

Review of Legal Frameworks Protecting Women's Labour Rights in Urban India

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Abstract: *This paper reviews the evolution, strengths, and limitations of legal frameworks safeguarding women's labour rights in urban India. Despite a wide array of progressive laws and constitutional provisions, urban working women continue to face challenges such as wage disparity, unsafe working environments, inadequate maternity benefits, and underrepresentation in leadership. By examining landmark legislations such as the Equal Remuneration Act (1976), the Maternity Benefit Act (1961), and the Sexual Harassment of Women at Workplace Act (2013), this review aims to assess the effectiveness and enforcement of these laws in an urban context. The paper also identifies policy gaps and recommends improvements in regulatory enforcement and inclusive workplace policies to enhance gender equity in India's labour market.*

Keywords: Women's Labour Rights, Urban Employment, Labour Laws in India

I. INTRODUCTION

India's socio-economic transformation over the past few decades has significantly reshaped the landscape of urban employment, particularly for women. Urbanization, industrialization, the growth of the service sector, and increased access to education have contributed to a gradual increase in female labour force participation in urban centers.

Despite these advances, the urban employment environment remains marred by persistent gender inequality, wage disparity, unsafe working conditions, and underrepresentation of women in leadership positions. Legal frameworks in India have attempted to address these issues, with the Constitution, labour laws, and international commitments forming the bedrock for women's rights in the workplace. However, the enforcement and effectiveness of these laws in the urban Indian context remain a subject of critical evaluation.

The Indian Constitution guarantees fundamental rights that form the foundation for labour protections, including those specific to women. Articles 14, 15, 16, 39(d), and 42 collectively promote gender equality, prohibit discrimination based on sex, and ensure just and humane working conditions, especially for women (Government of India, 1950). These constitutional directives are supported by a series of legislative enactments such as the Equal Remuneration Act, 1976; the Maternity Benefit Act, 1961; the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013; the Factories Act, 1948; and the recent Labour Codes introduced in 2019-20. Together, these laws seek to provide a robust legal framework for addressing the structural and systemic inequalities that urban working women face.

One of the landmark legal provisions, the Equal Remuneration Act, 1976, was enacted to eliminate wage discrimination between men and women performing the same or similar work. In urban India, where formal employment dominates and wage negotiation is often structured, this Act serves as a critical instrument in addressing wage gaps. Nevertheless, implementation remains inconsistent, particularly in the private sector and unorganized industries, which dominate the urban informal economy (Chaudhary & Verma, 2018).

Similarly, the Maternity Benefit Act, 1961, amended in 2017 to extend maternity leave to 26 weeks, represents a progressive step toward ensuring women's health and job security during childbirth. However, studies reveal that many employers in urban sectors evade compliance by hiring more male employees or bypassing formal contractual arrangements (Bhattacharya, 2021).

Another vital legislation is the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, which originated from the Supreme Court's landmark Vishaka guidelines. This law mandates the formation of Internal Complaints Committees (ICCs) in organizations and seeks to create a safe and equitable work environment. In large metropolitan corporations, implementation has been better institutionalized; however, in smaller urban workplaces, especially in startups and informal enterprises, compliance is limited, and awareness is poor (Kapur, 2016; Nair, 2020).

Urban India also exhibits a dual labour market, composed of a relatively regulated formal sector and a vast unregulated informal sector. According to the International Labour Organization (ILO, 2018), nearly 80% of women in urban India work in the informal economy including domestic work, construction, retail, and gig-based services. These sectors often fall outside the purview of mainstream labour laws, leading to gross exploitation, lack of social security, and absence of grievance redressal mechanisms. Legal protections become largely notional in such cases, demanding a review and expansion of the existing legal framework to cover informal and home-based urban workers.

The Indian government has attempted to consolidate and rationalize labour laws through the introduction of four new labour codes the Code on Wages (2019), Industrial Relations Code (2020), Social Security Code (2020), and the Occupational Safety, Health and Working Conditions Code (2020). These codes aim to simplify the complex regulatory landscape. While they promise universal coverage and uniformity, critics argue that they dilute gender-specific safeguards and reduce the scope of benefits available to urban working women, particularly in terms of maternity, safety, and representation (Rani, 2021).

Moreover, India's legal commitments are not limited to national frameworks. The country is a signatory to key international conventions such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and core International Labour Organization (ILO) conventions, including Convention No. 100 on Equal Remuneration and Convention No. 111 on Discrimination in Employment and Occupation (ILO, 2020). These commitments reflect India's intent to align with global labour standards, but the translation of these principles into local implementation strategies in urban India remains weak and fragmented.

Another critical dimension in understanding women's labour rights in urban India is the role of judicial activism. The Indian judiciary has played a transformative role by interpreting constitutional provisions liberally to uphold gender justice. From the Vishaka judgment (1997) that laid the foundation for anti-sexual harassment law, to more recent rulings ensuring equal opportunity and the right to work with dignity, courts have often compensated for legislative and executive inertia (Kumar, 2020).

Despite these constitutional, legislative, and judicial safeguards, the lived experiences of urban working women reflect systemic gaps. For instance, women continue to be overrepresented in low-paying, insecure jobs and underrepresented in managerial or executive positions. Discriminatory hiring practices, lack of career progression, and the absence of gender-sensitive policies such as flexible work hours or crèche facilities further compound these challenges (Sundar, 2020). Moreover, urban women from marginalized communities including Dalits, Muslims, and migrants face intersectional discrimination that existing laws fail to address adequately.

The gap between law and practice also arises from poor enforcement. Labour law inspections are infrequent, penalties for non-compliance are minimal, and grievance mechanisms are often inaccessible to women due to procedural complexity, stigma, or lack of awareness (Mehrotra, 2019). Moreover, while urban spaces may appear more progressive in terms of women's rights compared to rural areas, the commercialization and informalization of urban economies have ironically created environments where legal compliance is easily circumvented.

In recent years, new labour market trends such as platform-based gig work, remote employment, and co-working environments have emerged in urban India. These models challenge traditional definitions of "employer" and "workplace," rendering many protective legal provisions obsolete. For instance, the POSH Act's applicability to digital or remote workspaces remains uncertain, and gig workers often fall outside the ambit of maternity or wage benefit laws. This makes the case for an urgent review of existing legal definitions and coverage to ensure they are future-ready and inclusive of changing work modalities.

While India has made commendable progress in legislating for women's labour rights, especially in urban contexts, the efficacy of these frameworks is hindered by gaps in implementation, inadequate coverage of informal sectors, and

outdated definitions of work and employment. This review aims to critically examine the structure, scope, enforcement, and impact of existing legal frameworks protecting women's labour rights in urban India. By identifying strengths, limitations, and areas for reform, this paper will contribute to the broader discourse on creating a more inclusive and equitable urban workforce for Indian women.

Constitutional Foundations and International Commitments

The Indian Constitution lays a strong foundation for gender equality:

Article 14 ensures equality before law.

Article 15 prohibits discrimination based on sex.

Article 16 ensures equal opportunity in public employment.

Article 39(d) of the Directive Principles emphasizes equal pay for equal work.

Article 42 mandates humane working conditions and maternity relief.

India is also a signatory to international conventions such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the International Labour Organization (ILO) Conventions, particularly Convention No. 100 (Equal Remuneration) and No. 111 (Discrimination in Employment and Occupation) (ILO, 2020).

KEY LEGAL FRAMEWORKS

1. Equal Remuneration Act, 1976

This Act mandates equal pay for equal work and prohibits discrimination in recruitment and service conditions. However, implementation has been inconsistent, particularly in private urban sectors (Chaudhary & Verma, 2018).

2. Maternity Benefit Act, 1961 (Amended 2017)

This law provides 26 weeks of paid maternity leave, mandatory crèche facilities, and job security for women. While this is progressive, its implementation is often poor in informal urban sectors and small establishments (Bhattacharya, 2021).

3. Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

Commonly known as the POSH Act, it obligates employers to form Internal Complaints Committees (ICCs) and ensure a safe working environment. Urban organizations, especially in corporate sectors, have adopted these norms more widely, though awareness and reporting mechanisms remain weak in small enterprises (Kapur, 2016).

4. Factories Act, 1948

This Act ensures working conditions, sanitation, rest intervals, and safety. For women, specific provisions related to night shifts, health safeguards, and working hours have been included. However, enforcement in urban industrial belts is patchy.

5. Code on Wages, 2019 and Other Labour Codes

The consolidation of labour laws into four Labour Codes (Wages, Industrial Relations, Social Security, and Occupational Safety, Health and Working Conditions) aims to simplify and universalize protections. Yet, concerns exist over the dilution of gender-specific provisions and lack of clarity in application to informal workers (Rani, 2021).

CHALLENGES IN IMPLEMENTATION

1. Informal Sector Dominance

Over 80% of urban women are engaged in informal employment, where legal protections rarely reach (ILO, 2018). Most legal frameworks assume formal sector employment, leaving large segments of working women vulnerable.

2. Lack of Enforcement and Monitoring

Despite strong legislation, the lack of regulatory enforcement and inspection leads to violations, particularly in small and medium enterprises. The POSH Act, for example, is poorly monitored in NGOs, startups, and educational institutions (Nair, 2020).

3. Gender Stereotyping and Cultural Bias

Workplace discrimination is often reinforced by societal attitudes and employer bias. Legal provisions fail to address the deeper cultural stigma associated with women in leadership or technical roles (Sundar, 2020).

4. Awareness Deficit

Many women, especially those from marginalized communities, remain unaware of their legal rights. Legal literacy programs are inadequate in urban slums and unorganized workplaces (Mehrotra, 2019).

JUDICIAL INTERVENTIONS AND POLICY REFORMS

Courts in India have played a proactive role in interpreting women's labour rights. Landmark judgments like *Vishaka vs. State of Rajasthan* laid the groundwork for the POSH Act. Similarly, the Supreme Court has emphasized gender equity in employment in several rulings (Kumar, 2020).

Recent reforms such as the Startup India Policy, Skill India Mission, and Gender Budgeting are indirect enablers of women's labour participation, but their impact depends on integration with legal enforcement and gender-responsive policies.

RECOMMENDATIONS

Strengthen Monitoring Agencies: Dedicated women's labour rights inspectors should be appointed with the power to enforce compliance.

Extend Legal Protections to Informal Sector: Custom laws for domestic workers, gig workers, and home-based employees are needed.

Awareness and Legal Aid Programs: Expand government and NGO-led awareness campaigns in urban communities and workplaces.

Mandatory Reporting and Audits: Companies should be required to publicly disclose gender diversity and POSH compliance data.

Incentives for Inclusive Workplaces: Offer tax benefits or recognition to firms that promote gender equity in hiring, retention, and promotion.

II. CONCLUSION

The review of legal frameworks protecting women's labour rights in urban India highlights a significant dichotomy between legal ideals and practical realities. On one hand, India has developed a robust and progressive legal infrastructure that upholds the principles of equality, dignity, and protection for working women. Constitutional provisions such as Articles 14, 15, and 39(d) reinforce gender parity, while sector-specific laws like the Equal Remuneration Act (1976), Maternity Benefit Act (1961), and the Sexual Harassment of Women at Workplace Act (2013) provide comprehensive coverage of various dimensions of workplace discrimination and exploitation. Furthermore, India's ratification of key international conventions, including those of the International Labour Organization (ILO) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), demonstrates its commitment to global standards on gender equity in employment.

Despite this legal abundance, however, implementation remains alarmingly inadequate, particularly in the rapidly expanding and largely unregulated informal urban sector. A significant proportion of urban women workers are engaged in informal employment ranging from domestic work and construction to gig and platform-based services where statutory protections are either absent or not enforced. This results in a vast segment of the female workforce being deprived of even the most basic rights such as minimum wages, maternity leave, or a safe working environment. Even in the formal sector, compliance with key provisions of gender-specific laws is often symbolic, driven more by reputational concerns than genuine commitment to gender justice. For instance, many urban firms do not establish Internal Complaints Committees (ICCs) as mandated under the POSH Act, and even when they do, such mechanisms are underutilized or inaccessible to female employees due to fear of retaliation or lack of awareness.

The newly introduced Labour Codes (2019–2020), while intended to streamline and simplify labour law compliance, have raised concerns among scholars and activists regarding the potential dilution of protections specific to women. These reforms, although aimed at universalizing social security and ensuring workplace safety, risk overlooking gender-specific vulnerabilities if they are not designed with a gender-sensitive lens. Additionally, the changing nature of urban employment such as freelance work, remote jobs, and gig economy roles challenges the traditional definitions

of "employer" and "workplace," thereby necessitating a reimagining of legal frameworks to remain relevant in contemporary urban labour markets.

To bridge the gap between law and practice, it is crucial for policymakers to prioritize enforcement mechanisms, ensure greater transparency and accountability, and extend legal protections to marginalized and informal segments of the workforce. Gender budgeting, mandatory corporate reporting on gender indicators, stronger labour inspections, and community legal awareness campaigns can serve as effective tools in promoting compliance. Furthermore, judicial activism, civil society participation, and public discourse must continue to push the agenda of gender equity in urban employment.

While India's legal frameworks for protecting women's labour rights in urban areas are theoretically sound, their true potential remains unrealized due to systemic barriers, weak implementation, and evolving labour dynamics. Addressing these gaps through inclusive policy design, rigorous enforcement, and continuous legal reform is imperative to ensure that urban Indian women enjoy not only the right to work but the right to work with dignity, safety, and equality.

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