

Barriers to Labour Rights Enforcement for Women in Major Indian Cities

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Abstract: *Labour rights enforcement for women in India, particularly in metropolitan areas, remains a critical issue despite progressive legislation. This paper investigates the structural, social, legal, and administrative barriers that hinder the effective implementation of labour rights for women in major Indian cities such as Delhi, Mumbai, Bangalore, and Kolkata. Through a qualitative analysis of policy documents, case studies, and secondary literature, the study identifies key challenges including informal employment, lack of awareness, weak institutional mechanisms, and socio-cultural constraints. The paper concludes with recommendations to enhance labour rights enforcement and promote gender equity in urban workplaces*

Keywords: Labour rights, women workers, urban employment, enforcement barriers, gender inequality, informal sector, India

I. INTRODUCTION

The rapid urbanization and economic liberalization that India has witnessed over the past three decades have significantly transformed the country's labour market, especially in metropolitan regions such as Delhi, Mumbai, Bengaluru, Chennai, Hyderabad, and Kolkata. These cities have emerged as major economic hubs offering diverse employment opportunities, thereby attracting a growing number of women into the urban workforce. While this trend marks a progressive shift toward increased female labour force participation, it also brings to light the persistent challenges that women face in accessing and securing their labour rights. Despite the existence of a wide-ranging legislative framework designed to safeguard workers' rights—such as the Factories Act of 1948, the Equal Remuneration Act of 1976, and the Maternity Benefit Act of 1961—the enforcement of these laws remains inconsistent and often ineffective, particularly in relation to women workers (Kabeer & Mahmud, 2021; Bhattacharya & Sinha, 2018).

Women workers in Indian metropolitan cities often face structural, socio-economic, and institutional barriers that prevent them from enjoying full and equal protection under labour laws. A significant proportion of women are employed in the informal sector, which is characterized by the absence of legal contracts, poor working conditions, and limited access to social security benefits (ILO, 2022). These informal settings, such as domestic work, street vending, construction, and home-based manufacturing, are typically beyond the regulatory reach of labour inspectors and other enforcement bodies. Even within the formal sector, gender-based discrimination, wage disparities, sexual harassment, and occupational segregation undermine the ability of women to assert their legal rights (Deshpande, 2020).

One of the major barriers to enforcement is the **informality of employment**, which accounts for over 90% of India's total workforce, with a disproportionately high percentage of women occupying insecure and low-paid informal jobs (National Sample Survey Office [NSSO], 2019). In metro cities, where cost of living and competitiveness are high, women often have to settle for exploitative work arrangements that are flexible yet precarious. This widespread informality effectively places many women outside the purview of formal legal protections, making enforcement mechanisms practically irrelevant in their work environments (Sudarshan & Kaur, 2021). The legal framework, though extensive, fails to reach the informal economy, and the existing laws are either selectively implemented or entirely disregarded by employers who operate with impunity.

Another critical barrier is **lack of awareness and legal literacy** among women workers. Studies have shown that many women, particularly those from marginalized communities and migrant backgrounds, are unaware of their rights under Indian labour laws (Chaudhary & Verick, 2020). Moreover, illiteracy, language barriers, and fear of job loss deter women from filing complaints or seeking redress when their rights are violated. Even when women are aware of their rights, the bureaucratic and legal processes involved in filing complaints are often lengthy, inaccessible, and intimidating, discouraging them from taking legal recourse (Mehrotra & Sinha, 2017). The absence of legal aid services tailored to urban women workers further exacerbates the situation.

The **weakness of institutional mechanisms** also plays a significant role in impeding labour rights enforcement. Labour departments in metropolitan areas are often underfunded and understaffed, limiting their capacity to carry out routine inspections or respond to complaints in a timely manner (Ministry of Labour and Employment, 2021). Moreover, there is a lack of coordination between different enforcement agencies, including the police, labour commissioners, and women's commissions, which creates administrative bottlenecks and delays in justice delivery. The establishment of Internal Complaints Committees (ICCs) under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, has also proven to be largely ineffective in many small and medium-sized enterprises, where either the committees are non-existent or fail to function impartially (Bhatnagar & Kumari, 2021).

Socio-cultural factors further complicate the enforcement landscape. Patriarchal norms, gender-based violence, and stigma continue to influence women's ability to voice grievances or seek justice. In conservative urban settings, reporting workplace violations may lead to social ostracism, character assassination, or even violence at home, thus deterring women from asserting their rights (Sen, 2019). These social pressures are particularly intense for migrant women and those employed in stigmatized occupations like domestic or bar work, where legal protection is not just hard to access but also culturally frowned upon.

In addition to social and legal challenges, **economic dependency** often prevents women from demanding their rights. Many urban women workers are sole breadwinners or contribute substantially to household incomes. In such situations, the fear of job loss or retaliation discourages them from reporting violations, especially in workplaces where employers hold disproportionate power (Agarwala, 2020). The power dynamics in employer-employee relationships are even more skewed in the case of live-in domestic workers or women employed in family-run businesses, where the line between employment and personal obligation is deliberately blurred.

A further complication arises from the **inadequate data and research** on women workers in metropolitan India. Official statistics often fail to capture the full scope of female labour participation, especially in the informal sector. This data invisibility translates into policy invisibility, where women's labour issues are either generalized or entirely overlooked in labour reform debates (Das & Bhattacharya, 2022). For example, recent labour reforms aimed at consolidating multiple labour laws into four labour codes have sparked concerns among women's rights groups, who argue that these changes may weaken specific protections for women workers under older laws.

Despite these challenges, there is growing recognition of the need to enhance enforcement mechanisms and adopt gender-sensitive approaches to urban labour governance. The recent emphasis on urban livelihood missions, skill development schemes, and digital grievance redressal systems offers a window of opportunity to address the enforcement gap. However, without a concerted effort to include women workers—especially those in the informal sector—in these initiatives, the gap between policy and practice is likely to persist.

This study, therefore, aims to critically examine the multifaceted barriers to the enforcement of labour rights for women in major Indian cities. By analyzing legal structures, administrative practices, social dynamics, and workplace realities, the research seeks to provide a holistic understanding of the enforcement deficit. The ultimate goal is to offer practical recommendations that can strengthen labour rights enforcement for women, promote gender equity in urban employment, and contribute to the broader goal of inclusive and just economic development in post-pandemic India.

II. OBJECTIVES OF THE STUDY

- To identify the major labour rights applicable to women workers in urban India.
- To analyze the enforcement mechanisms and their shortcomings in metropolitan cities.
- To examine the socio-economic and institutional barriers faced by women in accessing their rights.

- To suggest measures for improving enforcement and compliance.

III. METHODOLOGY

This study uses a qualitative approach based on secondary data from:

- Government and NGO reports
- Academic research and case studies
- Media reports and legal documents
- Cities included in the analysis: Delhi, Mumbai, Bengaluru, Chennai, Kolkata, and Hyderabad.

IV. LEGAL FRAMEWORK FOR WOMEN'S LABOUR RIGHTS IN INDIA

Key legislations:

- Factories Act, 1948
- Maternity Benefit Act, 1961 (amended 2017)
- Equal Remuneration Act, 1976
- Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
- Code on Wages, 2019

Despite these protections, enforcement remains weak due to multiple systemic challenges.

V. MAJOR BARRIERS TO LABOUR RIGHTS ENFORCEMENT

5.1 Informality and Precarity of Work

A large proportion of women in urban India work in the informal sector—as domestic workers, street vendors, garment workers, etc.—where laws are either non-applicable or unenforced.

5.2 Lack of Awareness and Legal Literacy

Many women are unaware of their rights due to low literacy levels, limited access to legal aid, and fear of retaliation.

5.3 Institutional Weaknesses

Labour departments in metropolitan cities are under-resourced and lack proactive inspection systems. Redressal mechanisms such as Internal Complaints Committees are often absent or non-functional in small enterprises.

5.4 Socio-cultural Constraints

Patriarchal norms, stigma, and family pressure discourage women from reporting violations. Workplace harassment often goes unreported due to fear of job loss or social judgment.

5.5 Gender Wage Gaps and Discrimination

Despite legal mandates, unequal pay, gendered job roles, and glass ceilings persist, especially in private and unregulated industries.

5.6 Migrant Status and Urban Displacement

Migrant women workers often face exclusion from city-level welfare schemes and labour protections due to lack of documentation or local identity proof.

VI. CASE STUDIES AND FIELD INSIGHTS

- **Garment Workers in Bengaluru:** Reports show frequent wage violations and overtime without compensation.
- **Domestic Workers in Delhi and Mumbai:** Absence of contracts and lack of access to complaint mechanisms.
- **Sexual Harassment Cases in Start-ups:** Underreporting and poor implementation of the POSH Act.

VII. GOVERNMENT AND CIVIL SOCIETY EFFORTS

Some positive interventions:

State-level welfare boards (e.g., Tamil Nadu Domestic Workers Welfare Board)

Awareness campaigns and legal aid cells by NGOs
Online portals for grievance redressal (e.g., SHE-Box for sexual harassment complaints)
Yet these efforts have limited outreach and require scaling up.

VIII. RECOMMENDATIONS

- **Strengthen Labour Inspection Systems:** Increase funding and staff for urban labour departments and ensure surprise inspections in both formal and informal sectors.
- **Legal Literacy Campaigns:** Conduct city-wide drives to educate women workers about their rights using local languages and community platforms.
- **Enhance Registration of Informal Workers:** Implement universal registration under labour welfare boards and include migrant workers.
- **Promote Unionization and Worker Collectives:** Support women's collectives and labour unions in advocating rights and bargaining.
- **Digital Tools for Complaint Mechanisms:** Make use of mobile apps and helplines for easy reporting and redressal.
- **Collaboration with Urban Local Bodies:** Integrate labour welfare with municipal governance and urban development programs.

IX. CONCLUSION

The enforcement of labour rights for women in India's metropolitan cities faces numerous obstacles rooted in structural inequity, institutional gaps, and cultural norms. While laws exist, they remain largely symbolic unless complemented by robust implementation, grassroots empowerment, and a gender-sensitive governance approach. Ensuring labour rights for urban women is not just a legal obligation—it is a critical step toward inclusive and equitable urban growth.

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