



## CONDITION OF WOMEN IN THE INFORMAL SECTOR IN INDIA

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### Abstract

*In the unorganized sector women are engaged in almost all kinds of activities such as agriculture, livestock, fishing, plantation, forestry, retailing, construction, domestic work, thread cutting, beedi making, bangle making, embroidery, stitching etc. Most of the women work as casual laborers in agriculture, construction, Masala Mills, brick-making, or do their own business of handloom weaving, basket weaving and vending fish/vegetables. Even after this high level of participation, they remain invisible to the records. They are treated as 'cheap labor' and exploited in every possible manner. They are not given even the basic facilities like toilets and are forced to work ad nauseam for a meager pay.*

*Even after facing all this discrimination, they work arduously for the subsistence of their family, only to be rewarded with lascivious attitude of the males. Their work is considered to be 'menial' as compared to the work done by men resulting in half the pay for the same amount of work. Due to improper execution or the lack of policies and laws for their protection, they have no one to approach and have to stick up for themselves, only to lose their job.*

**Key Words:** women, unorganized sector, laws,

### Introduction

Anna Howard Shaw's expression of working women is in line with the condition of women in India - "Around me I saw women overworked and underpaid, doing men's work at half men's wages, not because their work was inferior but because they were women."

According to National Council for Applied Economic Research (NCAER), women constitute the largest segment of India's unorganized workforce. More than 97% of women labor force is in the informal sector however their pay is highly disproportionate, they face huge discrimination and are exploited in all sorts of manner making the environment horrendous to work in.

Women's work on most occasions goes unrecognized and the benefits hardly ever reach them. Instead of getting them subsistence, it has a crippling effect on their health. They are pushed into the sector due to unstable financial conditions and are forced to do the contractor's bidding at a meager pay.

This concept to work as a supplementing force in the family has made them vulnerable to all sorts of discriminatory treatment and exploitation (physically, economically, socially and sexually) in the field of employment. But that's not all. Just like there is a 'wage gap' between men and women, there is also a 'leisure gap' between them as women are expected to attend to their 'second shift' at home soon after their first one at the workplace. They end up having a double burden of work and get



stuck in this pernicious cycle throughout their lives.

There is hardly any law that is directed to the protection of women in such conditions. The laws that are there for the organized sector are the ones extended to the informal sector. However, it is difficult for the workers to get benefits under them if they are not registered and recognized. The most vulnerable group among them all is the domestic workers. They were not even recognized as workers until the Domestic Workers (Registration, Social Security and Welfare act, 2008), making most of the female working population invisible.

**Share of Women in the Informal Sector**

According to the ‘Report on Conditions of Work and Promotion of Livelihoods in the Unorganized Sector’ by National Commission for enterprises in the unorganized sector:

Women working as home workers constitute about 7.4 per cent of the unorganized non-agricultural workers. Among women in the prime age group, 15- 59 years, 53 per cent in rural and 65 per cent in urban areas, were engaged in domestic duties. In contrast, only 0.4 per cent of the men were primarily engaged in domestic work.

Apart from working as home workers, women also play an important role in the agriculture sector. The society has a wrong contention that it is the males that constitute majority of the farmers. More than 80% of the woman population in the rural areas works in the agriculture sector for their livelihood. 47% work as agricultural laborers, 33% work as farmers and the rest 20% work in the animal husbandry or other

activities. Their distribution in the various activities like farming, animal husbandry is shown in the graph below:

**Women in Agriculture**

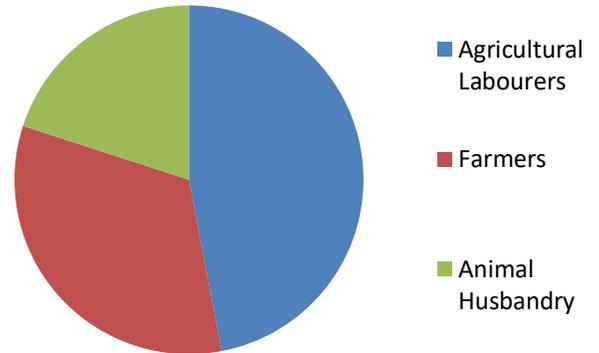


Fig 1: Proportion of women working in the agriculture sector as unorganized laborer.

Apart from the agriculture sector, the other sectors are also a major area for work for these women. In the non agriculture sectors, women usually work in the manufacturing industries particularly handloom and cottage industries. However, their share varies from industry to industry. 48.2% working in the unorganized sector are working in the manufacturing, 15.8% in trade, 5.6% in construction, 5.5% in industry, 23.8% in other industries, 0.9% in transport and storage.



## Women in Unorganised Sector

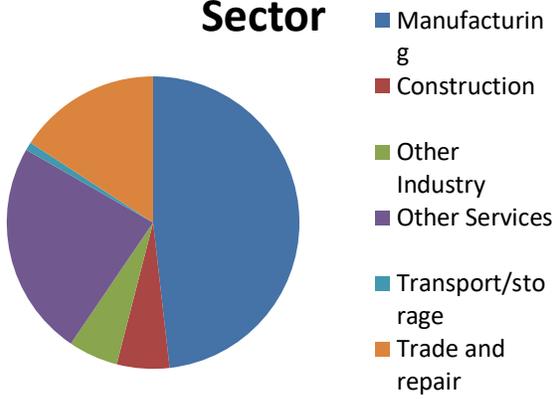


Fig 2: Proportion of women working in the non agricultural unorganized sector.

Even though women form a fair share of the labor force in the informal sector, they remain invisible when it comes to getting the wages and the benefits of the employment

### Literature Review

Various scholars have worked on the condition of women in the informal sector and have conducted their own studies to come up at a conclusion. A gist of their work is as follows:

Jan Breman (1988)<sup>1</sup> reported that women workers are not able to obtain any kind of maternity benefit. They have to work till the last state of their pregnancy and resume immediately after the child birth, in turn

<sup>1</sup> Jan Breman, *‘Of peasants, migrants and paupers: Rural Labour and capitalist production in West India, Delhi’* : Oxford University Press; Vol 47, pp 912-914, (1988).

exposing both, themselves and the child to considerable danger.

Kalpna Devi and UV Kiran (2013)<sup>2</sup> found that women are forced with double burden of work as they are forced to do the domestic work as well as labor in the sites. It was seen that in 15 minutes, about 55 bundles, each weighing 7-8 kg, passed through the hands of women. Thus, In an 8-hour shift, therefore, an incredible 32,000 kg passes through a woman worker’s hands however, they are paid only a meager wage for their arduous effort.

While doing earth work women carried on their heads 15 kg. of mud and walked 30 feet to deposit the mud and return. In an 8-hour shift a woman on average would have walked about 13 kms carrying about 21000 kg of mud without taking any breaks.

Rao Shanmukha P, Suryanarayana (2013)<sup>3</sup> NVS observe that women participation in the informal sector is enormous. However, it is felt that jobs dominated by females are devalued and degraded. They are the least paid jobs and are considered to be of lower value just because they are done by women. They are placed with a double burden of work as they have to tend of their family and at the same time, help in their subsistence. However, this gender bias has not deterred women from contributing to their family as well as the economy.

<sup>2</sup> Kalpna Devi, UV Kiran, *‘Status of Female Workers in India : A Review’* ; International Journal of Humanities and Social Science , pp 27-30 (2013)

<sup>3</sup> Rao Shanmukha P, Suryanarayana NVS, *‘Issues and challenges of female labour migration’*, 2013.



S Monisha and PL Rani (2016)<sup>4</sup> state that women and children are the most vulnerable as women are exploited by the contactors, both sexually and by paying lesser wages. Older women are forced to employ their young daughters to please the contractor so as to keep her job and earn an extra commission over her salary.

MN Chitra (2016)<sup>5</sup> conducted a study and found that there is a significant relation between the marital status of the respondents, the number of people earning and the overall problem checklist of working women and its dimensions like family problems, occupational problems and personal problems. It opened a new horizon and confirmed some of the general notions of the society. It was found that most of the women in the sector were from the age group of 18-35 and it was in the early stages that they were sexually exploited by the employers as well.

Manju (2017)<sup>6</sup> analyzed that workers irrespective of sex are exploited in the unorganized sector; however, women suffer more due to their gender. Women form 50% of the population, 30% of the workforce, but account for 60% of the working hours and receive only 10% of the world's income. She has recognized various reasons why women tend to face such problems such as the insufficient skill and knowledge,

insecure job, apathetic attitude of the employer, extreme work pressure, irregular wage payment, seasonal employment and seasonal employment.

Dr Laxmidevi Y (2018)<sup>7</sup> conducted a study in which majority of the respondents worked for monthly wages and were unmarried. They had a family income of less than Rs 6000/month out of which most of it got spent for their subsistence. It was seen that women have to work as they face a lot of financial instability. However, the employer does not pay the women at par with man for the same job done. They are burdened with double responsibilities at home and at work. They are forced to work under pitiable conditions due to lack of laws to protect them.

### **Laws for the Protection of Women in the Unorganized Sector**

There are various laws that protect the rights of women workers in the organized sector but the unorganized sector remains untouched. There are some laws which can be extended to the informal sector for the protection of women.

#### **1. Equal Remuneration Act,1976**

- Earlier, the general perspective of women was that they weren't as serious as men in their work as family was their main priority and thus were paid lesser as

<sup>4</sup> S Monisha, PL Rani 'Women Working In Unorganized Sector-A Conceptual Study', Indian Journal of Applied Research Vol 6, pp 97-99 (2016)

<sup>5</sup> MN Chitra, 'A Descriptive Study on Problems of Women Workers in Construction Industry at Tiruchirappalli' International Journal of Humanities and Social Science, pp 46-52 (2016)

<sup>6</sup> Manju, 'Women in unorganized sector - Problems & issues in India', International Journal of Applied Research, pp 829-832 (2017)

<sup>7</sup> Dr Laxmidevi Y, 'Problems of women in unorganised sector: A study of women workers in UN organised sector in Vijayapura city (Karnataka)' International Journal of Academic Research and Development, pp 1056-1058 (2018)



compared to males.<sup>8</sup> This act made it the duty of the employer to give equal wages to both men and women for the same work.

- Moreover, this act states that a woman shall not be denied any work if she is capable of doing it. No work shall be restricted to only males.

## 2. Maternity Benefit Act, 1961

- The act was made to regulate the employment of women in certain establishments for certain periods before and after child-birth and to provide for maternity benefit and certain other benefits. This came after *Union of India v Nargesh Mirza*<sup>9</sup> where the employment of women as Air Hostess was terminated at the time of thier pregnancy from Air India.
- Maternity Benefit (Amendment) Act, 2017 makes the act applicable to all women working in plantations, mines, shops, establishments and factories in unorganized sector. They are supposed to be provided with Crèche facility as well.
- However, domestic workers and other fields in the informal sector are still not considered.

## 3. Minimum Wages Act, 1948

- The wages for workers in the scheduled employments fixed by the appropriate Governments are equally applicable to both men and women. The Act does not

discriminate on the basis of gender and the female workers are entitled for same wages as fixed by the appropriate Governments for their male counterparts engaged in the scheduled employments.<sup>10</sup>

- Moreover, no worker shall be allowed to work more than 9 hours and if a worker is made to work over time, the worker shall be paid 1.5 times his normal wage.

## 4. Plantation and Laborers Act, 1951

- **Section 12** of this act makes provisions for crèches and suitable rooms for children where more than 50 women are employed.
- **Section 25** provides that no woman shall be employed in any plantation between 7pm and 6am

## 5. The Unorganized Workers' Social Security Act 2008

- According to this act, every unorganized worker shall be eligible for registration subject to the fulfillment of the two conditions;
  - i. he or she should have completed fourteen years of age;
  - ii. Self-declaration by him or her confirming that he or she is an unorganized worker.
- Every unorganized worker shall be registered by the District Administration. three basic social security schemes are provided bt the Central Government to the registered unorganized worker, while the rest would be mandated by the state i.e. life and disability cover,

<sup>8</sup> Sylvine, *Duties Of The Employer Under The Equal Remuneration Act, 1976*, Blog-ipladers, (2016)

<sup>9</sup> *Union of India v Nargesh Mirza* (1981) 4 SCC 335.

<sup>10</sup> Press Information Bureau, *Providing Safety and Protection to Women Workers in Both organised and Unorganised Sectors*, Ministry of Labor and Employment (2018)



- ii. health and maternity benefits, and
- iii. old age protection.<sup>11</sup>

**6. Domestic Workers (registration, Social Security and Welfare) act, 2008**

- It calls for district boards, state boards and central advisory committee to regulate the work the done by the domestic helpers and for their registration to officially recognize them as workers.
- According to this act the district courts can designate any one or more of the following as Workers’ Facilitation Centers (WFC) for the purpose of facilitating registration of workers:
  - i. Local Panchayati Raj Institutions (PRI) or urban local bodies;
  - ii. Resident welfare associations/society
  - iii. Non-profit organizations working among the Domestic workers.
- They can ask for any documents and look into cases of sexual exploitation, or if any helper is wrongfully confined in any such place or premises or rescue any child being used employed as a domestic worker

reporting by the females. It may due lack of awareness of because of their timorous nature. One cannot be intrepid and open about their issues if the society chooses to believe the contractor over the workers. This influenced the researcher to find out the problems faced by the women workers in the unorganized sector with one on one interaction with both the workers and CSO’s working on the same issue.

**Objectives of the Research**

1. To find the problems faced by the women in the unorganized sector
2. To suggest some measures on improving their condition.

**Research Design and Methods**

The study is descriptive in nature. It focuses on the problems faced by women workers in various fields of unorganized sector. The universe of the study includes women from Orissa, Rajasthan and Delhi employed in the unorganized sector. Non probability sampling has been used to select women for the ease of process. The majority of the population consists of women from rural background.

**Research Methodology**

**Problem Statement**

In India, most of the laborers in the unorganized sector are migratory. When the males migrate from one state to another, females are the ones who fill in for their gap. However, they have to face a lot of difficulties and problems. The ground-root problems never surface due to the non

**Survey:**

The sample consisted of 200 women between the age group of 20-35 employed in various fields as shown below:

<sup>11</sup> Ministry of Labor and Employment

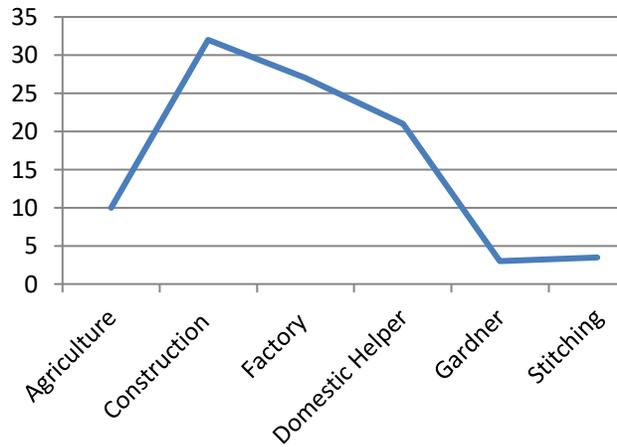


Fig 3: Percentage of women employed in various unorganized sectors.

The problems faced by them were recognized as follows:

**Payment related**

1. Our society is purely male dominated. The workplace considers the same. Work so done in the unorganized sector is termed not fit for a woman to do. No opportunity is given to a woman to expand. There is no equality of opportunity.
2. As, the work done by women is considered as menial, it is no surprise that they are not paid salaries equivalent to that of men.
3. Sometimes, it happens that a woman does not know whom she is working for and hence, she is not able to get her due. She just knows the contractor who does not pay her well.
4. It is said, work hard to get the best results. Having an astute contractor who would give them their due would be like

serendipity for them. In reality, the contractor does not give them the amount agreed upon. If they had agreed on Rs 300, they are paid only Rs 250. They are made to do work that is worth more than they are paid. If they try to complain, they are fired.

5. Moreover, it has also been seen that contractors tend to exploit women as they are considered as cheap labor. This attitude is also in the government sector. Eg a woman is paid just Rs 40 per day for working in the schools for 5-6 hours preparing the midday meals.
6. Moreover, the wage rates are very less and the women are forced to have the double burden of work to ensure the subsistence of their family.
7. There is an oversupply of workers in the market and the lack of mobility in short durations which eventually leads to lack of facilities and humane working conditions for the workers, if they deny the work, somebody else will always be ready to take their place in the cut throat competition.

**Social Security and Basic Facilities**

8. There is a lack of sanitation and toilets at the workplace. Due to non access of these basic necessities, women have to face extreme discomfort. It is like taking away their right to a quality life.
9. There is no separate provision or no provision at all for food, shelter, water, or a common resting place for women to take their breaks at
10. Another problem of these women is that they have to take care of their young children as well. Anganwadis are located far away from their homes and it is difficult for them to manage both work



and children. Moreover, these women are not provided crèche for children making their task even more arduous.

11. Sometimes, the women have to work overnight. Even then, they are not provided with night shelters thus ignoring their security and well being.
12. Women are not paid with par to men. Even when they work arduously without any breaks ploughing through the fields, all they are given is excuses for lower pay. Men are paid a higher wage because they are considered to 'work harder'.
13. Women are not even allowed sick leaves. If they take breaks or request for a leave to tend to themselves or any family member, they are simply replaced by someone else. There is no job security.
14. Unorganized sector has various accidents making workers prone to injuries, however, even if there is a major accident; women are not compensated nor are their heirs provided with any sort of help in case of death.
15. The workers safety is not considered as a priority as the contractor does not provide them with any safety measures or equipments. They work without helmets at the construction sites, without proper masks and gloves in the factories making them highly vulnerable.
16. Majority workers in the unorganized sector are not working in any registered companies. Thus, in case of mis-happening, they are not able to take any action against them.
17. There can be other diseases that a worker may contract because of the nature of the job, this can be severe to women, as they shoulder more responsibility, but they are not compensated for that either.

18. Women are not given any maternity benefits. Moreover, when they get pregnant, they are forced to leave the job as they become unfit for it and are less efficient and need more rest.
19. Then there are problems of middlemen as well. Sometimes, they can be fake and thus, the workers can get duped. Or if they do not have any license, they are able to avoid any responsibility towards the worker.

### **Domestic Workers and Harassment of women.**

20. The main problem of the society is that even a large number of women are employed, their visibility is very low. So when we imagine a worker, it turns out to be a male where more than 50% of the workers are women. This leads to patriarchal thinking and harassment of women in the society.
21. Women are exploited at their workplace and even at their homes. At the workplace, the young women are segregated from the older ones and are subject to continuous harassment by the contractor against whom they do not raise their voices.
22. The main reason for this is that firstly they are not aware of their rights and the laws that are there to protect them. Moreover, if they do say something, they are under constant fear of getting fired and it is very difficult to get a new job in this cut throat competition.
23. Even if they do make complaints, it falls on deaf ears. The police are highly unsympathetic and refuse to believe the women. They do not file a case against the wrongdoer but blame the women for her own harassment.



This type of attitude from other women is highly pernicious as it destroys the trust of a woman in not just the government and the system but the society in general as well.

24. But the condition of Domestic workers is even worse. They are not governed by any specific law which makes them even more vulnerable.
25. They have to face constant discrimination at the hands of the employers and the society in which they work in. They sometimes make separate doorways, lifts for them and treat them cruelly. Doing this can be termed as unconstitutional.
26. Sometimes, these women are also sexually harassed by the employers. But the harassment is not limited to just sexual harassment, they face mental harassment as well. Eg. If they take a loan from anyone, they are forced to pay high interests on it. The women are even asked special favors in return for it. This puts them in constant mental agony as well.

make the working environment comparatively safer.

4. There should be strict implementation of laws so as to ensure that the workers are provided with the basic facilities like toilet, crèche, water and shelter facilities should be provided to women at their workplace.
5. The implementation can be made better by strengthening the labor department, increasing the capacity and the power of labor unions, gender laws should be integrated, employer employee relation should be made better and the contracts must be duly registered.
6. There should be insurance of the workers working in hazardous areas to ensure that in the case of death, their heirs get due compensation.
7. Proper data should be maintained of the workers in any industry, This helps in getting them relief and keeping a record and check on what happens at the workplace.
8. Mass Legal awareness campaigns should be organized to ensure that the workers become aware their basic rights, because it is only then that they will be able to fight for themselves.
9. As far as the employer is considered, he should appoint only registered contractors and should take responsibility when it arises. They should have a proper contract stating all the conditions and the liabilities of the work.
10. There should be fixed working hours for women so they are given adequate breaks and holidays while working and if they are working overtime, they should be paid extra for the same.

### **Recommendations**

1. The main problem was identified as the lack of awareness among both – the workers and the activists regarding some committees, schemes and various facilities provided by the government, where the complaints can be registered etc.
2. Sensitization of government officials should be done to make them aware of the suffering of women in this sector.
3. To ensure the success, the registration of women workers should be increased to maximize the visibility. This will encourage participation of women and



11. Every construction sites should also be registered to ensure transparency in the matter.
12. Maternity benefits should be extended to women all the sectors. They should be given paid leaves at least 2 months before the birth and for 3 months after the delivery.
13. The tokenistic representation of women in the society should be taken care of. Women should be included in the process of decision making. This will help in better formulating of laws as new issues would be easier to bring to light.
14. Helpline services for women should be opened so that they can get quick relief.
15. Female unions should be made who will focus specifically on women so as to get them more relief and empower them and bring issues of theirs to the government.
16. Occupation boards should be made to protect the interests of the domestic workers. Specific laws should be made to protect them from exploitation.

conditions, which allow them to expand their livelihoods.

We cannot harness the talent in the country by excluding 50% of the talent. No country can achieve its whole potential without utilizing all its assets. But that does not mean that it should be done by sheer exploitation of women. The condition will improve only when women participate without fear. To make this dream a reality, we need more than just in-implementable laws. We need parity.

### Bibliography

- Dr. Lakshmi Devi Y , 'Problems of women in unorganised sector: A study of women workers in UN organised sector in Vijayapura city (Karnataka)' International Journal of Academic Research and Development, pp 1056-1058 (2018)
- Eapen, Mridul, 'Women in Informal Sector in Kerala: Need for Re-Examination', Economic and Political Weekly, Vol. 36, No. 26, pp 2390-2392, (2001).
- Jan Breman, 'Of peasants, migrants and paupers: Rural Labour and capitalist production in West India, Delhi' : Oxford University Press; Vol 47, pp 912-914, (1988).
- Kalpana Devi, UV Kiran, 'Status of Female Workers in India : A Review' ; International Journal of Humanities and Social Science, pp 27-30 (2013)
- Kulwant Rai Gupta. *Economics of Development and Planning*. Atlantic Publishers & Dist. p. 746. (2009)
- Manju , 'Women in unorganized sector - Problems & issues in India' , International Journal of Applied Research, pp 829-832 (2017)

### Conclusion

Studies reveal that the women workers in the unorganized sector face not only dual work burden or responsibility but the problems of gender discrimination, wage discrimination, poignant working conditions, lack of training, education and skill, low wages, job insecurity health problems and so on, at their workplace. The improvement in the conditions of livelihood of the women workers depends not only on their own attitude towards this injustice, but also on the implementation policy and a regulatory framework of the government as well as programmes, which create the



- MN Chitra, '*A Descriptive Study on Problems of Women Workers in Construction Industry at Tiruchirappalli*' International Journal of Humanities and Social Science, pp 46-52 (2016)
- Press Information Bureau, '*Providing Safety and Protection to Women Workers in Both organised and Unorganised Sectors*', Ministry of Labor and Employment (2018)
- Rao Shanmukha P, Suryanarayana NVS, '*Issues and challenges of female labour migration*', 2013.
- Rapaka Satya Raju. '*Urban Unorganised Sector in India*' Mittal Publications. pp. 11-17. (1989)
- Rehman Sobhan . '*Challenging the Injustice of Poverty: Agendas for Inclusive Development in South Asia*. SAGE Publications. pp. 131.(2010)
- Report On Conditions Of Work And Promotion Of Livelihoods In The Unorganised Sector. Academic Foundation. (2008).
- Ruddar Datt , '*Growth, Poverty, and Equity: Story of India's Economic Development*'. Deep & Deep. p. 134. (2008).
- Press Trust of India, '*Odisha proposes to increase minimum wage for daily laborers*, Business Standard (2018).
- Press Information Bureau, '*Providing Safety and Protection to Women Workers in both organized and unorganized Sectors*, Ministry of Labor and Employment (2018)
- S Monisha, PL Rani '*Women Working In Unorganized Sector-A Conceptual Study*', Indian Journal of Applied Research Vol 6, pp 97-99 (2016)
- Sylvine, '*Duties Of The Employer Under The Equal Remuneration Act, 1976*', Blog-ipladers, (2016)
- '*Unorganised sector welfare*, Vikaspedia (2016)
- Union of India v Nargesh Mirza (1981) 4 SCC 335.

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