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Plight of Women Workers in the Unorganised Sector

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ABSTRACT

The politico-legal, social and economic changes that have taken place during the past decades have definitely brought about perceptible changes in the status of women in the country.

Women in our country share too many responsibilities and perform a wide variety of duties in running the family, maintaining the household, attending to labour and domestic animals and extending a helping hand in artisanship and handicrafts. But most of the times her participation in work is considered as unpaid. Her role has never been evaluated as such in real economic terms. An important reason for neglecting female employment as a specific category either in research or policy is the 'invisibility' of their economic contribution, especially in the rural areas, and traditional interpretation of such concepts as 'work', 'economic activities', productivity, and work place.

During the recent years, women in large numbers have joined the labour force and taken up paid employment. Although women's representation in the labour force is increasing still it is much lower to that of men. Women are largely confined to unpaid work and casual labour, while men concentrate on more valued forms of remunerative work. The informal/unorganised sector is a larger source of employment for women than men. The unorganised economy in India employs about 86 per cent of the country's work-force and 91 per cent of its women workers.

Their earnings are necessary for sheer survival. Women are disproportionately represented in the unorganised sector, in non-standard and lower-paid forms of work, such as temporary and casual employment, part time jobs, home-based work, self-employment and work in micro enterprises. They face serious problems and constraints related to work such as low income, lack of continuity, insecurity, wage discrimination, unhealthy job relationship, absence of medical and accident care etc. The exploitation of female labourers in rural regions happens both horizontally and vertically. Thus, it is needed to address the issues and discuss the kind of policy reforms and institutional changes required for the emancipation and empowerment of rural female labour force. The present study aims at understanding the degree of vulnerability of the women workers in informal sector in India. Towards fulfilling this objective, this study has been conducted to find out the

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realities.

The women working in the unorganized sector are most vulnerable, ignored and diverse. Therefore, it is time to address their issues and discuss the kind of policy reforms and institutional changes required for their emancipation and empowerment. This present study will make an attempt to understand the socio-economic condition, nature of work, working condition and difficulties of women labourers working in the unorganised sector in India. It is hoped that this study will help in providing desired inputs to the policy makers, government functionaries, international agencies and all those who are engaged in the upliftment of the women workers working in the unorganised sector.

I. INTRODUCTION

While considering advancement and insurance of the working class and along these lines ensuring the security of the poor workers in the present time, there's a pressing need to propose an umbrella enactment for workers in the unorganised sector that will guarantee them at least a basic assurance of living needs and ensure government assistance to workers in the unorganised sector. Yet envisioning an arrangement of compelling insurance and government assistance for the unorganised is a far more difficult task because of the varying occupations in the unorganised sector and its scattered workforce having no single similarity to encompass them in one category.

In the unorganised sector, one of the major issues of the sector is that it is very difficult to trace and employee who can be held accountable for things. Thus, eliminating the concept of responsibility and accountability. With this, we establish one of the very important characteristics of of unorganised sector i.e., **absence of an employer employee relationship**. It is not completely absent but has been observed that it is very difficult to determine. Therefore, it gets very difficult for the government to frame policies and define rights and responsibilities and to even build a social security system based on contributory efforts.

This characteristic of absence of an employer employee relationship is not completely absent but can be found here and there in the unorganised sector. For instance, in the case of a development worker or brick kiln worker, his immediate employer or his contractor can be deemed as their employer. Even in case of worker who extracts forest produce, his employer can be identified as the contractor for the forest department for which he works. But predominantly, the employer employee relationship can't be determined in the unorganised sector like in case of a fisherman who casts his net into pond to catch fish for the purpose of sale or in case of a lady home-based tailor, in this cases it is very difficult to establish an

employer employee relationship.

Then another important characteristic which is additionally a serious drawback in such occupation is that **they're a victim of invisibility** which is to mention that they need not been recognised by the government and therefore the nature of their work is such they're very scattered and can't be categorised into broad sets of occupations.

An exhaustive study of the various sorts of employment coming under the unorganised sector is not possible, therefore I am resorting to a comprehensive way to understand the various source of employment and occupations coming under the unorganised sector and also information about the conditions of labour in the unorganised sector.

As concluded above and also supported other studies, it reveals that **there's no single or universal criterion** by which this sector might be defined. because the name is itself *res ipsa loquitur* i.e. unorganised and going by the dictionary meaning of the word, it means something which isn't organized or something that's not brought into a coherent or well-ordered and a structured whole.

Thus by examining, it had been found that this sector couldn't be defined or described on the idea of the **character of the work** that workers within the sector are engaged in because the world is scattered starting from tribal forest workers also as home-based or be it an info-tech and software workers.

The number of employees in the sector can range from 1 to any number encompassing permanent workers or temporary workers or workers who work on daily wage basis. Hence, it is difficult to define the unorganised sector based on **the number of employees** working in such undertakings. A person who is self-employed is also under the bar of unorganised sector and even the large bunch of workers working on a construction site also come under the bar of unorganised sector.

The unorganised sector cannot even be defined based on **the extent of its organisation** because this sector could even be working in a dispersed manner without any organisational link or interaction with each other or even work in a closed space. Hence the extent of organisation is also not a factor that can be helpful in in determining the unorganised sector.

Another characteristic of employment in the unorganised sector. According to Haensenne, what all informal sector activities have in common is their *vulnerability*. Their vulnerability is due to the fact that they have to rely as best as they can on self-supporting and uniform institutional arrangements which operate separately and independently of the institutions of the modern

economy.”²

Profoundly Accepted Definitions of Unorganised Workers

The National Sample Survey Organization (NSSO) which has been conducting surveys of unorganized enterprises at periodical interval generally adopted the following criteria for the identification of unorganized sector.

“1. In the case of manufacturing industries, the enterprises not covered under the Annual Survey of Industries (ASI) are taken to constitute the unorganized sector.

2. In the case of service industries, all enterprises except those run by the government (Central, State and Local Bodies) and in the public sector are regarded as unorganized.”³

“The **first National Commission on Labour**, under the Chairmanship of Justice Gajendragadkar, defined the unorganised sector as that part of the workforce who have not been able to organise in pursuit of a common objective because of constraints such as (a) casual nature of employment, (b) ignorance and illiteracy, (c) small size of establishments with low capital investment per person employed, (d) scattered nature of establishments and (e) superior strength of the employer operating singly or in combination.’ The Commission listed ‘illustrative’ categories of unorganised labour: ‘These are: (i) contract labour including construction workers; (ii) casual labour; (iii) labour employed in small scale industry; (iv) handloom/ power-loom workers; (v) beedi and cigar workers (vi) employees in shops and commercial establishments; (vii) sweepers and scavengers; (viii) workers in tanneries; (ix) tribal labour; and (x) ‘other unprotected labour’.”⁴

“**The National Commission on Self-Employed Women**, which was set up in the year 1987 under the Chairpersonship of Smt. Ella R. Bhatt, also referred to the term, ”women in the unorganised sector”. According to this report, the women in the unorganised sector can be attributed to these characteristics who *do arduous work as wage earners, piece-rate workers, casual labour and paid and unpaid family labour*”. The report also made an observation that the unorganised sector is characterized by a high incidence of casual labour mostly doing intermittent jobs at extremely low wages or doing their own account work at very uneconomical returns. There is a total lack of job security and social security benefits. The areas of exploitation are high, resulting in long hours, unsatisfactory work conditions, and

² Government of India, **Report of the National Commission on Self Employed Women and Women in the Informal Sector**, (1987) p. 114

³ K.Mariappan, **Employment Policy and labour Welfare in India**” (New Delhi: New Century Publications) 2011 Edition p.78.

⁴ Government of India, **Report of National Commission on Labour**, (1969) p. 417

occupational health hazards”.⁵

“The **National Commission on Rural labour**, set up in 1987, defined rural labour as a person who is living and working in rural area and engaged in agricultural and/or non agricultural activities requiring manual labour, getting wage or remuneration partially or wholly, in cash or in kind or both during the year, or such own account workers who are not usually hiring labourers but are a part of the petty production system in rural areas. The Commission pointed out that

(a) the number of rural labour both in agricultural and non agricultural operations was increasing at a faster rate than the rate of growth of the rural population,

(b) a number of factors like the uneven and declining labour absorption in agriculture, declining land base, and scarcity of non-farm employment opportunities had led to large scale migration and casualisation of rural labour”.⁶

“The **National Council for Applied Economic Research (NCAER) and Self-Employed Women’s Association (SEWA)** stated that the informal sector included all workers in informal enterprises, some workers in formal enterprises, self-employed workers, and those doing contract work for informal or formal sector and contractors”⁷

“**National Commission for Enterprises in the Unorganized Sector (NCEUS)**: employment in India can be meaningfully grouped into four categories to reflect quality and its sectoral association. These are (a) Formal employment in the formal or organised sector, (b) Informal employment in the formal sector, (c) Formal employment in the informal sector, and (d) Informal employment in the informal sector. The Indian economy is dominated by (d) constantly around 86 percent of employment as of 2004-05”.⁸

Assimilating all the above factors, I would conclude that *unorganised workers means workers who suffer from excessive seasonality of employment, lack of formal employer-employee relationship and inadequate social security protection and where there is no role of trade union and are deprived of the benefits out of the schemes and policies embarked in the existing social security laws like Employees State Insurance Act, Employees Provident Fund and Miscellaneous Provisions Act, Payment of Gratuity Act and Maternity Benefit Act.*”

⁵ Government of India, **Report of the National Commission on Self Employed Women and Women in the Informal Sector**, (1987) p. 223

⁶ Government of India, **Report Of The National Commission on Labour**(2003) p. 598

⁷ Government of India, **Report of The National Commission for Enterprises in the Unorganized Sector** (2010) p. 443

⁸ Supra note 4 at p.599

Characteristics

Problems of underestimation and insufficient coverage within the unorganised sector causes further problems in deriving the residual estimate of the unorganised sector. Therefore, definitions supported the residual approach, that consider the organised sector as employing 10 or more workers and therefore the unorganised sector because the residual, not seem to be dependable. The unorganised sector is extremely diverse. Many efforts are made to spot the characteristics of employments or undertakings within the sector. Some of the descriptive characteristics are as follows:

- The unorganised sector is very scattered and has a large number of workers coming under its frame and the very fact that they are present not only in rural areas but also in urban areas.
- The unorganised sector does not have a stable source of income because of the reason of instability in their employment which which suffers from cycles of excessive seasonality. Also there in employment depends on a number of unforeseen conditions.
- Not only the workforce, but also their workplace is scattered and fragmented.
- As discussed earlier that there is absence of a formal employer employee relationship in the unorganised sector which removes the clause of accountability and responsibility which is a very important factor in unemployment.
- The workers are usually in high debts from their employees or any other source because their income is not sufficient for their survival and also due to the reason of seasonal employment.
- The workers in the sector and specially the women working in the unorganised sector are subject to exploitation and discrimination. They are forced to live in poor working condition because of their wages comparatively much lower than the formal sector. The work status in which the workers are working is of very inferior quality and very inferior terms of employment including the remuneration.
- The workers in the sector do not receive much attention from the trade unions and they also do not considered trade unions as an important part.

We can *vaguely categorize* women workers in the unorganised category into following broad groups:

Prevalent Occupation of Women in the Unorganised Sector

Agriculture, dairying and Forestry: Agriculture dairy farming and forestry: earlier this occupation of agriculture was considered as a major source of employment for both women and men. But because of urbanisation, man moved to urban cities in search of work and thus resulting in a major setback in the workforce statistics in agriculture. Does now we see that women have a larger share of participation in the agricultural activities and they have to engage in agriculture for their basic needs.

Fishing: Women living near the coastal areas have been always engage in the fishing industry. A large portion of women are employed in the fish industry as we can see in Mumbai and Bengal.

Mining and Quarrying:. The boom of the coal mining industry can be attributed with the expanded women participation in the employment. Women major role to play in the expansion of the industry. Although because of the introduction of technology and machines that require technical skills rather than requiring labour intensive skills, women are no more widely employed in the industry.

The women working in the mine Industry had to face a number of health issues like tuberculosis and other respiratory diseases. Going to this very factor a major portion of the women are reluctant to work in the mine industry and instead of the women, their minor children are forced to work in the industry. Therefore promoting the vicious cycle of occupational bondage which continues for eternity.

Manufacturing: The garment industry, the handicraft industry or even the food production industry, all of these industries are are loaded with women workers and they play a significant role in such industries.

Construction: Construction industry is one industry where women are most subjected to exploitation and discrimination. Because of their different potential based on their physique, women are very less paid than the male counterparts.

In spite of such huge participation of women in the construction industry they still remain secondary support to the male workers. There have been several cases reported where women are made to do equal work like that to their male counterparts and still are paid less than them.

Wholesale and Retail Trade, Personal and Household Goods: Usually we see that male is the dominating sector in the wholesale and retail trade and there are a very few women who work in this industry. The common reasons why women are in trade market is usually because of their death of their husband or their husband is unable to work because of some disability or is unemployed or for financial support. It is often seen that women only selling sheep and less

profitable products like a flower or fruits or vegetables whereas men are usually seen to be engaged in trade which are more profitable and contain expensive goods for example meat.

Hotels and Restaurants: Women are increasingly holding more positions of responsibility than ever before, within the hotel industry. They're highly qualified, skilled, and as capable as their male counterparts. However, they're mostly still confined to administrative and personnel management posts, with very less representation within the employed posts. They constitute majority of secretaries, front office assistant, housekeeping attendant, housekeeping supervisor, executive housekeeper, guest relation executive, in positions supportive of men, who comprise the bulk of front office employer, shift employer, food & beverage employer, food & beverage controller, human resource employer, training employer respectively pointing at gender-based work segregation.

Education: Private tuitions are on the increase due to the shortage of teachers and quality teaching in schools. Female tutors fill the vacuum of formal education, by imparting lessons, either to individual students or group

Health and Social Work: The general public healthcare sector has not been providing adequate services and lacks skilled professionals. an important role played by women within the unorganised medical sector is that of a birth attendant. The work of a women who carries out the function of birth of a child manually, during a rural found out is crucial since she is liable for ensuring safe childbirth and survival of the mother. She also gives advices to the mothers on the nutritional needs of their child, breastfeeding, care during and after pregnancy etc.

Other Community, Social and private Service Activities: Women within the unorganised sector are engaged in various occupations, the foremost crucial of them being domestic work. With the changing economic order, and more working women, the necessity for domestic workers is rampant. The paid domestic work involves floor cleaning, washing utensils, clothes, cleaning toilets, caring for youngsters and therefore the elderly, animal care etc. With the increase of the middle class in India, domestic work has emerged as a crucial new occupation for migrant women and women .

II. ATTITUDE OF LEGISLATURE & JUDICIARY TOWARDS PROTECTION OF RIGHTS OF WORKERS IN UNORGANIZED SECTOR

The Indian constitution recognises rights of citizens and also provides certain provisions for the development and welfare of the workers in the country and also focusing on the conditions of their work. Article 13 and article 14 of the constitution talks about a fundamental right

guaranteed by the constitution that prohibits exploitation of labour by the way of penalizing forced labour and child labour in hazardous occupations. The constitution lays down that irrespective of caste colour creed or sex, there should be equal employment opportunities for everyone and there should be no discrimination by the state in providing the employment opportunities. article 19 of the Indian constitution is also a very important constitution with regard to the the working sector of India as it lays down the right to form association and unions.

The part IV of the Indian constitution which talks about the directive principle of State policy which are although not enforceable but they should be taken in mind while framing policies for the country. The fundamental right to work is further supplemented by article 41 talks about that within the economic capacity and development, the state is bound to make effective provisions for securing right to work. Moreover this principal has been further supplemented by article 43 which says that a state is brown to endeavour to secure by suitable legislation aur economic organisation or any other way to to all the workers a living wage and suitable conditions of work that shall ensure a decent standard of life.

The laws passed by the Legislature which regulate the conditions of work in the unorganized sectors can be categorized into three groups, which are as follows:

(A) The First Set of Laws Applies to All Sections of the Unorganized Sector Labours

THE EQUAL REMUNERATION ACT, 1976: This act has been passed with the aim to provide equal remuneration to men and women workers and to prevent any discrimination, on the ground of sex against women in the matters of employment and the basic idea is basically, equal pay for equal work”. It also provides for discrimination against men and women in terms of their recruitment.

CRITERION: Skill, effort and Responsibility required by the work should be same and should be performed under similar working conditions.

THE BONDED LABOUR SYSTEM ABOLITION ACT, 1976: This act provides for the abolition of bonded labour system in order to prevent economic and physical exploitation of the weaker section of the society

(B) The Second Category of the Laws that Applies to Certain Groups of Workers in the Unorganized Sectors

Its scope of application varies depending upon the nature of employment or the size of employment.

MINIMUM WAGES ACT, 1948: This act secures minimum wages for workmen in scheduled employments.

APPLICABILITY: Workers engaged in scheduled employment which includes agricultural, non-agricultural, rural as well as urban workers. The government is although empowered to increase the scope by adding employments to the schedule. Even units employing one worker fall under its ambit. Thus, the act covers wage workers, home workers but not the self-employed.

AIM: To appropriate minimum rates of wages payable to employees in a specified

Employment and review the rates at such intervals as it may think fit and such intervals must not exceed five years. The act helps unorganized worker falling within the scheduled employment but it has been observed that nearly 60% of the workforce in the unorganized sector is self-employed or home based. Therefore, they remain outside the purview of the Minimum Wages Act, 1948 although they constitute the majority in this sector”.

THE EMPLOYMENT OF MANUAL SCAVENGERS AND CONSTRUCTION OF DRY LATRINES (PROHIBITION) ACT, 1993

AIM: Prohibition of employment of manual scavengers as well as construction or continuance of dry latrine and to make provision for the regulation of construction and maintenance of water-seal latrine”.

INTER - STATE MIGRANT WORKMEN (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) ACT, 1979

APPLICABILITY: Every establishment in which five or more inter-state migrant workmen employed. Workmen includes skilled, semi - skilled or unskilled, manual, supervisory, technical or clerical work for hire or reward, but does not include any person who is employed mainly in a

Employerial or administration capacity; or who, being employed in a supervisory capacity, draws wages exceeding five hundred rupees per month.

AIM: The Act provides that the wage rates, holidays, hours of work and other conditions of service of an inter - state migrant workman shall be the same as those applicable to such other workman performing the same or similar kind of work and cannot be less than the wages fixed under the Minimum Wages Act, 1948

The contractor is liable for regular payment of wages; ensuring equal pay for equal work irrespective of sex; ensuring suitable conditions of work; to provide and maintain suitable

residential accommodation to such workmen during the period of their employment; to provide the prescribed medical facilities to the workmen, free of charge; to provide protective clothing to the workmen; and in case of fatal accident or serious bodily injury to any such workman to report to the specified authorities of both the states and also the next-of-kin of the workman.

(C) Law Extendable to the Unorganised Sector

BEEDI AND CIGAR WORKERS (CONDITIONS OF EMPLOYMENT) ACT, 1966

APPLICABILITY: Workers engaged in beedi and cigar establishments. It includes wage workers and home workers but not the self employed workers/persons in private dwelling houses

AIM: To make provision for their welfare and the regulation of their working condition.

PAYMENT OF WAGES ACT, 1936

APPLICABILITY: The payment of wages act is applicable to the workers who are employed in factories. Although the scope of the Act can be extended by the government to include any type of establishment. This and does not cover self employed for home based workers which makes its scope not so far reaching because a majority section of the unorganised workers are employed as self employed or home based workers.

CEILING LIMITS: wages not exceeding Rs. 6500 per month or such other higher sum as notified by the Central Government.

The act fixes complete responsibility on the employer for the payment of all wages to persons employed by him, fixation of wage periods not exceeding one month, time of payment of wages and certain authorized deduction

BUILDING AND OTHER CONSTRUCTION WORKERS' (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) ACT, 1996: The act provides for provision relating to fixing working hours rate of wages, drinking, health and sanitation facilities etc.

APPLICABILITY: Establishments engaging ten or more building and other constructions workers and does not include establishments engaging less than ten workers

AIM: To regulate the employment and conditions of service of building and other construction workers and to provide for their safety, health and other welfare measures”.

The special feature is the Act is that it covers all private residential buildings if the cost of construction is more than Rupees ten lakhs. In practicality, it has been observed that the

provisions of this act have been proved to be beneficial only to the skilled workers and to those who were continuously in the industry whereas the unskilled workers who are not employed for a continuous duration may not be able to avail the benefits as prescribed in the act.

CONTRACT LABOUR (REGULATION AND ABOLITION) ACT, 1970

APPLICABILITY: To each establishment within which twenty or more workmen were performing on any day in preceding twelve months. However, the acceptable government may extend its scope to any establishment or contractor employing but twenty workmen This Act doesn't apply to establishments during which work is of only an intermittent or casual nature is performed. Workers during this category means a person employed in or in reference to the work of any establishment to try to to any skilled, semi-skilled or unskilled manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be express or implied and doesn't include person employed in employer capacity, administrative capacity, or in supervisory capacity drawing wages exceeding 500rs per month or an out worker.

AIM: to stop exploitation of contract labour and also to introduce better conditions of labor

MATERNITY BENEFITS ACT, 1961

APPLICABILITY: The Act is applicable to the women workers and seeks to regulate employment of women in certain establishments for certain periods before and after childbirth and provides for maternity and certain other benefits. It applies to every establishment, being a factory, mine or plantation including any such establishment belonging to Government but not establishments engaging less than ten persons. However government may extend its applicability to any other establishments or class of establishments & to any factory or other establishments to which Employees State Insurance Act, 1948 applies.

AIM: To prohibit employment and work done by a pregnant women during the six weeks immediately succeeding the day of her delivery or miscarriage.

Under this act, the women worker are entitled to maternity benefits and and in case of their death, their nominee is entitled to the benefit.

WORKMEN'S COMPENSATION ACT, 1923

APPLICABILITY: The Act is applicable to workmen and provides for the payment by certain classes of employers to their workmen of compensation for injury by accident as specified in the act and its schedule. However, appropriate government may add any occupation if satisfied that it is a hazardous occupation.

AIM: to provide for Employer's liability for compensation, if personal injury is caused to a workman by accident arising out of and in the course of his employment with certain exceptions. The Act also specifies a list of diseases, which, if contracted by the worker, would be deemed to be occupational disease peculiar to that employment which shall be deemed to be an injury by accident liable for compensation under the Act but workers who are in the unorganized sector often find it very difficult to prove who is their employer and as a result cases are prolonged and often workers die without receiving any compensation”.

WEEKLY HOLIDAYS ACT, 1942

AIM: To make provisions for grant of weekly holidays to persons employed in shops, restaurants and theatres.

This act prescribes that every shop shall remain closed on a prescribed day of the week and it should not be violated by the shopkeeper more than once in three months. This act also protects persons employed in these premises shall be allowed one holiday in a week without any deduction from wages except on occurrence of certain specified exceptions. The state governments also empowered to make a provision for an additional half holiday in these establishments.

(D) The Unorganised Sector Workers (Employment and Welfare) Bill, 2003

Second National Labour Commission's recommendations resulted in the creation of Unorganized Sector Worker (Employment and Welfare) Bill, 2003 which is an act to consolidate and amend the laws relating to the regulation of employment and welfare of workers in the unorganized sector in India and to provide protection and social security to these workers.

“AIM:

- Recognition of all workers in the unorganized sector
- Ensure a certain level of social security
- Protecting their means of employment, income and work to make them financially stable
- Elimination of child labour
- Ensures a certain level of economic security
- Equal work opportunities for men and women workers”

This act provides for a centralized apex body i.e. Unorganized Sector Workers Central Board

constituted for effective implementation of the provisions at the centre whereas State Board Operating at the State Level.

“Section 12 provides that a permanent identification number/ card/ work card should be allotted to each worker on registration. This shall ensure social security and entitlements of the worker”.

“Section 17 of the bill consists of provisions relating to minimum wages. The major highlight of this section is that clause (iv) provides that there shall be no gender discrimination in deciding wages or benefits”.

“Section 19 talks about social security measures as may be prescribed by the central or state government which covers protection on the basis of old age, invalidity, group insurance, sickness, medical and employment injury benefits, maternity benefits and child care/ day care facilities for women at work. The central and state board shall be responsible for implementation of the social security services. Also, The State Board may frame schemes for grants to workers and loans for housing, drinking water, sanitation and other infrastructural facilities”.⁹

(E) Unorganised Worker’s Social Security Act, 2008

Two major loopholes that can be ascertained on the examination of the conditions of workers in the present scenario are:

- 1- Lack of comprehensive and appropriate guidelines to regulate the condition of work of unorganized workers in India
- 2- Inadequate and ineffective implementation mechanism to implement the existing regulation.

To address these issues Unorganized Workers Social Security Act was passed in 2008 in order to create a dedicated social protection environment for the unorganized work force.

OBJECTIVES:

The Act aims to provide for social security and welfare of the unorganized sector and for matters connected there with or incidental thereto.

SCOPE AND COVERAGE:

This National legislation is an important step for the universal coverage. It covers a home based

⁹ S Kumaraswamy, Decoding the Unorganised Sector Workers’ Bill, 2003” http://www.archive.cpiml.org/liberation/year_2003/july/article.htm last viewed on 23/03/2020

worker, self employed worker, or a wage worker in the unorganized sector and includes a workers in the organized sector who is not covered by any of the Acts mentioned in Schedule II to this Act.

DEFINITION OF UNORGANISED SECTOR

“Unorganized Sector means an enterprise owned by individuals or self employed workers and engaged in production or sale of goods or providing service of any kind whatsoever, and where the enterprise employs workers, the number of such workers is less than ten.”¹⁰

SOCIAL SECURITY BENEFITS:

“The Act provides for welfare schemes to be formulated and notified by the Central Government from time to time for the welfare of the workers of unorganised sector relating to the following matters:-

1. Life and disability cover;
2. Health and maternity benefits;
3. Old age protection; and
4. Any other suitable benefit.

The Act also provides that the state Governments may formulate and notify from time to time, suitable welfare schemes for unorganized workers in the following matters:

5. Provident Fund;
6. Employment injury benefit;
7. Housing;
8. Educational scheme for children;
9. Skill up gradation of workers;
- 10 Funeral assistance; and
11. Old age homes”¹¹

The workers need to register with the district administration for the benefits provided under the Act.

SOCIAL SECURITY BOARDS:

“The Act empowers the central government to constitute a National Social Security Board and

¹⁰ Section 2(1) of The Unorganised Workers’ Social Security Act, 2008

¹¹ Section 3 of The Unorganised Workers’ Social Security Act, 2008

State Boards to exercise the powers and perform functions assigned to them. The board shall advice, monitor, and review the schemes for different sectors of unorganized workers”.¹²

(F) Critical Analysis/ Loop Holes of the Act

Inadequate Coverage

The scope of the act is limited to mostly people falling below poverty line and thus resulting in seclusion of the unorganized workers in the urban areas who may not fall in the category of below poverty line. Section 2(1) of the act defines unorganized sector restricting the coverage to only those enterprises employing less than 10 workers. This way of categorization leads to an incomplete representation of the unorganized sector. Also, this categorization of limiting less than 10 workers is violation of Article 14 of constitution of India owing to unreasonable classification.

Inadequate Benefits

The act lacks to confer any justifiable social security measures as there is no provision for defined right to social security. The act instead of prescribing social security scheme as a part of the act, Chapter II merely talks about possible scheme of social security. Out of these schemes, majority of them are insurance schemes to be sourced from workers and operated by insurance company which is a true deviance from the social security which the act aims to provide.

Financial Aid

The act provides that the schemes notified by the central government may be funded wholly by central Government or partly funded by both central as well as state Governments. But, it does not have separate section that defines the existence and nature of the National Social Security Fund. The Act fails to provide an appropriate mechanism at the state level to ensure that there is clear financing support to address the social security needs of the workers.

Inadequate Implementation Mechanism

It is apparent from the act itself that The National and The State Social Security Boards are not vested with adequate powers to implement the social security measures affectively. The act makes no provision for an aggrieved worker to seek appropriate remedy in a court of law. Thus there is no institution of grievance redressal mechanism through which the workers have a suitable platform to voice their grievances. The board lacks administrative and enforcing

¹² Section 5 of The Unorganised Workers’ Social Security Act, 2008

powers rather have only an advisory role.

(G) Attitude of Judiciary Towards Unorganised Workers

In the present scenario, where the labour class has a dominant role to play as no system can work effectively by neglecting this important part of the society. Judiciary being one of the three arms of the Indian policy making too has an important role to play and has been an arm of social revolution evident from many of its judgments. It upholds the rule of law and brings about social readjustment necessary to establish coherent social economic order.

In the landmark judgment delivered by the Supreme Court in *D.S. Nakara vs Union of India* held that the principal aim of a socialist state is to eliminate inequality in income, status and standards of life. The basic frame work of socialism is to provide a proper standard of life to the people, especially, security from cradle to grave. Amongst there, it envisaged economic equality and equitable distribution of income. This is a blend of Marxism and Gandhism, leaning heavily on Gandhian socialism. From a wholly feudal exploited slave society to a vibrant, throbbing socialist welfare society reveals a long march, but, during this journey, every state action, whenever taken, must be so directed and interpreted so as to take the society one step towards the goal".¹³

Interpreting Article 2, 38,42,43,46 and 48A of the Constitution together, the Supreme Court has concluded in *Consumer Education and Research Center vs Union of India* that right to health, medical aid to protect the health and vigour of a worker while in service, or post retirement is a fundamental right to make the life of the workman meaningful and purposeful with dignity of person".¹⁴

Also in *Maneka Gandhi vs Union of India*, it has been clearly established by the Supreme Court that the right to live is not merely confined to physical existence but it includes within its ambit the right to live with human dignity"¹⁵

The approach of judiciary in promoting and protecting the right of labourers could be evidenced by its not so mechanical approach rather a pragmatic one, guided by socio economic values could be evidenced in a number of cases

In *Kotchu Velu vs Josheph*¹⁶, the question of whether a coconut climber employed periodically can be said to be a casual employee. In this case the employer has engaged the worker to plough

¹³ *D.S. Nakara v Union of India*. 1983 AIR 130, 1983 SCR (2) 165

¹⁴ *Consumer Education and Research Center v Union of India*. 1995 AIR 922, 1995 SCC (3) 42

¹⁵ *Maneka Gandhi v Union of India*. 1978 AIR 597, 1978 SCR (2) 621

¹⁶ *Kotchu Velu v Josheph*. (1980) IILLJ 220 Ker

coconuts from his trees periodically.

While at work, the worker fell from the tree and became permanently disabled. He claimed compensation, but his claim was dismissed by the commissioner as he was employed casually. It was held by the court that when a person is being regularly employed periodically it cannot be said that he is employed casually and hence, the employment will not be of casual nature for there is regularity in employment.

On similar lines, it has been held by the Supreme Court that the classification of employees into regular and casual employees for the purpose of payment of less than minimum pay is violative of Article 14 and Article 16 and also opposed to the spirit of article 7 of the International Covenant of Economic, social and Cultural Rights, 1966 in the case of *Daily Rated Casual Labour vs Union of India*¹⁷. Denial of minimum pay amounts to exploitation of labour. The court further held that the Government cannot take advantage of its dominant position and should be a model employer.

In the sphere of protecting the right of contract labourers, the courts have discouraged the system of contract labour and have given guidelines to abolish it in certain circumstances to prevent exploitation. Also, in various rulings, fair conditions of service and security of tenure have been given due importance. The courts have time to time emphasized the need of workmen and interest of industry by extending the coverage of the employees by widely interpreting the definition of employee”.

For instance, In *Royal Talkies, Hyderabad vs Employees State Insurance Corporation*¹⁸, the Supreme Court has held that the employees of cycle stand and canteen run in a cinema theatre by contractors were to be covered by the definition of employee under the Employees State Insurance Act” & then again interpreted the definition of employee” under the Employees State Insurance Act to be of wider connotation in the case of *Siddheswar Hubli vs Employees State Insurance Corporation* and held that it applies to those persons even whose services are lent to the principle employer”. Also in the case of *Standard Vacuum Refining Company Ltd. v. Their Workmen*¹⁹ the Supreme Court has so interpreted so as to extend the provision to include even a casual employee for a day wages. The Court held that the definition of the word ‘employees’ contained in section 2 (9) of the Employees State Insurance Act does not make any difference between a casual or temporary or permanent employee.

¹⁷ *Daily Rated Casual Labour v Union of India*. 1987 AIR 2342, 1988 SCR (1) 598

¹⁸ *Royal Talkies, Hyderabad v Employees State Insurance Corporation*. 1978 AIR 1478, 1979 SCR (1) 80

¹⁹ *Standard Vacuum Refining Company Ltd. v Their Workmen*. 1961 AIR 895, 1961 SCR (3) 536

Protection extended to the female workers engaged in the unorganized sector is quite visible as the Supreme Court has held in *Municipal Corporation Of Delhi vs Female Workers (Muster Roll)*²⁰ even female workers engaged on casual basis or on muster roll on daily wages are also entitled to benefit under the Maternity Benefit Act, 1961 as nothing in the Act confers the benefit only on regular women employees. The Supreme Court held that right to claim maternity benefit is recognised as the child bearing role of women as a social function incorporated under Article 5(b) of Convention on Elimination of all forms of Discrimination Against Women.

1. Approach towards domestic workers:

In a recent judgment Papamma²¹, a domestic worker in Bangalore filed a complaint against her employers regarding the living conditions and insecurity of job for the most vulnerable segment of unorganized sector. The facts of the case were that Papamma received a wage of Rs 60 for 22 years for 8 hours of work wherein she did the entire gamut of household chores from washing clothes to cooking and grocery shopping etc. In 2003, her wage was raised to Rs 500 in 2007 and before she was suddenly dismissed, Papamma's wages were raised to Rs 1500 during the last six months of her employment. It is important to note that even this amount fell short off the legal minimum wage during that year i.e. 2008.

This case fundamentally illustrates the sad reality of the conditions of the domestic workers. Also, Papamma's case is an extraordinary example in its self of a domestic worker approaching the doors of court. Due to the vulnerabilities of the situations of domestic workers, many of them do not even see their battle through.

This case clearly highlights that Papamma, who dedicated so many years of selfless service at a menial payment not even sufficient to fulfill her basic needs and has been discharged at the age of 65 is left with no source of income or any property in her name which clearly highlights the downside of their insecurity of job.

2. Approach towards sex workers:

A bench consisting of Justice Markandey Katju in *Budhadev Karmaskar vs State Of West Bengal*²² gave its ruling in relation with the rehabilitation of sex workers ruled on formulating conditions enabling those who wished to continue working as sex workers to do so with dignity. It was observed in a case that Prostitution per se is not illegal but sex workers are often harassed

²⁰ *Municipal Corporation Of Delhi vs Female Workers (Muster Roll)*.2000 (2) SCR 171

²¹ Anuja Mirchandaney, "Papamma's victory marks a milestone in the domestic workers' struggle"(2017) publisher: Livelihoods

²² *Budhadev Karmaskar v State Of West Bengal*. (2011) 10 SCC 283

in the absence of proper provisions relating to them.”

There was discussion on the protection of the rights of sex workers who were not willing to leave the profession. It was laid that government must undertake surveys to ascertain how many sex workers wanted rehabilitation and also stressed on that the absence of proper provisions for regulating the profession, however, often paves the way for harassment of sex workers by the police.

Justice Katju also observed, "Society must have sympathy towards the sex workers and must not look down upon them. They are also entitled to a life of dignity in view of Article 21 of the Constitution,"

In a case where convict who had killed the prostitute by brutally banging her head against the floor and wall several times, the court upheld lifetime imprisonment for the convict. The court also directed the government to prepare scheme for providing vocational training to sex workers.

3. Approach towards scavengers

In the famous case of *Safai Karamchari Andolan And ORS Vs. Union Of India*²³, a Public Interest Litigation under Article 32 of the Constitution of India praying for issuance of a writ of mandamus to strictly enforce the implementation of the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 seeking for enforcement of fundamental rights guaranteed under Articles 14, 17, 21 and 47 of the Constitution of India.

The facts of the case are that the survey conducted by some of the petitioner organizations estimated that over 12 lakh manual scavengers undertake the degrading human practice and also found that 95% of them are dalit and are compelled forcefully to undertake this menial task under the garb of hierarchal occupation.

In this case under the guidance of employment of manual scavengers and construction of dry latrines, 1993 the court issued the following directions:

“(i) The persons included in the final list of manual scavengers under Sections 11 and 12 of the 2013 Act, shall be rehabilitated as per the provisions of Part IV of the 2013 Act, in the following manner, namely:-

- (a) such initial, one time, cash assistance, as may be prescribed;

²³ *Safai Karamchari Andolan And ORS v. Union Of India*. 2014(4) SCALE165

- (b) their children shall be entitled to scholarship as per the relevant scheme of the Central Government or the State Government or the local authorities, as the case may be;
 - (c) They shall be allotted a residential plot and financial assistance for house construction, or a ready-built house with financial assistance, subject to eligibility and willingness of the manual scavenger as per the provisions of the relevant scheme;
 - (d) at least one member of their family, shall be given, subject to eligibility and willingness, training in livelihood skill and shall be paid a monthly stipend during such period;
 - (e) at least one adult member of their family, shall be given, subject to eligibility and willingness, subsidy and concessional loan for taking up an alternative occupation on sustainable basis, as per the provisions of the relevant scheme;
 - (f) Shall be provided such other legal and programmatic assistance, as the Central Government or State Government may notify in this behalf.
- (ii) If the practice of manual scavenging has to be brought to a close and also to prevent future generations from the inhuman practice of manual scavenging, rehabilitation of manual scavengers will need to include:-
- (a) Sewer deaths – entering sewer lines without safety gears should be made a crime even in emergency situations. For each such death, compensation of Rs. 10 lakhs should be given to the family of the deceased.
 - (b) Railways – should take time bound strategy to end manual scavenging on the tracks.
 - (c) Persons released from manual scavenging should not have to cross hurdles to receive what is their legitimate due under the law.
 - (d) Provide support for dignified livelihood to safai karamchari women in accordance with their choice of livelihood schemes.
- (iii) Identify the families of all persons who have died in sewerage work (manholes, septic tanks) since 1993 and award compensation of Rs.10 lakhs for each such death to the family members depending on them.
- (iv) Rehabilitation must be based on the principles of justice and transformation.

The court also directed the state governments and the union territories to fully implement the same and undertake required action for the violators of the provision enshrined in the act. Also, directed that an aggrieved is permitted to approach the concerned authorities at the first instance

and on subsequent default, to the high court having jurisdiction”.²⁴

4. Approach towards construction labourers:

In the landmark judgment delivered by the Supreme Court in *The Joint Labour Commissioner and Registering Officers Vs. Kesar Laal*²⁵ has categorized over 2.8 crore registered construction worker as consumers enabling them to move to consumer forums if denied any statutory benefits by the government prescribed under welfare scheme implemented with the funds collected as cess from builders. Under The Building and Other Construction Workers Welfare Cess Act, 1996, every state was mandated to setup welfare boards which shall provide registered construction workers and their dependents immediate assistance.

Justice ChandraChud said, as a matter of interpretation the provisions contained in the consumer protection act 1986 must be construed in a purposive manner”.

5. Approach towards street vendors:

CASE : Maharashtra Ekta Hawkers Union and Another V. Municipal Corporation, Greater Mumbai and Others²⁶

This case doesn't arise out of any particular incident or a single fact rather as a result of numerous incidents and circumstances where it had almost become impossible for hawkers/street vendors to peacefully continue with their medium of livelihood who had always been subjected to rude treatments and unnecessary harassments on the part of the States' machineries like local administration, Police etc.

The Court after considering all the submissions made before it, ruled, as follow:

“We have considered the respective arguments / submissions. Learned counsel for the parties are ad–idem that the orders passed by this Court from time to time have not solved the problems of the street vendors / hawkers and the residents of the cities of Delhi and Mumbai and almost every year they have been seeking intervention of this Court by filing interlocutory applications. The experience has, however, shown that it is virtually impossible for this Court to monitor day to day implementation of the provisions of different enactments and the directions contained in the judgments noted hereinabove. Therefore, it will be appropriate to lift the embargo placed on the entertaining of matters by the High Courts and we order accordingly. Paragraph 45 of the judgment reported in (2009) 17 SCC 151 shall stand modified and the street vendors / hawkers, the residents and others adversely affected by street vending

²⁴ Ibid

²⁵ *The Joint Labour Commissioner and Registering Officers v Kesar Laal*. SLP. (C) No. 2150 of 2020

²⁶ Ibid

/ hawking shall henceforth be entitled to invoke the jurisdiction of the concerned High Courts for redressal of their grievance.”²⁷

III. STATISTICS OF THE SURVEY

(A) Major Variables for Data Collection

The questions developed by me to undertake the survey of the women working in the unorganised sector are basically based on their working and living conditions. The questions in the survey highlight their problems and their conditions. The server has been framed search that it brings out their current living and working.

The first section of the questionnaire is is basically their introduction which includes their name, age and their residence. This section basically gives an idea about that women from which age group is mostly employed in the unorganised sector.

The second section of the questionnaire is basically related to their personal details which questions their marital status, education, their monthly income the size of their family and the duration of their working hours. This section is also comprised of certain questions which provides us an insight regarding the mentality like the question which talks about that why did this start working and the question which talks about their plan of action if they lose their job or do they have any other secondary occupation or source of income. Also one of the question of the section also talks about that from which board do they learn about the policies introduced by the government which is basically to find out that which communication channel can be best used to impart awareness among them.

The third section of the questionnaire is basically comprised of yes or no questions. In the sections, questions about the living conditions and the working conditions of the workmen have been framed. details whether they have a bank account in their name or any of their family member, access to a mobile phone and internet, if they are able to do any savings, any additional source of income, access to institutions like school for children, ownership of a dwelling house, whether they were being imparted trading to do the work or whether they were being provided with safety gears to do the required work, access to medical services, the status of maternity leave for the status of paid leaves, certain questions are also focusing on whether they have faced exploitation or discrimination from their employer and whether they have access to sanitation facilities at workplace.

One of the questions in this section is also focusing on whether they are aware about that whom

²⁷ Ibid

to approach in case of sexual exploitation and discrimination from their employer or anybody else.

The last section of the questionnaire there is an open-ended question which ask them that if they face any specific problem which they want to mention while exercising their right to work.

(B) Methodology

The methodology adopted in this research is quantitative and descriptive as well this survey adopted the tool of face-to-face interviews covering unorganised workers of Faizabad, Uttar Pradesh. in this survey various workers who are falling under the category of unorganised workers were asked questions about their social and economic condition and also regarding the problems faced by them. The workers mostly comprised of uneducated sector therefore the questions were very well explained to them in their regional language by myself. Because of the unfavourable conditions during the pandemic, the sample of the workers was restrictive. The survey comprises of open-ended questions as well as optional questions and also they were asked for their suggestions for the problems faced by them particularly. Finally, the collected data has been analysed and the report has been prepared based on the findings of the survey.

(C) Magnitude of Workforce Engaged in the Unorganised Sector

- As per the census report in 2009-2010, the total workforce of for 465.27million comprised of a staggering 436.98 million which constitutes 93.92% of the unorganised sector and a mere 28.29 million making upto just 6.08% of organised workforce.
- Agriculture sector which compresses of 273.99 million workers is wholly comprised of unorganized sector making upto 99.41 percent and only 1.40 million workers in the organized sector
- The industrial category which is comprised of the largest number of non agricultural brokers is manufacturing sector and is comprised of 47.60 million workers.
- The sector of hotel trade and restaurants absorbs the largest number of workers from the an organized sector in the industrial category. This number totals up to 52.33 million from the unorganized sector from this section of occupation.
- The leading consultancy firm, Deloitte report that 95% of the population of woman workers are working in the unorganized sector which makes up to a total of 195 million women.
- Numerous data reveal that the participation of women in the unorganized sectors is comparatively much more than the participation of men in the on organized sector.

(D) Socio-Economic Profile of Women Working in Unorganised Sector

- Age: Majority of unorganised women workers nearly about 60% were found to be in the age group of 18 to 35 years whereas only around 35% found to be middle age between 36 and 50 years. The rest 5 person were found to be e above the age of 60 years.
- Marital Status: Majority of the women were found to be married which comprised of nearly around 80% and only 20% of them were either with or diverse or separated.
- Religion: Majority of the women comprising of nearly 87% were found to be Hindus whereas dress 13% were found to be Muslims in their area.
- Caste: 60% of the workers were belonging to the SC and ST category where as only 28% of them were from the OBC category. About 12% of the workers were found to be from general category.
- Family size: The survey reveals that a sizable extent of upto 38% of women workers have a family size of 5 or more, 45% of women workers having dependants ranging from 3-5 and only 17% having dependants less than 3 or below.
- Monthly income: The survey uncovers that the monthly income of almost 80% of the workers have monthly income ranging from 5000-10,000; 13% workers having monthly income ranging from 2000-5000; 5% workers having monthly income less than 2000 and only 2% workers having a monthly income more than 10,000.
- Purpose of working: Majority of the workers who were surveyed worked to provide financial support to their family and for their basic needs.

Certain other observations:

- 95% of the workers have a bank account or someone in their family owns a bank account.
- 95% of the workers have access to internet services.
- 20% consider their income to be insufficient to fulfill their basic needs.
- None of them are unable to do any saving.
- 40% of them have agriculture as their additional source of income owned at their village or did other menial tasks to have an additional income.

- No training is usually provided to these workers and neither are they provided safety gears.
- No paid leave.
- There is disparity in the income of the male workers and female workers employed for the same work in the same industry.
- Very few workers came forward to reveal that they have faced sexual exploitation in their employment. Even if they face it, they do not complaint or have no approachable platform to register their complaints
- 60% Of the workers had access to clean sanitation facilities and 40 have no access to clean sanitation facilities.

(E) Occupation & Income Profile of Women Working in the Unorganised Sector

- Livestock, forestry, fishing, plantation, construction, retailing, beedi - making, bangle making, pottery, embroidery, stitching etc these categories of employment are some of the activities that women are mostly employed in the unorganised sector..
- Because of the low wage that is paid in the unorganised sector, the rate of women workforce participation in these activities are decreasing but because of economic necessity and to fulfil their basic needs, women opt for such employment. The increase in the household incomes has a invertible effect on the participation of women in such activities.
- The difference between the participation of male and female workforce is also increasing, about 60% of gender gap is prevalent in the urban areas where as the participation gap amounts to 45% in the rural areas.
- The equation between education and workforce participation rates of women can be summarised by describing it as a u-shaped relationship which is to say that when the education level increases, workforce participation goes down and then it again increases when we talked about the highly educated women who are intimidated by the pull factor of handsome packages in the white-collar jobs. The gender between male and female education has been observed to be narrowing in recent times and it has been observed that as the gender gap narrows specifically at higher education levels, women workforce participation rates will be on a rise.

(F) Working Condition of Women in Unorganised Sector

- Women workers in the unorganised sector are not willingly working but they have to work because of economic necessity and to fulfil their very basic needs. Economic compulsion is the main reason because of which women enlarge undertake productive work.
- The most common method of making payment by the employer is daily payment with regard to the unorganised sector. In my survey also, I observed that majority of the payment was done on daily wage basis and a very less portion of the respondents were being paid regular monthly salary. A very negligible section of the respondents were also being paid through the system of piece rate payment.
- Not only the workforce in the unorganised sector is scattered but also, there is no fixed and specific works place of the workers employed in this sector. Many of the workers who are employed in this sector are working from their own residence.
- Majority of the respondents, whom I surveyed claim that they do not have access to safe drinking water and separate toilet facilities for women workers in their workplace which makes it an indecent condition at workplace. It affects their productivity level and also so make it difficult for them to work.
- As we observe that the age group which is most prevalent in the unorganised sector is ranging from the age of 18 to 35 and this age is the reproductive age of a woman. Women who work on construction sites or brick kilns have to undergo problem of daycares for their newborn babies for their young children which makes it difficult for them to do the best of their productive skills.
- The discrimination between genders is very much prevalent in the unorganised sector as the women are usually given the lower paid jobs and the man is given the main task which is more paying job. Women always remain a supplement or a support worker to the main worker in the unorganised sector.
- The woman in the sector are very much prone to exploitation by their employers fellow male workers and even the customers.
- The woman in the sector do not receive any paid leave or maternity leave. In majority of these jobs, there is no such concept prevalent.

(F) Working Privileges for the Unorganized Women Workers

- Women who are employed on worksites like construction work or brick kilns usually have to encounter problems of childcare; lack of any toilet or beverage facilities. Women face lack of sanitation facilities and facility of care within the workplace.
- Within the textile and women working as staff in shops, two-thirds of the women reports that the duration of maternity leave is 90 days on an average, but with no remuneration.
- Majority of the women in the unorganised sector are not able to avail the cell service benefits as they usually get a negligible increment and that even depends on the whims and fancies of the employer. The practice of provision of of giving workers a provident fund and insurance is not a widely accepted practice in the unorganised sector. A negligible section of the unorganised sector avails search service.
- The practice of giving bonus during the festivals is only received by a very few women working in the unorganised sector, all the some of them received their bonus in form of sweets for apparels.
- If we look at the overview of the prevalent condition of home based women workers in India, we see that their condition is the most deplorable as they have no legal recognition as workers or any sort of job security or or any social security being provided to them.

The lack of access to social security benefits is one of the most important features of unorganized female workers. The statistics available on social security benefits shows that workers in subsidiary position are not able to avail any social security benefits. The figures available suggest that 84% workers are not even eligible for any such benefits. In the principal status, it is seen that 88.33 per cent female workers are not eligible for any social security benefit.

The basic foundation of providing social security benefits is to use social means to prevent deprivation and vulnerability to deprivation. Women workers in the unorganised sector have access to little or no social security. Deprived of protection against occupational and health hazards creates a vulnerable conditions for women workers in the unorganised sector.

The women workers in the unorganised sector in India threatened majorly because of the three major threats to human security which are as follows:

- Deteriorating health
- Shrinking sources of earning and livelihood and

- The suppressed voice of the women workers.

Among these threats, health is the major among them leading causes of impoverishment and their vulnerability.

Many laws have been provided to ensure a safe and healthy working environment for the female workers – the Trade Union Act (1926), the Minimum Wages Act (1948), the Maternity Benefits Act (1961), etc. The most recent is the Unorganised Workers Social Security Act of 2008, which provides benefits to workers registered with the District Administration, including some health insurance and maternity benefits. Despite these laws, health and health services remain an issue.

The government has introduced a number of schemes to protect the workers in the unorganised sector but the figure suggest that only about 6% of these workers are covered under any of the social security measures. The historical experiences suggest that there is no substitute mechanism which a state can use in order to provide modicum of social security, specifically to the poor sections of the population. Therefore the status of the women in the unorganised sector remains as it was decades ago, irrespective of the number of legislations committees and schemes that have been introduced all the steps that have been taken by the government, the current situation gives a clear pictures that there is no impact whatsoever on the condition of women workers of the constitutional provisions regarding equality on the social economic life of women in our country.

The survey conducted by me also gives me an impression that the women workers in the unorganised sector are not at all satisfied with their present jobs neither with their income or their living conditions. Also because of their low educational qualification, these women are not in a position to fetch in alternative for a better job and also the fact that other employment opportunities are practically remote forces these women to accept the job they are currently doing.

Majority of the women that have been served are dissatisfied with the current salary and think that they are not being paid according to the the labour they put in their work.

The woman surveyed also feel that the facilities available at the workplace are not sufficient and they are not being provided with any clean bathrooms or resting places. Few of them were satisfied with the present job while the majority of them would like to pursue a new job is available. The major reason of the dissatisfaction of the women with their jobs was because of the factor of insecurity of their job as they do not have any subsidiary occupation.

(G) Limitations of the Survey

The observations which can be derived out of the survey also have a number of limitations which should be considered while going through the observations, which are:

- The respondents were a little uneasy in answering few of the questions like that related to the sexual abuse if they have suffered for the questions pertaining to their monthly income of the family. The uneasiness was because of the fear of not getting any benefit from the government in case if they reveal the actual position.
- It was also observed that some of the women entrepreneurs like women who are running beauty parlours shop at cetera were reluctant in giving information related to certain aspects.
- Because of the pandemic and the lockdown, I was not able to survey as many people as targeted which does not give us an actual picture but every effort was made to make the data as reliable as possible
- It was difficult at some point of time to make them understand the questions and does to fetch appropriate answers from them.

(H) Issues & Challenges of Women Working in the Unorganised Sector in India: Findings of the Survey as Stated by the Workers

The challenges faced by the women workers in the unorganised sector are various. The major attributes that can be attributed to these workers are irregular employment, uncertain terms and condition, lack of service rules with regard to their specific responsibilities, lack of their rights and obligations and inaccessibility to social security benefits. Although they constitute a majority of the workforce in the unorganised sector which is close to 94% as per the census report of 2009-10, they are still subjected to various forms of discrimination, inequitable pay and harassment.

Major challenges faced by the women working in the unorganised sector are as under;

- Employment insecurity
- very low wages
- Irregular wages
- Long duration of working hours and not fixed
- Occupational hazards and health issues
- Poor Infrastructural facilities at place of work
- High level of accident prone jobs and thus leading to insecurity of wages
- absence of security of old age

- The workers do not have any bargaining rights
- Outreach of social security measures from the unorganised sector due to the tactics employed by the employer
- Women more prone to exploitation and discrimination, mainly from their employer

(I) Suggestions & Measures as Suggested by the Respondents”:

- Measures for eradication of middlemen and development of self-help through cooperative.
- Establishment of self-help groups and spreading awareness about the the advantages of self-help groups in the unorganised sector.
- It is important that in the unorganised sector where the women are less educated and unaware about their rights and are very vulnerable, best should be efforts taken to maintain the dignity of work for women
- Lack of proper infrastructure and basic sanitation and other services result in over working conditions for the workers which makes it even difficult for them to work and as discussed in the findings of the research that the workers are forced to work in extreme weather conditions. It is very necessary that there should be improvements in working conditions of the workers and that shall be achieved through better infrastructure and better basic services to all the workers in the unorganised sector and specially certain services like that of provision of washroom should be must for the industries that employ women in large population..
- It should be the responsibility of the government that in circumstances of calamity, they must be provided with food and other basic amenities. Also, the prevailing situation of lockdown where the unorganised sector is the most affected. It is required that the government must ensure that they are provided with atleast food security in these difficult times.
- The woman in the unorganised sector must be provided with information on balanced diet, additional food requirements during pregnancy, lactation and for growing children cooking methods to preserve nutrients family budgeting etc. To make these programs more effective it is required that these programs must be delivered to two young mothers adolescence women and school children who are more receptive to new ideas.
- There should be policies framed to ensure security of employment

- There should be regular health checkups as they are the most prone to diseases and germs and they avoid going to doctor because of economical reasons
- There should be an approachable mechanism to make complaints against any sort of exploitation & discrimination headed by women and

IV. ISSUES AND CHALLENGES OF WOMEN WORKING IN THE UNORGANISED SECTOR IN INDIA

The International Labour Organisation claims that women in India represent: i) 50% of the population ii) 30% of the labour force iii) Perform 60% of all working hours iv) Receive only 10% of the country's income v) Own less than 1% of the Country's property.²⁸

Notwithstanding, regardless of deliberate endeavors of the State, the monetary status of women in the unorganised division is lagging behind a long way behind their male counterparts, as their commitment to the economy is not at all unrecognized. The troubles looked by the women labourers in the unorganised sector are various, with their helplessness further, highlighted by their sexual orientation. Their work is characterised by irregular employment, uncertain terms and Condition, lack of clear-cut rights and obligations and inaccessibility to social security benefits. In spite of the fact that they comprise a larger part of the workforce in the unorganised sector, they are exposed to various types of segregation, unjust compensation and badgering, inferable from their absence of training and specialized abilities.

They are misused, paid meagrely and compelled to work for extended periods, for example 10-12 hours if they are migrant workers, and 8-10 hours in the event of local labourers.. Furthermore rebuking, cheating, threatening, beating and sexual abuse were common treatment reported by women working in this sector.

Unorganised workers are expressed to be those workers, who have not had the option to arrange themselves because of lack of a similar agenda. They regularly experience in the accomplishment of their ideal objectives and goals. These restrictions resemble causal and questionable nature of business, ignorance, backwardness, lack of education, uncertain economical conditions and work culture The women who belong to deprived, marginalized and socio-economically backward sections of the society, who are less educated or not educated at all, mostly find employment opportunities in the unorganized sector.

There are number of issues that women have to undergo in the unorganised sector, these are,

²⁸ International Labour Conference-Forty Eighth Session, 1964: Women Workers In A Changing World (ILO, Geneva, 1963).

low wages, abuse, nature of work, medical issues, neediness, family issues and predominance of different types of criminal and fierce acts. These problems have imposed detrimental effects upon the conditions of individuals, but women do get engaged in jobs, in spite of these problems, primarily to sustain their living conditions.

The progressions can be achieved in these conditions by plan of approaches and methodology. It is essential to dispose of all types of abuses. Labourers ought to know about Government plans.

Enhancements can be realized in the states of women labourers in the unorganised sector by bringing about changes in the mindset of the general public and that can be executed by implementation of the traits of diligence, ingenuity, and conscientiousness.

First of all, we will look into certain categories of workers in the unorganised sectors who have not been well recognised and their problems not being addressed:

1. **Home Based Workers:** The home based workers includes workers who do not have any organisational framework to do their jobs and are popularly called as “Freelancers” in today’s time.

They tend to fall in a grey area between the category of employed workers and self employed workers. Since there is absence of a formal contractual relationship between the worker and the employer, therefore it is difficult to enforce a system ensuring minimum wages to such workers and other such social security benefits to these workers.

The plights of these workers is such that they are not even recognised as workers but merely as self-employed workers. Factually there are self-employed workers, as well as workers employed by others, among home based workers. It has been pointed out that ‘the term ‘home-based workers’ refers to two types of workers who carry out remunerative work within their homes - a) independent own-account producers, and b) dependent subcontract workers – whereas the term ‘home workers’ refers only to the second category.

The issues and problems of such workers are complicated, because of there **being no direct employer-employee relationship** between the home worker and the person or organisation for whom he works- the relationship being of a loose, contractual and tenuous nature. The home worker has, thus, **economic dependence on the person for whom he works, but the latter carries no responsibility for him**. The relationship being ambiguous and indefinite, he is also subjected to exploitation in various forms. The home worker is, thus, a self-employed person conducting his economic activity for a person or an organisation. The mode of payment or price can be on piece-rate or time rate basis, depending on the economic activity.

2. **Domestic Workers:** This category includes workers who are engaged in domestic services. The **deplorable condition** of domestic workers is a reality which we can witness with our naked eyes. In India, cheap availability of poor people to do these menial tasks is very high in number and thus this category of employment needs special attention and is often left unattended. Not just urban but even the households in rural areas hire women and children for helping them with their household work. Although there are some men too who are employed in such works but predominantly majority of those engaged in this category of service are women and children.

For bare survival, such workers often agree to work at nominal wages, taking the **risks of uncertainty and uncivil or inhuman conditions of work and treatment** and the existing laws do not provide them the protection they need neither is a system of social security on which they can fall back. Be it the basic needs of the rights mentioned in Article 21 of the constitution comprising of proper food, sleep, right to live with dignity etc.

In spite of all these, it can hardly be claimed that the domestic worker gets their hard earned dues, in terms of wages, limitation on hours of work, humane treatment, care in cases of illness, opportunity to enjoy leisure, medical needs and so on and even to the extent of **sexual harassment and exploitation in certain houses.**

3. **Sex Workers:** The ignored reality of the society is the prevalence of sex workers to which we cannot keep our eyes closed to and as long as it prevails, there is a need to address their issues relating to exploitation, inhuman conditions and public health.

The concern of aids is spreading wildly across the country nowadays and we cannot ignore the fact that it is a profession which is existing and they are victims of heinous crimes and we cannot close our eyes to their problems. We cannot therefore ignore the problems of 'sex-workers' to respect norms of prudery

Thus, in the interest of public health, sex workers needs to be subjected to periodic health checkups and to ensure this, these workers needs to be registered with the government

Government should undertake consultations with social scientists, NGOs, Trade Unions, human rights organisations, and vigilance authorities, and formulate policies and measures that will ensure protection, public health and public safety, including the protection of public morality.

4. **Plantation Workers:** Plantation workers refers to those workers mentioned in The Plantation Labour Act, 1951. The Plantation Labour Act, 1951, applies only to those plantations which measure 5 hectares or more, and in which 15 or more persons are employed

or were employed on any day during the preceding 12 months. It includes workers employed in offices, hospitals, dispensaries, crèches, balwadis and schools, but does not include those employed in a factory, medical officers or those employed in employerial capacity”.²⁹

It also does not apply to workers who get monthly wages of more than Rs. 750/-. The minimum wages received by a plantation worker in the Plantation industry in the South today vary between Rs. 59.02 – Rs. 81.75 per day, and in the North East, from Rs. 40 – Rs. 61.20 per day, both of which are much higher than Rs. 750 per month. Thus, legally, the situation that exists today is highly anomalous. **No worker in any plantation is covered under the Act because the Act stipulates an upper wage limit of Rs. 750/- per month.**

The operations carried out in plantation industries is usually of such a nature that the workers engaged in such works are **exposed to such difficult climatic conditions** such as scorching sun, heavy rain, and chilly winter, slushy roads and tricky paths during the rainy season, often infested with worms, beetles, and blood sucking insects.

The Act stipulates that plantations employing 300 or more workers should provide the prescribed number of umbrellas, blankets, raincoats etc. for the protection of workers thus leaving workers less than 50 engaged in an industries are overseen. A minimum level of protection and safety standard should be maintained where they must be provided with the essential safety gears like gloves, masks and gumboots to protect them.

Then the workers, engaged on jobs other than harvesting of crops, are paid wages on time rate basis i.e. daily rates, while those engaged in harvesting are paid wages on the piece-rate system and often these workers are employed as contract workers through middlemen and the **middlemen tend to keep their share out of their wages**. Therefore, it is recommended that the State Governments, and the employers must ensure that workers are paid proper wages as decided by settlements or notified under the Minimum Wages Act, and middlemen do not siphon away part of the wages that legitimately belong to the workers.

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Studies have also shown that **globalisation has badly affected the viability of plantations**. The costs at which competing countries are able to sell their produce in India, are far lower than the prices at which indigenous produce sells reasons related to higher wages, absence of

²⁹ Chapter I of The Plantation Labour Act, 1951

mechanisation, rules that make it obligatory for plantations to run schools and hospitals, provide accommodation, higher quality of seeds used etc. In response to this problem, it will require necessary amendments in the Act and Rules including efforts on the part of the respective State Governments to persuade employers to agree to set up joint hospitals, schools, crèches, etc taking the necessary initiative and persuading small plantations to work on a joint or cooperative basis and where schools and hospitals are available close to the plantation, workers may make use of those schools and hospitals

5. **Mines and Quarry Workers:** According to the Mines Act, any person who works in a mine as Employer, or who works under appointment by an owner, agent or employer of a mine with or without knowledge of such person whether for wages or not, is treated as ‘employed in a mine.’³⁰

The Act, therefore, covers persons employed in mining operations including in transporting minerals to the point of dispatch, or within the mining area, or in any operations relating to the development of the mine or in any operation of servicing, maintenance, or repair of any machinery used in the mine, or in any office in the mine or in any welfare health or conservancy service required to be provided under the Mines Act, or any watch and ward staff within the premises of the mine (excluding the residential area), or in any kind of work whatsoever which is preparatory or incidental to or connected with mining operations.

But persons employed in any construction activity, which is not connected with the mine, are not treated as persons employed in a mine.

The term ‘mine’ is also very widely defined in the Act. It not only covers all borings, bore holes, oil wells, shafts and inclines, and open cast working but also all audits, level planes, machinery, railways and tramways belonging to the mine; all workshops and stores situated within the mines; all transformers and sub stations in a mine meant for supplying electricity solely for the purpose of the mine; all premises used for depositing sand or other material for use in a mine, etc.³¹

However, Section 3 of the Act lays down that the provisions of the Act except Sections 7,8,9, 40,45,46, shall not apply where, in any mine or a part of the mine, excavation is being made for only prospecting minerals, and not for the purpose of obtaining minerals for use or sale; if not more than 20 persons are employed on any day in such excavations and the depth of the

³⁰ Section 2(1) of The Mines Act, 1952

³¹ Idib.

excavation from the highest to the lowest point does not exceed 6 metres for prospecting minerals other than coal, and 15 meters for prospecting coal.

The mining activity for excavation of minor minerals such as kankars, murrum, laterite, boulder, gravel, building stones, road metal, earth, fullers' earth and limestone is also similarly exempted if the working does not extend below super adjacent ground; or in the case of an open cast working, if the depth of excavation measured from the highest to the lowest point does not exceed 6 metres; or if the number of persons employed on any day does not exceed 50, and if explosives are not used for excavations.

MINES CAN BE DIVIDED BROADLY INTO THREE CATEGORIES:

a) **Public Sector mines** whether worked independently or as captive mines of public sector enterprises such as Coal India Ltd. (CIL), Steel Authority of India Ltd. (SAIL), etc. The private sector captive mines of some of the larger steel and other smelting plants such as ferro manganese, ferro chrome, cement, etc. can also be included in this category.

b) **Larger private sector**

c) **Small mines and quarries**

MODE OF EMPLOYMENT: The workers within the first category of mines are mostly employed directly by the enterprises whereas within the second and third categories of mines, workers are mostly employed through contractors. Workers organisations are fairly strong within the first category of mines. they're sufficiently active within the second category of mines also. Workers within the third category mines are mostly unorganised.

WORKING CONDITIONS: The working conditions of workers working in underground mines are filled with hazards. They run high risks of losing their limbs and lives, thanks to flooding, fire, the collapse of roofs, and therefore the emission of gases, failure of ventilation or collapse of sides and that they even are susceptible to diseases develop breathing problems, lung diseases like pneumoconiosis and tuberculosis. Workers working above ground and people working in open cast mines haven't only to figure under the open skies in scorching heat and rain, but they're also exposed to the risks of being injured by the autumn of sides, falling or flying objects, moving dumpers and other vehicles, material handling equipments, and injuries during mine blasting. These injuries may end in death or loss of limbs.

DETERMINATION OF WAGES: The wages and other terms and conditions of service of workers within the first category of mines are generally decided by negotiation between the employers and therefore the trade unions operating in these mines. Most of the mining

industries like coal, iron ore, copper, bauxite, zinc, the oil sector and therefore the cement industry have evolved a system of national level negotiations and settlements. By and enormous, within the second category of mines too, wages are settled by negotiations. However, within the third category of mines during which workers come under the category of unorganised labour, wages are paid on the idea of the minimum wages declared/fixed by the Central Government. a number of the figure for other countries. the speed of accidents in India in mining activity is extremely high as compared to other countries.

SOCIAL SECURITY BENEFITS: The mines falling within the first category provide welfare measures for workers, like healthcare, education of youngsters and housing or house rent allowance. They also provide Social Security benefits in accordance with the Social Security laws and schemes. The second category of mines normally provides Social Security benefits as per Social Security laws, but other benefits like healthcare or housing needs aren't taken care of by the employers. In the third category of mines, workers don't have the advantage of any welfare measures. Employers normally attempt to avoid implementing Social Security laws and schemes in these mines by circumventing laws in various ways

6. **Scavengers:** Allocation of labour on the basis of caste is one of the fundamental tenets of the caste system & within which, Dalits have been assigned tasks and occupations that are deemed virtually polluting for other caste communities. Manual scavenging is widely practised in different parts of the country, in rural areas as well as urban areas

Scavenging is the hereditary occupation of some 'untouchable' castes and are often discriminated if they seek other forms of employment, and are largely unable to escape their designated occupation even when the practice itself has been abolished by law.

Scavengers are a **very low paid occupation** which doesn't even fulfil their basic needs. Reports suggests that those working for urban municipalities are paid Rs. 30–40 a day, and those working privately are paid Rs. 5 a month for each house they clean. Even those working for municipalities rarely get paid, and are offered little health benefits for a job that **entails many health hazards**. They do tasks which is very difficult like are actually lowered into filthy gutters in order to unclog them; they are fully immersed in human waste without any protective gear.

“In Mumbai, there are instances of children who were made to dive into manholes having died from carbon monoxide poisoning. In many communities, in exchange for leftover food, scavengers are also expected to remove dead animal carcasses and deliver messages of death

to the relatives of their upper-caste neighbours. Their refusal to do so can result in physical abuse and ostracism from the community”.³²

In a 1997 report, The National Commission for Safai Karamcharis claimed that manual scavengers are ‘totally cut off from the mainstream of progress’ and are ‘still subjected to the worst kind of oppression and indignities.’³³

Social discrimination against scavengers is rampant. Most scavengers live in segregated rural colonies and are unable to make use of common resources. Despite their appalling work conditions, manual scavengers are unable to demand higher wages or sanitary instruments for use in the collection of human excreta: When they ask for their rights from the Government, the municipality officials **threaten to fire** them. This is what happens to people who demand their rights therefore they are not vocal about their problems and rights.

The **women in this occupation are subjected to sexual exploitation** even more than others occupations in the unorganised sector. There have been various incidents reported where males from upper caste have harassed these women”.

CONSTRUCTION LABOUR: the essential characteristics that outline workers employed in construction work is unstable employment/earnings and shifting of workplaces. Employment in construction is typically interspersed with periods of unemployment of varying duration, mainly thanks to fluctuating requirements of labour force on each worksite. the character of their work is such there are not any holidays. The payment of wages is routed through the intermediaries who usually enroll workers by offering loans. These loans are then recovered by manipulating the wages of the workers, with the result that the worker hardly gets out of the clutches of the intermediaries. Women engaged in construction work, are the foremost exploited.

Frequent changes in their work and instability deprive them and their children of primary facilities like health, water, sanitary facilities, education and ration cards. In most cases, safety norms are violated. In fact, safety provisions hardly find place in building construction activity. The temporary residential sheds put up by contractors lack even minimum facilities like separate cooking space, beverage, lavatories, bathing and washing places. Social security benefits are virtually non-existent due to various constraints, like lack of stable nexus between employer and employees, instability of employment, poor and unsure earnings of workers, unreliable duration of labor etc.

³² Ibid

³³ Government of India, Third Report of The National Commission for Safai Karamcharis” (1997) p. 153

Unionisation isn't allowed or encouraged, and construction workers like many others within the unorganised sector remain invisible and vulnerable, voiceless and un-unionised. The existing labour laws applicable to construction workers are supported inspection, prosecution, fines etc. However, legal processes are so time consuming that the aggrieved worker could also be out of employment or employed elsewhere by the time redressal process goes on. The prevailing laws don't give adequate protection to workers against victimisation.

Machinery is replacing them.

Building workers are employed totally on daily wages, and infrequently consistent with measurement of the work completed. However, the names of girls don't often appear on the wage register because their output gets added thereto of their men folk except within the case of single women workers. Wages are paid every ten days only to men, and these include the wages thanks to other members of the family. Often maternity leave isn't extended to women building workers, although it's a statutory obligation. This leads to frequent miscarriages.

RAG PICKERS: Rag picking and other scrap collection aren't a replacement phenomenon especially in industrial towns and metropolitan cities. They need an impact on the urban economy. Many production enterprises depend on the recycling of those wastes. Scrap collection is usually done by women and youngsters during a working environment that's most unhygienic.

According to available estimates, there are about 50 lakh scrap collectors in the country. The number is far greater if labourers in scrap establishments and reprocessing units are included. Illiterates, unskilled persons, illegal aliens and the poorest of the poor are pushed into this occupation, as they are unable to find any other kind of employment. Generally, there is **no employer-employee relationship** in this trade even though it is possible that some of the scrap picking activity is organised by contractors.

Waste collectors are generally categorised as self-employed. They are not covered under the Shops and Establishments Act, as scrap traders do not provide any kind of receipts to them for the material they collect. **No social security benefits** are available to workers in this sector.

STREET VENDORS: Street vendors and hawkers are among the most visible and active category of the workforce in the informal sector. They are the main distribution channel for a large variety of products of daily consumption – fruit, vegetables, street food etc & their elimination from urban markets would lead to a severe crisis for fruit and vegetable farmers, as well as small scale industries who retail their products through them. Hawkers provide a low cost, decentralized and highly efficient system of distribution covering an incredible variety of

products, at prices far below those prevailing in established markets. Middle class people buy a large proportion of their daily consumption needs from street vendors, whereas hawkers are the only affordable source for items of daily consumption for the poor. Thus, they are a vital link between consumers and producers, and make a valuable contribution to the economy

The main issue with this occupation is **their non-recognition and no law enforcing their right to carry out trade** protected under article 19 (1) (g) of the Indian Constitution which guarantees the right to earn a living as a fundamental right. Owing to which, they have to face exploitation and harassment from the police and municipalities and are also made to bribes for conducting their occupation.

Laws relating to street vending are varied. Municipalities have been vested with the power to regulate them but the procedure formulated by the municipality requires to **obtain a valid tehbazaari which is a complex procedure and is believed to be obtained only with strong political patronage or bribes.**

Legalizing vending by providing licenses may solve many of the problems that are being faced today. Bribery and corruption will decrease, municipalities will earn more through license fees, and street vending will get more orderly, disciplined and regulated.

In this chapter, an attempt has been made to identify the problems faced by women working in the unorganised sector resulting in vulnerability are as follows:

Insecure Employment: one of the prominent characteristics of unorganised sector is their unstable income going to the fact that the work they are involved in the sector is is not a secured employment and is based on seasonality. The all-unorganised sector which comprises of almost 94% of the work force is is expanding fast whereas the counterpart organised sector is reducing. The occupations like that of a contract labour for casual temporary or a part time labour, home labour is seen to be replacing the conventional form of jobs. The major drawback of the unorganised sector is the insecurity of employment. The work involved in these activities is is usually very low paid and requires very low skills.

Do the availability of the work is quite irregular but the duration of the working hours is is very high. The best example of irregularity of worth can be seen in the unorganised sector where the activities are highly irregular and uncertain. Reports suggest that some of these workers are employed only for 3 months in a year and remain unemployed for the rest of the year.

To provide protection against this issue and also ensuring job security, the Mahatma Gandhi National rural workers employment guarantee act, 2005 aims to furnish employment security by providing of guaranteed 100 days of work to the most backward strata of the society. But

due to the the variation in nature and location of their work and workplace, the woman in this sector continues to who says the risk of denial of employment and the women are usually employed on a temporary basis.

Irregular and Low Wages: the most prevalent mode of payment of workers in the unorganised sector is through the mode of daily wage and also through the mode of piece rate system.. the maximum that a woman worker gets by working from the very start of the day that is 8:00 a.m. in the morning, she only receives a payment ranging to anywhere from rs. 200 to rs. 250.

Besides exploitation in the form of sexual exploitation and mistreatment, women also face discrimination in the matters of remuneration by their employees. Moreover, there is no evidence of the concept of maternity leave for paid maternity in the the unorganised sector.

Long Working Hours: the employers in the unorganised sector do not follow the regulation of minimum working hours and the labours are made to do to work for the whole day with no proper breaks and intervals.

The provision contained in the factories act 1948 the minimum wages act 1948 and the shops and establishment act which provides that the the maximum working hours in a week should not exceed more than 48 hours. Such provisions are very frequently ignored by the employers.

Occupational Hazard and Health Issues: the unorganised sector is full of such activities in which there is a certain level of hazard and discomfort is involved. Because of little good pay in these hazardous activities, women are forced to work in such factories and establishments. Because of low infrastructure and not having any provision of sanitation and clean drinking water facility, it makes the workplace very unhygienic for the women.

The woman in this sector do not have nutrition security and due to low nutrition intake and constant physical labour, these women have to face serious health hazards and thus resulting in risking of their life. the workers in the unorganised sector do not avail medical services because of economic reasons and if the condition gets worse, then they are highly indebted because of the the loan taken to avail the health services. These women tend to neglect their health and condition. Several reports say that health problems like headache body aches and back pains result in severe internal ailments which these workers in the unorganised sector ignore and these illnesses are because of the reason of bad posture and long duration of working hours.

Lack Of Proper Physical Environment at Place of Work: the workplace in which the unorganised sector works usually lack sanitation facilities and this effect badly affects the health of women workers. The standard of facilities of washing urinal and toilet facilities have been

found to be of very low standard in most of the industries in the unorganised sector.

Besides the facilities, certain physical conditions at the workplace like proper lightning, ventilation, cooling etc are not up to the mark. The poor condition of workplace makes them less effective in their work and not able to do their best.

Loss of Income Arising out of Accident: the activities in the unorganised sector are usually pertaining to such nature that involves accidents and this is one of the major crises for the unorganised women workers. It not only results in loss of income but also the extra expenditure of taking care of themselves and buying medicines, hospitalization etc. Souten accident also results in temporary or permanent disability which makes their life even worse. In situation where the sole breadwinner of the family meets an accident which leads to his death or permanent disability, the family suffers a lot. 10 it is required that there should be a provision for some sort of life and accident security.

Lack of Bargaining Power: the workers in the sector are unaware of their rights and thus have to abide by the arbitrary terms and conditions of their employer. The reason behind such an awareness is lack of knowledge and illiteracy. The women in this sector do not fight a battle for their rights. Women are very much separatist in the sector and thus are ignored and considered the weaker gender. Since this patriarchal mind set is so installed among these workers, that they do not even voice their opinions because of the fear of losing their job.

Non applicability of social security measures: over time, there are various biological changes happening in a woman's body which makes her not economically active. The biological seasons range from sickness, old age, changing hormones etc. Even we have seen that in the time of natural calamity, the most affected is the poor section of the society which is indirectly the unorganised sector.

Considering these difficult Times, we see that there is lack of any provision to support women workers in the form of some social insurance to help them survive any such crisis. These social measures are called as social security measures and are indispensable part of of the working sector but the sad reality is that these social security measures do not even applied to the majority of the unorganised workers.

Exploitation & Discrimination of Women: the women have been subjected to exploitation and discrimination not only in their domestic life but also in their occupational life. The woman in the unorganised sector is considered weak and thus are very much subjected to exploitation and discrimination from their employers, customers and even fellow male workers. as well observed in my survey that women are not equally paid as to their male counterparts and they

receive unjust treatment at their workplace.

The condition of women in the unorganised sector is so pitiable that they do not even have the audacity to complain about such exploitation and discrimination.

There are various ways in which women are discriminated from men but the two very common prevalent practices in the unorganised sector are as follows:

- Women are being paid less than their male counterparts for the same work.
- Women are never given the main task and usually are a supplement or a support to the male workers doing the main task. Women are considered insufficient and incompetent to do the work.

(A) Factors Influencing Discrimination & Exploitation:

The woman workers in the unorganized sector have to face discrimination and exploitation by their employers. Several factors that are directly and indirectly responsible for the discrimination and exploitation faced by the workers in different sectors of unorganized sector are mentioned below. Although the reasons for discrimination and exploitation varies in different sectors but certain common factors that can be associated with discrimination and exploitation in the unorganized sector can be identified are as follows:

Factors Responsible for Discrimination

a) **Less Physical Strength:** The lack of physical strength in women as compared to the men workers in the unorganized sector is one of the most important factors responsible for discrimination. Women workers lack physical strength because of the different physiology as compared to the men and thus are not suitable for hard work like men workers. Women cannot be engaged in jobs requiring great physical strength and can be only employed in light jobs. Although there are a very few women workers who possess exceptional physical strength and are as physically strong like the male counterparts. Physical strength is the most required need of the work involved in the unorganized sector and women with sound physical health are paid much more than women with poor physical health and this variability prompts the employer to reduce wages and not give service benefits to the women workers falling in the latter categories leading to discrimination. Hence wide variation in wages between male and women workers with sound physical health is observed. Thus, making it a prominent factor causing discrimination

b) **Inefficiency:** Efficiency of a worker is determined with his ability to do things cleverly and clearly. Efficient workers tend to have a good name in the books of their employer whereas

inefficient and weak workers do not get any recognition and respect from their employers. Thus, leading to unequal treatment among workers who work efficiently and those who are weak and inefficient. This disparity also results in unfair remuneration among these workers. It has been observed that efficient workers do not stick to a particular employment and quit their job immediately and switch over to another job whenever they feel they are not being treated well and on the contrary workers who are inefficient are more loyal to their job even if being treated unfairly. Hence, we conclude that discrimination among inefficient and efficient workers is very high and evident

Factor Influencing Exploitation

Less Education of the women workers: Education refers to the process of imparting knowledge in the established institution for the purpose like schools, colleges and universities. Education brings awareness and changes thought process of a being and also affects their decision.

Illiterate parents do not give importance to education because of being economically backward and socially suppressed and specially, they do not give any importance for education of their female children. Female in rural areas are not allowed to go to schools and are compelled to do work of any kind in the unorganized sector. These women are unaware of their fundamental rights due to illiteracy coupled with ignorance. This whole scenario makes women not stand up for their rights and accept any remuneration by the employer, making education a very important factor responsible for their discrimination.

Submissive Attitude of the women workers: Submissive attitude of the women workers: the patriarchal mindset of the Indian society is so instilled that the women have become some message its nature which allows them to be exploited by the men workers and employers. As discussed earlier due to lack of knowledge and illiteracy, these women do not fight for their rights and are even more suppressed, is there is their voice. They are ready to do menial task at any base rate which is offered to them without any hesitation. Where is the male counterpart of these women workers are very reluctant to affirming to unfair trade terms and conditions. The man workers protest and even threaten the employer to resign in any such condition. Hence, employer treats men and women unequally.

Low financial condition and family debts: Women with higher household income are not willing to accept any job with low wage and they are not ready to accept whenever they feel that they are being unfairly remunerated in their present job. Rather they tend to revolt against the employer. Whereas the women hailing from families with low household income are

willing to accept any job for low wages

But the women hailing from families with low household income accept any job even for low wages. This is the reason the gathering of women workers with low family unit pay is abundantly abused by their employers. Consequently, low money related state of the women workers has gotten a factor answerable for their abuse. A large number of the families don't have adequate pay to meet their consumption. Along these lines, in provincial towns in India numerous families are living in obligations. The explanations behind their obligations are the awful acts of the provider, joblessness of the provider, family bondedness, poor farming pay, expanding consumption example of the family and so forth. In view of the obligation, numerous families think that its difficult to live. Numerous families have taken their life in self destruction in view of their powerlessness to settle up obligations. Numerous families can't pay the extreme enthusiasm on the advance obtained from the neighbourhood numerous banks. Consequently, they in every case live in obligations. Women from families with overwhelming obligations acknowledge any activity in any event, for low wages. Businesses misuse this gathering of women workers with overwhelming obligations. Women workers from this family are come up short on. Abuse is high among women workers with overwhelming family obligation. Thus, family obligation of the women labourer has become a factor causing abuse among women workers. iv. Numbness about General Affairs Many of the rustic women in India restrict their life to the four dividers of their home. Also, they have absence of information on general issues. They don't have introduction to the most recent improvements around them. Indeed, even the utilized women in unorganised sector in provincial region have not expanded their insight. In opposition to this, the working women in desk work in composed area have a more extensive presentation. Absence of introduction to general issues makes the women in disorderly division blameless. The blameless women workers who need information on general issues are abused by their employeres. They don't yield their dissent against them because of a paranoid fear of weakness. However, the women workers with information on general issues fight when they are abused. Subsequently, abuse is high among women workers with low information on general issues alone.

Lack of Knowledge about their (Women's) Rights: Women are conceded equivalent rights as men in the Constitution of India, which incorporates right to equality, right to life, right to freedom, right to choose, and right to work. Further, a large number of the state and national level Acts have allowed uncommon rights to women which they did not have before. A large number of the women workers are ignorant of their principal rights. Nonattendance of information on principal rights makes the women workers to live in the dimness of

obliviousness. Such women workers who are ignorant of their privileges don't battle against abuse. In light of the peaceful demeanour of women workers, they are paid low wages and misused in numerous methods by their employer. Subsequently, nonattendance of information on women's privileges is a significant consideration liable for abuse in the unorganised sector..

Lack of Knowledge about Legislative Provisions: Various legislations have been framed in Parliament and State Legislatures to protect the welfare of women workers. The Maternity Benefit Act 1919, the Night work for Women Act 1919, the Underground Work for Women Act 1935, the Equal Remuneration Act 1951 are some of the Acts protecting the welfare of the women workers. There are adequate arrangements in different Acts to secure the privileges of women workers. Women workers who know about their privileges battle against their abuse. Uninformed women workers, who are unconscious of their privileges, in view of their numbness of administrative arrangements are abused much by their employers. Henceforth, information on administrative arrangements of women workers has become a figure causing misuse in unorganised area.

Temporary nature of their work: Women workers are utilized briefly or for all time in unorganised sector. In certain organizations women workers are utilized on brief premise first and foremost and in course of time, they are made perpetual. Changeless labourers are qualified for all helps according to resolution. Be that as it may, for the transitory specialists the resolutions are not hard. Consequently, the businesses abuse the brief labourers. On the off chance that the changeless labourers are either denied any help allowed in the resolution or abused, they look for lawful cure. Henceforth, lasting labourers are very little misused as the impermanent specialists. Along these lines, nature of the activity of the women workers has become a factor prompting misuse among women workers in unorganised sector.

(B) Closing Remarks

So, to guarantee reasonable wages and equivalent treatment to all or any labourers without segregation within the business, the govt has sanctioned different enactments. The enactments have arrangements, which defend the keenness of the women workers. Likewise, the constitution of India additionally guarantees balance for women in work. Article 43 of the Indian constitution expresses that the state will attempt to confirm about by reasonable enactment or financial association or in another manner to all or any specialists, agrarian, mechanical, or something else, a living pay, condition of labour guaranteeing a tolerable standard of life and full happiness regarding relaxation and social and social chances. It guarantees balance for women workers. Further, the Article 39 of the Constitution underpins

the rule of equivalent compensation for equivalent work for people. Focal and State Governments however encircled a couple of principles and authorized enactments to battle the exploitative power yet the incongruity of the reality of the matter is that there has been amazing inlet between surrounding rules, establishing enactments and their compelling usage. there's many laws for the reassurance of the working women which manage long periods of labour, give wellbeing measures and prosperity of female workers. Yet, and still, in any case that Condition of 95 percent of the working women are surprisingly more dreadful. There are absence of thorough and fitting guideline in India; and even where guidelines exist, there's deficient and ineffectual execution systems. Enactments authorized during the foremost recent three decades are faraway for many women workers since they're not recipients of these enactments.

During the present situation, there's requirement for an incorporated methodology of the considerable number of offices for appropriate usage of these approaches for the in and out improvement of the women working within the unorganised sector.

(C) Lockdown & The Unorganised Workers

The national lockdown for now seems to be potentially for 60 days and this means loss of income for more than a month for 400 million of informal workers which will lead them deeper recesses of poverty. The informal workers are reported to be not be able to avail even the additional free food grains and pulse since they do not have necessary documents such as the ration card. Although the government is trying its best so that no one sleeps empty stomach but the reality is far from what is said by government.

Certain **case studies** of workers in the unorganised category:

1. Food delivery apps are technically exempted from the Coronavirus lockdown, restrictions on movement coupled by self-regulation by patrons have adversely affected this booming business. This Corona- downturn has impacted the livelihoods of thousands employed with these Apps as delivery staff. As per a Zomato delivery boy Mr Satish Kumar, his usual 12-hour shift in ordinary days used to earn him Rs 700-800 daily but since the lockdown, he is barely making Rs 100-300 per day. Although, Zomato arranged emergency service pass for their delivery boys in first lot, but after the pandemic expanded in the later days, there could be no delivery done and thus making him jobless. He stayed in Lucknow along with his wife & three children. Earlier when there was hope for him that he will be employed even for a meagre amount, he stayed back in lucknow. But now it is getting difficult fr him to even manage two meals for his family and he even cannot go back to his village.

2. A tyre puncture repair boy currently has no major repair jobs because of no or very few vehicles on the road in the lockdown. In normal days, he could earn between Rs. 800-1000 by daily repairing punctured tyres now his earnings has dropped to Rs. 0-200. He is now planning to shut down his repair unit and is dependent on food distributed by NGOs.

3. Cooks, car cleaners, dish washers, ironing man-The lockdown has forced nearly every office to allow its employees to work from home. With people confined indoors, the urban poor who earned their livelihood because of the needs of lucknow's huge working class suddenly find themselves out of work. Those who earned their livelihood by washing the cars of residents of gated communities and posh localities or people who offered laundry and ironing services have no work during the lockdown. Ram sing, who ran a shack for ironing clothes in vikrant khand is just one of many such unwitting victims of the financial crisis triggered by the lockdown. The society has banned entry of cooks, car cleaners, dish washers to avoid entry of the virus along with them in the society.

3. Rickshaw puller- For those who earning their livelihood as cycle-rickshaw pullers, generally the rickshaws aren't their own and they have to pay a daily rent of about Rs.60 to their owner. The lockdown has banned all public transport and left them with no work and no money. They say they have no savings to buy food and have been surviving on streets for the past three days on water and food donated by some people or NGOs.

4. Street food vendor- The ongoing lockdown though has now forced street food vendors to shut their shops. With no work and no patrons, they have no resources to feed themselves and their families by the time the lockdown is over.

5. Domestic Workers: Smt Barkha Kumari who is a domestic worker in Faizabad said that because of the lockdown, many houses where they work are deducting their salary and in some households, is even being forced to come for the work by threatening to not give their duly payment.

Although central government has sent first instalment of relief in Jan dhan accounts but the problem still remains regarding access to that amount. We have seen 2 km line outside banks. Even many of these daily wage workers still haven't come to the stage of financial inclusion, they still do not have bank accounts.

To avoid the situation of death due to hunger these workers have started travelling back to their home village either on foot, bicycle or by hiding themselves in a truck.

Although after 40 days of lockdown state government have started the proceedings of bring back these workers to their home village but their situation will barely improve.

Government needs to address the misery of migrant labour and expeditedly work to make them reach their home safely.

The measures which should be immediately taken by government in order to safeguard migrant labour:

1. Arrange emergency train or busses to facilitate their way back home with all precautions of social distancing.
2. Suspending payable residence rent and criminalising forceful vacation of these worker from their homes due to non-payment of rent.
3. Suspension of their water and electricity bill.
4. Arranging daily package of essential commodities for them.

There are possibly 120 million migrant labour in country, who are now trying to walk to their home villages, hundreds or thousands of miles away from the urban areas they'd migrated to for work. This is a very serious condition as they are dozens of these workers getting killed in road accident en route.

- On 8th may 2020, at least 16 migrant labourers, hailing from Madhya Pradesh, on their way back on feet were sleeping on rail tracks were crushed to death after a freight train ran over them on a track between Jalna and Aurangabad districts, nearly 260 km from Pune.
- On 27th April 2020, five migrants hailing from UP were killed while 8 others were critically injured after being hit by a truck on KMP (Kundli Manesar Palwal Expressway) in Haryana.
- A 39-year-old man who set off on foot from Delhi to his hometown in Madhya Pradesh, collapsed and died after walking around 200 km.
- A group returning to raichur in Karnataka meet with a road accident killing eight persons, including an 18-month-old toddler, on the outskirts of Hyderabad.
- 31 migrant labourers employed by a construction firm in Suryapet district of Telangana were travelling in an open truck when their vehicle was hit by a truck loaded with mangoes killing three men, a boy and a nine-year-old girl died on the spot.
- All the above-mentioned case studies show that the worst hit by the situation of pandemic is none other than the unorganised sector. Hence the government must

address their problems within no time. Before the pandemic kills them, they would die of Hunger.

V. FINDINGS, CONCLUSION & SUGGESTIONS

The constitution of India provides for many laws of social security for the organised as well as the unorganised labour force by despite that the situation for the unorganised labour remains as only the organised labour is enjoying the test of the fruits. Along with the provisions in the constitution of India, there are several schemes that have been introduced by the government but unfortunately there has there has been a lack of applicability of the scheme at the time of its requirement. Various committees have also been from time to time to look into the problem of labours and regrettably we are still far away to even apply the very simple and authentic recommendations of the first national commission on labour under the chairmanship of justice P Gajendragadkar who submitted the report in the year 1969. The main focus of the first national commission on labour was devoted to the unorganised sector

“The main recommendations of the Gajendragadkar Commission included:

- a) First hand detailed surveys from time to time to understand the problems of the different categories of unorganised labour.
- b) Legislative protection by the state for unorganised/ unprotected labour.
- c) Simplification of legislative and administrative procedures applicable to small establishments.
- d) Expediting education and organization in the field of unorganised labour.
- e) As there is no alternative to the existing implementation machinery, what exists should be reinforced, and the inspection system should be strengthened.
- f) Steps for the protection of workers against middlemen, and development of self-help through co-operatives.³⁴

The minimum wages act 1948 is very meager and variably differs from state to state having no exact provision applying in a systematic way to the organised sectors such that did seems to be very ambiguous and ineffective. The social security act 2008 is considered as the most important act which needs to be applied to the labours of any sectors but it has been observed that there are no proper provisions that can be applied to the unorganised sector. Although recently there have been many social security nets providing for social security measures for

³⁴ Dr. Madhu Sudan Dash, Socio-Legal Status of the Unorganised Women Workers With Respect to Employment Security

the an organised sector like National Assistance program (Indira Gandhi National Old Age Pension Scheme, Indira Gandhi National Widow Pension Scheme, Indira Gandhi National Disability Pension Scheme, National Family benefit scheme and Annapurna Scheme), Government sponsored Socially Oriented Insurance Scheme(LIC Administered Scheme, AICIL Administered Scheme and few others insurance scheme), Workers Welfare funds Act, National Rural Health Mission Scheme, National Pension Scheme Swavalamban, National Schemes for welfare of fishermen and training and extension”³⁵.

Moreover, few legislations have also been passed like The National Rural Employment Guarantee Act, 2005, Unorganized workers Social Security Act, 2008 and Domestic workers Social Security Act, 2008 and government has been also planning to provide provident fund and pension scheme to the organised sector which approximately constitutes 93% of India’s huge labour force.

It been observed that the constitution, Acts and the provision of schemes is not sufficient for the advancement of the workers in the unorganised sector but along with the constitution and the passing of the schemes there is a relative requirement of execution of those schemes and acts in a deliberate way, thus making it the most imperative or obligation of the government.

Another essential responsibility of the government is to regularly conduct awareness program on the subject of the people to whom acts and schemes apply and specially the focus should be on the unorganised labour of both the urban and rural areas. Further to keep a check on the subjects and learn more about the ground reality, the government should depute NGO to conduct awareness programmes and shall be responsible for continuous vigilance over the subjects. There should be provision of crystal-clear acts framed for the labours of the informal sectors relating to the security of health, housing, and the children’s education, food nutrition of women and children employment of age-old benefit at cetera.

(A) Major Issues in Labour Reforms

Legal regulations of the conditions of work and labour relations of the vast and varied working population in India pose a major challenge for employment policy. The guiding principle of legal regulations is enshrined in the Indian Constitution which envisages the attainment of humane and decent employment as an important goal of State policy. These include, securing to the citizens an adequate means of livelihood; equal pay for equal work for both women and men; ensuring that the health and safety of workers is protected and a living wage for all

³⁵ Government of India, **Report of the National Commission on Self Employed Women and Women in the Informal Sector**, (1987) p. 661

workers. In pursuit of these goals as well as in keeping with changing economic environment, the Government has from time to time enacted and amended several labour legislations. Some of these legislations are applicable across sectors while other legislations are intended for specific sectors, industries and occupations.

The various labour legislations in India can be grouped into four broad areas:

- (a) Employment security and industrial relations;
- (b) Income security i.e., wages and other remunerations;
- (c) Work security i.e., working conditions, safety and occupational health;
- and (d) Social security and labour welfare.

There are four major issues that have been at the heart of the debate over reforms of labour laws in India in recent times. Legal regulations have to consistently balance the welfare needs and protection of rights of workers and enabling economic growth and increasing the level of employment. This has led some to argue that legal regulations lead to excessively rigid labour market which has adversely affected employment levels (rigidity). Further, legal regulations have to contend with the persistent dualism in the labour market i.e., the division between organised sector, on the one hand, and the vast unorganized sector on the other (dualism). Labour being in the Concurrent list, there are Central as well as State legislations and State amendments to Central legislations. In addition, there are legislations with varying sectoral, regional and enterprise size coverage, with different definitions of industry, workmen and enterprise (multiplicity). Finally, there are issues relating to the enforcement and compliance of labour laws (enforcement). Employers' organizations and workers' organisations often hold diametrically opposite views in each of these issues while there are also some common areas of interest .

(B) Measures & Suggestions:

1) An umbrella legislation covering all the workers of the unorganised sector. Under estimation and insufficient coverage in the unorganised sector is one of the major problems. So, the need of the hour is to recognise all the occupation to be covered in the unorganised sector to make consolidated laws for them. There is a need to recognise these categories because occupations like freelancers, sex workers and various other similar occupations have no employment security or any other law to protect them. Simplification of legislative and administrative procedures applicable to small establishments.

2) Use of mobile phones as a way to impart awareness. In my survey, it was observed that approximately 98% of these workers have access to mobile phones. Therefore, mobile phones can be used to impart awareness and also a helpline number should be provided for any sort of queries, information or complaints. Mobile phones have become an inevitable part of all the households and is easily accessible, thus becoming an easy way to create awareness among workers.

3) Deputing NGOs to spread awareness. The government should depute NGOs to interact with these workers and to create awareness among them about their rights and benefits provided to them by the government. Also, to keep a check on whether these benefits are reaching to them or not.

4) Surveys: There should be time to time surveys conducted by the organisations of the government to obtain the ground picture of the working conditions of the unorganised sector. Regular surveys help in estimating the mechanism required to tackle their problems. First hand detailed surveys from time to time to understand the problems of the different categories of unorganised labour

5) Setting up of a grievance cell headed by a woman for any sort of exploitation. Many of these categories are so scattered that they do not have any appropriate forum for redressal of their grievances of exploitation which makes it difficult for them to raise their voice against any such ill doing. These workers usually work under the wealthy class of the society, so when they face any sort of exploitation by them, they do not have the courage to go to the police or any such authority and even many a times because of the far reaching of the wealthy class, it becomes more difficult for them to get any sort of redressal of their complaint.

6) Strict action against exploitation of women workers in the unorganised sector. The judiciary and the authorities need to be vigilant in taking actions against the exploitation of the women workers in the unorganised sector. This sector is marginalised and is very vulnerable, thus their complaints need to be handled with utmost care. existing implementation machinery, what exists should be reinforced, and the inspection system should be strengthened.

7) Facilitation of education and training in the field of unorganised sector.

8) Measures for eradication of middlemen and development of self-help through cooperative.

9) Establishment of self-help groups and spreading awareness about the the advantages of self-help groups in the unorganised sector.

10) Dignity of Work for Women working in the unorganized sector: Dignity is defined as the quality or state of being worthy of honour or respect. The Indian constitution has already expressed the importance of assuring dignity in its directive principles of State policy.

Therefore, it is important that in the unorganised sector where the women are less educated and unaware about their rights and are very vulnerable, best should be efforts taken to maintain the dignity of work for women

11) Decent Working Condition for the Women working in the unorganized sector: Assurance of decent working conditions for the women employed in the unorganised sector: To some of the characteristic of workers in the unorganised sector in one phrase could be presence of decent work deficit. Lack of proper infrastructure and basic sanitation and other services result in over working conditions for the workers which makes it even difficult for them to work and as discussed in the findings of the research that the workers are forced to work in extreme weather conditions. does it is very necessary that there should be improvements in working conditions of the workers and that shall be achieved through better infrastructure and better basic services to all the workers in the unorganised sector and specially certain service services like that of provision of washroom should be must for the industries that employ women in large population.

12) Social security: Social security is the fundamental right of every worker in the country because every single worker contributes to the economy of the country. If we compare organised sector with unorganised sector we see that the organised sector has adequate access to social security benefits whereas the unorganised sector workers who contribute to the country's GDP by more than 60% are not able to avail any of the social security benefits. Because of the scattered nature of the various jobs and occupations in the unorganised sector and also according to various risks they face in their work and personal lives, the nature of their social security needs also varies.

The important security measures needed are;

1. Security of Food
2. Security of Nutrition
3. Security OF Health
4. Security of Employment
5. Security of Income
6. Life and Accident security and

7. Security of old age

The Central and State governments must provide more support to the women workers working in the unorganized sector.

13) Food security- One of the major characteristics of the unorganised sector is that they have no regular employment and income. Thus, during rainy seasons or in the times of natural calamities, these workers suffer a lot because of loss of work and income. Therefore, it is the responsibility of the government that in such circumstances, they must be provided with food and other basic amenities. Also, the prevailing situation of lockdown where the unorganised sector is the most affected. It is required that the government must ensure that they are provided with atleast food security in these difficult times.

14) Nutritional security- : Creating awareness in the community about good habits and their interrelationship with health is the success route of any program on nutrition. The woman in the unorganised sector must be provided with information on balanced diet, additional food requirements during pregnancy, lactation and for growing children cooking methods to preserve nutrients family budgeting etc. To make these programs more effective it is required that these programs must be delivered to two young mothers adolescence women and school children who are more receptive to new ideas. Apart from these awareness programs, nutrition nutritional support to women and children must be provided properly through ICDS programs. Anganbadis have a crucial role to play in these programs.

15) Employment security for employed —For providing employment security for the women working in the unorganized sector; skill upgradation training should be given to each type of unorganized sector women workers. It is found, from the study that unorganised sector has vast employment potentiality. It is evident that both skilled and unskilled workers are absorbed by the unorganised sector. So, recognizing the mass employability of the unorganised sector comprehensive policy should be adopted by the government for the development of the sector.

16) Income Security for the self-employed and unemployed—In order to provide income security, the government should provide credit facilities from the banks to the needy unemployed/self-employed workers working in the non - agricultural unorganized sector, at least a minimum of Rs. 50,000/- per member. That will help them to start a new business or grow their small business. Bandhan Bank can play vital role in this regard.

17) Life and Accident security— Although many insurance schemes introduced by the government are already in place but the problem is that the unorganised women workers are

unaware of these schemes. So, the government should make provisions to ensure that these benefits reach to the unorganised women workers by insuring their life.

18) Old age security-- Social assistance is a must for aged people, orphans and widows, who cannot be reached by employment and labour market policies.

19) Unionization for the Unorganized Women Workers for Collective bargaining To cater to the interest of of unorganised sector, the idea of formation of associations for these women workers must be encouraged. The figure suggests that less than 1% of the women working in this sector are unionized, thus shows that the social dialogue among this sector is not effective. This sector perceives union activities to be completed wastage of time and efforts. The idea of Unionization is also avoided by these workers because they are unwilling to pay the membership fees but in reality, trade unions are seen to work effectively e in securing their right to public space utilization

20) Proper Implementation of the Existing Laws related to women working in the unorganized sector: The unorganised women workers remain, more or less, legally unrecognized as workers. The existing labour laws relating to minimum wages or social security are not helping them in any way. Therefore, proper implementation of the existing laws and measures are of utmost importance for the development of the unorganised women workers.

21) Welfare Audit: Arrangements must be made to evaluate the performance of different health and welfare related programs made for the unorganised women workers. To assess the present situation objectively and to plant future strategies and priorities, the government must conduct such welfare audits time to time.

22) Regular Reviews and Necessary Follow ups: To assess the effectiveness of different schemes and programmes being run for the welfare of the unorganised women workers, welfare audits monitoring and evaluation research needs to be undertaken for the purpose. the upliftment and development of the unorganised women workers can be undertaken by regular conferences convened by the Government and concerned departments should review the policies and programmes framed for them.

(C) Crux of the Report

The pitiable condition of the unorganised workers cannot be determined in any better situation than the pandemic which spread in 2020. because of no income security or any sort of social security measures for them, they have no food to eat and no means to survive.

This research report determines the problems of the women in the unorganised sector and the probable solution to these problems. The first and foremost thing which needs to be done is to determine the occupations which come within the unorganised sector which can be done effectively through census.

Then, there is a need to keep a check on the employer who try to escape through the loopholes in the legislative enactments ensuring social security to unorganised workers.

My research report concludes that there is a dire need of a well-defined enactment making provisions for the protection and promotion of the women in the unorganised sector and an effective mechanism is required to ensure effective application of the policy already introduced. As observed in my survey that almost 95% workers have access to mobile and Internet facilities. Thus, mobile phones should be made to be used as an effective way to know the actual status of recipient of such policies and explained in the suggestions of Chapter – V..

The Pandemic has once again highlighted the plight of the unorganised sector and Government must take steps to ensure protection and promotion of the unorganised sector.
