.64
				A			A		
Total				33.09	52.61	12.13	33.44	51.23	14.44
Total				34.04	53.62	13.44	34.77	52.21	16.49
Rural				29.34	48.82	6.68	29.17	48.18	7.57

Census of India 1981  
Series - 1 India.

Paper - 3 of 1981  
Provisional Population Totals  
Workers & Non-workers

Table 3  
Worker Participation Rates - All Areas

States	Males					Females				
	1961	1971	1981	Change in 1971-81	Change in 1961-81	1961	1971	1981	Change in 1971-81	Change in 1961-81
INDIA	57.3	52.6	53.2	0.5	-4.1	28.0	13.8	20.8	7.0	-7.2
Andhra Pradesh	62.3	58.4	60.8	2.4	-1.5	41.3	28.0	38.8	10.8	-2.5
Bihar	55.4	52.3	50.1	-2.0	-5.6	27.1	9.7	14.0	3.7	-13.1
Gujarat	53.5	51.5	53.4	1.9	-0.1	27.9	12.7	25.4	12.7	-2.5
Karnataka	58.4	54.6	54.6	0.4	-4.2	32.0	16.7	25.4	8.7	-6.6
Kerala	47.2	45.2	45.3	-0.3	-1.9	19.7	14.1	17.0	2.9	-2.7
Madhya Pradesh	60.2	53.9	54.4	0.5	-5.8	44.0	22.8	30.4	7.6	-13.6
Maharashtra	57.1	52.2	53.9	1.7	-3.2	38.1	23.7	30.7	7.0	-7.4
Orissa	60.8	55.3	56.1	0.8	-4.7	26.5	10.5	19.7	9.2	-6.8
Punjab	53.0	52.8	59.2	1.4	1.2	5.5	1.2	9.2	8.1	-3.7
Haryana	52.2	47.3	51.1	3.8		21.5	3.6	10.6	10.0	-7.9
Rajasthan	58.2	52.4	50.8	-1.6	-7.2	35.9	14.2	20.8	6.9	-14.8
Tamil Nadu	59.7	56.7	57.5	0.8	-2.2	31.2	17.3	27.4	10.1	-3.8
Uttar Pradesh	58.2	52.2	51.5	-0.7	-6.7	18.1	7.0	9.6	2.9	-8.5
West Bengal	52.9	49.0	51.2	2.2	-2.7	9.4	4.5	8.9	4.4	-0.5

Source: Census Reports

Table 4  
Industrial Distribution of Workers, 1961-1981

Category	Persons			Males			Females		
	1961	1971	1981	1961	1971	1981	1961	1971	1981
1	2	3	4	5	6	7	8	9	10
<u>All Areas</u>									
1. Cultivators	52.3	42.9	41.5	51.0	45.7	43.8	55.3	29.7	33.0
2. Agricultural Labourers	17.2	26.9	25.2	13.7	21.2	19.8	24.6	51.0	45.6
3. Agricultural Workers (1) + (2)	69.5	69.8	66.7	64.7	66.9	63.6	79.9	80.7	78.6
4. Other workers	30.5	30.2	33.3	35.3	32.6	36.4	20.1	19.3	21.4
<u>Rural Areas</u>									
1. Cultivators	59.9	51.2	51.0	60.7	55.6	55.3	58.5	32.8	36.9
2. Agricultural Labourers	19.4	24.4	30.0	11.2	25.8	24.3	25.6	55.0	49.6
3. Agricultural Workers (1) + (2)	79.3	82.6	81.1	76.9	81.4	79.6	84.1	87.8	86.5
4. Other workers	20.6	17.4	18.9	23.1	18.6	20.5	15.8	12.2	13.6
<u>Urban Areas</u>									
1. Cultivators	6.5	5.1	5.2	5.6	5.2	5.3	12.0	4.2	5.1
2. Agricultural Labourers	3.5	6.1	6.2	2.2	4.7	4.7	10.7	17.6	16.3
3. Agricultural Workers (1) + (2)	10.0	11.2	11.4	7.8	9.9	10.0	22.7	21.8	21.4
4. Other Workers	89.9	88.8	88.6	92.2	90.1	90.0	77.3	78.2	78.6

Source: Census Reports

Table 5

Distribution of Main Workers by Broad Categories, 1981

India/State/UT	Total Rural Urban	Persons Males Females	Percentage of main workers				
			Culti- vators	Agri. labou- rers	House- industry	Other Workers	
1	2	3	4	5	6	7	
INDIA	Total	Persons	41.53	25.16	3.99	29.32	
		Males	43.77	19.77	3.69	32.77	
		Females	33.03	45.57	5.16	16.24	
	Rural	Persons	51.00	30.12	3.40	15.48	
		Males	55.26	24.26	3.16	17.32	
		Females	36.86	49.57	4.23	9.34	
	Urban	Persons	5.25	6.15	6.25	82.35	
		Males	5.26	4.74	5.46	84.54	
		Females	5.11	16.32	11.98	66.59	
<u>States</u>	1. Andhra Pradesh	Total	Persons	32.60	36.68	5.43	25.29
			Males	36.68	26.61	5.13	31.58
			Females	24.20	57.46	6.05	12.29
	Rural	Persons	38.18	41.82	5.05	14.95	
		Males	44.84	31.53	4.96	18.67	
		Females	26.16	60.42	5.21	8.21	
	Urban	Persons	4.86	11.07	7.32	76.75	
		Males	4.89	7.42	5.78	81.91	
		Females	4.72	27.94	14.42	52.92	
	2. Bihar	Total	Persons	43.77	35.44	3.01	17.78
			Males	46.96	30.65	2.96	19.43
			Females	25.70	62.54	3.29	8.47
		Rural	Persons	48.13	38.61	2.63	10.63
			Males	52.15	33.66	2.55	11.64
			Females	26.87	64.75	3.03	5.35
		Urban	Persons	7.68	9.18	6.14	77.00
			Males	7.90	8.04	6.00	78.06
			Females	4.93	23.33	7.91	63.83
3. Gujarat	Total	Persons	37.76	22.82	2.71	36.71	
		Males	39.35	17.58	2.65	40.42	
		Females	30.39	47.10	3.00	19.51	
	Rural	Persons	50.41	29.65	2.51	17.43	
		Males	54.47	23.61	2.58	19.34	
		Females	34.89	52.74	2.23	10.14	
	Urban	Persons	4.08	4.61	3.25	88.06	
		Males	4.01	3.51	2.81	89.67	
		Females	4.70	14.87	7.37	73.06	



1	2	3	4	5	6	7
4. Haryana	Total	Persons	44.97	16.40	3.36	35.27
		Males	44.59	15.89	3.41	36.11
		Females	49.30	22.20	2.85	25.65
	Rural	Persons	56.53	20.17	2.92	20.38
		Males	56.28	19.64	2.97	21.11
		Females	59.23	25.85	2.38	12.54
	Urban	Persons	5.97	3.68	4.85	85.50
		Males	6.08	3.54	4.84	85.54
		Females	4.39	5.68	4.95	84.98
5. Himachal Pradesh	Total	Persons	69.44	2.92	2.65	24.99
		Males	61.96	3.28	3.32	31.44
		Females	89.07	2.01	0.87	8.05
	Rural	Persons	74.72	3.08	2.54	19.66
		Males	67.79	3.50	3.24	25.47
		Females	91.82	2.05	0.81	5.32
	Urban	Persons	6.20	1.07	3.88	88.85
		Males	5.21	1.09	4.06	89.64
		Females	13.15	0.94	2.66	83.25
6. Karnataka	Total	Persons	38.46	26.66	4.58	30.30
		Males	43.06	18.93	3.64	34.37
		Females	25.10	49.11	7.31	18.48
	Rural	Persons	47.98	32.21	3.87	15.94
		Males	55.54	23.50	3.10	17.86
		Females	28.75	54.37	5.84	11.04
	Urban	Persons	7.44	8.58	6.90	77.08
		Males	7.85	6.02	5.17	80.96
		Females	5.53	20.90	15.22	58.35
7. Kerala	Total	Persons	13.18	28.19	4.09	54.54
		Males	15.81	23.38	2.78	58.03
		Females	5.07	43.03	8.15	43.75
	Rural	Persons	15.45	32.42	4.26	47.87
		Males	18.80	27.16	2.79	51.25
		Females	5.66	47.79	8.54	38.01
	Urban	Persons	2.53	8.31	3.32	85.84
		Males	2.78	6.85	2.72	87.65
		Females	1.50	14.23	5.76	70.51

1	2	3	4	5	6	7
8. Madhya Pradesh	Total	Persons	52.10	24.17	3.80	19.93
		Males	54.00	17.72	3.68	24.60
		Females	47.31	40.35	4.13	8.21
	Rural	Persons	60.06	27.36	3.21	9.35
		Males	64.47	20.70	3.16	11.67
		Females	50.37	42.08	3.33	4.22
	Urban	Persons	7.42	6.30	7.11	79.17
		Males	7.25	4.38	5.99	82.38
		Females	8.44	18.40	14.20	58.96
9. Maharashtra	Total	Persons	34.84	26.79	3.14	35.23
		Males	33.58	18.56	3.19	44.67
		Females	37.72	45.55	3.02	13.71
	Rural	Persons	47.50	35.39	2.70	14.41
		Males	50.40	26.90	2.91	19.79
		Females	42.62	49.71	2.33	5.34
	Urban	Persons	2.93	5.12	4.24	87.71
		Males	2.79	3.31	3.69	90.21
		Females	3.77	16.71	7.76	71.76
10. Manipur	Total	Persons	59.22	7.88	10.89	22.01
		Males	60.84	6.70	3.25	29.21
		Females	57.10	9.42	20.94	12.54
	Rural	Persons	67.29	8.11	9.79	14.81
		Males	70.11	6.97	2.50	20.42
		Females	63.84	9.49	18.71	7.96
	Urban	Persons	29.17	7.03	14.99	48.81
		Males	30.91	5.83	5.68	57.58
		Females	26.14	9.12	31.20	33.54
11. Meghalaya	Total	Persons	63.56	9.92	1.09	25.43
		Males	59.08	9.20	0.91	30.81
		Females	70.67	11.05	1.38	16.90
	Rural	Persons	72.62	11.01	1.01	15.36
		Males	70.10	10.55	0.82	18.53
		Females	76.25	11.67	1.28	10.80
	Urban	Persons	3.06	2.65	1.64	92.65
		Males	2.47	2.29	1.39	93.85
		Females	5.02	3.82	2.46	88.70

1	2	3	4	5	6	7
12. Nagaland	Total	Persons	70.49	1.87	1.43	26.21
		Males	56.09	2.21	1.49	40.21
		Females	90.87	1.39	1.35	6.39
	Rural	Persons	78.81	1.83	0.72	18.64
		Males	66.37	2.24	0.77	30.62
		Females	94.21	1.32	0.66	3.81
	Urban	Persons	6.06	2.18	6.98	84.78
		Males	3.56	2.06	5.19	89.19
		Females	19.08	2.81	16.31	61.80
13. Orissa	Total	Persons	47.00	27.65	3.47	21.88
		Males	51.38	22.59	2.97	23.06
		Females	24.68	53.42	6.02	15.88
	Rural	Persons	51.85	30.03	3.43	14.69
		Males	57.05	24.65	2.92	15.38
		Females	26.41	56.33	5.92	11.34
	Urban	Persons	7.10	8.09	3.84	80.97
		Males	7.48	6.63	3.39	82.50
		Females	4.25	19.02	7.22	69.51
14. Punjab	Total	Persons	36.32	22.83	3.44	37.41
		Males	37.69	22.61	3.27	36.43
		Females	10.42	26.95	6.53	56.10
	Rural	Persons	48.38	29.51	2.91	19.20
		Males	49.81	28.97	2.78	18.44
		Females	15.32	41.94	5.89	36.85
	Urban	Persons	5.45	5.72	4.79	84.04
		Males	5.63	5.78	4.58	84.01
		Females	3.20	4.86	7.41	84.45
15. Rajasthan	Total	Persons	62.18	7.37	3.65	26.80
		Males	61.40	5.92	3.74	28.94
		Females	66.65	15.64	3.13	14.58
	Rural	Persons	73.64	8.38	2.92	15.06
		Males	73.96	6.77	3.05	16.22
		Females	72.05	16.58	2.22	9.15
	Urban	Persons	10.38	2.82	6.95	79.85
		Males	9.77	2.44	6.56	81.23
		Females	17.29	7.09	11.41	64.21
16. Sikkim	Total	Persons	60.65	3.55	1.40	34.40
		Males	50.84	3.67	1.54	43.95
		Females	79.66	3.32	1.14	15.88

1	2	3	4	5	6	7
	Rural	Persons	70.75	4.06	1.09	24.10
		Males	62.27	4.40	1.18	32.15
		Females	85.05	3.49	0.94	10.52
	Urban	Persons	0.84	0.52	3.25	95.39
		Males	0.77	0.47	3.11	95.65
		Females	1.25	0.81	4.03	93.91
17. Tamil Nadu	Total	Persons	29.40	31.45	5.12	34.03
		Males	31.98	23.16	4.44	40.42
		Females	22.93	52.26	6.83	17.98
	Rural	Persons	38.43	39.88	4.10	17.59
		Males	44.11	30.81	3.78	21.30
		Females	26.60	58.78	4.76	9.86
	Urban	Persons	4.11	7.88	7.99	80.02
		Males	4.15	5.61	5.96	84.28
		Females	3.94	18.53	17.54	59.99
18. Tripura	Total	Persons	43.57	23.91	1.62	30.90
		Males	44.52	22.50	1.42	31.56
		Females	38.17	31.93	2.75	27.15
		Persons	48.00	26.17	1.60	24.23
		Males	48.98	24.57	1.39	25.06
		Females	42.36	35.30	2.81	19.53
	Urban	Persons	3.21	3.27	1.85	91.67
		Males	3.70	3.57	1.78	90.95
		Females	0.44	1.57	2.29	95.70
19. Uttar Pradesh	Total	Persons	58.02	16.32	4.39	21.27
		Males	59.26	14.42	4.24	22.08
		Females	46.43	34.00	5.86	13.71
	Rural	Persons	67.93	18.33	3.11	10.63
		Males	69.92	16.15	2.98	10.95
		Females	50.95	36.96	4.24	7.85
	Urban	Persons	8.86	6.37	10.76	74.01
		Males	8.93	6.23	10.18	74.66
		Females	7.65	8.60	19.72	64.03
20. West Bengal	Total	Persons	30.64	24.81	4.12	40.43
		Males	32.39	23.32	3.67	40.62
		Females	14.82	38.29	8.19	38.70
	Rural	Persons	41.28	32.94	3.80	21.98
		Males	44.05	31.18	3.24	21.53
		Females	18.34	47.60	8.40	25.66
	Urban	Persons	1.70	2.71	5.00	90.59
		Males	1.70	2.62	4.79	90.89
		Females	1.72	3.68	7.42	87.18

Source: Census of India 1981, Series - 1 India, Paper - 3 of 1981  
Provisional Population Totals, Workers & Non-workers.

Discrimination is much more acute in India than in Western countries. Evidence on discrimination is contained in the censuses of population and local labour market studies.<sup>10</sup> Over the years the proportion of the female labour force in the female population in the country has been in the range of 33 to 14 per cent (Table 1). The census of 1911 showed that the work participation rate for females was 33.7 per cent while the male participation rate was 62 per cent. This trend declined for both males and females during the successive periods. By 1971 the female participation rate had declined to 14.2 per cent and the male rate to 52.7 per cent. The 1981 census indicated a rise in the female participation rate to 20.8 per cent, whereas the male rate had increased marginally to 53.2 per cent. Non existence of employment opportunities for female labour has kept the female work participation rate at a fairly low level. (Tables 2 to 5)

Usha's<sup>11</sup> study of the Madras metropolitan area confirms that the average earnings of women are lower than those of men even if they are equally qualified and efficient. Unequal distribution of education and other economic characteristics also result in substantial wage differences between the sexes.

In another local labour market study, Papola<sup>12</sup> found that labour market discrimination in selection, placement, and promotion, against women was real. Moreover wage discrimination to the extent of about 17 per cent in the same occupation was found to prevail even after standardizing for age, education, qualification, experience, and type of establishment.

Referring to the employment characteristics of rural women in Gujarat, Hirway<sup>13</sup> suggests that:

1. Rural women in Gujarat have a very small share in total employment. This further declines with agricultural development;
2. Occupational diversification of women workers is poor. Women workers are employed mostly in unskilled jobs and have a lower employment status.
3. In general, rural women in Gujarat receive lower wages (rates) than men workers.
4. Rural women suffer from a higher incidence of unemployment.

B.B. Patel's<sup>14</sup> study of "Blue Collar Women Workers in Ahmedabad" reveals the low level of Female participation and its consistent decline over a long period.

The rate in Ahmedabad was 4.5 per cent in 1971.

The highest was around 25 per cent in 1901.

The main features of women's occupational pattern in urban Gujarat, based on Patel's study, are:

(i) women work along with men in all detailed occupations within the occupational groups of 'production and related workers' and 'service workers'. (ii) Hence there is no exclusive feminine occupation or segregation of women into exclusive occupations, (iii) women workers tend to be pushed towards low skill or nonotonic type of work or are engaged as manual labourers; (iv) most of the occupations in which women are in substantial number are associated with traditional crafts and artisans work or manual. There is no upgrading of skill or rise on the occupational ladder. In 'service occupations' the diversity of occupations is even narrower; (v) The drift towards low skill or unskilled occupations is more an outcome of the general phenomenon of excess labour supply rather than of any deliberate bias or discrimination. The perception of womens' role as distinct from that of men probably affects investment in women on a continuing basis.

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integration other researchers have estimated the general prejudice in evaluation of performance. Similarly some studies found that female applicants were less readily selected than males for certain positions. The promotional and intrinsic rewards were also relatively less for women than for men. It was found that the employers expected a woman employee to play a passive non-aggressive role. This prejudice affects the employment of women both at the time of selection as well as during the course of employment. According to Deaux<sup>15</sup> "differential allocation of organizational rewards such as salary and promotion on the basis of gender lies at the heart of discriminatory practices. Various studies have shown that sex bias operates in selection choices and determination of salary level, although factors such as graduate training and field of specialization also play an influential role in personnel decisions. Discriminatory personnel practices may be a result not only of the employer's gender but also of the perceived gender appropriateness of the occupational positions".

It has also been found that a working woman has to play a dual role by being a member of her family and by being an employee in an organization. As a

### Explanation for Discrimination

The evidence on discrimination implies a dualism in the labour market which is attributed to the social, organizational, and personal variables.

It has been argued that there is a systematic cultural bias against the women in the labour market, particularly during periods of high unemployment. Women labour is usually seen as 'marginal' and consequently discouraged in the labour market. Broadly, this discouragement is attributed to the notion that the male member of the family is the bread winner. A woman is preferred to be seen in the role of a mother rather than in the role of an employee. Thus women workers are not only discriminated against in the labour market as a whole but are also less preferred for certain jobs.

In addition there are certain work place related issues which give rise to subtle discrimination. They relate to integration of women in work groups, sex role stereotypes, the pro-male evaluation bias, and discrimination in organizational rewards.

Research studies in the US have highlighted the reasons for continuing discrimination against the female workers. While a few studies refer to the problem of

consequence there may be a role conflict experienced by the female worker resulting in her compromising on her pay scales, timings, and responsibilities in a work situation. Although this may not be true in all cases, the fact of role conflict might reinforce the prejudice against female employees.

Research studies in India have highlighted some of the factors which explain the pattern of the female participation rate. Sinha<sup>16</sup> had suggested that, in the initial stages of economic growth, female labour is pushed out of jobs by male labour. However, with increase in the size of service sector and the growth of clerical and white collar occupations the female participation rate increased. He had also found that the rural-urban differences in female participation rate could be explained by economic activity in the growth of the level of female participation in the rural economy.

The regional variations in the female participation rate are broadly explainable by the basic work force tendency among females, according to a study by Dholakia and Dholakia.<sup>17</sup>

The impact of education on female participation rate has been found to be indeterminate<sup>18</sup>. D'souza suggested that "the decline in the rate of female work participation

at the lower educational level would be greater than its increase at the higher level but eventually its increase at the higher level would more than offset the decrease at the lower level and on the whole the rate would increase. This shows the possibility of a 'U' shaped curvilinear relationship between education of women and their participation rate". According to Meher, participation rates are likely to be less among women in the child bearing and middle age groups on whom the responsibilities of looking after school going children are likely to be high.

Family income is also one of the important variables that influences female participation rates. The negative association between family income and female participation has been found by researchers. Patel and Dholakia<sup>19</sup> suggested that, at low income levels, there was a high female participation rate. With rising incomes the rate had a tendency to fall and had a tendency to increase beyond certain high levels of income. They also suggest that the female participation rate among married women tended to be higher than the newer married women.

Sunder<sup>20</sup> found that while women from low income groups work irrespective of their family responsibilities,

TABLE: EMPLOYMENT IN GUJARAT

Year	Public Sector		Private Sector		Total pub/Pvt.		Growth Percent			
	Total Employ.	Female Employ.	Total Employ.	Female Employ.	Total Employ.	Female Employ.	Total	Public	Private	Women
1978	671,941		5,52,847							
1979	699,158	89,153 (12.8)	5,70,601	48,930 (8.6)	12,69,759	1,38,083	3.9	3.1	-	-
1980	727,079	94,048 (12.9)	5,75,959	47,464 (8.2)	13,03,038	1,41,512	3.8	0.9	5.2	-3.1
1981	742,209	95,248 (12.8)	5,98,538	50,345 (8.4)	13,40,747	1,45,593	2.0	3.8	1.3	5.7
1982	766,013	98,073 (12.8)	6,35,651	56,043 (8.8)	14,01,664	1,54,116	3.1	5.8	2.9	10.2
1983	787,659	102,928	6,59,131	55,324	14,46,790	1,58,252	2.7	3.6	4.7	-1.3

Note: Figures in brackets show the percentage share of women in total employment in each sector.

TABLE 7: JOB ASPIRANTS

-22-

Year	REGISTRATION			PLACEMENT			LIVE REGISTER		
	Total	Female	% of Female to Total	Total	Female	% to Female to total	Total	Female	% of female to Total
1975	237,900	32,103	13.5	16,178	1,657	10.2	320,780	42,224	13.2
1976	252,865	33,455	13.2	15,888	1,626	10.2	385,298	47,975	12.5
1977	200,284	29,384	14.7	14,792	1,906	12.9	392,698	40,616	10.3
1978	214,945	30,356	14.1	19,699	2,670	13.6	403,061	53,058	13.2
1979	234,118	33,202	14.2	20,665	2,031	9.8	426,846	57,300	14.2
1980	257,130	33,869	13.2	21,469	2,125	9.9	470,888	63,422	13.5
1981	225,185	33,635	13.1	22,218	2,719	12.2	533,991	74,536	14.0
1982	332,118	35,331	15.2	20,317	1,963	9.7	573,614	80,693	14.1
1983	242,644	37,939	15.6	21,154	2,412	11.4	585,564	79,899	13.6
1984	274,390	37,178	13.5	20,964	1,631	7.8	643,805	85,973	13.4

middle and upper class women may join the labour force just before marriage, drop out in the childbearing age, and rejoin in the middle age.

Patel and Dholakia's<sup>21</sup> study reveals that caste is also an important factor in explaining variations in the female participation rate.

Another major factor influencing the participation rates of females is their attitude towards work outside their homes. A study by Mukherjee<sup>22</sup> suggests that traditionalism tends to discourage the notion of economic independence.

It is thus obvious that cultural, organizational and personal factors influence the female participation rates.

#### The Situation in Gujarat

In Gujarat, female employment has remained at a low level (Table 3). It may be seen from the table that female employment has been in the range of 13 per cent in the public sector and around 8.5 per cent in the private sector. However, the growth of female employment has been somewhat erratic over the period 1978 to 1983. The data from Employment Exchange (Table 4) suggest a low level of female registration,

TABLE 8: LIVE REGISTER- 1982

Level of Education	Total	Female	%age of Female to total
S.S.C. (with Inter)	2,89,122	46,905	16.22
Diploma	3,288	38	1.16
Graduate	36,708	12,318	33.56
Post-graduate	3,196	1,164	36.42
Engg. graduates & Post-graduates	921	10	1.09
Educated	33,235	60,435	18.14
Level of Educated	2,40,379	20,258	8.43
Total	5,73,614	80,693	14.07



TABLE 3 (Contd.) LIVE REGISTER - 1983 - 1984

Level of Education	Year	Total	Female	%age of female to total
S.S.C. (with inter)	1983	3,01,041	46,096	15.3
	1984	3,47,626	49,228.	16.16
Diploma	1983	3,773	167	4.42
	1984	4,570	143	
Graduates	1983	37,154	13,532	36.4
	1984	41,941	13,921	37.5
Post-graduates	1983	3,399	1,216	33.8
	1984	3,528	1,314	37.2
Engineering & post-graduates	1983	927	24	2.5
	1984	903	57	6.3
Total educated	1983	3,46,294	61,035	17.6
	1984	3,98,568	64,663	16.2
Total uneducated	1983	2,39,210	18,864	7.9
	1984	2,45,237	21,310	8.7
Grand Total	1983	5,85,504	79,899	13.6
	1984	6,43,805	85,973	13.35

placement and availability on the live register. A further analysis of the data on live register (Table 3) indicates that female job aspirants with graduate and post-graduate educational levels predominate the female job aspirants.

As it has been mentioned earlier, the Government of India had enacted the Equal Remuneration Act, 1976. This Act provided for (a) the employer to pay equal remuneration to women workers for the same work or work of similar nature; (b) no discrimination to be made while recruiting men and women workers; and (c) the constitution of advisory committees to provide increasing employment opportunities for women. The Act gives power to appoint authorities for hearing and deciding complaints and claims. Moreover, it makes it compulsory for companies to maintain registers for inspection by authorities. Any contravention by the employer of the rules framed under the Act is liable to be penalized. The text of this Act is reproduced as Appendix II.

In pursuance of the provisions of the Equal Remuneration Act, the Government of Gujarat promulgated a notification according to which an advisory committee was set up (Appendix III). The Government had also enforced the provisions of the Act to various employments (Appendix IV).

Over the years there have been efforts to implement the provisions of the Act. The Advisory Committee has been concerned with the problem of creating employment opportunities for women (Appendices V,VI). The Government has also set up a Womens' Cell which investigates the cases of violation of the provisions of the Act. The working of the Act and the activities undertaken by the Womens' Cell are described in Appendix VII.

It is evident from the appendices mentioned above that the efforts to discourage discrimination has not been entirely successful. It has generally been felt that the Act needs to be implemented in both letter and spirit. Some of the views expressed by concerned individuals reflect the urgency for creating a positive climate for action in regard to employment opportunities and fairness in wage payments (Appendix VIII).

It is evident from the survey of literature as well as from the situation in Gujarat that the implementation of the Equal Remuneration Act has not been entirely satisfactory. It is therefore necessary to undertake a research study which could lead to positive action in reducing discrimination against female workers. An action research project in this context should have the following steps:

1. Base line survey of employers' attitudes towards ~~women~~ employees;
2. Sharing of experiences by representatives of Government, employers' organizations, Trade Union leaders, heads of educational and social institutions concerned with women workers;
3. Identification of problems by the groups separately: employers, trade unions, representatives of training institutes, and leading social workers;
4. Development of action plans by representatives of the groups involved;
5. Implementation of the action plans in selected organizations; and
6. A review of the activities initiated in the above steps.

The action programme outlined above should to a limited extent help to achieve the objectives of the Equal Remuneration Act. Such an experiment could also provide insights into the dynamics of discrimination in personnel practices. Some broad guidelines for replication of such experiments in various industries may also emerge from this experience.

RECOMMENDATION No. 111

RECOMMENDATION CONCERNING DISCRIMINATION IN RESPECT OF  
EMPLOYMENT AND OCCUPATION

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-second Session on 4 June 1958, and

Having decided upon the adoption of certain proposals with regard to discrimination in the field of employment and occupation, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Discrimination (Employment and Occupation) Convention, 1958,

adopts this twenty-fifth day of June of the year one thousand nine hundred and fifty-eight the following Recommendation, which may be cited as the Discrimination (Employment and Occupation) Recommendation, 1958;

The Conference recommends that each Member should apply the following provisions:

I. DEFINITIONS

1. (1) For the purpose of this Recommendation the term "discrimination" include -
  - (a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;
  - (b) such other distinction, exclusion or preference which has the effect of or nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organizations, where such exist, and with other appropriate bodies.

- (2) Any distinction, exclusion or preference in respect of a particular job based on the inherent requirements thereof is not deemed to be discrimination.
- (3) For the purpose of this Recommendation the terms "employment" and "occupation" include access to vocational training, access to employment and to particular occupations, and terms and conditions of employment.

## II. FORMULATION AND APPLICATION OF POLICY

2. Each Member should formulate a national policy for the prevention of discrimination in employment and occupation. This policy should be applied by means of legislative measures, collective agreements between representative employers' and workers' organizations or in any other manner consistent with national conditions and practice, and should have regard to the following principles:
  - (a) the promotion of equality of opportunity and treatment in employment and occupation is a matter of public concern;
  - (b) all persons should, without discrimination, enjoy equality of opportunity and treatment in respect of -
    - (i) access to vocational guidance and placement services;
    - (ii) access to training and employment of their own choice on the basis of individual suitability for such training or employment;
    - (iii) advancement in accordance with their individual character, experience, ability and diligence;
    - (iv) security of tenure of employment;
    - (v) remuneration for work of equal value;
    - (vi) conditions of work including hours of work, rest periods, annual holidays with pay, occupational safety and occupational health measures, as well as social security measures and welfare facilities and benefits provided in connection with employment;

- (c) Government agencies should apply non-discriminatory employment policies in all their activities;
- (d) employers should not practise or countenance discrimination in engaging or training any person for employment, in advancing or retaining such person in employment, or in fixing terms and conditions of employment; nor should any person or organization obstruct or interfere, either directly or indirectly, with employers in pursuing this principle;
- (e) in collective negotiations and industrial relations the parties should respect the principle of equality of opportunity and treatment in employment and occupation, and should ensure that collective agreements contain no provisions of a discriminatory character in respect of access to, training for, advancement in or retention of employment or in respect of the terms and conditions of employment;
- (f) employers' and workers' organizations should not practise or countenance discrimination in respect of admission, retention of membership or participation in their affairs.

Each Member should -

- (a) ensure application of the principles of non-discrimination -
  - (i) in respect of employment under the direct control of a national authority;
  - (ii) in the activities of vocational guidance, vocational training and placement services under the direction of a national authority;
- (b) promote their observance, where practicable and necessary, in respect of other employment and other vocational guidance, vocational training and placement services by such methods as -

- (i) encouraging state, provincial or local government departments or agencies and industries and undertakings operated under public ownership or control to ensure the application of the principles;
  - (ii) making eligibility for contracts involving the expenditure of public funds dependent on observance of the principles;
  - (iii) making eligibility for grants to training establishments and for a licence to operate a private employment agency or a private vocational guidance office dependent on observance of the principles;
4. Appropriate agencies, to be assisted where practicable by advisory committees composed of representatives of employers and workers' organizations, where such exist, and of other interested bodies, should be established for the purpose of promoting application of the policy in all fields of public and private employment, and in particular -
- (a) to take all practicable measures to foster public understanding and acceptance of the principles of non-discrimination;
  - (b) to receive, examine and investigate complaints that the policy is not being observed and, if necessary by conciliation, to secure the correction of any practices regarded as in conflict with the policy; and
  - (c) to consider further any complaints which cannot be effectively settled by conciliation and to render opinions or issue decisions concerning the manner in which discriminatory practices revealed should be corrected.
5. Each Member should repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy.
6. Application of the policy should not adversely affect special measures designed to meet the particular requirements of persons who, for reasons such as sex, age, disablement, family responsibilities or social or cultural status are generally recognised to require special protection or assistance.



7. Any measures affecting an individual who is justifiably suspected of, or engaged, in, activities prejudicial to the security of the State should not be deemed to be discrimination, provided that the individual concerned has the right to appeal to a competent body established in accordance with national practice.
8. With respect to immigrant workers of foreign nationality and the members of their families, regard should be had to the provisions of the Migration for Employment Convention (Revised), 1949 relating to equality of treatment and the provisions of the Migration for Employment Recommendation (Revised), 1949, relating to the lifting of restrictions on access to employment.
9. There should be continuing cooperation between the competent authorities, representatives of employers and workers and appropriate bodies to consider what further positive measures may be necessary in the light of national conditions to put the principles of non-discrimination into effect.

### III. COORDINATOR OF MEASURES FOR THE PREVENTION OF DISCRIMINATION IN ALL FIELDS

10. The authorities responsible for action against discrimination in employment and occupation should cooperate closely and continuously with the authorities responsible for action against discrimination in other fields in order that measures taken in all fields may be coordinated.

CONVENTION No. 100-

CONVENTION CONCERNING EQUAL REMUNERATION FOR MEN AND WOMEN  
WORKERS FOR WORK OF EQUAL VALUE<sup>1</sup>

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the  
International Labour Office, and having met in its  
Thirty-fourth Session on 6 June 1951 and

Having decided upon the adoption of certain proposals with  
regard to the principle of equal remuneration for men  
and women workers for work of equal value, which is  
the seventh item on the agenda of the session, and

Having determined that these proposals shall take the form  
of an international Convention,

adopts this twenty-ninth day of June of the year one thousand  
nine hundred and fifty-one the following Convention, which may  
be cited as the Equal Remuneration Convention, 1951:

Article 1

For the purpose of this Convention -

- (a) the term "remuneration" includes the ordinary, basic  
or minimum wage or salary and any additional emoluments  
whatsoever payable directly or indirectly, whether  
in cash or in kind, by the employer to the worker  
and arising out of the workers employment;
- (b) the term "equal remuneration for men and women workers  
for work of equal value" refers to rates of remuneration  
established without discrimination based on sex.

Article 2

1. Each Member shall, by means appropriate to the methods  
in operation for determining rates of remuneration, promote  
and, in so far as is consistent with such methods, ensure  
the application to all workers of the principle of equal  
remuneration for men and women workers for work of  
equal value.

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1. Date of coming into force: 23 May 1953

2. This principle may be applied by means of -
  - (a) national laws or regulations;
  - (b) legally established or recognised machinery for wage determination;
  - (c) collective agreements between employers and workers;  
or
  - (d) a combination of these various means.

#### Article 3

1. Where such action will assist in giving effect to the provisions of the Convention measures shall be taken to promote objective appraisal of jobs on the basis of the work to be performed;
2. The methods to be followed in this appraisal may be decided upon by the authorities responsible for the determination of rates of remuneration, or, where such rates are determined by collective agreements, by the parties thereto.
3. Differential rates between workers which correspond, without regard to sex, to differences, as determined by such objective appraisal, in the work to be performed shall not be considered as being contrary to the principle of equal remuneration for men and women workers for work of equal value.

#### Article 4

Each Member shall cooperate as appropriate with the employers' and workers' organizations concerned for the purpose of giving effect to the provisions of this Convention.

CONVENTION No. 111

CONVENTION CONCERNING DISCRIMINATION IN RESPECT OF EMPLOYMENT  
AND OCCUPATION<sup>1</sup>

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-second Session on 4 June 1958, and

Having decided upon the adoption of certain proposals with regard to discrimination in the field of employment and occupation, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, and

Considering that the Declaration of Philadelphia affirms that all human beings, irrespective of race, creed and sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity, and

Considering further that discrimination constitutes a violation of rights enunciated by the Universal Declaration of Human Rights,

adopts this twenty-fifth day of June of the year one thousand nine hundred and fifty-eight the following Convention, which may be cited as the Discrimination (Employment and Occupation) Convention, 1958:

Article 1

For the purpose of this Convention the term "discrimination" includes -

- (a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation:

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<sup>1</sup> Date of coming into force: 15 June 1960

- (b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organizations, where such exist, and with other appropriate bodies.
- 2. Any distinction, exclusion or preference in respect of a particular job based on the inherent requirements thereof shall not be deemed to be discrimination.
- 3. For the purpose of this Convention the terms "employment" and "occupation" include access to vocational training, access to employment and to particular occupations, and terms and conditions of employment.

#### Article 2

Each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof.

#### Article 3

Each Member for which this Convention is in force undertakes, by methods appropriate to national conditions and practice -

- (a) to seek the cooperation of employers' and workers' organizations and other appropriate bodies in promoting the acceptance and observance of this policy;
- (b) to enact such legislation and to promote such educational programmes as may be calculated to secure the acceptance and observance of the policy;
- (c) to repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy;

- (d) to pursue the policy in respect of employment under the direct control of a national authority;
- (e) to ensure observance of the policy in the activities of vocational guidance, vocational training and placement services under the direction of a national authority;
- (f) to indicate in its annual reports on the application of the Convention the action taken in pursuance of the policy and the results secured by such action.

#### Article 4

Any measures affecting an individual who is justifiably suspected of, or engaged in, activities prejudicial to the security of the State shall not be deemed to be discrimination, provided that the individual concerned shall have the right to appeal to a competent body established in accordance with national practice.

#### Article 5

1. Special measures affecting an individual who is justifiably
1. Special measures of protection or assistance provided for in other Conventions or Recommendations adopted by the International Labour Conference shall not be deemed to be discrimination.
2. Any Member may, after consultation with representative employers' and workers organizations, where such exist, determine that other special measures designed to meet the particular requirements of persons who, for reasons such as sex, age, disablement, family responsibilities or social or cultural status, are generally recognised to require special protection or assistance, shall not be deemed to be discrimination.

#### Article 6

Each Member which ratifies this Convention undertakes to apply it to non-metropolitan territories in accordance with the provisions of the Constitution of the International Labour Organization.

THE EQUAL REMUNERATION ACT, 1976<sup>1</sup>  
(No. 25 of 1976)

(11 February 1976)

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An Act to provide for the payment of equal remuneration to men and women workers and for the prevention of discrimination, on the ground of sex, against women in the matter of employment and for matters connected therewith or incidental thereto

Be it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:-

Prefatory Note - Statement of Objects and Reasons:- Article 39 of the Constitution envisages that the State shall direct its policy, among other things, towards securing that there is equal pay for equal work for both men and women. To give effect

to this constitutional provision, the president promulgated on the 26th September, 1975, the Equal Remuneration Ordinance, 1975 so that the provisions of Article 39 of the Constitution may be implemented in the year which is being celebrated as the International Women's Year. The Ordinance provides for payment of equal remuneration to men and women workers for the same work or work of a similar nature and for the prevention of discrimination on grounds of sex.

(2) The Ordinance also ensures that there will be no discrimination against recruitment of women and provides for the setting up of Advisory Committees to promote employment opportunities for women.

3. This Bill seeks to replace the Ordinance.<sup>2</sup>

#### CHAPTER 1 PRELIMINARY

1. Short title, Extent and Commencement:- (1) This Act may be called the Equal Remuneration Act, 1976.

(2) It extends to the whole of India.

(3) It shall come into force on such date, not being later than three years from the passing of this Act, as the Central Government may, by notification, appoint and different dates may be appointed for different establishments or employments.

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1. Received the assent of the President on February 11, 1976 published in Gazette of India, Extra., Part II, Section I, dated 12th February 1976, pp 189-196

2. Ordinance No. 12 of 1975, promulgated by the President on September 26, 1975



2. Definitions: In this Act, unless the context otherwise requires, -

(a) "appropriate Government" means -

- i) in relation to any employment carried on by or under the authority of the Central Government or a railway administration, or in relation to a banking company, a mine, oilfield or major port or any corporation established by or under a Central Act, the Central Government, and
  - ii) in relation to any other employment, the State Government;
- b) "commencement of this Act" means, in relation to an establishment or employment, the date on which this Act comes into force in respect of that establishment or employment;
- c) "employer" has the meaning assigned to it in clause (f) of Section 2 of the Payment of Gratuity Act, 1972 (39 of 1972);
- d) "man" and "woman" means male and female human beings, respectively, of any age;
- e) "notification" means a notification published in the official gazette;
- f) "prescribed" means prescribed by rules made under this Act;
- g) "remuneration" means the basic wage or salary, and any additional emoluments whatsoever payable, either in cash or in kind, to a person employed in respect of employment or work done in such employment, if the terms of the contract of employment, express or implied, were fulfilled;
- h) "same work or work of a similar nature" means work in respect of which the skill, effort and responsibility required are the same, when performed under similar working conditions, by a man or a woman and the differences, if any, between the skill, effort and responsibility required of a man and those required of a woman are not of practical importance in relation to the terms and conditions of employment;

- (i) "worker" means a worker in any establishment or employment in respect of which this Act has come into force;
  - (j) words and expressions used in this Act and not defined but defined in the Industrial Disputes Act, 1947 (14 of 1947), shall have the meanings respectively assigned to them in that Act.
3. Act to have overriding effect: The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law or in the terms of any award, agreement or contract of service, whether made before or after the commencement of this Act, or in any instrument having effect under any law for the time being in force.

## CHAPTER 2

### PAYMENT OF REMUNERATION AT EQUAL RATES TO MEN AND WOMEN WORKERS AND OTHER MATTERS

4. Duty of employer to pay equal remuneration to men and women workers for same work or work of a similar nature:
- 1. No employer shall pay to any worker, employed by him in an establishment or employment, remuneration, whether payable in cash or in kind, at rates less favourable than those at which remuneration is paid by him to the workers of the opposite sex in such establishment or employment for performing the same work or work of a similar nature.
  - 2. No employer shall, for the purpose of complying with the provisions of sub-section (1), reduce the rate of remuneration of any worker.
  - 3. Where, in an establishment, the rates of remuneration payable before the commencement of this Act for men and women workers for the same work or work of a similar nature are different only on the ground of sex, then the higher (in cases where there are only two rates), or, as the case may be, the highest (in cases where there are more than two rates), of such rates shall be the rate at which remuneration shall be payable, on and from such commencement, to such men and women workers;

Provided that nothing in this sub-section shall be deemed to entitle a worker to the revision of the rate of remuneration payable to him or her with reference to the service rendered by him or her before the commencement of this Act.

5. No discrimination to be made while recruiting men and women workers:

On and from the commencement of this Act, no employer shall, while making recruitment for the same work or work of a similar nature, make any discrimination against women except where the employment of women in such work is prohibited or restricted by or under any law for the time being in force:

Provided that the provisions of this section shall not affect any priority or reservation for scheduled castes or scheduled tribes, ex-servicemen, retrenched employees or any other class or category of persons in the matter of recruitment to the posts in an establishment or employment.

6. Advisory Committee:

- (1) For the purpose of providing increasing employment opportunities for women, the appropriate Government shall constitute one or more Advisory Committees to advise it with regard to the extent to which women may be employed in such establishments or employments as the Central Government may, by notification, specify in this behalf.
- (2) Every Advisory Committee shall consist of not less than ten persons, to be nominated by the appropriate Government, of which one-half shall be women.
- (3) In tendering its advice, the Advisory Committee shall have regard to the number of women employed in the concerned establishment or employment, the nature of work, hours of work, suitability of women for employment, as the case may be, the need for providing increasing employment opportunities for women, including part-time employment, and such other relevant factors as the Committee may think fit.
- (4) The Advisory Committee shall regulate its own procedure.

- (5) The appropriate Government may, after considering the advice tendered to it by the Advisory Committee and after giving to the persons concerned in the establishment or employment an opportunity to make representations, issue such directions in respect of employment of women workers, as the appropriate Government may think fit.

7. Power of appropriate Government to appoint authorities for hearing and deciding claims and complaints:

- (1) The appropriate Government may, by notification, appoint such officers, not below the rank of a Labour Officer, as it thinks fit to be the authorities for the purpose of hearing and deciding -
  - (a) complaints with regard to the contravention of any provision of this Act;
  - (b) claims arising out of non-payment of wages at equal rates to men and women workers for the same work or work of a similar nature,and may, by the same or subsequent notification, define the local limits within which each such authority shall exercise its jurisdiction.
- (2) Every complaint or claim referred to in sub-section (1) shall be made in such manner as may be prescribed.
- (3) If any question arises as to whether two or more works are of the same nature or of a similar nature, it shall be decided by the authority appointed under sub-section (1).
- (4) Where a complaint or claim is made to the authority appointed under sub-section (1) it may, after giving the applicant and the employer an opportunity of being heard, and after such inquiry as it may consider necessary, direct -
  - (i) in the case of a claim arising out of non-payment of wages at equal rates to men and women workers for the same work or work of a similar nature, that payment be made to the worker of the amount by which the wages payable to him exceed the amount actually paid;
  - (ii) in the case of complaint, that adequate steps be taken by the employer so as to ensure that there is no contravention of any provision of this Act.

- (5) Every authority appointed under sub-section (1) shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908), for the purpose of taking evidence and of enforcing the attendance of witnesses and compelling the production of documents and every such authority shall be deemed to be a Civil Court for all the purposes of Section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).
- (6) Any employer or worker aggrieved by any order made by an authority appointed under sub-section (1), on a complaint or claim may, within thirty days from the date of the order, prefer an appeal to such authority as the appropriate Government may, by notification, specify in this behalf and that authority may, after hearing the appeal, confirm, modify or reverse the order appealed against and no further appeal shall lie against the order made by such authority.
- (7) The authority referred to in sub-section (6) may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the period specified in sub-section (6), allow the appeal to be preferred within a further period of thirty days but not thereafter.
- (8) The provisions of sub-section (1) of Section 33C of the Industrial Disputes Act, 1947 (14 of 1947), shall apply for the recovery of monies due from an employer arising out of the decision of an authority appointed under this section.

### CHAPTER 3

#### MISCELLANEOUS

#### 8. Duty of employers to maintain registers:

On and from the commencement of this Act, every employer shall maintain such registers and other documents in relation to the workers employed by him as may be prescribed.

9. Inspectors

- (1) The appropriate Government may, by notification, appoint such persons as it may think fit to be inspectors for the purpose of making an investigation as to whether the provisions of this Act, or the rules made thereunder, are being complied with by employers, and may define the local limits within which an Inspector may make such investigation.
- (2) Every Inspector shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code (45 of 1860).
- (3) Every Inspector may, at any place within the local limits of his jurisdiction, -
  - (a) enter, at any reasonable time, with such assistance as he thinks fit, any building, factory, premises or vessel;
  - (b) require any employer to produce any register, muster-roll or other documents relating to the employment of workers, and examine such documents;
  - (c) take on the spot or otherwise, the evidence of any person for the purpose of ascertaining whether the provisions of this Act are being, or have been, complied with;
  - (d) examine the employer, his agent or servant or any other person found in charge of the establishment or any premises connected therewith or any person whom the Inspector has reasonable cause to believe to be, or to have been a worker in the establishment;
  - (e) make copies, or take extracts from, any register or other document maintained in relation to the establishment under this Act.
- (4) Any person required by an Inspector to produce any register or other document or to give any information shall comply with such requisition.

10. Penalties:

- (1) If after the commencement of this Act, any employer, being required by or under the Act, so to do -
- (a) omits or fails to maintain any register or other document in relation to workers employed by him, or
  - (b) omits or fails to produce any register, muster-roll or other document relating to the employment of workers, or
  - (c) omits or refuses to give any evidence or prevents his agent, servant, or any other person in charge of the establishment, or any worker, from giving evidence, or
  - (d) omits or refuses to give any information,

he shall be punishable with fine which may extend to one thousand rupees.

- (2) If, after commencement of this Act, any employer -
- (a) makes any recruitment in contravention of the provisions of this Act, or
  - (b) makes any payment of remuneration at unequal rates to men and women workers, for the same work or work of a similar nature, or
  - (c) makes any discrimination between men and women workers in contravention of the provisions of this Act, or
  - (d) omits or fails to carry out any direction made by the appropriate Government under sub-section (5) of Section 6,

he shall be punishable with fine which may extend to five thousand rupees.

- (3) If any person being required so to do, omits or refuses to produce to an Inspector any register or other document or to give any information, he shall be punishable with fine which may extent to five hundred rupees.

11. Offences by companies:

- (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company, for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

- (2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributed to, any neglect on the part of any director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation:- For the purposes of this section, -

- (a) "company" means any body corporate and includes a firm or other association of individuals; and
- (b) "director", in relation to a firm, means a partner in the firm.

12. Cognizance and trial of offences:

- (1) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.
- (2) No court shall take cognizance of an offence punishable under this Act except upon a complaint made with the sanction of the appropriate Government or an officer authorised by it in this behalf.
- (3) No court shall take cognizance of an offence punishable under this Act unless complaint thereof is made within three months from the date on which sanction is granted under this section.



13. Power to make rules:

- (1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.
- (2) In particular, and without prejudice to the generally of the foregoing power, such rules may provide for all or any of the following matters, namely -
  - (a) the manner in which complaint or claim referred to in sub-section (1) of Section 7 shall be made;
  - (b) registers and other documents which an employer is required under Section 8 to maintain in relation to the workers employed by him;
  - (c) any other matter which is required to be, or may be, prescribed.
- (3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

14. Power of Central Government to give directions:

The Central Government may give directions to a State Government as to the carrying into execution of this Act in the State.

15. Act not to apply in certain special cases:

In so far -

- (a) the terms and conditions of a woman's employment are, in any respect, affected by compliance with the law regulating the employment of women, or
- (b) any special treatment is accorded to women in connection with the birth, or expected birth, of a child,

then to that extent the requirement of equal treatment for men and women as mentioned in this Act shall not apply (but without prejudice to its operation as regards other matters), nor shall that requirement extend to requiring equal treatment as regards terms and conditions relating to retirement, marriage or death or to any provision made in connection with retirement, marriage or death.

16. Power to make declaration:

Where the appropriate Government is, on a consideration of all the circumstances of the case, satisfied that the differences in regard to the remuneration, or a particular species of remuneration, of men and women workers in any establishment, or employment is based on a factor other than sex, it may, by notification, make a declaration to that effect, and any act of the employer attributable to such a difference shall not be deemed to be a contravention of any provision of this Act.

17. Power to remove difficulties:

If any difficulty arises in giving effect to provisions of this Act, the Central Government may, by notification, make any order, not inconsistent with the provisions of this Act, which appears to it to be necessary for the purpose of removing the difficulty:

Provided that every such order shall, as soon as may be after it is made, be laid before each House of Parliament.

18. Repeal and saving:

- (1) The Equal Remuneration Ordinance, 1975 (12 of 1975), is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken under the Ordinance, so repealed (including any notification, nomination, appointment, order or direction made thereunder) shall be deemed to have been done or taken under the corresponding provisions of this Act, as if this Act were in force when such thing was done or action was taken.

EQUAL REMUNERATION RULES, 1976<sup>1</sup>

CHAPTER 1  
PRELIMINARY

1. Short title and commencement

- (1) These rules may be called the Equal Remuneration Rules, 1976.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions

In these rules, unless the context otherwise requires,-

- (a) "Act" means the Equal Remuneration Act, 1976 (25 of 1976);
- (b) "Authority" means an authority appointed by the appropriate Government under sub-section 1 of Section 7;
- (c) "Form" means a form appended to these rules;
- (d) "Section" means a section of the Act;
- (e) "Registered Trade Union" means a Trade Union registered under the Trade Union Act, 1926 (16 of 1926)

CHAPTER 2

COMPLAINTS AND CLAIMS UNDER THE ACT.

3. Complaints regarding contravention of the act:

- (1) Every complaint under clause (a) of sub-section (1) of Section 7 shall be made in triplicate, in Form 'A' to the Authority.
- (2) A single complaint may be made by, or on behalf of, or in relation to, a group of workers, if they are employed in the same establishment and the complaint relates to the same contravention.
- (3) A complaint may be made by the worker himself or herself or by any legal practitioner, or by any official of a registered Trade union, authorised in writing to appear and act on his or her behalf or by any Inspector appointed under Section 9 or by any other person acting with the permission of the Authority.

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1. Vide notification No. G.S.R. 119(E), dated March 11, 1976 published in Gazette of India, Extra., Part II, Section 3(ii) dated 11 th March, 1976, pp 611-622

4. Claim regarding non-payment of wages, etc.:

- (1) Every claim under clause (b) of sub-section (1) of Section 7 shall be made by petition in triplicate in Form 'B' to the Authority.
- (2) A single petition may be made by, or on behalf of, or in relation to, a group of workers, if they are employed in the same establishment and their claims are of the same nature.
- (3) A claim may be made by the worker himself or herself or by any legal practitioner, or by any official of a registered Trade union, authorised in writing to appear and act on his or her behalf or by any inspector appointed under Section 9 or by any other person acting with the permission of the Authority.

5. Authorisation:

The authorisation referred to in sub-rule (3) of Rule 3 or sub-rule (3) of Rule 4 shall be in Form "C" which shall be presented to the Authority to whom the complaint or the claim, as the case may be, is made along with such complaint or claim and shall form part of the record.

CHAPTER 3

REGISTERS TO BE MAINTAINED

6. Registers to be maintained by the employer:

Every employer shall maintain a register in relation to the workers employed by him in Form "D".

FORM "A"  
(to be submitted in triplicate)

Complaint under clause (a) of sub-section (1) of Section 7 of the Equal Remuneration Act, 1976 (25 of 1976)

To:

The Authority appointed under sub-section 1 of Section 7

A. \_\_\_\_\_ (Address)  
\_\_\_\_\_ Complainant(s)  
\_\_\_\_\_ Full address

Versus

B. \_\_\_\_\_ Opposite Party  
\_\_\_\_\_ Full address  
\_\_\_\_\_

The complainant(s) begs/beg to complain that the opposite part has been guilty of a contravention(s) of the provisions of the Equal Remuneration Act, 1976, (25 of 1976) as shown below:-

(Here set out briefly the particulars showing the manner in which the alleged contravention(s) has/have taken place and the grounds supporting the complaint).

The complainant(s) accordingly prays/pray that the Authority \_\_\_\_\_ may be pleased to decide the complaint set out above and pass such order or orders thereon as it may deem fit and proper.

The number of copies of the complaint (along with its annexures) as required under sub-rule (1) of Rule 3 of the Equal Remuneration Rules, 1976 are submitted herewith.

The complainant(s) does/do solemnly declare that the facts stated in this complaint are true to the best of his/her/their knowledge, belief and information.

Signature(s)/thumb impression(s)  
of the complainant(s)

I\* have been duly authorised in writing by \_\_\_\_\_ (here insert the name of the worker(s), to appear and act on his/her/their behalf.

Station \_\_\_\_\_ Signature of the legal Practitioner/  
Date \_\_\_\_\_ Official of registered Trade  
Union duly authorised

\*Strike out this portion if inapplicable

FORM "B"

(To be submitted in triplicate)

(See Rule 4 (1))

Claim under clause (b) of sub-section (1) of Section 7 of the Equal Remuneration Act, 1976 (25 of 1976)

To The authority appointed under sub-section (1) of Section 7

A. \_\_\_\_\_ Address  
\_\_\_\_\_ Petitioner(s)  
\_\_\_\_\_ Full Address

Versus

B. \_\_\_\_\_ Opposite  
\_\_\_\_\_ Party  
\_\_\_\_\_ Full address

The petitioner(s) above named states/state as follows:

- 1) The petitioner(s) was/were/is/are employed from \_\_\_\_\_ to \_\_\_\_\_ as \_\_\_\_\_ (category) in \_\_\_\_\_ (name of the establishment) of Shri/Messrs \_\_\_\_\_ (name of the employer and address).
- 2) The opposite party is the employer within the meaning of clause (c) of Section 2 of the Equal Remuneration Act, 1976 (25 of 1976)
- 3) The petitioner(s) was/were/has/have not been paid wages at rates equal to those of workers of the opposite sex for the same work or work of a similar nature for the period from \_\_\_\_\_ to \_\_\_\_\_.
- 4) The petitioner(s) was/were/has/have been paid wages at the rate of \_\_\_\_\_ whereas workers of the opposite sex for the same work or work of a similar nature were paid/have been paid at the rate of \_\_\_\_\_ during the said period.
- 5) The petitioner(s) estimates/estimate the value of relief sought by him/them at Rs: \_\_\_\_\_ (Rupees \_\_\_\_\_ (in words)).
- 6) The petitioner(s), therefore, prays/pray that the Authority may be pleased to decide the claim set out above and pass such order or orders thereon as it may deem fit and proper.
- 7) The petitioner(s) begs/beg leave to amend or add to or make alterations in the petition, if and when necessary, with the permission of the Authority.

The petitioner(s) does/do solemnly declare that the facts stated in this petition are true to the best of his/her/their knowledge, belief and information

Signature(s)/thumb impression(s)  
of the Petitioner(s)

\*I have been duly authorised in writing by \_\_\_\_\_ (here insert the name of worker(s) to appear and act on his/her/their behalf.

Signature of the legal Practitioner  
official of a registered Trade  
Union duly authorised

Station  
Date

~~\*Strike out this portion if inapplicable~~

FORM "C"  
(See Rule 5)

Form of authority in favour of legal practitioner or any official of a registered Trade Union.

I/we hereby authorise Shri/Shrimati/Kumari\* \_\_\_\_\_  
a legal practitioner/an official of \_\_\_\_\_  
which is a registered Trade Union to appear and act on my/our  
behalf, under \* sub-rule (3) of Rule 3/sub-rule (3) of Rule 4  
in respect of the \*complaint/claim against \_\_\_\_\_  
(mention name of employer) on account of \_\_\_\_\_  
(mention violation of the Act).

Signature(s) thumb-impression(s)  
of the worker(s)

Station  
Date  
Witness

(1)  
(2)  
(3)

I accept the authorisation

\* Legal practitioner  
\_\_\_\_\_  
Official of a registered  
Trade Union

Strike out whichever is inapplicable





### 3. Appointment of Authorities

Notification No. S.O. 322(E), dated New Delhi, the 28th April 1976\*

In exercise of the powers conferred by sub-section (1) of Section 7 of the Equal Remuneration Act, 1976 (25 of 1976), the Central Government hereby appoints the officers specified in column (1) of the Table below (being officers not below the rank of Labour Officer), to be the authorities for the purposes specified in that sub-section and defines the local limits specified in the corresponding entry in column (2) thereof as the local limits within which each such authority shall exercise its jurisdiction.

THE TABLE

Officers (1)	Local limit (2)
1. All Assistant Labour Commissioners (Central) at Chief Labour Commissioner's Headquarters, New Delhi	Whole of India
2. All Assistant Labour Commissioners (Central) in the Bombay Region	The State of Maharashtra and the Union Territories of Goa, Daman and Diu and Dadra and Nagar Haveli
3. All Assistant Labour Commissioners (Central) in the Calcutta Region	The States of West Bengal (excluding the Civil Districts of Burdwan, Birbhum, Bankura and Purulia) Assam, Meghalaya, Nagaland, Manipur, Tripura, and the Union Territories of the Andaman and Nicobar Islands, Mizoram and Arunachal Pradesh
4. All Assistant Labour Commissioners (Central) in the Madras Region	The States of Tamil Nadu and Kerala and the Union Territories of Pondicherry and Lakshadweep and the Civil Districts of Bangalore/Kolar, Mysore, Mandya, Tumkur, Coorg, South Kanara, Hasan, Chikmangalur, Shimoga and Chitradurg in State of Karnataka and Chittoor in the state of Andhra Pradesh.

Officers	Local Limits
(1)	(2)
5. All Assistant Labour Commissioners (Central) in the Jabalpur Region	The State of Madhya Pradesh
6. All Assistant Labour Commissioners (Central) in the Kanpur Region	The States of Uttar Pradesh, Punjab, Haryana, Himachal Pradesh, and Jammu and Kashmir and the Union Territories of Delhi and Chandigarh.
7. All Assistant Labour Commissioners (Central) in the Dhanbad Region	The State of Bihar
8. All Assistant Labour Commissioners (Central) in the Hyderabad Region	The State of Karnataka (excluding Civil Districts of Bangalore, Kolar, Mysore, Mandya, Tumkur, Coorg, South Kanara, Hasan, Chickmagalur, Shimoga, Chitradurg) and Andhra Pradesh (Excluding the Civil District of Chittoor).
9. All Assistant Labour Commissioners (Central) in the Ajmer Region	The States of Rajasthan and Gujarat
10. All Assistant Labour Commissioners (Central) in the Asansol Region	The Districts of Burdwan, Birbhum, Bankura and Purulia in the state of West Bengal.
11. All Assistant Labour Commissioners (Central) in the Bhubaneswar Region	The State of Orissa

\* Gazette of India, Extra., dt. 28.4.1976, Pt.II, S.3(ii),p.1015

#### 4. Appointment of Appellate Authorities

Notification No. S.O.323(E), dated New Delhi, the 28th April 1976\*

In exercise of the powers conferred by sub-section (6) of Section 7 of the Equal Remuneration Act, 1976 (25 of 1976), the Central Government hereby specifies the officers mentioned in column (1) of the Table below, to be Appellate Authorities for the areas specified in the corresponding entry in column (2) thereof.

THE TABLE

Officers	Area
(1)	(2)
1. Regional Labour Commissioner (Central), Calcutta	The State of Maharashtra and the Union Territories of Goa, Daman, and Diu and Dadra and Nagar Haveli
2. Regional Labour Commissioner (Central) Calcutta	The States of West Bengal (Excluding the Civil Districts of Burdwan, Birbhum, Bankura, and Purulia), Assam, Meghalaya, Nagaland, Manipur, and the Union Territories of the Andaman and Nicobar Islands, Mizoram and Arunachal Pradesh
3. Regional Labour Commissioner (Central) Madras	The States of Tamil Nadu and Kerala and the Union Territories of Pondicherry and Lakshadweep and the Civil Districts of Bangalore, Kolar, Mysore, Mandya, Tumkur, Coorg, South Kanara, Hasan, Chickmagalur, Shimoga and Chitradurg in the State of Karnataka and Chittoor in the State of Andhra Pradesh
4. Regional Labour Commissioner (Central) Jabalpur	The State of Madhya Pradesh
5. Regional Labour Commissioner (Central) Kanpur	The States of Uttar Pradesh, Punjab, Haryana, Himachal Pradesh, Jammu and Kashmir, and the Union Territories of Delhi and Chandigarh.

\* Gazette of India, Extra., dt. 28.4.1976, Pt. II, S.3(ii), p.1018

Officers	Area
(1)	(2)
6. Regional Labour Commissioner (Central) Dhanbad	The State of Bihar
7. Regional Labour Commissioner (Central) Hyderabad	The States of Karnataka (excluding Civil Districts of Bangalore, Kolar, Mysore, Mandya, Tumkur, Coorg, South Kanara, Hasan, Chickmagalur, Shimoga and Chitradurg) and Andhra Pradesh (Excluding the Civil Districts of Chittoor)
8. Regional Labour Commissioner (Central) Ajmer	The States of Rajasthan and Gujarat
9. Regional Labour Commissioner (Central) Asansol	The Districts of Burdwan, Birbhum, Bankura and Purulia in the State of West Bengal
10. Regional Labour Commissioner (Central) Bhubaneswar	The State of Orissa.

Appendix III

LABOUR, SOCIAL WELFARE AND TRIBAL DEVELOPMENT DEPARTMENT

Notification

Sachivalaya, Gandhinagar, 7th July 1977

No. KH-SH-633/ERA-1076-27334-M- In exercise of the powers conferred under section 6(1) of the Equal Remuneration Act, 1976, the Government of Gujarat hereby constitutes an Advisory Committee and nominates members thereon as follows, namely:

Chairman

1. The Commissioner of Labour

Members

2. The Director of Employment & Training, Ahmedabad
3. The Director of Social Defence, Ahmedabad
4. Smt. Hemaben Acharya, MLA, Junagadh
5. Shri Indravadan Pranlal, Representative, Ahmedabad Mill Owners' Association, 'Kalpana', Behind Law College, Ellisbridge, Ahmedabad 380006
6. Shri Mrugeshbhai J. Harivallabhdas, Representative, Gujarat Chamber of Commerce and Industry, PE No. 4045 Ranchhodlal Road, Ahmedabad
7. Smt. Arunaben Desai, Vikas Vidyakalaya, Wadhwan City
8. Smt. Ilaben Bhatt, C/o Majoor Mahajan, Ahmedabad
9. Smt. Hiraben Ninama, Bhil Seva Mandal, Dahod
10. Smt. Sugnyaben K. Bhatt, Advocate, 30 Government Housing Society, Navrangpura, Ahmedabad- 380009  
Member Secretary
11. Smt. Indumati Rege, Lady Inspector of Factories, Ahmedabad

The functions of the Committee-(i) to advise State Government with regard to the extent to which women may be employed in such establishments or employments as the Central Government may, by notification, specify in this behalf.

(ii) In tendering its advice, this committee shall have regard to the number of women employed in the concerned establishment or employment, the nature of work, hours of work, suitability of women for employment, as the case may be, the need for providing increasing employment opportunities for women, including employment opportunities for women, including part time employment and such other relevant factors as the committee may think fit.

The headquarters of the Committee shall be at Ahmedabad.

The non-official members of the Committee should be entitled to draw TA/DA in accordance with the provisions of item No. 1 of the Clause (2) of Sub-rule (i) in Section I of the Appendix XL II-A of the B.C.S.R. Volume II. The local members should be entitled to draw actual expenditure on conveyance subject to maximum limit of Rs:6/- per day. The Commissioner of Labour, Ahmedabad should be the controlling officer for the purpose of countersignature of TA bills of non-officials.

The expenditure involved should be debited to the budget head "287-Labour and Employment - A- Commissioner of Labour" and should be met from the grants sanctioned thereunder.

This issues with the concurrence of Finance Department, dated 6th April 1977 on this Department file of even number.

By order and in the name of the Governor of Gujarat.

B.V. RAWAL  
SECTION OFFICER

Appendix IV

STATEMENT SHOWING THE ENFORCEMENT OF THE EQUAL REMUNERATION  
ORDINANCE/ACT IN THE DIFFERENT EMPLOYMENTS

<u>Sl. No.</u>	<u>Employments</u>	<u>Date of Enforcement</u>
1	Plantation (covered under the Plantations Labour Act, 1951)	15.10.1975
2	Local Authorities	1.1.1976
3	Central and State Governments	12.1.1976
4	Hospitals, nursing homes and dispensaries	27.1.1976
5	Banks, Insurance Companies and other financial institutions	8.3.1976
6	Education, teaching, training and research institutions	5.4.1976
7	Mines	1.5.1976
8	Employees Provident Fund Organization, Coal Mines Provident Fund Organization and Employees State Insurance Corporation	1.5.1976
9	The Food Corporation of India, the Central Warehousing Corporation and State Warehousing Corporation	1.7.1976
10	Manufacture of textiles and textile products	15.7.1976
11	Factories located in plantations	27.8.1976
12	Manufacture of Electrical and Electronic Machinery apparatus and appliances	27.8.1976
13	Manufacture of chemical and chemical products (except products of petroleum and coal)	8.10.1976
14	Land and water transport	8.10.1986
15	Manufacture of Food products	10.2.1977
16	Other Manufacturing industries	14.3.1977
17	Electricity, Gas and Water	1.4.1977
18	Wholesale and Retail Trade	1.7.1977

<u>S1.</u> <u>No.</u>	<u>Employments</u>	<u>Date of</u> <u>enforcement</u>
19	Construction including activities allied to construction	1.10.1977
20	Transport, storages and communication	2.10.1977
21	Agriculture and Activities allied to Agriculture	2.10.1977
22	Air transport industry	26.1.1978
23	Real Estate and Business Services and Legal services	6.3.1978
24	Legal services (such as those rendered by advocates, barristers, solicitors and such others)	6.3.1978
25	Sanitary services (public health and sanitation)	3.6.1978
26	Medical and Health Services	3.6.1978
27	Community services	3.6.1978
28	Recruitment and cultural services	3.6.1978
29	Personal services	3.6.1978
30	Repairs services	8.6.1978
31	Other services (services in relations to community social and personal services not elsewhere specified in this schedule)	3.6.1978



MINUTES OF THE 4TH MEETING OF ADVISORY COMMITTEE  
ON EQUAL REMUNERATION HELD ON 23.8.78 AT 11.00 AM

The 4th meeting of the Advisory Committee was held on 23.8.78 at 11.00 a.m. at Industrial Training Institute, Kubernagar for transacting following business:

- (1) To send a Report to Government on a visit to ITI, Kubernagar.
- (2) Any other item for discussion with the permission of the Chair.
- (3)

Following members remained present in the meeting:

(1) Shri R Basu, Labour Commissioner	Member
(2) Shri HR Malkani, Director of Emp.& Trg.	Member
(3) Smt. Elaben Bhatt	Member
(4) Dr. Jyotsnaben Shah, Director of Social Defence	Member
(5) Kum. Sugnaben K. Bhatt	Member

Shri Indravadan Pranlal Shah, member of the committee remained absent with prior intimation.

Proceedings of the Committee:

The members of the Advisory Committee visited, ITI, Kubernagar on 23.8.78 at 11.00 a.m. The Principal and members of the staff gave necessary information and showed the workings of different courses being run in the ITI.

The possibility of increasing employment opportunities for ladies in different trades was considered by the committee in the light of existing training arrangements available in the ITI. After considering the different activities of the ITI the committee come to the conclusion that there is hope of increasing employment opportunities for ladies if admission is given on a big scale to ladies for training in the following trades:

Appendix VI (contd.)

- (1) Surveyor
- (2) Stenographer
- (3) Draftman Civil
- (4) Draftsman Mechanical
- (5) Trade Machine Operator
- (6) Composer
- (7) Book-binder
- (8) Letter-Press-Mechanic
- (9) Refrigeration and Instrument Mechanic
- (10) Watch repairer
- (11) Footwear
- (12) Wireman

In addition to above, it was also felt that admission for training should also be given in trades like Turner and Electricians to those ladies who are intelligent, have special aptitudes and are prepared to join for training.

After studying on the spot the working of ITI, the committee considered, in the context of increasing employment opportunities to ladies, and decided to make following suggestions to Government.

(A) Female Workers of Cotton Mills

- (a) In order to put a halt to the gradual decrease in strength of female workers in the cotton industries the committee recommends that 15% of the seats allotted under Apprenticeship Act should be reserved for ladies in every unit of cotton industries. If this recommendation is accepted employment opportunities will increase in traditional and non-traditional types of jobs meant for female workers. Government, is, therefore, requested to take necessary steps in this direction in consultation with the Director of Employment and Training.
- (b) In majority of cases, ladies are engaged in reeling work. In some private/government mills the reeling work is being done through the contractors, with the result, these contractors adopt various types of irregularities and exploit the female workers. In order, therefore, to stop this exploitation of ladies and that the ladies may get wages according to accepted norms, it is necessary to treat the reeling department as one of the departments of the mills and that it should be under the direct control of the Managers of the mills.

Appendix VI (Contd)

- (c) The government should take effective steps through cooperation of management, Labour Unions and Voluntary social agencies of ladies so that employment opportunities increase gradually in the cotton textile industries for female workers.
  - (d) In the list attached, details of various types of work being done or which can be performed by female workers in cotton textile industries are given. The Committee recommends to the Government to take necessary steps so that the work in which female workers are not normally engaged is given to them. To fulfil this aim it is suggested that efforts should be made to keep department wise at least 15% of female workers in list of Badli workers.
  - (e) For lack of necessary training facilities for female workers in the field of modernisation in cotton textile industries, it has come to the notice of committee that female workers have been discharged. It is, therefore, suggested to government that whatever type of training is given in the process of modernisation to the male workers, management should be asked to make same type of arrangement for training for female workers also.
- (B) Selection of Female Workers under the Apprenticeship Scheme:

It has come to the notice of the committee that 3200 apprentices were trained last year in Gujarat out of whom only 24 were ladies. The committee has also noted that the selection of ladies was confined within three to four category of trades only. For increasing the employment opportunities to female candidates, the committee makes following recommendations:

- (a) Arrangement should be made to train ladies in ITIs on a big scale in consultation with Director of Employment and Training. In addition, facilities should be increased appreciately under Apprentices Act for engaging ladies in traditional and non-traditional type of trades.

(C) Technical Training:

At present sufficient number of trained female workers in non-traditional trades are not available and hence, government should make efforts in imparting different type of technical training to ladies. In this connection

Appendix VI (Contd)

social agencies can also help. If the social defence department of the government gives active cooperation much work can also be done in that direction. The committee is of the opinion that if organizations like Girls-Schools, Colleges, State Homes etc. are contacted suitable ladies will be available for training in technical trades. Besides, the existing facilities for technical training meant for ladies are not adequate and hence the committee makes recommendations as follows:

- (1) 25% of seats should be reserved for ladies for admission in trades listed above. Hostel facilities and scholarships facilities to lady trainees should also be provided;
- (2) Many ITIs are far away from the municipal limits of cities. This is a great hurdle in getting sufficient number of lady-trainees. In order to remove this difficulty, government should make efforts to start ITI extension services and impart training to ladies in the heads of cities.
- (3) In order to get employed in non-traditional jobs ladies should be encouraged to take training in technical trades through publicity media like posters handbills, radio, newspaper etc.

The committee dispersed with a vote of thanks to the Chair.

Chairman  
Advisory Committee  
Equal Remuneration, Ahmedabad

A NOTE REGARDING EQUAL REMUNERATION ACT, 1976 AND AN ADVISORY COMMITTEE UNDER THE SAID ACT

The meeting of Advisory Committee under Equal Remuneration Act, 1976 was held on 15th October 1984 at 12.00 noon in the chamber of Commissioner of Labour, Ahmedabad. Smt. Ilaben Bhatt member representing the employees was present and during the discussion with Smt. Ilaben Bhatt, the following points were emerged for consideration and further necessary action by the Commissionerate:

1. The Labour force working as unprotected and unorganised in the following industries as well as the women labour working in the said industries are exploited and humiliation in the absence of their organization and proper implementation of Equal Remuneration Act, 1976, Contract Labour (Regulation & Abolition) Act, 1970, Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, etc.
  - (a) There are two types of employments:
    - (i) Rural Employment which covers the following industries
      - (a) Agriculture
      - (b) Ground-Nut
      - (c) Cotton
      - (d) Salt
      - (e) Milk
      - (f) Road construction, and Manual workers
      - (g) Construction
      - (h) Tanneries
      - (i) Weaving handloom
      - (j) Powerloom
    - (ii) Urban Employments
      - (a) Manual labourers i.e., Mathadis, Hamals, loading and unloading
      - (b) (i) Home base labourers
        - (a) Garmets
        - (b) Agarbatti
        - (c) Footwear
        - (d) Food products
        - (e) Bidi making

Appendix VI (Contd)

- (b) (ii) Other industries
  - (a) Ceramics
  - (b) Electronics
  - (c) Bobbins
  - (d) Process house
  - (e) Miscellaneous daily wagors (Vaitara)

Over and above, there are more industries like fisheries, sea-food processing, net making, self-employment and sweepers who are working at different places with a tiny salary.

Smt. Ilaben Bhatt also insisted to have a survey by government or an enthusiastic institution/organization in the following employments for working conditions, welfare facilities and their wage etc. Specially the mode of payment, the rate of wages, etc.

1. Rural Employment

- (a) Agriculture
- (b) Construction
- (c) Tobacco Processing Houses

2. Home base.

- (a) Garments
- (b) Piece rate workmen of garments
- (c) Self-employed women in agarbatti, food products, Papad, etc.
- (d) The increase of contract labour system & employment in Ceramics, Stone crushing, Process Houses i.e., Screen Printing.

The above study should be carried out on a war-footing basis to enable the government machinery to eradicate the exploitation and other difficulties of the women employees working in the above industries.

Smt. Ilaben Bhatt also advised that new Committee should be formed from the members representing the Women Development Board, Regional Director of TV(Door Darshan) and N.O.H.I and Rita Malek, IIM, Director or Smt. Indira Hirabhai from Gandhi Labour Institute. If agreed, Smt. Aruna Sanat Mehta, Chairman & Commissioner of Labour also agreed and advised

Appendix VI. (Contd)

that the Committee is a State Advisory Committee and it should have been headed by the Secretary, Labour and Employment Department or the Deputy Minister for Labour so that the members from high post and high dignities may attend the meeting and the moto of the Committee could be achieved. It was also suggested that Smt. Ilaben Pathak from Ahmedabad Women's Action Group and Shri Harivallabhbai Parikh representing the Tribal area may also be incorporated in the said Committee. Necessary proposal and recommendations should be submitted before the government for kind consideration and immediate disposal of the said proposal.

WORKING OF EQUAL REMUNERATION ACT, 1976 AND  
"WOMEN CELL" WORKING AT AHMEDABAD

1. EQUAL REMUNERATION ACT, 1976

The Equal Remuneration Act and Rules have come into effect since 1976. The Government of Gujarat by Notification dated 7th July, 1976 in exercise of the powers conferred by sub-section (1) of Section 7 of Equal Remuneration Act, 1976, has appointed all the Government Labour Officers as Inspectors under the Act for their respective jurisdiction. The Government of Gujarat has also specified the Assistant Commissioner of Labour, Ahmedabad, Vadodara, Surat, Rajkot, Bharuch, Jamnagar, Adipur, Bhavnagar, and Nadiad, as Appellate Authorities for their respective jurisdiction. The rest of the Assistant Commissioners of Labour's Notification is under consideration of the Government. The Commissioner of Labour has been authorised for the purpose of sub-section (2) of Section 12 of the said Act for sanctioning the criminal cases to be filed before the Competent Authority.

The Government of Gujarat has also constituted an Advisory Committee under the Act vide Notification No. KH-SH-633/ERA-1076-27334-M, dated 7.7.1977 consisting representatives of employers and employees and Social Institutions. The Commissioner of Labour has been appointed as a Chairman of the said Committee whereas the Director of Manpower, Employment and Training and Director of Social Welfare have been nominated as the members representing the State Government. During the last six meetings, the Committee has reviewed the various aspects of women labour to be employed in Public Sector as well as Private Sector, also, to find out an employment source for them. The Committee had taken a task for survey of women employees' working conditions their wage factors and their needs of rehabilitation in case of unemployment.

The Commissioner of Labour, Ahmedabad, has fixed a norm of five visits per month for each Government Labour Officer over and above their normal duties entrusted to them. A comprehensive statement is attached which provides the details of total inspections, prosecution etc., during the year 1983 and upto August, 1984.

As per the direction of the Central Government, Ministry of Labour and Rehabilitation, New Delhi, the Chairman is pleased to invite a representative of Central Government to keep a surveillance of the problem of women workers as well as the function of the Advisory Committee.



Appendix VII(Contd)

2. WOMEN CELL

The State Government has constituted a Women Cell consisting of one Lady Inspector of Factories and two Government Labour Officers (Women). The cell has been given the duties of investigation and report in the matter of:

- (1) Complaints regarding women workers;
- (2) The violation of the various Labour Laws;
- (3) Discrimination of wages in comparison to the male workers;
- (4) The survey of working condition and other aspects of women workers in various fields of employment in the present social environments;
- (5) To look into the matter of labour welfare, especially from the angle of women workers in the juncture of social and economical aspects;
- (6) Implementation of programmes ameliorating the women workers as well as coalition with Government and Social institutions working for the welfare of women employees; and
- (7) To look after the all problems relating to women workers and children of women workmen.

The officers of women cell are attending the complaints and other work relating to women cell over and above their normal duties. The special complaint relating to women workmen are handed over to this women cell and after finalisation for disposal of the complaint, the matter is to be reported to the Commissioner of Labour. The women cell has not received any complaint regarding discrimination of wages. However, the complaints other than the wages were received and disposed of as under:

<u>Year</u>	<u>No.of Complaints received</u>	<u>Inspections carried out</u>	<u>Court Cases filed</u>
1982	-	13	-
1983	3	28	3
1984 upto August	5	15	3

Appendix VII (Contd.)

Women Cell has visited 15 establishments to solve the problems of women workers. Complaints were received under Factories Act, Minimum Wages Act. etc. In the year 1984, 5 complaints were received and Women Cell has taken necessary action under different labour laws. Three prosecutions are pending before the Court.


In Tirupati Enterprise women cell passed remarks under the Minimum Wages Act and 45 women workers were paid difference of Minimum Wages.

Steps were taken to settle the problem of women workers in the above factory as 23 women workers were retrenched by the employer. Due persuasion and follow up resulted in amicable settlement and these retrenched workers reinstated.

In other factories problems regarding duty timings, holidays, casual leave, creche etc. were settled by discussing the matter with the Management.

In Gujarat there is crisis in Industry and many Textile Mills are closed. Due to closure of Textile Mills other ancillary industries are also affected. There is no scope of women employment in Textile Industry at present.

In near future the Electric Industry will be developed in Gujarat specially at Gandhinagar. At that time the question of increasing women employment will be taken up and all efforts will be made to give employment to women workers.

  
MEMBER SECRETARY  
Advisory Committee under Equal Remuneration  
Act, 1976

KZ:13:10

Appendix VII(Contd.)

INFORMATION REGARDING INSPECTIONS AND PROSECUTIONS UNDER THE  
EQUAL REMUNERATION ACT, 1976

	1983	1984 (upto August 1984)
1. Inspections	1906	1403
2. Prosecution proposals received	17	52
3. Prosecution sanctioned	5	27
4. Prosecution filed in the court	5	16
5. Conviction obtained	2	9
6. Fine imposed	Rs:150/-	Rs:2210/-

SOME VIEWS ON DISCRIMINATION

1. A Social Worker: - A leading social worker expressed that there is not so much wage discrimination. But menial tasks should be given a better status. Increasing number of women are employed to work at the lower level like sweeping, cleaning, and semi-skilled jobs. Better facilities like clothes, recognition should be introduced. She felt that in our society to be a woman is a negative factor. In certain industries, employers ask for a certificate of sterilization from the woman. The employers do not realize that child bearing is a natural process. Their argument is that more women means more expense. Facilities like maternity leave, creche etc. would have to be provided.

She felt that trade unions could not tackle these issues. Trade unions are not able to attract women workers. Women have responsibilities towards the home and hence rarely attend meetings of the union after work hours. Also, the trade unions take up women's problems in isolation. The problems are not discussed generally. Even the workers' education classes are special for women where they discuss topics like nutrition, family planning. Hence it is the work culture and work discipline that has to change. Departments could frame policies where 10 per cent to 15 per cent seats could be reserved for girls.

As regards the recruitment process, she felt that direct recruitment was only at BE, ME level. If the District Planning Board link up with training centres, they could get a representation. GIT workshops could also take more girls because their courses are apt for girls.

2. A Social Activist:- Her views were based on her experiences in several industries. She felt that in the brick industry exploitation is not merely in wages but also in work allocation. It is said that men usually undertake tasks which involve physical labour. But in the brick industry men usually do the pasting of cement and women carry the bricks on their heads and take it to the third or fourth storey. In sugarcane factory and powerlooms, girls sometimes work for 12 hours. But there is no overtime or displacement allowance for the workers considering that they are employed

Appendix VIII (Contd.)

as seasonal labourers. In fishing industry, girls are told to work from 9 am to 5 pm. But sometimes fishes come only at 5 pm after which they do all the cleaning, canning and packaging. Hence their work continues upto 10 pm. The cashewnut industry has 90 per cent workers as women. Different kinds of jobs like plucking, peeling, cleaning, roasting, are involved. The women sometimes work for more than 12 hours daily in just collecting, plucking and cleaning. The men usually do the roasting. The job classification is such that the work done by the men is considered important and difficult. Hence he is paid wages and the woman is paid on piece rate.

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