

The Scenario of Women Workers in the Informal Sector: An Exploration

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Introduction-

“Women constitute half of the world’s population, work two third of the world’s working hours earn one-tenth of the world’s income and own less than one-tenth of the world’s property.”²

The eminence of the Informal sector in the Indian economy is mainly concentrated in informal sector. Informality exists in all the labour markets in both high- and low-income nations, although it is more ubiquitous in developing countries. The informal sector employment, has assumed its manifestation in the present labour market by accommodating significant proportion of women workforce. The women workers enter this sector mainly to support their family and for securing financial independence. These workers are the main focus of the study as they are entering into the labourforce without any formal security and protection.

I. NATURE AND SCOPE OF THE INFORMAL SECTOR IN INDIA

India is a dominant country in Asia’s economic growth and home to the world’s second largest workforce of about 500 million people.³ Labour is an abundant factor in the Indian economy. In the contemporary world, substantial part of the workforce in India and other developing countries have gained their presence in the informal Sector. The major backbone of the economy, the informal sector workforce is often being neglected by all countries across the globe. After 1960, we see tremendous growth of the informal sector in the third world countries or the developing nations that have left thought in the mind of International Labour Organization (ILO) to conceptualise the term ‘informal sector’ as it is quite difficult to give a precise meaning to the term. In India, the term ‘*Informal*’ has been used neither in the official statistics nor in the National Accounts Statistics (NAS). Approximately more than 90% of the workforces that is 4.47 million populations are concentrated in the informal sector.⁴

The Informal sector economy is the primary source of employment for most of the in developing countries. This sector is often unregulated, invisible, unlicensed, and unattended by any of the existing

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². A.P Varma, Women Labour in India- A Comprehensive Manual, 7, V.V Giri National Labour Institute, Noida, 1996.

³. Khema Sharma, ‘Role of women in the Informal Sector in India’, vol 4, Issue 1, pg 29-36, Journal of Humanities and Social Sciences (JHSS), Nov-Dec-2012.

⁴ Supra n-2 @ pg.- 33. In fact, the Report on ‘Unorganised Sector Statistics’ by the National Statistical Commission (2012), Government of India, states that in India, more than 90 % of the workforce and about 50 % of national product are accounted for by the informal economy.

labour laws. Prof Keith Hart⁵ coined the term '*informal sector*' for the first time in the year 1971,⁶ to those economic activities that are outside the purview of regulatory norms and control. The growth of the Informal sector employment in India and other developing nation is due to the link between both demand side (*Poverty, employment opportunity or necessity, time-based, migration*) and supply side (*urbanisation, family income, easily assessable, feminisation, and financial help*) of the economic activity, thus this has led to endless difficulties and problems in the informal sector.⁷

II. DEFINITION OF INFORMAL SECTOR-

The Informal sector has assumed its significance by its overall growth and development in most countries over the years. Some of the definitions of Informal sector are identified and discussed below as follows: -

- i) According to **Keith Hart**,⁸ the informal sector is defined as "those occupation or economic activity that is not recognised by any government employment statistics and operating based on the statistical information provided by the government. This definition is confined and limited only to those activities that are unprotected and unregulated by the external interference of the State.
- ii) The **17th International Conferences of Labour Statisticians in 2003**,⁹ defines informal sector as follows-

"An informal sector has been defined as a group of household enterprises or unincorporated enterprises owned by households that includes:

- a) Informal own-account enterprises, which may employ contributing family workers and employees on an occasional basis; and
 - b) Enterprises of informal employers, those employ one or more employee on a continuous basis.
- iii) The **First National Commission on Labour (1966-69)**¹⁰ defined the term '*Informal sector workers*' as

"those workers who are unable to mobilize their strength in pursuit of their common interest; due to certain constraints like casual nature of employment or unskilled employment, ignorance and illiteracy, small and scattered size of establishments, low capital investment and scattered nature of establishment with dominance of employer."

⁵. The term informal sector has been introduced while making a presentation on 'Informal income opportunities and urban employment in Ghana', in the Institute of Development Studies in 1971 at a conference on urban employment in Africa. The term received wide recognition when the ILO mission visited Kenya in 1972.

⁶. Kanak Kanthi Bagchi and Nirupam Gobi, 'Social Security for Unorganized Workers in India', 22, Madhav Books, Gurgaon, 2012, (ed).

⁷. For E.g. Domestic workers are engaged with more than one employer, small industries, micro, street vendors- do not have employers, a home-based worker does not know who their employer is – all these various elements make it challenging to give a single definition of the informal sector.

⁸. Meenu Agrawal, Rural Women Workers in India's Unorganized Sector, 41, New Delhi, New Century Publications, 2012, edition.

⁹ ILO, Report of the Seventeenth International Conference of Labour Statisticians, Geneva, 24 Nov-Dec-2003. It is being defined as those units that are involved in the production of goods or services with the main objective of precipitating employment and income to the workers concerned. The requirement of capital resources is less in informal sector activities, and it is labour intensive enterprises.

¹⁰. Government of India, Report of the First National Commission of Labour, (Ministry of Labour Employment and Rehabilitation, 1969) It was constituted in the year 1966 under the Chairmanship of Justice Gajendragadkar.

v) **The National Commission of Enterprises of Unorganised Sector NCEUS (2007)**¹¹

defines the term ‘*Informal sector*’ and ‘*Informal worker*’ as follows-

"Unorganised Sector" refers to all those unincorporated private enterprises owned by individual or households that are involved in sale and production of goods and services employed on a proprietary or partnership basis with less than ten members in such units."

‘Unorganised or informal worker’ are “those working in the unorganised enterprises or households, excluding regular workers with social security benefits provided by the employers and the workers in the formal sector without any employment or social security benefits provided by the employers.”

The NCEUS Report¹² also stipulates that based on the working conditions and the nature of employment, and legal insecurity, has been categorised as informal employment. The terms of employment are whether there is a job contract; secondly, are they eligible for paid leave and the availability of social security benefits based on the affirmative answers to these questions, we can identify an informal worker.¹³

From the above given definitions, we can analyze that all those economic activities or enterprises that are engaged in wage employment and which are naturally unstructured, traditional, unprotected, unregulated, unlicensed, unrestricted by state interventions, uncontrolled by governmental agencies, unrecognized and excluded from the provisions of existing labour welfare legislations are been termed as unorganized or informal sector in India. The informal sector covers those activities that will never require any expertise training, of any skill and any educational or semi-educational qualification and that fall outside the governmental control mechanism.¹⁴

III. WHO ARE INFORMAL WORKERS?

From various studies conducted in the informal sector¹⁵ it's been observed that the informal sector workers are motivated by the utmost desire of survival rather than profit making. Among the overall labour force of the Indian economy, the participation of workforce in the unregulated and unrecognized informal sector employment is higher than the share of workforce in the formal sector.¹⁶ The inability of the formal sector to generate employment opportunities for rural masses and the scarcity of skilled and literate people to sneak into formal jobs are the reasons for the growth of informal sector in India. The vulnerabilities they face are endless due to the absence of legal protection. The grueling poverty has a direct nexus on the economic stagnation and the population explosion; the prolonged poverty existing in the society, have drawn the dynamics of the community in a way that has perpetuated and generated employment in the secondary sector (also called Informal sector).

¹¹. Government of India, the 55th round report of the National Sample Survey Organisation 1999-2000, NSSO, (Ministry of Statistics, 2001) and Report on Condition of Work and Promotion of Livelihoods in unorganized sector, 3, NCEUS, (Ministry of Labour and Employment, New Delhi, August 2007.

¹² Ibid @ 11.

¹³ Supra @ n 8, pg. 15.

¹⁴ Jhabvala Rehana, ‘Women in People's sector: Experience of SEWA’, 49, Social Welfare, undated.

¹⁵ Ajaya Kumar Naik, Informal Sector and Informal Workers in India, this paper prepared for the special IARIW-SAIM Conference on “Measuring the Informal Economy in Developing Countries”, 36, Kathmandu, Nepal, Sep 23-26, 2009.

¹⁶ The World Bank, India's Employment Challenging Jobs, Helping Workers, Poverty Reduction and Economic Management Unit South Asia, Oxford University Press, 2010.

IV. CHARACTERISTIC FEATURES OF THE INFORMAL SECTOR-

The formal sector includes all those regulated public sector enterprises, services, and industry and part of the private sector, and the informal sector comprises of agriculture, non-agricultural as well as various small-scale industries and services¹⁷ activities that consumes more than 90 per cent of the total labour force.

The Informal sector employment¹⁸ is usually considered as informal and unorganised due to various features that are outlined below as follows-

- a) Absence of proper regulation and recognition.
- b) Non- coverage by national minimum wage legislation and social security system.
- c) The predominance of own- account and self- employment work.
- d) The absence of trade unions.
- e) Low income and low wages.
- f) Little or no social security provisions.
- g) No fringe benefits from institutional sources.

V. THE GROWTH OF THE INFORMAL SECTOR IN INDIA

The process of economic development, export-oriented industrialisation,¹⁹ and relocation of industries from developed to the developing countries have also contributed to the growth of the informal sector. From various studies,²⁰ it has been observed that the women workers are primarily concentrated in the informal sector employment for reasons of poverty, substantial indebtedness, and ultimately to gain financial aid to their dependents or family members. The growing size of the informal sector workforce is mainly because the formal sector is unable to generate and provide employment to the ever-increasing human capital resources. According to the Ministry of Labour and Employment, Government of India, the factors,²¹ that has profusely influenced the women workers to enter the workforce are as follows-

- a) The inadequate income of the family earner,
- b) Temporary Mishaps,
- c) Death of the breadwinner to family and
- d) Woman's desire for achieving economic empowerment, and for securing a higher standard of living.

¹⁷ Government of India, Report of the Committee on the Status of Women in India- Towards Equality” (Ministry of Education and Social Welfare, Dept. of Social welfare, New Delhi, 1974).

¹⁸ Dr S.N Tripathy, Women Labour in Construction Sector: A Study in Orissa (1996) in S.N Tripathy (ed), "Unorganized Women Labour in India, 120, Discovery Publishing House, New Delhi, 1996.

¹⁹ T.S Tapola, Urban Informal Developing Economy, 67, Vikas Publishing House Pvt Limited, New Delhi, 1981.

²⁰ Rama J Joshi, Women at Work: Implications for Organisations, Indian Journal of Industrial Relations, Vol, 23, No 1, Indian Journal of Industrial Relations, 465, (April 1988), & S.P Kashyap and Himlal Singh, Urban Informal Sector: Issues Arising out of Gujarat's Experience, Indian Journal of Industrial Relations, Vol 23, No 1, July 1987.

²¹ Padmini Sengupta, 'The study of Women in India, (Foreword by) Indira Gandhi, 238, Indian Book Company, New Delhi, 1974.

VI STATISTICAL PROFILE OF INFORMAL SECTOR IN INDIA

Out of the total 440 million workers in India 93 per cent of the workforce are concentrated in the informal sector.²² As per the data analysed by Jeemol Unni (2002),²³ based on the residual method, approximately 370 million workers were engaged in informal employment in 1999-2000. Among them, the non- agricultural workers in informal employment (excluding agriculture, fishery, forestry, etc.) were been estimated at 133 million. This implies that the informal employment constituted nearly 93 per cent of the total workforces and 83 per cent of the non-agriculture workforce during 1999-2000.²⁴ According to new ILO report²⁵ indicates that in India, 95 per cent of the workforce is in the informal sector. The total share of informal employment was 78% in 1999-2000; it increased to 81% in 2016-17.

Table 1- Estimated population and labour force²⁶

	2012-13	2013-14	2014-15	2015-16	2016-17
Population (in Million)	1232.4	1250.1	1267.6	1285.0	1302.2
Labour force (In Million)	505.3	516.7	528.2	539.7	551.3
Per 1000 Population.	(410)	(413)	(417)	(420)	(423)

Source- Estimated by EPWRF (Employment, Planning and Policy Research Foundation), (2012-2017).

The participation of the workforce in the informal sector is almost 400 million people (accounting for more than 85% of the working people), and of these, at least 120 million are women. The workforce participation rate of females in the rural sector was 26.1 in 2009-10 (NSSO 64th)²⁷ while that for males was 54.7 in the urban sector; it was 13.8 for females and 54.3 for males. 20.4% of women were employed in the formal sector in 2010, with 17.9% working in the public sector and 24.5% in the private sector. The ILO Report,²⁸ states that close to 81% of all employed persons in India make a living by gaining employment in the informal sector, with only 6.5% of the workforce employed in the formal sector, and 0.8% in the household sector. A survey conducted in the year 1985 in Bombay (by the College of Social Work, 1985),²⁹ it was found that the roughly 26000 working women living on the pavement, approximately 11% were domestics, 7% petty traders, 4 % daily wage labourers, 3 % construction workers, and 3% rag pickers with the rest scattered in various other 20 occupations. A 1986 survey also found that 40 % in services, 30 % in trade, 15 % in primary manufacturing, 8 % in construction and 5% in other activities. (NIUA, 1987).³⁰ To conclude the most common occupation the informal employment

²². Government of India, Labour Act, (Ministry of Labour and Employment) New Delhi, (2016), retrieved on 22/6/19 at 10 pm from <http://labour.nic.in>,

²³. Jeemol Unni, Paper presented in the Workshop on “Globalisation and Its impact on the women workers in the Indian Economy,” Pg 5, organized by UNIFEM and SEWA, Titled “Size, Contribution and characteristic of formal employment in India, 4th and 5th Dec 2002.

²⁴ Ibid at 7

²⁵ ILO’s Report on women and Men in the Informal economy, A Statistical Picture (Third Edition), ILO, 2018, <https://thewire.in/labour/nearly-81-of-the-employed-in-india-a>, retrieved on July 18, 2018, at 6 p.m.

²⁶. Government of India, Report of the working group on Employment, Planning and policy, for the 12th five-year plan (2012-2017), 11, - Ministry of labour, employment and manpower, Division, Dec-2011.

²⁷. Government of India, report: the 66th round report of unorganized sector conditions of employment in India, (July-2009-June 2010), Ministry of Statistics and Programme Implementation, New Delhi, 2012.

²⁸ Supra n 21 @263.

²⁹. Jana Everest & Mira Savara, Women and Organisation in the Informal sector, 7, Himalaya Publishing House, 1994.

³⁰ National Institute of Urban Affairs.

of women workers are domestic services (15%), Vegetable vendor (14%), tailoring (9%) and construction 8%.³¹ The National Commission of Labour,³² states that the exact statistical information relating to the concentration of women workers in agriculture and non-agricultural activities is unreliable and inadequate because most of the workers are unaccounted and unregistered.

Through various studies on the informal sector and its workers,³³ it has been found that the informal sector workers are classified based on their status and nature of employment into three main categories such as a) self-employed, b) wage earners working outside and inside their homes perhaps in the form of nuclear enterprises, and c) unpaid family helpers.

Table 2: The size of the Informal sector (rural and urban sector) in percentage: All-India (2009-10)						
Sector	Agriculture			Non-Agriculture		
	Male	Female	Persons	Male	Female	Persons
Rural	90.6	95.0	93.4	73.0	64.1	71.3
Urban	88.3	97.7	92.5	68.3	60.1	66.9

Source based on NSS Employment-Unemployment Data, 2009-10.³⁴

From the above table 2 it is clear that the informal sector accounts for larger participation of total workforce of our country.

VII DIFFERENCE BETWEEN INFORMAL AND FORMAL SECTOR

This informal or traditional sector is outside the realm of any pervasive and legal control that exists for other formal sector workers.

Table-3: -The difference between both the sectors is encapsulated in the below table as follows: -

Particulars	Formal Sector	Informal Sector
Job Security	High	Low
Working Hours	Fixed/ Regulated	Not fixed/ Not Regulated
Wages	Regulated/ Minimum Wages	Not Regulated/ No Minimum wages
Social Security including medical allowances and sick leave	Most provided	More or little

³² Padmini Swaminathan, 'Outside the realm of Protective Legislation: The Saga of Unpaid Work in India', (Ed) by Kalpana Kannabiran in "Women and Law- Critical Feminist Perspective, 124, SAGE Pub, 2014.

³³ Manjit Singh, Unorganised Industries: Conditions of Work and Labour Laws, Indian Journal of Industrial Relations, Vol 23, No 3, 373, Jan 1988.

³⁴ Arup Mitra, Urban Informal Sector in India, YOJANA October 2014, pg. 2-7; Arup Mitra, urbanisations slums, Informal Sector Employment and Poverty: An Exploratory Analysis, D.K publishers, Delhi, 1994.

Labour Laws, including the right to freedom of Association and Collective bargaining.	Protective	No or Little Legal Protection
Employee - Employers relation to an employment contract.	The issue of appointment letter	Without an appointment letter.
Safe work environment	Safer and secure working conditions	Vulnerable to dangerous and hazardous work.
lack of unionisation and the absence of better networks	Homogeneous, highly organised and scattered.	Heterogeneous, unorganised.

Source- Ahn, Pong-Sul, Organising for Decent Work in the Informal Economy, ILO Sub-regional office and Bureau for Workers' Activities, New Delhi, 2007.³⁵

VIII INFORMAL SECTOR AND ITS DIVISION

The Informal sector workers are the most undocumented, unregistered and unsecured workers in India. As most of the workers employed in different occupations in the informal sector have not being registered in any of the National Employment Register,³⁶ it is quite difficult for us to draw an accurate data of these workers in India. The universe of Informal sector in India accounts for more than 90 per cent of the total workforce.³⁷ After going through various studies and research, the following workers to come under the segment of informal sector activities such as construction workers, domestic workers, garment workers, street vendors, sales girls etc. The National Commission of Labour,³⁸ has provided with an elaborative list of enterprises and work that are being identified as unorganised or informal sector activities. They are as follows-

- Contract labourers including construction workers
- Casual labourers
- Labour employed in the small-scale industry,
- Handloom and power loom workers,
- Beedi and Cigar workers,
- Employees in the shop and commercial establishment,
- Sweepers and Scavengers,
- Workers in Tanneries, tribal labourers and
- Other unprotected labourers.

All the above-stated segment of informal sector workforce has entered this labour market because the various activities and occupations that have been identified under this sector do not require skill, training nor technical qualification.

³⁵. C.P Thakur and C.S Venkata Ratnam, Conditions of Work in the Unorganised Sector in India, The Indian Journal of Labour Economics, Vol 50, No 4, 753, 2007.

³⁶. Some of the informal sector workers such as domestic workers, rickshaw pullers, scavengers, vegetable, vendors, construction workers and others are not put on the record and to arrive at their actual reliable data is not possible.

³⁷. According to the National Perspective Plan for Women, 1988-2000, Department of Women and Child Development, Ministry of Human Resource Development, Government of India, 1988.

³⁸. Supra note 10.

IX THE COMPOSITION OF THE INFORMAL SECTOR WORKFORCE IN INDIA

Table 4: Participation of Workers in Formal and Informal of Employment for 1999-2000 and 2004-2005³⁹

Category of sector/ Workers	2004-2005		
	Informal Workers	Formal Workers	Total
Informal sector	393.5 (99.6)	1.4 (0.4)	394.9 (100)
Formal sector	29.1 (46.6)	33.4 (53.4)	62. 6(100)
Total	422.6 (92.4)	34.9 (7.6)	457.5 (100)
	1999-2000		
	Informal Workers	Formal Workers	Total
Informal sector	341.3 (99.6)	1.4 (0.4)	342.6 (100)
Formal sector	20.5 (37.8)	33.4 (62.2)	54.1 (100)
Total	361.7(91.2)	35.0 (8.8)	396.8 (100.0)

Source: Director General of Employment and Training of Ministry of Labour and Employment, Report of NCEUS 2007. NSS 61st Round and NSS 55th Round, Employment and Unemployment Survey computed.

X THE CONTRIBUTION OF THE INFORMAL SECTOR TO THE INDIAN ECONOMY

The informal sector contributes to the economy and caters to the wide-ranging requirements of the formal sector.⁴⁰ The informal sector has contributed immensely to the economy and GDP⁴¹ of the nation. According to the 1995 National Accounts Statistics Report, it has been analysed that the contribution of the informal sector to the national income is about 65%.⁴² An NCEUS Report estimates that in 2005 out of the 458 million persons employed in India, 86 %, or around 395 million worked in the informal sector,⁴³ generating about 50.6 % of the country's Gross Domestic Product (GDP).⁴⁴ The contribution of women workers to the GDP in the informal sector works out to 32 per cent, including agriculture and only 20 per cent in the non-agricultural sector. The women's share in Gross Domestic Product is about 27 per cent in manufacturing and 34 per cent in community, social and personal services. It is lower in the other non-agricultural sectors. As per the estimation of the National Commission for Enterprises of Unorganized Sector, the informal sector contributes more than 50 per cent of the GDP of the nation.⁴⁵ Despite this

³⁹ Supra note 8 @ pg. 33.

⁴⁰ Supra n 10 @ pg. 25.

⁴¹ Gross Domestic Product.

⁴² The Government of India, Report of the committee of unorganised Sector Statistics, 11, National Statistical Commission, (Ministry of Statistics and Programme implementation), FEB 2012.

⁴³ Ruddar Dutt, Growth, Poverty and Equity: Story of India's Economic Development; 134, Deep and Deep Publication, 1st Jan 2008.

⁴⁴ Rehman Sodhan, Challenging the Injustice of Poverty: Agenda for Inclusive Development in South Asia, 131, SAGE publications, New Delhi, Undated, and Supra Note 11.

⁴⁵ . Report of NCEUS 2007, Supra n 11 @ 38.

informal sector being in prominence, the workers belonging to this employment are poor, unrecognized, unrepresented in any organisation and are vulnerable to violation of rights of workers.⁴⁶

XI WOMEN WORKERS AND INFORMAL SECTOR

Women workers form an integral part of the Indian workforce and since years long, they have been the backbone of the rural economy.⁴⁷ The reflection of the workforce population in the participation of women's work is been literally based upon the definition of 'work' in any prevailing economic system. Currently, women in paid employment are actively involved in both formal and informal sectors workforce.

Women's world of work is beleaguered with problems of discrimination, exploitation and overall uncertainty. The role performed by women, as an unpaid worker at home is unaccounted in any of the labour statistics and the productive role of women as a waged worker is been undermined due to varied reasons. The transformation of social structure of the society and the stigmatised attitude of the society on women has influenced the growth of women workers in the informal sector in which the employment is surpassed with low wages and less advancement for women workers. Though women are gaining employment in the formal sector jobs such as teachings, public sector enterprises, software engineers, doctors, lawyers and so on but the transitory stage as to the practice of discrimination against sex and age,

Historically, women have been the element of exploitation in a community that is been based on multiple factors such as caste, class, religion, region, disability, gender and sexuality. These factors have also contributed to depriving the enjoyment of the labour rights by women workers in the labour market activities. Though the predominance of women workers has been articulated in the informal sector workforce, they are the least protected and least recognised workers in the society. According to Martha Chen,⁴⁸ the informal sector is gaining significance in the world economy and attracting a large proportion of women workers into its ambit as the entry into this sector is easy and flexible.

Notwithstanding the temporary assault on her rights, a woman worker has emerged as an epitome for empowerment in several avocations. Developments of science and technology, changes in the social attitudes and family living patterns and access to education, have led to the transformation in the nature and choice of woman's work. Today women workers act as a significant component of the workforce, actively participating both in formal and informal sectors. The large proportion of women workers working in the informal sector are not included in the official statistics, and their work is undocumented and considered as low skilled, low paid, disguised and not guaranteed with any form of social security benefits. The informal sector women worker deserves a special mention rather than exclusion, as they belong to the much marginalised or impoverished section of the society.

According to the studies conducted for the estimation of total employment of the workforce in both formal and informal sector employment,⁴⁹ it is been observed that millions of workers have been

⁴⁶. Mirai Chatterjee., Organising for Social Security: Grassroots Action to Legislation", Policies and Effective Implementation, 264, Journal of the NHRC, Vol 12, 2014.

⁴⁷ M.I. Siddiqui, "Women Workers in India- Bird's Eye view, 62, Anamika Publishers and Distributors(P) Ltd, New Delhi, ISBN 81-7995-071-X.

⁴⁸. Martha Alter Chen, Rethinking the informal economy, available at <http://www.india-seminar.com/2003/531/531%20martha%alter%20chen.htm>. retrieved on Dec 12th, 2016 at 10 pm.

⁴⁹. Anitha Anand, Engendering the II Five-year plan 2007-2012, Removing Obstacles, Creating Opportunities, National Alliance of Women, NAWO 2008, (Ed) pg. 2, Support from Ministry of Women and Child Development (MWCD), UN Development Program and UNIFEM- UN Development Fund for Women, 2008).

casually employed in various categories of activities or occupation for paid wages. There are 400 million workers; of these, 312 million are primary workers, and 88 million are marginal workers. Among the primary workers, 23.3 per cent are women, and of these, about 87.3 per cent are from rural areas.⁵⁰ The informal sector workers have been excluded from labour entitlements via the Factories Act, 1948; the Industrial Dispute Act, 1947; the Maternity Benefits Act, 1961; the Workmen Compensation Act, 1923, Payment of Wages Act, 1936; Minimum Wages Act, 1948; and so on.

From various indicators,⁵¹ it is been observed that the 104.5 million women workers are concentrated in rural areas and 22.8 million are concentrated in urban areas during the period in 2009-2010. During the period 2004-05 to 2009-10, the percentage of casual workers among rural females amplified from 32.6 % to 39.9 % and among urban females from 16.7 % to 19.6 %. The equivalent figures are 32.9 % and 38 % for rural males and 14.6 % and 17 % for urban males for the year 2004-05 and 2009-10 respectively.⁵²

The Report of Working Group on Employment, Planning and Policy: (12th five-year plan, 2012-17); it is been observed that a rough estimate shows that depending on data of self-employed and casual employment in rural and urban areas; we can identify the working poor.⁵³ Thus, women workers in the informal sector fall within the ambit of working poor.⁵⁴ Across the globe, among the various categories of the informal sector employment; domestic work sector is perceived as an activity that witnesses high demand for female employees and India is not an exception to this fact.

Table 5: Distribution of informal and formal sector workers by sector wise and sex between 1999-2000 and 2004-05 (in millions)

Sector	Sex	Informal sector		Formal sector		Total	
		1999-2000	2004-2005	1999-2000	2004-2005	1999-2000	2004-2005
Rural Informal Sector	Male	178.50	197.87	18.24	21.17	196.74	219.04
	Female	98.63	117.21	5.39	6.82	104.82	124.03
	Persons	277.13	315.08	23.63	27.99	300.75	343.07
Urban Informal Sector	Male	51.62	61.94	25.42	28.46	77.05	90.4
	Female	13.89	17.88	5.07	6.12	18.96	24.00
	Persons	65.51	79.82	30.50	34.58	96.01	114.4
	Male	230.12	259.81	43.66	49.63	273.78	309.44
	Female	112.51	135.09	10.46	12.94	122.98	148.03

⁵⁰ Ibid, pg. 3.

⁵¹ Supra n 27 @5, As per usual principal and subsidiary status (UPSS).

⁵² Supra n 23 @ pg. 5.

⁵³ Working poor are those persons who can't afford to remain unemployed, but out of necessity enter the labour market that is without social security and legal protection.

⁵⁴ G.P Sinha & S.N Ranade, Women in a Developing Economy-2, Women Construction Workers- Reports of Two Surveys, ICSSR, Allied Publishers, 1975.

Total	Persons	342.64	394.9	54.12	62.57	396.76	457.46
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Source– Computed from NSSO 55th Round (1999-2000) and 61st (2004-2005) Round survey on employment and unemployment, Government of India, 2007.

From the above table, we can draw an estimation as to the total number of informal sector employment is 457.46 million workers in 2004-05, whereas the size of the workforce in the year 1999-2000 was 396.76 million workers. The data has increased in the informal sector. The growth rate of the urban informal sector is higher than that of formal sector workers. From the above chart, we can observe that the participation of workers is high in the industry and service sector when compared to the agricultural industry, which has declined in years. Most of the women in rural areas have been mainly concentrated in agriculture and other allied activities. From Table 4, it is being observed that there is a phenomenal growth of participation of women workers in the informal sector categories. Comparatively the total employment is steadily increasing in the informal sector and gradually decreasing in the formal sector.⁵⁵

Among the total female workforce of about 149.8 million female workers, 35.9 million females are working as cultivators, and another 61.5 million are agricultural labourers. Of the remaining female workers, 8.5 million are in the household industry, and 43.7 million are been classified as other workers.⁵⁶ As per the third and fourth Annual Employment-Unemployment Survey Launched by Labour Bureau in Oct. 2012 and Dec. 2013, female labour force participation rate have been increased from 22.6 per cent to 25.8 percent.⁵⁷ The NSSO 68th round showed that the employment rate had grown strongly from 2009-10 to 2011-12. The total workforce in India has increased from 459 million in 2009-10 to 472.9 million in 2011-12.⁵⁸

From the various studies conducted,⁵⁹ the researcher observes that the informal sector women workers frequently participate in the following four types of occupation that are named below as follows-

- Domestic or Housework,
- Assisting with the primary worker in production activity,
- Manual or unskilled labour- were they work as wage earners along with their male counterparts,
- Skills and professional based work types such as Doctors, Engineers, and Industrialists, Managerial, Military, and so on.

⁵⁵ Mita Bhadra, Women Workers of Tea Plantations in India, Pg. 41, Heritage Publishers, New Delhi, 1992.

⁵⁶ Government of India, Annual Report 2017- 2018, 101(Ministry of Labour and Employment),(MOLE), 2018, website- <http://www.labour.nic.in> accessed on April 20th 2018.

⁵⁷. Ibid.

⁵⁸. ILO, India Labour Market update, ILO Office, July 2016., retrieved from www.ilo.org/wcmsp5/groups/public/---asia---ro-Bangkok---sro---new-delhi/documents/publication/wcms_496570.pdf, on 2017 June 18th at 9 pm.

⁵⁹. C.P Rai, working women in India, 601(Laxmi Shikshan Sansthan, Lucknow and Anmol Publications Private Ltd, New Delhi, Vol 2, 2002.

XII WORKING AND LIVING CONDITIONS OF WOMEN WORKERS IN THE INFORMAL SECTOR

Informal sector employment is mainly characterised by easy entry with informal verbal contract between the employer and the employee supported by uncertainty of terms of employment relationships, no security of tenure of employment and acquainted with bleak working and living conditions.⁶⁰

The factors that influence the inflow of women workers into the informal sector labour market vary depending on the regions and cause for gaining opportunity of employment.⁶¹ Due to various structured constraints surrounding them, such as professionalism, educational qualification and training, they find it difficult to enter the formal sector employment. The more substantial participation of women workers compared to men is more in informal sector employment rather than the modern formal sector. The three major reports published by the Government of India on the status of women works in recent times- 'Towards Equality' (1974),⁶² 'Shramshakthi' (1988)⁶³ and 'National Perspective Plan for Women' (1988),⁶⁴ have assembled enormous details and information as to the exploitative conditions of women's work, their poor unequal and dependent status, position, miserable conditions, their inevitable contribution to the economy, and nascent efforts to organise them that has remained unnoticed till now.⁶⁵ The dual exploitation of women workers in the informal sector as 'women' and as 'workers' contributes to the underestimation and diminishing their work status.

One common issue that undermines the stand of women workers is Infamous glass ceiling (in formal employment), that is a systematic social custom of under-rating women's work and lack of access to better technologies, tools and productive assets.⁶⁶ Informal sector women workers face challenges both in their work as well as at their homes as it is quite difficult for them to balance both work life and personal life. The informal sector comprises of various segments such as street vendors, construction workers, agricultural workers, rag pickers, scavengers, rickshaw pullers, domestic workers, and so on. Women workers in the informal sector are generally the object of exploitation and harassment at the hands of employers.

However, the women workers have been entangled with difficulties when continuing to work in the unskilled and semi-skilled work, owing to various constraints: such as poverty, indebtedness, continued gender bias and discrimination, exploitation based on class, caste, biological and psychological conditions prevailing among themselves, attitudes of employers, etc. All these factors influence the concentration of women in the informal sector, where there is no assurance or promises with respect to fair wages, maternity benefits, medical benefits, and protection from employers during risk. Their

⁶⁰ A Kundu and A.N Sharma (eds), "Informal Sector in India: Perspectives and Policies," Institute of Human Development, Delhi, 2001.

⁶¹ Dr (Mrs) Hema V. Menon, "Unorganised Women Workers and Social Security", pg.6, Satyam Law International, First edition, 2012.

⁶² The World Bank, "India's Employment Challenging Jobs, Helping Workers", Poverty Reduction and Economic Management, Unit South Asia, Oxford University Press, 2010.

⁶³ Shramashakthi Report, National Commission on Self-employed Women and Women in the Informal Sector, Planning Commission, Government of India, New Delhi, 1988.

⁶⁴ National Perspective Plan for Women, Report of the core group set up by the Department of Women and Child Development, Ministry of Human Resources Development, Government of India, 1988.

⁶⁵ Alakh N. Sharma & Seema Singh(ed), Women and Work-Changing Scenario in India, Indian Society of Labour Economics, B.R Publishing Corporation, Delhi, 1993, Pg-8.

⁶⁶ Ibid Pg. 24.

condition in the informal sector are miserable due to the unregulated environment as they fall outside the ambit of labour legislation.

The women workers in informal employment are the silent victims who never resist their employers by fearing retrenchment without security. There is no job security; absence of medical facilities, no restrooms and crèche facilities, and the existence of other situations very much lower the status and position of these informal sector workers.⁶⁷ The unique initiative is been drawn towards the informal sectors during the tenth five-year plan wherein the government planned to extend the important legislation for the protection of the rights of the above workers.⁶⁸

XIII PROBLEMS OF INFORMAL SECTOR WORKERS AND WOMEN WORKERS

The informal sector workforce is always an insecure and vulnerable population of the Indian labour market. Informalisation is the key to this unregulated sector in terms of tasks performed by these workers, work relations between employer and employee and multiplicity of employers etc.; all these factors lead to substantial scale violation of human rights of the informal sector workers in general and women workers in particular.

Some of the peculiar problems faced by the informal sector women workers that expose them as victims of invisibility are been identified below as follows, they are: -

- i. Job insecurity and lack of opportunities for employment in the informal sector.**
- ii. Lack of minimum wages and the payment of low wages.**
- iii. Long hours of Work**
- iv. Poverty and Indebtedness**
- v. Occupational health and safety hazards**
- vi. The Absence of Social Security benefits**
- vii. Improper Working and Living conditions.**
- viii. Lack of Medical benefits or health insurance.**
- ix. Issues relating to Migrant workers**
- x. Lack of unionization or organization of the workers.**
- xi. Lack of formal employer and employee relationship**
- xii. Non- regulation of intermediaries or the Placement agencies**

IV CHALLENGES FOR WOMEN WORKERS IN THE INFORMAL SECTOR IN INDIA

According to the Economic survey,⁶⁹ the informal sector comprises of the total 87 per cent of the workforce, and they are outside the reach of tax and social security net. The blue-collar occupations are the informal sector activities in the labour market. However, the presence of great masculine tradition, lack of legal protections and social bias in the society undermine the status and position of women workers

⁶⁷ As Informal sector women workers are engaged in self-employed household and Non-household activities without security employment and wages are prone to a violation of rights. Women workers experience more episodes of illness at the workplace and less likely to receive attention.

⁶⁸ Rekha Mehta, Women workers in the Unorganized Sector, IV (1&2), Jharkhand Journal of Social Development, Vol. IV, No 1&2, 2012.

⁶⁹ Economic Survey prepared by Chief Economic Advisor Arvind Subramanian and his team recently read over by Arun Jaitley retrieved from <https://www.news18.com/news> on 19th April 2019 at 10.40 pm.

in the informal sector. The challenges that come in the way to block the women workers in the informal sector to assert and access their labour rights are numerous.

The mobilisation and organization of the informal sector workforce is another problematic challenge that prevents the women workers from raising voice against their grievances. Most of the workers in the informal sector are not been registered under any recognised National employment exchanges, and therefore we cannot arrive at exact statistical information about their numbers. Due to their unrealistic and unreliable data about their numerical strength, organising the workers of different segments falling under the informal sector is a difficult task. The vulnerabilities faced by the women workers in the informal sector is surpassed with that of lack of bargaining power of the workers with that of employers concerning terms and conditions of employment in various activities.

Another major issue relating to the informal sector employment about women workers is that of lack of proper wages or regular wages for the work performed by them in any economic activity or occupation.

Another important challenge we come across in the informal sector and informal employment is that there is an existence of diversified nature of activities such as domestic work, garment industry, street vendors, sales girls, construction sites, agriculture, and various other non-agricultural and agricultural activities. The real challenges that blocks the informal sector women workers to reap and enjoy the benefits of labour laws that exists for the formal sector employees, are absence of formalization of work, lack of regular stable contract between employer and workers, interference by intermediaries such as placement agencies, subcontractors, personalized nature of work, and lack of designated place of work. Majority of women choose to enter informal employment out of economic necessity that means they need financial assistance at any cost. In India among the overall total women workers in the informal employment, only 7.5 % are availing the membership of authentic registered trade unions.⁷⁰

Therefore, the women workers who choose to stay away from their homes 24/7 hours a day juggling at their work needs someone who can substitute them and perform the task for paid employment. The private household employer being women usually hires the domestic women workers, who do all the tasks that, were, once performed traditionally by women at her homes as unpaid workers. It has increased the demand for the supply of domestic workers across the globe and the said occupation is female oriented in nature. The large participation of women and girl children in such unrecognized and unprotected occupation has caused an alarm about the various problems they face in the workplace and at the hands of employers, due to the absence of a comprehensive legislation for their legal protection.

Last, but not least, women workers are not highly qualified and educated. They possess little skill and are entirely unaware of their basic rights as well as the labour welfare legislation that is existing for the protection of the women workers in the informal sector. The core issues of women workers in the informal sector can be resolved only through the embellishment and enjoyment of the labour rights for these workers. The need is for enumerating a pro-active policy for making a continuous pursuit of well-created labour reforms towards securing decent work agenda for the informal workers in India.

⁷⁰ Government of India, the 64th Round, Report No 470 of the National Sample Survey Organization, (Ministry of Statistics and Programme Implementation, 2009-10).