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Role of Women in Corporate World with a special reference to the Related Laws

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ABSTRACT

Gone is the time when the corporate world used to be male dominated. With the increase in literacy rate, the employment of women in corporations have increased. While this has happened, the Laws have played an important role to achieve women empowerment in the corporate world. The researchers in this article shall analyse the role of women in corporates and the related laws. The researchers shall also find the lacunae and solutions pertaining to the same.

Keywords: Women-Empowerment, Laws, Corporate.

I. INTRODUCTION

The women were previously subjected to a lot of atrocities. They were not given equal chance to represent themselves in any field. However, in today's time the situation has changed especially in the corporate world. While today the women play a major role in corporations, our labour laws support women empowerment. There are many caselaws pertaining to the same, which show how women empowerment has increased these days. There are also some loopholes which need to be corrected and the researchers have provided the solutions for the same.

II. CURRENT LAWS EMPOWERING WOMEN IN THE CORPORATES

(A) Constitutional Laws with respect to Women Empowerment at Corporates:

Earlier, prior to the constitution, the rights of women were violated a lot. In fact, they were not allowed to work as well in some cases. However, after the constitution was enacted after that a lot of things changed for the women and their rights at workplace.

Our Constitution guarantees equal opportunities to women and the right to be treated to equally. The same is guaranteed by Article 14 of our Constitution. Furthermore, there are times when women used to be exploited very much, that has been reduced because of Article 23. The said provision prohibits any form of exploitation or human-trafficking. It thus safeguards the women at their workplace.

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Under Article 19 of our Constitution, the women also right to freedom. It means they can raise their opinions. They can also freely work as far as it is lawful in nature. Also, our constitution guarantees maternity benefits under Article 42. Under DPSPs, the state ensures equal pay for both men and women. It is a duty of the state to ensure the same. Upliftment of both men and women has to be achieved by the state for a better society.

These constitutional provisions guarantee the empowerment of women at the corporates and due to this, women get equal treatment at workplace.

(B) Minimum Wages Act, 1948:

This act governs the minimum wage that must be paid by the employer to the employee. This act ensures that irrespective of gender, the employee is paid proper wages for their work. It totally depends on the type of the work and not on gender as per this act. Each work has its own dignity and a minimum pay that must be paid. The workers can not be underpaid merely because they are females. This legislation seeks to set minimum wages for the work irrespective of genders.

(C) Equal Remuneration Act:

As per this act, there should be equal remuneration paid for the same work irrespective of gender. This eliminates any form of discrimination based on gender.

Hence, these laws ensure that the women are paid equal pay for their work. Thus, women empowerment is achieved via this in the corporations. Thus, our society has progressed a lot in a lot of ways. Several judgements have been laid down by the courts regarding equal remuneration.

(D) The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act):

This act protects women from sexual harassment at workplace. Previously there used to be a lot of cases related to sexual harassment of women. Thus, there was a need felt for this legislation to protect the rights of women and empower them.

III. CASE LAWS

There are several caselaws wherein the courts have stated the fact that the rights of women need to be protected. The courts have also stated that the women too deserve equal treatment. The courts have also stated that women need to be paid equally as men for the same kind of work.

1. Aureliano Fernandes Vs State of Goa:

In this case, Hon'ble Supreme Court held that it should be ensured that Internal Complaint Committee under the POSH Act is constituted. This directive was given to the Union Government, State Governments, Statutory Professional Bodies, Universities, etc.

Hence, this case highlights the importance of internal complaint committee. This case is of 2023.

2. Dr. Sohail Malik vs Union of India:

In this caselaw, it was stated that provisions of POSH Act can be applied even if the department in which accused works or location of office in which he works is different from the complainant. Hence, this judgement broadens the scope of POSH Act. It also shows that the women's rights are to be protected at work places.

3. Vishakha vs State of Rajasthan:

This is a very landmark case in which guidelines against sexual harassment at workplace were laid down. It paved the way for Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act in 2013. This caselaw defined the term sexual harassment.

4. In Municipal Corporation of Delhi vs. Female Workers AIR 2000 SC 1274, it was held that maternity benefits also applies to casual and paycheck workers as well. Thus, this case emphasised on the fact that maternity benefits has a broader meaning.

5. Air India Vs Nargesh Meerza:

This was a caselaw wherein the court held that termination of service on the ground of pregnancy was unreasonable, arbitrary and was therefore clearly violative of fundamental rights. The said termination was held to be violative of Article 14 of Constitution of India. Hence, this is also a very landmark case as far as rights and empowerment of women is concerned. It is because it protected the rights of a woman and thereby stopped the termination of her service.

6. B. Vs State of Haryana:

The Supreme Court held that persons doing similar work can not be denied equal pay. Hence, this case ensured that the remuneration that is being paid is equal. It reiterated the principles laid down in Equal Remuneration Act, 1976.

IV. LOOPHOLES

Though, the laws that are existing are empowering women, their implementation is still weak.

Due to this, many women are suffering and facing issues due to weak implementation. Thus, a strong implementation of the laws is required. Laws if not strongly implemented it defeats their purpose. Thus, a proper implementation is required.

Also, some employers lack awareness regarding women empowerment. It is because of this that they tend to violate the rules and norms laid down for women empowerment. They should be sensitized about the same.

Sometimes the employees do not know their rights. The employees being unaware of their rights do not know how to raise their voice. This leads to their exploitation.

V. SUGGESTIONS

- There can be stronger implementation of the laws and it can lead to greater women empowerment at corporates. The better the implementation, the better will be objectives of the laws achieved.
- Also, there should be awareness programmes wherein the employers and employees are made aware about the laws related to women empowerment. These awareness programmes would certainly make the women empowerment stronger.
- The judgements of the courts also need to be implemented properly. This will lead to a situation where in all people irrespective of their genders are treated equally. As a result, we will achieve the objective of the Article 14 of our constitution.

VI. CONCLUSION

Hence, women play a very major role at corporates. The law empowering them is string, however it needs better implementation and there is lack of awareness. The judgements of courts also need to be followed properly. The objective of any law is to remove social issues. Though the women empowerment have achieved a lot of success, however certain things needs to be corrected like the implementation being better. All of these can lead to a work place wherein women are fully empowered.

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