

1. Women Labour Cell:

A separate Cell for women labour which was set up in 1975, is functioning in the Ministry to pay special attention to the problems of women labour. The Cell is responsible for the following task:

- (i) Coordinating effort in respect of Women labour within the policy framework on women drawn by Ministry of Women and Child Development – the Nodal department on the issue.
- (ii) Work in conjunction with Ministry of Women and Child Development and provide useful inputs on women workforce for effective formulation of Programmes and Policies on the subject.
- (iii) Implementation of the Equal Remuneration Act, i.e., its extension to various employments/Industries and examination of the difficulties, if any, pointed out by the units/Industries.
- (iv) Setting up of Advisory Committee for promotion of employment of women under the Equal Remuneration Act, 1976 and providing secretariat assistance to the Committee.
- (v) Follow up action on the Supreme Court Judgement in the matter of prevention of sexual harassment of women at their work place and periodical reviews of the initiatives taken in the matter in consultation with related agencies viz. National Commission for Women, Ministry of Women and Child Development, National Labour Institute, etc.
- (vi) The Cell is also administering a grants-in-aid Scheme for providing financial assistance to organization (voluntary and non-government) for taking up action programmes/projects for the benefit of women labour.

2. Equal Remuneration Act, 1976

Enforcement of the Equal Remuneration Act, 1976 :

The implementation of the Equal Remuneration Act, 1976 is done at two levels.

Central Sphere: The Act is being implemented by the Central Government 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, oil field or major port or any corporation established by or under a Central Act.

In the Central sphere, the enforcement of Equal Remuneration Act, 1976 is entrusted to the Chief Labour Commissioner (Central) who heads the Central Industrial Relations Machinery (CIRM). The Central Government has appointed Labour Enforcement Officers as Inspectors for the purpose of making investigation by causing production of relevant registers/records as to whether the provisions of the Equal Remuneration Act, 1976 are being complied with by the employers, who are required to maintain the roll of employee in Form-D. Assistant Labour Commissioners have been appointed as authorities for the purpose of hearing and deciding complaints with regard to the contravention of any provision of the Act, claims arising out of non payment of wages at equal rate to men and women workers. The Regional Labour Commissioners have been appointed as appellate authorities to hear complaints in respect of cases decided by the ALCs.

State Sphere: In respect of all employments other than those where the Central Government is the appropriate Government, the implementation rests with the State Governments.

In the case of employments where the State Government are appropriate authorities, the enforcement of the provisions of the E.R.Act, 1976 is done by the officials of the State Labour Department. The Central Government monitors the implementation of the provisions of the Equal Remuneration Act, 1976 by the State Governments.

Central/State Advisory Committee

A Central Advisory Committee has been set up at the Centre under the Act to advise the Government on providing increasing employment opportunities for women and generally reviewing the steps taken for effective implementation of the Act.

3. Grants-in-aid Scheme:

The Ministry is running a Grant-in-aid Scheme for the welfare of women labour. This Scheme, which has been continuing since Sixth Five Year Plan (1981-82), is administered through voluntary organizations by giving grant-in-aid to them for the following purposes:

- (i) Organizing working women and educating them about their rights/duties.
Legal aid to working women.
- (ii) Seminars, workshops, etc. aiming at raising the general consciousness of the society about the problems of women labour.

As per the provisions of the Scheme, grants-in-aid is being provided as 75% of the total cost of the project. However, the projects relating to studies entrusted to various institutes are funded in full, i.e., 100%.

However, it has been decided that since income generation activities are better covered through schemes formulated by the Ministries of Rural Development, HRD, etc. in order to avoid duplication, we should concentrate on the projects related to creation of awareness generation among women labour/workers so that they may be educated about their rights, the number of schemes, programmes, etc. related to them being launched by various Central/State Agencies.

4. Supreme Court Guidelines on Sexual Harassment of Women Workers:

The Hon'ble Supreme Court of India, in the case of writ petition No.666-70 of 1992 filed by Vishaka & Ors.Vs State of Rajasthan & Ors. has laid down certain guidelines for the prevention of sexual harassment of women employees in their work places. The Guidelines have the force of law under Article 141 of the Constitution of India. The guidelines provide a definition as to what constitutes sexual harassment and further provides for establishment of a mechanism for redressal of complaints.

- Pursuant to the judgment of the Hon'ble Supreme Court, The Ministry of Labour wrote to all the Central Ministries/Departments, the State Govts./U.Ts and CPSUs to implement the guidelines contained in the judgment in letter and spirit. The All India Services to the effect that sexual harassment at the work place constitutes a misconduct for which a Government Servant is liable for disciplinary action.
- The Deptt. of Personal and Training has amended the Central Civil Services (Conduct) Rules, 1964 to the effect that sexual harassment at the work place constitutes a misconduct for which a Government Servant is liable for disciplinary action.
- The Ministry of Labour and Employment has constituted a committee to deal with sexual harassment complaints by employees of Main Secretariat of the Ministry and Subordinate Offices of Directorate General of Employment & Training and Chief Labour Commissioner (Central) and similar committee has been constituted in the V.V.Giri National Labour Institute (NLI), Noida.

GRANT-IN-AID SCHEME FOR FINANCIAL ASSISTANCE TO ORGANISATION (VOLUNTARY AND NON GOVERNMENT) FOR TAKING UP ACTION PROGRAMMES/PROJECTS FOR THE BENEFIT OF WOMEN LABOUR

1. INTRODUCTION

- 1.1 The Ministry of Labour and Employment has been financing, since 1981-82, voluntary organizations by way of grants-in-aid for taking up action oriented projects for the benefit of women labour.
- 1.2 Economic independence of women is one of the basic factors which can ensure equal status for women. A clear cut and well defined policy relating to women's employment was, for the first time, embodied in the Sixth Five-Year Plan and which has been emphasized in all the Plans thereafter, laying stress on income generating schemes for women to enable them to participate actively in socio-economic development.
- 1.3 To achieve the above objective, Government has also been laying stress on the involvement of voluntary organizations in the development process. The Women's Cell in the Ministry of Labour and Employment, thus encourages voluntary agencies and non-governmental agencies to formulate income-generating schemes and other action projects for women labour and renders financial assistance to such agencies for executing these projects.

2. SCOPE OF ASSISTANCE:

- 2.1 The amount of assistance given by the Ministry of Labour and Employment for taking up action-oriented projects aimed at benefiting women labour would normally be upto 75% of the recurring cost of the project. The remaining part of the cost including the non-recurring cost will have to be borne by the organization concerned.
- 2.2 Studies entrusted to various institutions will be funded in full.
- 2.3 Duration of assistance will depend on each project and will be for a minimum of one year and will generally be restricted to the currency of the Five Year Plan. Sanction will however be accorded for a maximum period of three years at a time. Releasing of grants for the project after a year will be subject to fulfillment of prescribed terms and conditions.
- 2.4 In the event of assistance being available from any other source including international organizations like ILO, UNICEF etc. for taking up the action programme on a multi aided approach, total assistance will not exceed the ceiling mentioned in Annexure-I.

3. ELIGIBILITY

3.1 The organization should be:

- (i) A society under the Societies Registration Act, 1860, or
- (ii) A public trust registered under any law for the time in force, or
- (iii) A registered Trade Union, or
- (iv) A Charitable Company licensed under Section 25 of the Companies Act or
- (v) University/Institutions of higher learning.

3.2 In case of a voluntary organization:

- (i) The organization should be such that its welfare and other programmes relating to women labour are accessible to the target group without any distinction of caste, religion or language.
- (ii) The organization should be in a sound financial position and it should have the capacity of executing programmes effectively and smoothly. A minimum annual expenditure on items of recurring nature of the order of Rs.50,000/- approximately would, inter-alia, be considered indicate in this respect.
- (iii) The organization should preferably have two years of practical experience in the implementation of welfare programmes.

4. TYPE OF ACTIVITIES FOR WHICH FINANCIAL ASSISTANCE MAY BE GIVEN:-

WOMEN LABOUR

- (i) Organizing working women and educating them about their rights and duties. Legal aid to working women.
- (ii) Seminar, workshops etc. aiming at raising the general consciousness of the society about the problems of women labour.

5. PROCEDURE

- 5.1 Organizations desirous of taking up projects for women labour shall send their applications (as filled in Form I) for central assistance to the concerned State Government. It is expected under the scheme that the State Government will send their comments about the experience, financial capability and suitability of the organization to the Ministry of Labour and Employment within three months positively.
- 5.2 The proposals shall be examined by a Committee with reference to all relevant factors such as eligibility, nature of activity proposed etc. If necessary, the applicant may be called to make suitable modification of the proposal w.r.t. eligibility, scope, duration, etc. This committee shall be headed by the Joint Secretary, incharge of women labour, Ministry of Labour and Employment and would include representatives from the Ministry of Women and Child Development and Education, Government of India and Financial Adviser (Ministry of Labour and Employment) or his representatives. The committee shall meet as often as necessary and at least twice, in a year preferably during the months of April and August. The decision of the committee will be conveyed to the organization in the form of an offer of Grant-in-Aid in Form II. On receipt of this offer the organization has to submit acceptance in Form III.
- 5.3 The organizations shall request the Ministry of Labour and Employment (in Form IV & V), directly for release of grant installments from year to year and a copy of this request/application shall be sent to the State Government by registered post. The State Government will evaluate the work of the voluntary organization/agency and will intimate the Ministry of their views from time to time. If it is felt by the State Government, that, release of grants is not proper to a particular organization, then the State Government shall send their views in this respect to the Ministry of Labour and Employment for consideration of the committee.
- 5.4 The G.I.A. amount for the project shall be released, subject to the terms and conditions mentioned. Renewal is automatic unless specifically terminated on grounds of breach of conditions as prescribed in para 6. The committee referred to para in 5.1 shall have such powers to recommend termination of the Grant-in-Aid after due process.

5.5 The sanction order will be issued for the entire approved project duration. Release of funds would be on an annual basis wherein 75% of the amount of assistance would be released as first installment on receipt of acceptance from the organization and balance 25% after the receipt of the progress reports in Form VI for 2 quarters.

6. TERMS AND CONDITIONS OF THE GRANT-IN-AID

- (i) Grant-in-Aid shall be used for the purpose for which sanction is given. An annual certificate shall be furnished by the organization concerned that the grant-in-aid has been utilized for the purpose for which it was sanctioned.
- (ii) The organization shall submit a progress report in Form VI after every three months for scrutiny by the Ministry. It would be open to the Ministry to stop further grants-in-aid, if Government feels that the desired objectives are not being achieved or if the conditions or terms of the Government of India are not adhered to.
- (iii) An officer/authorized representative of the Ministry shall physically check at least once in a financial year, the work of the organization in so far as it relates to the particular study/project financed by the Ministry.
- (iv) The accounts of the organization concerned shall be open to audit check by the Controller and Auditor General of India or by the representatives from this Ministry's Internal Audit Division. The accounts shall be open to verification by officers of the Ministry or of State Government at any point of time.
- (v) The amount of grant-in-aid released shall be credited to the account of the organization from where the drawal will be by cheque/draft according to the procedure prescribed by General Financial Rules.
- (vi) An audited statement of accounts (in duplicate) shall be furnished to this Ministry within three months of the expiry of the time period for which grant was released.
- (vii) A Utilization Certificate as per Form General Financial Rules 19 A in respect of the total grant-in-aid paid duly countersigned by a Chartered Accountant shall be furnished to this Ministry within three months of the expiry of the time period for which grant-in-aid was released.
- (viii) Before a grant is released, the grantee shall execute a bond with two sureties in favour of the President of India that :
 - (a) the grantee will abide by the conditions of the grant by the target dates, if any, specified therein, and
 - (b) that he will not divert the grants and entrust execution of the scheme or work concerned to another institutions(s) or organizations(s) and
 - (c) he shall abide by any other conditions specified in the agreement and in the event of his failing to comply with the conditions or committing breach of the bond, the grantee and the sureties individually and jointly will be liable to refund to the President of India, the entire amount with interest thereon or the sum specified under the bond.
 - (d) While obtaining the prescribed bond, where it is necessary, the requirement of furnishing two sureties in addition, need not be insisted on if the grantee organization is a society registered under the Societies Registration Act, 1860, or is a Co-operative

Society, or is an organization of standing in whose case such sureties are not considered necessary by the Ministry.

- (ix) The rate of interest to be charged on the terms of the proceeding conditions will be 6% per annum on the amount of grant-in-aid ordered to be refunded.
- (x) The release of grants will be subject to the General Financial Rules, 1968 as applicable.

ANNEXURE I

Funding Norms under grant-in-Aid

Categories of expenses for which
Grant-in-Aid will be available

Normal level of ceiling on
funding under G.I.A.

- | | |
|--|---|
| 1. Essential office equipment like
Office tables, chairs, almirahs
etc. on a one time basis. | 75% subject to maximum of
Rs.20,000/-. |
| 2. All activities and infrastructure | 75% |

Categories of expenses for which
Grant-in-Aid will not be available

1. Acquisition of land and building.
2. Purchase of vehicles, computers, electronic typewriters, plant and Machinery, etc.

FORMAT IN WHICH ORGANISATION SEEKING ASSISTANCE FOR ACTION ORIENTED PROJECTS ARE TO APPLY/FORM IN WHICH PROJECTS ARE TO BE PLACED BEFORE THE GRANT-IN-AID

I. ABOUT THE ORGANISATION

1. Name and address of the organization
2. Nature of the organization
(e.g. a society, trust, co-operative, etc.)
3. Date of voluntary organization's constitution registration alongwith the following papers
 - a. Copy of certificate of registration
 - b. Copy of prospectus
 - c. Constitutions of the Board of Management
 - d. Annual report of the previous year
 - e. Copy each of the Receipts and Payments Accounts and/or Income and Expenditure Account and the Balance sheet for the previous year certified by a Chartered Accountant or a Government Auditor.
4. Brief history/and a brief account of activities of the organization since inception particularly in the field of child/women labour and whether similar programmes, have been taken up on behalf of other Government Department,
5. Whether recognized or recommended by any State Government.
6. Additional information, if any
7. List of additional papers, if any

II. ABOUT THE PROJECT

1. Name of the project
2. Objectives of the project
3. Duration of the project
4. Target group
5. Total cost of the project (project budget with item-wise break up)

-2-

6. Cost(with item-wise break up) of any similar project financed by the Ministry of Labour.
7. Extent of financial assistance sought from the Ministry of Labour for this project.
8. Other sources of finance for the project (e.g. own funds; other organizations etc.)

9. Per beneficiary cost:-

Per Year

Per month

10. Output in measurable terms (e.g. number of child workers educated upto primary level formation of groups of woman workers etc.

11. Any other relevant information.

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A. Central Scheme

(1) Organising Women labour in various industries and other activities.

Under the Seventh Five Year Plan, the Women Labour Section in the Ministry of Labour has administering a section entitled "Financial assistance to voluntary organizations for schemes to benefit women labour". This is a general scheme under which voluntary agencies and non-governmental agencies are encouraged to formulate various kinds of schemes and action oriented projects for women labour. The amount of assistance given by the Ministry to voluntary agencies, etc. for organizing, such programmes to for the benefit of women labour is normally restricted to 75% of the total cost of the project. The remaining 25% of the cost has to be borne by the organization concerned.

Under the above project assistance is given to voluntary agencies for the following types of activities :-

- (i) For organizing women workers to ensure better wages working conditions and other benefits, and for formulation of formal/ informal groups such as Co-operative Societies, etc.
- (ii) For organizing seminars, workshops, etc. aimed at bringing the problems of the women labour.

There has been considerable success in the projects relating to organizing women Workers under the above scheme. On the basis of the experience so far gained, it is felt that during the Eight Five year Plan, an intensive scheme exclusively for organizing unorganized women workers should be taken up. This is an assured and effective way of ensuring that the women workers get their right. Moreover, this is an area which no other department can fund, or take up. The organizing activity envisaged under this scheme will be left to the voluntary organizations as is being done at present. It has been observed that voluntary organizations can play a very positive role in this regard.

This has been proved by our experience in projects such as organizing women beedi workers in Indore and Organising women zari workers in Lucknow, both of which were taken up by the Self Employee Women's Association.

The objective of the present scheme would be to select a few industrial/occupational categories in which large number of women work and to concentrate on these categories for taking up organizing of women in different parts of the country. The following areas could be selected:-

1. Beedi Making
2. Garment Manufacturers
3. Agriculture
4. Any other employment where large numbers of women are employed as Unorganized workers.

In concentrating on a few industries/occupations, the idea is to ensure that in these industries, women works throughout the country got organized. Concentrating on a few industries will bring tangible results. The following steps would be required to be taken:-

Identification of the industries/occupations in which organizing activity should be taken up.

1. Identification of voluntary organization who will be take up such activity in different parts of the country.

2. The individual project will consist of:-

- (a) An initial survey of the conditions of women workers in the specified areas and industry.
- (b) Contact with the women workers through field workers/organizers under the project.
- (c) Camp(at least two per project per year) to raise awareness, etc.
- (d) Registration as a formal organization (trade union, registered society, co-operative society, etc.)

Each project will run 3-5 years and about 7-10 projects will be taken up in each industry during the Eighth Plan Period. The yearly budget of each project should be within Rs.55,100/- and will include the cost of survey, camps, salaries, establishment cost etc. The quantum of assistance from the Government of India would be limited to 75%. During the Eighth Plan Period it is proposed to assist 15 such projects. The total budget requirement for the scheme would thus be Rs.7,37,500/-(75% of 70,000x15) or say Rs.7,85,000/-. A tentative budget for one project is below:-

Tentative Budget for organizing 300-400 women workers.

Budget for one Year.

1.	Organizers (4) Rs.600/-PM per organizer	Rs.28,800/-
2.	Office Assistant (1)@Rs.525/-PM	Rs.6,300/-
3.	Traveling Allowance	Rs.5,000/-
4.	Rent for office	Rs.6,000/-
5.	Stationary	Rs.3,000/-
6.	Misc.(including legal assistance)	<u>Rs.6,000/-</u>
	Total:	<u>Rs.55,100/-</u>

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PROFORMA FOR REPORT FROM STATE GOVERNMENTS ON PROJECT PROPOSALS
SUBMITTED BY VOLUNTARY ORGANIZATIONS UNDER THE GRANT-IN-AID SCHEME
FOR PROJECTS FOR THE BENEFIT OF WOMEN LABOUR

1. Name & address of the organization
2. Title of the project
3. Year of registration of the organization
4. Place of registration
5. Registration valid upto
6. Objectives of the organization
 - i)
 - ii)
 - iii)
 - iv)
7. Experience of the organization in undertaking welfare projects.
8. Activities taken up by the organization in the preceding 3 years.
 - (i)
 - (ii)
 - (iii)
9. Financial status of the organization
10. Details of assets and liabilities
(Last one year only)

	<u>Amount in Rupees</u>	<u>Year</u>
(i) Land and building		
(ii) Equipment, furniture etc.		
(iii) Fixed deposits, investments made, loans given		
(iv) Cash in hand and cash at bank		
(v) Borrowings		
(vi) Other liabilities, if any		
11. Sources of funding of activities taken up in the previous 3 years(Central Govt./State Govt./Other Govt./other organizations) please specify year, amount & sources.
 - (i)
 - (ii)
 - (iii)
12. Details of funding from external sources. Please specify year, amount and source.
 - (i)
 - (ii)
 - (iii)
13. Area in which the organization wishes to take up the work.
(District, block, village)

14. Whether the organization has undertaken work in the area previously. (Please mention period since when the agency has been working in the area and the nature of work taken up).
15. Persons involved with the project.
(Names, residential addresses, education & other qualification, occupations & institutions to which they belong)
16. Whether the organization has the experience/ability to take up the present project.
17. Whether the project is complete in all respects in accordance with the requirements of the scheme.
18. Whether there is any other child labour project being implemented in the area/women labour project of similar nature being implemented in the area.

Certified that the above facts have been verified. The project proposal is duly recommended for consideration by the M/o Labour.

Stamp and Signature of Officer
of the State Govt. not below
the rank of Joint Secretary.

EMPLOYMENT OF WOMEN – PROTECTIVE LEGAL PROVISIONS

Name of the Enactment	Protective Provisions
1. The Beedi & Cigar Workers(Conditions of Employment) Act,1966	<ul style="list-style-type: none"> • Provision of crèches for the benefit of women workers in the industrial premises wherein more than fifty female employees are ordinarily employed.
2. The Plantation Labour Act,1951	<ul style="list-style-type: none"> • Provision of crèches in every plantation wherein fifty or more women workers (including women workers employed by any contractor) are employed or where the number of children of women workers (including women workers employed by any contractor) is twenty or more. • Women workers are provided time off for feeding children.
3. The Contract Labour (Regulation & Abolition) Act,1970	<ul style="list-style-type: none"> • Provision of crèches where twenty or more women are ordinarily employed as contract labour. • Female contract labour to be employed by any contractor between 6.00 AM to & 7.00 PM with the exception of mid-wives and nurses in hospitals and dispensaries.
4. The Inter State Migrant Workmen (Regulation of Employment & Conditions of Service) Act,1979	<ul style="list-style-type: none"> • Provision of crèches for the benefit of women workers in establishments wherein twenty or more women are ordinarily employed as migrant workers and in which employment of migrant workers is likely to continue for three months or more.
5. Factories Act,1948	<ul style="list-style-type: none"> • Provision of crèches in every factory wherein more than thirty women workers are ordinarily employed. • Employment of women in factory is prohibited except between the hours of 6.00 A.M. to 7.00 P.M. However, in exceptional circumstances, employment of women is permitted upto 10.00 P.M. • Employment of women is also prohibited in certain factories involving dangerous manufacturing process or operations
6. The Mines Act,1952	<ul style="list-style-type: none"> • Employment in mines below ground prohibited

	<p>and in any mine above ground except between the hours of 6 am and 7 pm however no employment of women between 10 pm and 5 am is permitted. Further, women employed aboveground shall have rest period not less than eleven hours. Provision of separate toilets and washing facilities for women workers.</p>
<p>7. Maternity Benefit Act,1961</p>	<ul style="list-style-type: none"> • Maternity benefits to be provided on completion of 80 days working. • Not required to work during six weeks immediately following the day of delivery or miscarriage. No work of arduous nature, long hours of standing likely to interfere with pregnancy/normal development of fetus or which may cause miscarriage or is likely to affect health to be given for a period of six months immediately preceding the period of one week before delivery. On medical certificate, advance maternity benefit to be allowed. • Rs.250/- as Medical bonus to be given when no prenatal confinement and post natal care is provided free of charge.
<p>8. Equal Remuneration Act,1976</p>	<ul style="list-style-type: none"> • Payment of equal remuneration to men and women workers for same or similar nature of work protected under the Act. • No discrimination is permissible in recruitment and service conditions except where employment of women is prohibited or restricted by or under any law.
<p>9. Employee's State Insurance (General) Regulation,1950</p>	<ul style="list-style-type: none"> • Claim for maternity benefit becomes due on the date medical certificate is issued for miscarriage, sickness arising out of pregnancy, confinement or premature birth of child. • Claim for maternity benefit becomes due on (General Regulation 1950) the date medical certificate issued for miscarriage, sickness arising out of pregnancy, confinement or premature birth of child.

10 Beedi Workers Welfare Fund Act,1976	<ul style="list-style-type: none"> • Appointment of women member in the Advisory and Central Advisory Committee is mandatory under the Acts at Sl. No.10-13.
11. Iron Or Mines, Manganese Or Mines and Chrome Or Mines Labour Welfare Fund Act,1976	
12. Lime Stone and Dolomite Mines Labour Welfare Fund Act,1972	
13. Mica Mines Labour Welfare Fund Act,1946	
14. The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act,1996	<ul style="list-style-type: none"> • Representation of a women member on Building and other Construction Worker Welfare Boards. • Provisions for maternity benefit to female beneficiaries of the Welfare Fund. • Provision for crèches where more than 50 female construction workers are ordinarily employed.
15. Industrial Employment (Standing Orders) Act,1946	<ul style="list-style-type: none"> • Provision regarding safeguards against sexual harassment of women workers at their work places.