



INTERNATIONAL JOURNAL OF CREATIVE RESEARCH THOUGHTS (IJCRT)

An International Open Access, Peer-reviewed, Refereed Journal

STATUS OF WOMEN LABOURERS IN UNORGANISED SECTORS AND THEIR PROBLEMS

Author

Ms. Anjanaben Jayantilal Solanki

Research Scholar, P. G. Department of Law, Sardar Patel University, V. V. Nagar

Co- Author

Dr. Amitkumar I. Parmar

Ph. D. Guide

Principal, Anand Law College, Anand

ABSTRACT:

In India the women occupy a larger part of the labour force in unorganised sectors. The women of unorganised sectors suffer from many more problems with different terms of categories. There are International Convention, Constitutional provisions and other related laws to protect the rights of the women labourers. In other side as per the Constitution of India and human rights law men and women both are equal base. So, the present research study is an attempt to bring into focus on status of women labourers in unorganised sectors and their problems. This paper discusses the overview of unorganised sectors. This paper also highlights the various problems face by women labourers in unorganised sectors. In this paper I have seeks about the various constitutional provisions and other related labour laws for the welfare and protection of women in unorganised sectors. At last paper concluded with some suitable suggestions related to it.

KEY WORDS: Unorganised Sectors, Women Labourers, Problems, Law or legislations and schemes

INTRODUCTION

The Constitution of India is one of the most effective supreme laws of the land, which guarantees fundamental rights like equal rights for men and women in democratic societies. In fact, most of the cases, still women in our country are for all time considered as the inferior status compare to men almost all over the place. They have to execute dual responsibilities with home and work place and also faced different problems related to it. The role of women in and outside her home has become a significant feature of the social and economic life of the nation. Women in our country share too many responsibilities and perform a wide variety of duties in different forms, but most of the time her participation in work is considered as unpaid. In India unorganised sectors always play a crucial role in terms of providing employment opportunities to a large part of the workforce and the involvement of women in these sectors is more than men. That means in all over India a large number of women from rural and urban areas to work in unorganised sectors. Most of these girls and women are working in unorganised sectors are unskilled and illiterate. They work in inhuman condition in cities as their living standards are extremely poor. It is a recognized fact that there is still no society in the India which women in unorganised sectors enjoy the same opportunities or same rights as men. Furthermore, when I discussed about the categories of unorganised sectors the ministry of labour, government of India, has categorized the unorganised labour force under following four groups like in terms of occupation, in terms of employment, in terms of especially distressed categories and in terms of service categories. In addition to these four categories in other side there exists a large section of unorganised labour in different terms. In today's era status of women has occupied in every field with a respectable position, but yet they have not absolutely free from some discrimination and harassment.

Now the definitions of 'social security' 'unorganised sector' and 'unorganised worker' have been given under 'The Code on Social Security, 2020'. **"Social Security"**¹ means the measures of protection afforded to employees, unorganised workers, gig workers and platform workers to ensure access to health care and to provide income security, particularly in cases of old age, unemployment, sickness, invalidity, work injury, maternity or loss of a breadwinner by means of rights conferred on them and schemes framed, under this Code." **"Unorganised Sector"**² means an enterprise owned by individuals or self-employed workers and engaged in the 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." **"Unorganised Worker"**⁵ means a homebased worker, self-employed worker or a wage worker in the unorganised sector and includes a worker in the organised sector who is not covered by the Industrial Disputes Act, 1947 or Chapters III to VII of this Code."

¹ . Sec. 2(78) of 'THE CODE ON SOCIAL SECURITY, 2020', available at: <https://www.labour.gov.in>

² . Sec. 2(85) of 'THE CODE ON SOCIAL SECURITY, 2020', available at: <http://www.labour.gov.in> ⁵ . Sec. 2(86) of 'THE CODE ON SOCIAL SECURITY, 2020, available at: <https://www.labour.gov.in>

LITERATURE REVIEW

Dr. R D Dubey (2014) studies that, rights of women workers in unorganised sector: legal issues and challenges. The study seeks to assessed the various aspects like formal and informal sectors employment, status and identification of women in unorganised sector, discrimination of women in various sectors like in the form of domestic workers, construction workers and agriculture workers, the role or contribution of women's to the Indian economy, women suffer vital disadvantages compared to men, reasons of women's engagement and problems with context to poverty and low wages. He highlighted the various rights of women with constitutional provisions, social security acts and some other legislation. He also mentioned several decisions of Supreme Court of India with special context to various rights of women workers in the unorganised sectors. He concluded that the female workers, especially who belongs to rural areas are facing many serious problems in the form of insecurity, wage discrimination, inadequate health care facilities, lack of continuity, unfair working condition, exploitation etc. Furthermore, he also said that the proper implementation of laws, policies and schemes are necessary at the central and state level.

S. Monisha & PL. Rani (2016) in this research paper authors mainly focused on women working in unorganised sector- a conceptual study. They want to explained dual responsibilities of women at their home and work place. They stated three objectives for the study on the basis of living, working and economic conditions of women in the unorganised sectors, the various problems faced by the women in unorganised sectors and the various social security measures for the welfare of women of unorganised sectors. He mentioned about the four categories of unorganised labour in the form of occupation, nature of employment, especially distressed category and service category. They mainly focused on various problems faced by the women workers in unorganised sectors like, exploitation, harassment at workplace, no maternity benefit, not getting proper training, facing discrimination due to gender inequality, women workers of unorganised do not have benefit like organised sectors, poor wage, poor working condition, absence of social security measures etc. They also highlighted the various programmes implemented for the women workers in unorganised sectors. Authors of this study also had given some suggestions for the upliftment of women in unorganised sectors. Lastly, they concluded that for the empowering of women workers in unorganised sectors, there is need of effective implementation of schemes, policies and laws in right way and direction. Furthermore, central and state government should also take various steps for the support to women in unorganised sectors.

Manju (2017) in this research paper author tries to focus on problems and issues of women in unorganised sectors. She stated three objectives in the form of problems faced by women workers in unorganised sectors, different categories of women workers in unorganised sectors and also suggest some measures for overcoming the problems of women in unorganised sectors like lack of education, insecure job, exploitation, low wages, discrimination, physical problem, work pressure, insufficient skill and knowledge etc. furthermore in other side she also explained categories of women workers in unorganised sectors like rig

pickers, domestic workers, vendors, beauticians, construction workers and garment workers etc. The research paper also mainly talks about the fact that there is still no society in the globe in which women workers enjoy the equal opportunities as men. She also stated in India majority of women works in unorganised sectors for low wages due to some issues and problems. She also suggested some views regarding problems and issues of women in unorganised sectors. Finally, she concluded that female participation in these sectors is more than male and they all are facing grave problems.

Prof. V Sudesh & Mrs. Dhanlakshmi C. V. (2019) Authors of this study mainly focused on abuse and exploitation of domestic women workers in India with human rights perspectives. They highlighted the significant role of women especially in contributing domestic work. Furthermore, they said that domestic services are one of the oldest, age-old and most important occupations for women around the world. But sometimes this work is to be considered as part time occupation for women in India. They also explained, because of some numerous factors women in India take up jobs as domestic servants. After that the study also focused on abuse and exploitation towards domestic workers in the various forms such as, no weekly offs, no defined work time, no decent wages, sexual and physical abuses and harassment, termination of work etc. The study also stated the major role of ILO and today is to promote equal opportunities for women and men at different levels. Finally, they concluded therefore, it is the duty of all the stakeholders, to strive for social justice of domestic women workers in India.

OBJECTIVES

The research study has been undertaken with the following main objectives.

1. To ascertain the status of women labourers in unorganised sectors.
2. To enlighten the different problems faced by women labourers in the unorganised sectors.
3. To suggest some suitable measures for overcoming the problems of women labourers in unorganised sectors.

HYPOTHESIS

The status of women labourers is poor in terms of work under various categories of unorganised sector

STATEMENT OF PROBLEM

The studies show that women working in unorganised sectors facing many problems in different forms.

RESEARCH METHODOLOGY

The research methodology in this paper is in a doctrinal and descriptive style. The author of this study will be relying on secondary sources. In this regards data is collected from books, articles, journals and websites.

RESEARCH FOCUS

My research study purely focused on various problem faces by women labourers in unorganised sectors and law/legislations and schemes framed by the government for the purpose of welfare of women labourers in unorganised sectors. In India there are number of women are working in the unorganised sectors. They face a number of problems also. In Indian society there are a lot of restrictions on women and they face various difficulties in different terms of categories. The unorganised sectors are classified under the different categories, and as per these categories the women who are working in different sectors are facing different problems. For an example if women working as Domestic workers, Agriculture workers, Construction labourers, and Vendors they are face different –different problems as per her work in unorganised sectors.

Now I highlighted some common problems which are face by women in unorganised sectors.

- In presently the status of women is subordinate or inferior with compare to men in most of the work in unorganised sectors.
- Lack of education is the biggest problem of women in unorganised sector, because they do not get time to educate themselves.
- Majority of women do not have proper skill and knowledge aligned to their task in unorganised sectors.
- Existing inequalities and discrimination at workplace for work participation between men and women in unorganised sectors.
- Weak socio-economic status of women. They are work on daily wage base and maintain their family with small income source with difficulty. They do not consume basic needs for our family like nutritious foods, cloths, medicine and child education etc.
- Family problems is also another one which face by women in different forms like poverty, child care and education, no earning by her husband, lack of facilities and others.
- Women labourers in the unorganised sectors do not get similar payment to the male for the same work.
- Women labourers are more vulnerable group in the society. So, exploitation and sexual harassment at workplace is a major problem face by women labourers and it also exists at workplace in almost all societies around the world.
- In the unorganised sectors women's have overworked and excessive work pressure. Further the job highly insecure in these sectors.
- In the unorganised sectors some work mainly related with seasonal base employment. So, because of this seasonal base work they have to take another employment when there is no work during offseason.
- In the sectors of unorganised the physical problems for women can also be arise due to unsafe and unhealthy working environment.

- During the period of COVID-19 they also face many problems with unemployment.

Law/Legislation/Schemes

After that when I look in other side there are number of legislation/law, convention and schemes were available at State, National and International levels for the welfare and protection of unorganised labours and women are one of them.

Indian Constitution plays pivotal role for the protection of women labourers as per part III and part IV in the form of fundamental rights and directive principles of state policy. For an example Indian Constitution guarantees equality before the law and equal protection of laws³. Prohibition of discrimination on the grounds of religion, race, caste, sex and place of birth⁴. The provision of abolition of untouchability⁵. No person shall be deprived of his life or personal liberty except according to procedure established by law⁶. The contravention of fundamental rights under part III of the Indian Constitution could be complained under article 32 to the Supreme Court of India or under Article 226 to the respective High Courts of different States. Indian Constitution guarantees equality of opportunity in employment and directs the state to secure equal rights for livelihood and equal pay for equal work⁷. The provisions of right to work and right to public assistance in case of unemployment, old age, sickness and other cases of undeserved want⁸. Provision regarding right to human conditions of work and maternity relief⁹. Living wage for workers¹⁰ and participation of workers in management of industries¹¹.

There are some legislations also which are directly applicable for women labourers, such as, The Equal Remuneration Act, The Maternity Benefit Act, The Sexual Harassment at Workplace Act, and another some acts like The Minimum Wages Act, The Building and Construction Workers Act, The Trade Union Act, The Factories Act, The Unorganised Social Security Act and The Code on Social Security etc.

The National Commission on Labour and International approaches towards unorganised sectors also plays a crucial role for the welfare of unorganised women labourers.

Further some social security schemes for the unorganised workers are also available in the form of National Pension Scheme for Traders and The Self-employed Persons, Pradhan Mantri Shram Yogi Maan-dhan Yojana, Pradhan Mantri Rozgar Protsahan Yojana, Aam Aadmi Bima Yojana, Atal Beemit Vyakti Kalyan Yojana, Gatidhara Scheme For Self-employment, Grant In Aid Scheme To NGO's For Welfare Of Women

³ . Article 14 of the Indian Constitution

⁴ . Article 15 of the Indian Constitution

⁵ . Article 17 of the Indian Constitution

⁶ . Article 21 of the Indian Constitution

⁷ . Article 39 (d) of the Indian Constitution

⁸ . Article 41 of the Indian Constitution

⁹ . Article 42 of the Indian Constitution

¹⁰ . Article 43 of the Indian Constitution

¹¹ . Article 43-A of the Indian Constitution

Labour, Atal Pension Yojana, Rashtriya Swasthya Bima Yojana, Revised Integrated Housing Scheme, Garib Kalyan Rozgar Yojana, Mahatma Gandhi Bunkar Bima Yojana, Deen Dayal Updhyaya Antyodaya Yojana, Nirman Kamgar Awas Shayata Yojana etc. But the question is that, out of these schemes some schemes are deferred because of circumstances. In other side E-Shram Card Yojna, 'e-Nirman' portal, Maternity benefits scheme, Education scheme, Death Assistance scheme, Dhanvantari Rath, E-Scooter scheme are also available in recent period.

CONCLUSIVE SUGGESTIONS

Not only in past but also in today's era women labourers have dual responsibilities on the basis of her home and work. Now a day's women labourers are improved and promote in their home and workplace with different aspects. But the status of women labourers in unorganised sectors is poor and not satisfactory. The above study describes various problems face by women in unorganised sectors with different forms like gender inequality, lack of education and knowledge, discrimination on different base, sexual harassment, work pressure, low wages, long working hours, victims during the period of COVID-19 and in day-to-day life they are a daily struggle to meet basic needs for our family members. The study also shows there are law/legislations and welfare schemes for the labourers in unorganised sectors. But the question is that whether women have got equal rights with compare to men at workplace of unorganised sectors? So, the answer is no, because the existing of inequality on different base are already available in the present scenario also.

- Requirement of social security measures to the women labourers in the unorganised sectors.
- Proper implementation of law/legislations and schemes for the welfare of women labourers in the unorganised sectors.
- Government should take appropriate steps to solve the problems of women labourers in the unorganised sectors.

REFERENCES

Articles:

- [1] Dubey, D. R. (2014). Rights of Women Workers in Unorganised Sector: Legal Issues (VoL 5; No. I). Indian Journal of Law and Jusitce , 153-163.
- [2] Manju. (2017). Women in Unorganised Sector- Problems & Issues in India. International Journal of Applied Research , 829-832.
- [3] Rani, S. M. (2016). Women working in Unorganised Sector- A Conceptual study. Indian Journal of Applied Research , 97-99.
- [4] V., P. V. (2019). Abuse and Exploitation of Domestic Women Workers in India - A Human Rights Perspective. Internatrional Journal of Applied Research , 718-723.

Websites:

[5] [https://www.worldwidejournals.com/indian-journal-of-applied-research\(IJAR\)/special_issues_pdf/April_2016_1461059316__29.pdf](https://www.worldwidejournals.com/indian-journal-of-applied-research(IJAR)/special_issues_pdf/April_2016_1461059316__29.pdf)

[6] <https://www.legalserviceindia.com/article/l432-Condition-of-Women-Working-In-theUnorganised-Sector.html>

[7] https://www.researchgate.net/publication/322361666_A_STUDY_ON_THE_PROBLEMS_AND_PROSPECTS_OF_WOMEN_LABOURERS_IN_UNORGANIZED_SECTOR/link/5a7165faaca272e425ed6358/download

[8] <https://www.allresearchjournal.com/archives/2017/vol3issue4/PartL/3-4-182-302.pdf>

[9] <https://www.jetir.org/papers/JETIR2002489.pdf>

[10] https://wcd.nic.in/sites/default/files/FINAL%20DRAFT%20REPORT_0.pdf

Books:

[11] Dr. J. N. Pandey, Constitutional law of India 83, 490 (Central law Agency, Allahabad-2, 56th edn., 2019).

[12] Dr. V. G. Goswami, Labour and Industrial Laws, Vol-1, 953-956 (Central Law Agency, Allahabad- 2, 9th edn., 2011).

