
THE PERSISTENT PREDICAMENT: VULNERABILITY OF WOMEN IN INDIA'S UNORGANIZED SECTOR

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ABSTRACT

Through a comprehensive analysis of the often overlooked challenges that women in India's unorganized sector face, this research paper delves into how their indispensable but underappreciated contributions to the economy are making a significant impact across the country. Despite facing challenges like low pay, hazardous working conditions, lack of social security, and widespread exploitation, these women are the backbone of many labor-intensive businesses and make up a significant proportion of the workforce. The paper investigates systemic injustices that restrict their growth opportunities, illustrating a glaring disparity between their substantial economic contribution and their growth opportunities. Using statistical data, case studies, and real-life testimonies, the study examines flaws in the current legal enforcement system. It also covers the persistence of injustice and inequality in terms of gender, thereby giving a view of the stern economic and social consequences that derive from disregarding such an extremely vulnerable working force. A comparative study on international best practices points to necessary reforms. The paper concludes with policy and practical recommendations to ensure fairness in the workplace by enacting stronger legislation, effective implementation, and awareness-building campaigns to enhance the conditions of women working within the unorganized.

I. INTRODUCTION

The unorganized sector accounts for a large section of the labor force in India, but it is still relatively susceptible to structural injustices, which disproportionately affect women. These women are working predominantly in labor-intensive jobs, such as construction, household work, agriculture, clothing manufacturing, and informal retail. They form a significant part of the economy, even though they work under hazardous conditions. They encounter a widespread absence of legal protections, insufficient social security provisions, and restricted access to

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vital benefits, resulting in their economic and social marginalization.² This gender disparity is further augmented by structural impediments that feed into the inequities.³ It, therefore, calls for a comprehensive package of policy actions and systemic interventions. The above inequities are not only a matter of distributive justice but also constitute an important stride toward an equal and inclusive labor landscape that can recognize and reward the contributions of women in the unorganized sector.⁴

The problems that are faced by the women workforce in the unorganized sector are directly linked to their workplace conditions, economic standing, and social status.⁵ The International Labor Organization reports that around 81.8% of India's female workforce works in this sector.⁶ Such women in these areas face constraints such as limited education, potential absence of skills, and a lack of employment opportunities. Most of the women who are involved in domestic work, construction, and agriculture are seen as high in numbers among the people employed in this sector.⁷ They endure exploitative conditions such as long working hours, low remuneration, and a lack of legal protection that would otherwise protect their rights and well-being.⁸

Furthermore, their inability to access formal job training, benefits, and security further restricts the upward mobility of these women.⁹ The absence of social security benefits like pensions, health insurance, and paid leave leaves the workers economically insecure in old age, even after decades of labor. This also makes it difficult for them to seek redress in cases of discrimination, dismissal, or workplace abuse. Consequently, they have to work in informal, unsafe conditions, open to exploitation, without the means to take legal recourse.¹⁰

II. Controversy and Government Inaction

The unorganized sector for women in India has been a center of controversy due to the absence of government intervention and regulatory oversight. Reports with recommendations on redressing the grievances of women workers in the unorganized sector have been issued by

² Rashmi Tiwari & Shivani Tiwari, *Women Employment in Unorganised Sector in India: An Empirical Analysis*, 35 J. Rural Dev. 145 (2016).

³ International Labour Organization, *Women and Men in the Informal Economy: A Statistical Picture*, 3rd ed. (2018).

⁴ *Id.*

⁵ National Commission for Women (NCW), *Recommendations on Gender Justice* (2021).

⁶ International Labour Organization, *supra* note 2.

⁷ National Sample Survey Office (NSSO), "Gender Wage Disparities in Rural Employment," Report No. 554, Ministry of Statistics and Programme Implementation, 2011.

⁸ Equal Remuneration Act, 1976, No. 25 of 1976 (India).

⁹ Periodic Labour Force Survey (PLFS), 2022–23, Ministry of Statistics and Programme Implementation (India).

¹⁰ *Id.*

several national commissions, including the NCW. However, these recommendations have rarely been responded to by the governments in question and have not tackled the systemic problems these women suffer from. Many policies that have been enacted lack the necessary enforcement mechanisms to be truly effective. For instance, though theoretically, the Unorganized Workers' Social Security Act, 2008, would give health and maternity benefits to these women, states are inconsistent in their application and enforcement of this law.¹¹ This inconsistency has led to the mass disenfranchisement of women workers, who cannot avail of the promised protection. Labor codes in India lack gender-specific rules, and thus issues such as harassment, hazardous working conditions, and exploitation of female employees are mostly unmonitored. Issues such as harassment, bad working conditions, and exploitation of female workers are left largely unaddressed since the labor codes of India do not have any gender-specific provisions. This has led to a legal lacuna in terms of protection, thus fostering a discriminatory and unfair culture wherein women continue to remain victims of insecurity and underpayment in the job arena. This is a paradox within India's economic and policy-making frameworks: it has women engaged in unorganized labor performing vital services for the sustainability of families and communities, which they are left under-valued and unsupported.¹² Instead of providing people with protection or pathways to economic empowerment, this increases their susceptibility to exploitation ultimately benefiting the labor system while leaving workers unprotected.¹³

III. Analysis of the Issues

The problems that face women workers in India's unorganized sector are complex and multifaceted. They were adversely affecting not only their economic stability but also social and personal well-being. Below is an analysis of the issue in more detail across key sectors where the impact is most significant:

1. Domestic Workers

Domestic workers are perhaps the most vulnerable group of people in the unorganized sector in India. Unlike organized sector workers, these women do not have formal employment contracts. They suffer at the mercy of their employers as they cannot get fixed hours of work or regulated wages. Their work entails tasks such as cleaning, cooking, and childcare, all of

¹¹ The Unorganized Workers' Social Security Act, 2008, No. 33 of 2008 (India).

¹² Rashmi Tiwari, *supra* note 1.

¹³ International Labour Organization, *supra* note 2.

which are labor-intensive, yet without legal protection and formal contracts, workers in such fields have little to fall back upon when they are treated unfairly, their wages delayed or subjected to physical and emotional abuse.¹⁴ Yet, despite their contributions, these women are paid significantly less. Cases of mistreatment, exploitation, and even violence against domestic workers are very common but not often addressed by any formal legal or regulatory process. The employers may withhold wages, terminate employment without notice, or subject domestic workers to unsafe and unhealthy working conditions, knowing that these women have few legal rights to fall back on.¹⁵

2. Agricultural Workers

Women remain the mainstay of agriculture as a source of employment in rural India. Still, their work in the agricultural sector often places them against harsh environmental conditions and grueling work.¹⁶ Besides, female agricultural employees tend to earn less than their male counterparts, averaging about 70% of what a male worker would receive for the same amount of work, as given by the National Sample Survey Office. They are victims of an oppressive system that expects women workers to be paid less, and this salary disparity is a sign of ingrained gender stereotypes.¹⁷ Long hours in the blazing heat and exposure to hazardous pesticides are the potential workplace risks for these women.¹⁸ These women contribute significantly to food production but have been relegated to the periphery of policy decisions and remain poorly paid and overworked. Without protective laws and safety standards, these risks they face every day are made worse.¹⁹

3. Construction Sector

The Indian construction industry employs a large number of women laborers, mostly from the lower socio-economic strata. These women do risky jobs without proper safety gear and protection.²⁰ They lay bricks, move heavy objects, and handle cement. The fact that females receive far lower pay than men for the same work, makes the deep-rooted gender bias worse. Construction areas even do not provide basic facilities such as clean drinking water, toilets, or

¹⁴ National Commission for Women, *supra* note 4.

¹⁵ *Id.*

¹⁶ International Labour Organization, *supra* note 2.

¹⁷ National Sample Survey Office (NSSO), *supra* note 6.

¹⁸ *Id.*

¹⁹ Equal Remuneration Act, 1976, No. 25 of 1976 (India).

²⁰ Periodic Labour Force Survey, *supra* note 8.

childcare amenities, thereby making their maintenance difficult for a long time at such sites.²¹ They have no job security, and no access to social security benefits because there are no formal contracts.

IV. STATISTICAL DATA WITH HISTORICAL CONTEXT

The high proportion of female employees in India's unorganized sector has been relatively persistent in light of historical ongoing socio-economic and gender-based inequalities.²² Based on data from the 2011 Census, it can be estimated that there were about 25.51% workforce participation rates for women in India, compared to males, who had a 53.26% participation rate.²³ This gap has increased steadily over time due to the limited economic opportunities offered to women within the organized economy. For rural women, agricultural work remains the main occupation, not by choice but by necessity.²⁴

More recent statistics further underpin the economic plight of these workers. According to the Periodic Labour Force Survey (PLFS) data, most women in unorganized work are concentrated in low-paid and labor-intensive jobs. Women in agricultural and domestic work receive roughly 60-70% of what men earn for similar jobs.²⁵ In urban areas, though women work in the formal sector, the majority still occupy informal positions, such as street vending, cleaning, and other service-related sectors, where no benefits are guaranteed.

Historical marginalization of women workers in India can also be attributed to the fact that women lack education and skills. The literacy rates have improved in the past few decades, but many rural women still lack access to education and vocational training which creates unemployable conditions for these women in the organized sector, leading them back into poverty as well as engaging them in low-wage, labor-intensive work without any legal protection.

V. GOVERNMENT SCHEMES FOR WOMEN WORKING IN UNORGANIZED SECTOR

The Pradhan Mantri Jan Dhan Yojana (PMJDY) is a flagship scheme that gives financial inclusion to women in the unorganized sectors by providing them with access to banking services. Zero-balance savings accounts, accidental insurance, and direct benefits transfer empower women through formal banking identity and financial security. It ensures that the

²¹ International Labour Organization, *supra* note 2.

²² Census of India, "Main Workers Percentage by Gender," Table 6, Office of the Registrar General, 2011.

²³ *Id.*

²⁴ Rashmi Tiwari, *supra* note 1.

²⁵ Periodic Labour Force Survey, *supra* note 8.

government benefits are received by women efficiently, which reduces cash transactions and enables economic participation.²⁶

The **Pradhan Mantri Shram Yogi Maandhan (PM-SYM)** scheme offers a voluntary and contributory pension scheme for unorganized workers. It provides a formal pension option for women who are not covered under retirement security in sectors, giving them a minimum monthly income once they reach 60 years of age.²⁷ PM-SYM addresses low-income women, providing them with a basic old-age safety net, thus improving long-term security.

The **Pradhan Mantri Matru Vandana Yojana (PMMVY)** is an initiative that caters to pregnant and lactating mothers through financial support for their maternal health.²⁸ Women working in informal sectors rarely receive paid maternity leave, and PMMVY provides them with cash benefits as a supplement for wage loss and nutritional support. The installment disbursement supports women in meeting health and nutritional needs during pregnancy and after the delivery, hence maintaining the well-being of the mother and the child.

The **Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA)** is an important scheme for women in rural unorganized labor. It guarantees 100 days of wage employment with provisions for safe work conditions and childcare facilities.²⁹ The scheme safeguards rural women from exploitation and provides economic stability by mandating equal pay and setting minimum wages. This has ensured that the ladies are employed safely while issues pertaining to wage inequality are tackled simultaneously, thereby majorly adding to women's fiscal independence in the rural belts of India.

The **National Social Assistance Programme (NSAP)** focuses on financially assisting vulnerable groups, including widows and elderly women working in the unorganized sector through pensions.³⁰ Under the pension program, among others, the financial support provided by NSAP helps women without family support and with no stable income in order to provide them at least with subsistence goods. Its principal purpose is to assist the most vulnerable so that they can receive periodic financial aid.

²⁶ Ministry of Finance, Government of India, *Pradhan Mantri Jan Dhan Yojana - Financial Inclusion* (2021).

²⁷ Ministry of Labour and Employment, *Pradhan Mantri Shram Yogi Maandhan Yojana Guidelines* (2021).

²⁸ Ministry of Women and Child Development, *Pradhan Mantri Matru Vandana Yojana Annual Report* (2020-21).

²⁹ Ministry of Rural Development, Government of India, *Mahatma Gandhi National Rural Employment Guarantee Act: Achievements* (2022).

³⁰ Ministry of Rural Development, *National Social Assistance Programme Guidelines* (2021).

VI. LEGAL PROVISIONS

Numerous regulations in India are designed to protect and assist workers in the unorganized sector, especially women:-

The **Maternity Benefit Act, 1961 (Amended 2017)**, was enacted in its original form to provide a woman with indispensable paid leave for maternity. There was a notable amendment in the year 2017, broadening maternity leave from 12 weeks to 26 weeks in the case of women who have been working under organized employment. It also specifies that employers ensure crèche facilities for companies of 50 or more employees besides making provisions where possible for women to work from home after delivery.³¹ The Act also included surrogate and adoptive mothers, thereby increasing its coverage to diverse family structures and needs.

The **Code on Social Security, 2020** has amalgamated and simplified the various social security legislations of the country, including the Employees' State Insurance (ESI) Act, Maternity Benefit Act, and the Unorganized Workers' Social Security Act, 2008. This code is prepared to increase coverage, offering health, maternity, and social security benefits to workers in the unorganized sector, subject to state-specific implementation.³²

The **Unorganized Workers' Social Security Act, 2008**, intends to provide social security benefits. This Act mainly operates under health and maternity benefits using schemes such as the Janani Suraksha Yojana (JSY), encouraging institutional delivery. Moreover, it provides access to benefits under the National Food Security Act, 2013, which requires cash allowances for pregnant and lactating mothers.³³

The **Occupational Safety, Health, and Working Conditions Code, 2020** mandates that workplaces in hazardous industries ensure the health and safety of female employees.³⁴ Regular health check-ups, sanitary facilities, and protection against hazardous activities are significant for female construction and manufacturing workers.

The **Equal Remuneration Act of 1976**, obligates employers to pay the same remuneration to male and female workers for equivalent or different work.³⁵ This law, thereby generates gender

³¹ The Maternity Benefit Act, 1961, amended by the Maternity Benefit (Amendment) Act, 2017, No. 6 of 2017 (India).

³² The Code on Social Security, 2020, No. 36 of 2020 (India).

³³ The Unorganized Workers' Social Security Act, 2008, No. 33 of 2008 (India); National Food Security Act, 2013, No. 20 of 2013 (India).

³⁴ The Occupational Safety, Health, and Working Conditions Code, 2020, No. 37 of 2020 (India).

³⁵ Equal Remuneration Act, 1976, No. 25 of 1976 (India).

equality in wages, which helps women in the unorganized sectors where gender disparity in pay prevails the most. The pay equity legislation also promotes equal pay to women workers, while their male counterparts receive equal pay so that female disparities in the economy are lessened. The Act prohibits discrimination at recruitment levels. Its objective is to provide equal opportunities for women in employment.

VII. RATIONALE FOR ENACTMENT

Historically, Indian labor laws have focused on organized sector workers, mainly because of the industrial model adopted from colonial rule, which focused on factory labor and fixed establishments. However, there has been a gradual shift in this regard, recognizing the need for protections tailored to women in unorganized sectors. For instance, the amendment of the Maternity Benefit Act in 2017 reveals an effort to bring Indian law closer to international labor standards such as those envisioned by the International Labour Organization and Sustainable Development Goals with its focus on gender equality and decent work for all.

The Code on Social Security, 2020, is an important step toward a more comprehensive approach to the welfare of workers. It has recognized the requirement for inclusive legislation that can be extended to include health, maternity, and retirement benefits for organized and unorganized sector workers.³⁶ These laws are responses not only to the internal demands but also demonstrate the commitment of India towards several international labor conventions. However, legislation of this kind is mostly done under the influence of external forces and not grounded in a strong domestic framework focused on rendering the complex needs of the unorganized sector's female workforce.

VIII. EFFICACY OF PRESENT STATUTORY MEASURES

Presently, India's labor framework places vital safeguards that speak to its commitment to worker welfare, particularly for women working in organized sectors. These provide maternity benefits, health coverage, and financial security- all these being fundamental components for workforce inclusion. The maternity provisions entail paid leave over extended periods during pregnancy and the initial period after delivery, such as for adoptive mothers and surrogates. Apart from leave, these enactments provide facilities such as a

³⁶ The Code on Social Security, 2020, No. 36 of 2020 (India).

workplace creche for more considerable organizations and make the work environment responsive to caregivers' needs.

Comprehensive social security protections include medical benefits, income support during incapacity, and pensions, some of which extend limited access to unorganized sector workers as well. In states where such protections are implemented effectively, women experience more income stability at the critical stages of life, like pregnancy and illness. Mandating equal pay promotes further gender wage parity, giving equal value to the contributions of women in the labor market.

These measures represent progress, but their use remains largely limited to organized sectors and is highly dependent on the process of state-level enforcement. The reliance upon decentralized enforcement leads to inconsistency, as financial and administrative constraints vary by state, resulting in disparities in access.³⁷ In general, for unorganized workers, eligibility criteria and administrative hurdles tend to block the few accessible benefits while stressing the need for more accessible support mechanisms.³⁸

IX. PLUGGING LOOPHOLES IN INDIAN LAWS

Present legal protections for women, though progressive in design, face several weaknesses that dilute their salience and efficacy in the unorganized sector. The most prominent problem is that such protection extends only to formal enterprises operating with a minimum-sized workforce, marginalizing millions of informal female workers operating outside these legal precincts and denying them benefits like maternity leave, job security, and social protection.

The implementation discrepancies across states limit the coverage of such protections. Decentralized implementation leads to inconsistent results, with underfunded states facing delays in funding and policy rollout, which puts informal and itinerant workers at a greater disadvantage. Quality of protection also varies by region, creating uneven terrain for unorganized workers.

Furthermore, existing codes lack provisions specific to the vulnerabilities of women, such as harassment at the workplace, absence of safety measures, and wage discrimination. Severe economic vulnerability is further enhanced due to limited access to social security benefits and

³⁷ National Commission for Women, *supra* note 4.

³⁸ Periodic Labour Force Survey (PLFS), *supra* note 8.

stringent eligibility criteria, especially for women in informal jobs who struggle to meet documentation requirements.

Financial expansion is very essential for women working in informal sectors, who face credit exclusion because of insufficient identification and financial literacy.³⁹ Their economic resilience is therefore low without guaranteed access to resources, thereby maintaining dependence on informal labor. Expanded eligibility, streamlined enforcement, and gender-sensitive protections must be incorporated to address legislative gaps and support the economic stability of women in all sectors of employment.

X. MALPRACTICES BY GOVERNMENT AND COMPANIES

Although several laws have been enacted to protect the rights of workers in India, enforcement remains a major issue. The government has weak oversight of the unorganized sector, which allows malpractices to proliferate, especially in sectors dominated by female workers. For instance, the Unorganized Workers' Social Security Act, 2008 is supposed to benefit women with social security benefits; however, this act lacks a proper implementation framework and adequate financing. As a result, many women are deprived of even the most basic entitlements such as healthcare and maternity benefits.

Most sectors such as agriculture, construction, and domestic employment rely on exploiting loopholes in labor laws by private employers who try to lower costs and shun the offering of benefits. For instance, large landowners and contractors circumvent the provision of minimum wage requirements for agriculture by describing their female workers as "helpers," thereby justifying lower pay.⁴⁰ Similarly, firms in the construction industry tend to subcontract labor to avoid providing social security benefits. Subcontracting has enabled the employer to dissociate himself from the legal obligation. Women find little redress since there is an absence of labor unions or advocacy groups. Whenever women try to seek justice, they are often met with retaliation or job loss.

XI. International Laws for Women in Unorganized Sectors

International organizations such as the United Nations (UN) and the International Labour Organization (ILO) have developed legal frameworks intended to secure women's rights and

³⁹ Census of India, *supra* note 22.

⁴⁰ National Sample Survey Office (NSSO), *supra* note 6.

dignity within the unorganized sectors. Among these, there are three principal international instruments that are relevant to the study: The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), ILO Conventions, and the Beijing Platform for Action.

1. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

CEDAW was adopted in 1979, and is one of the fundamental documents related to women's rights, as countries ratifying this treaty are obliged to introduce laws that facilitate equality and no discrimination in various spheres, including employment.⁴¹ Article 11 explicitly addresses equal remuneration, social security, and protection against hazardous conditions at work, which are essential for women in unorganized sectors.⁴² India ratified CEDAW in 1993, agreeing to these standards.⁴³

2. ILO Conventions

The ILO has also come up with a set of conventions addressing the rights of unorganized and informal sector workers. These include ILO Convention No. 100 on Equal Remuneration (1951),⁴⁴ ILO Convention No. 111 on Discrimination (Employment and Occupation, 1958),⁴⁵ and ILO Convention No. 190 on Violence and Harassment (2019).⁴⁶ All these frameworks stipulate equal pay, non-discriminatory employment practices, and protection against workplace harassment and violence. Moreover, ILO Recommendation No. 204 (2015) encourages countries to bring informal workers into the formal economy so that they can enjoy social protection.⁴⁷

3. Beijing Platform for Action (1995)

It was adopted at the Fourth World Conference on Women, the Beijing Platform calls for labor policies and protections for informal workers to be gender-responsive.⁴⁸ It advocates the establishment of social protection systems, childcare support, and secure

⁴¹ United Nations, *Convention on the Elimination of All Forms of Discrimination Against Women*, G.A. Res. 34/180, U.N. Doc. A/34/46 (Dec. 18, 1979)

⁴² *Id.* art. 11.

⁴³ India Ministry of External Affairs, *CEDAW Country Report* (1993).

⁴⁴ International Labour Organization, *Convention No. 100 on Equal Remuneration*, 165 U.N.T.S. 303 (1951).

⁴⁵ International Labour Organization, *Convention No. 111 on Discrimination (Employment and Occupation)*, 362 U.N.T.S. 31 (1958).

⁴⁶ International Labour Organization, *Convention No. 190 on Violence and Harassment*, ILO Doc. C190 (2019).

⁴⁷ International Labour Organization, *Recommendation No. 204: Transition from the Informal to the Formal Economy* (2015).

⁴⁸ Fourth World Conference on Women, *Beijing Declaration and Platform for Action*, U.N. Doc. A/CONF.177/20 (1995).

work environments on an integrated level that should reduce the vulnerabilities faced by women in the unorganized sectors globally.⁴⁹

XI. Limitations of Indian Laws Concerning International Standards

1. Inadequate Coverage and Inclusivity

International standards, especially CEDAW and ILO conventions, emphasize universal coverage and comprehensive protections for all workers, regardless of sector. However Indian laws, such as the Maternity Benefit Act and the Code on Social Security, often apply selectively to organized sectors, excluding a large segment of women in unorganized employment. This selective coverage contradicts the spirit of CEDAW's emphasis on all-inclusive social security and maternity protections for women, resulting in significant legal lacuna and actual support for the workers in the unorganized sectors.

2. Unequal Remuneration and Wage Disparity

The ILO has the Equal Remuneration Convention No. 100, ensuring equal remuneration to men and women for work of equal value and with equal responsibility,⁵⁰ ensuring fairness in remunerations according to the Beijing Platform. The Equal Remuneration Act of India ensures equal pay for equal work but its implementation is weak, more in unorganized sectors, where disparities are considerable in terms of wages for women. This wage inequality continues to exist in domestic work, agriculture, and construction, contrary to international standards on wage parity and economic fairness.

3. Lack of Protection against Workplace Harassment

The Beijing Platform seeks to achieve the goal of a safe workplace for all employees, including protecting them from harassment and violence, as outlined in the ILO's Convention No. 190 on Violence and Harassment. POSH Act of India protects its workers from workplace harassment,⁵¹ but is difficult to enforce in unorganized sectors where workplaces are not structured in which most women become victims of such harassment. This lack of protection

⁴⁹ *Id.* at Strategic Objective F.5.

⁵⁰ ILO, *Convention No. 100 on Equal Remuneration*, *supra* note 44.

⁵¹ Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, No. 14 of 2013 (India).

for women in informal workplaces may infringe on their international rights to safe work environments.

4. Inconsistent Access to Social Security and Health Benefits

Regardless of the type of work, the ILO and CEDAW advocate every employee's right to health care and social security benefits. Although the unorganized sector was covered by India's Social Security Code, its execution is still insufficient due to a lack of administrative consistency and a lack of funding. Most women working in the unorganized sector did not receive benefits in health insurance, maternity leave, and retirement pension. This gap contradicts international guidelines, which insist on the consistency of access to these benefits in terms of economic and personal security.

5. Exclusion from Financial and Credit Access

International frameworks provide access to credit and financial inclusion for women to become economically empowered. India implements programs such as Pradhan Mantri Jan Dhan Yojana. However, the majority of women in the unorganized sector cannot be included due to a lack of documentation or limited awareness of these services. In this manner, limited access restrains economic independence, and systemic financial exclusion lags below international standards of economic empowerment and inclusion.⁵²

XII. THE WAY FORWARD

Legal reforms would be essential in strengthening the rights and protections of women in India's unorganized sector. Amending Indian labor codes to extend protections to all unorganized workers could close the current gap between domestic laws and international standards. Expanding the scope of maternity, social security, and safety benefits would bring India closer to a more inclusive legal environment for women in this sector, where they would get the necessary support and protection.

Enforcing fair employment and wage parity will go a long way in reducing the economic disparity among women working in unorganized sector with an introduction of more strict regulation. The very first step of economic equity and standardization of salaries for them could

⁵² PMJDY, Ministry of Finance, *Progress Report* (2022).

be achieved by equalizing the wages with ILO Convention No. 100 relating to minimum salary setting for construction and domestic workers.⁵³

Another key area that needs attention is better protection for workers in the unorganized sector against harassment and abuse. Putting the Sexual Harassment Act into action in these informal workplaces would help bridge the gaps in India's adherence to ILO standards. Local committees in areas like domestic work would be in a better position to handle cases of abuse and harassment.

It is crucial to strengthen the social security infrastructure to international standards. With increased funding and infrastructure support for the Social Security Code in India, the government may be able to offer universal health insurance, paid leave, and retirement benefits, thus making India more compliant with ILO and UN recommendations on social protection and furthering the welfare and security of women in the unorganized sector.

XIII. CONCLUSION

This situation of women in India's unorganized sector thus reflects both a legal and a social failure in protecting the rights and dignity of these critical, yet vulnerable workers. This research illustrates the disparate labor conditions for women in the sectors of domestic work, agriculture, and construction, where women are often paid less than they deserve, denied formal contracts, and exposed to hazardous environments with little protection. Although legislations like the Unorganized Workers' Social Security Act, 2008 and other social welfare schemes have been introduced, these provisions are still ineffective because of uneven implementation and a narrow scope that leaves women out of all basic rights like fair wages, social security, and protection from workplace harassment.

Aligning labor laws in India with international frameworks such as the CEDAW and ILO conventions, establishing a clear road map to correct such systemic injustice. The primary steps would involve equal wage parity, extension of maternity and health benefits to the informal sector workers, and imposing sterner measures against exploitation and harassment. Legislative reforms must be targeted toward the establishment of better mechanisms of enforcement and the facilitation of easier access to social safety nets so that all female workers in unorganized sectors are granted the protections that are legally and ethically owed to them.

⁵³ ILO, *Convention No. 100 on Equal Remuneration*, *supra* note 44.

Ultimately, a gender-responsive approach toward labor laws would not only be a question of justice but a sine qua non for creating fair economic growth and progress. Thorough legal reforms that enhance the rights of women in the unorganized sector will fill some major gaps in labor protections, pay respect to the economic contribution made by female workers, and form the basis for long-term growth that benefits the whole of society.



