

# **CHAPTER 1**

## Chapter - 1

### INTRODUCTION

In India, the unorganised sector offers opportunities for survival to a large number of unskilled and semiskilled migrants and those excluded from employment in the formal sector. The nature of work in this sector is usually insecure, low earning and carried out under appalling conditions. A large number of peasants with small holdings have been forced to wage labour, if not in their ancestral villages but to other places. Agricultural work being seasonal in nature is unable to generate regular employment of majority of the agricultural workers. Employment, therefore available to them is casual in nature. With growing demographic pressure and mechanisation of agricultural operations the avenues of employment for agricultural labour is also declining. This phenomenon has resulted in the casualisation of labour which had made rural labour circulatory in nature generating several streams of migration. Thus forcing a large number of them to seek employment outside the organised sector and join the unorganised sector.

According to Arup Mitra (1998: 479) the process of casualisation is on rise due to the structural adjustment programme. Within the rural areas the growth of the non-farm sector which is predominated by informal sector, is governed by two major forces; first it expands in response to those thrown out of the agricultural sector and second with industrial dispersal, increasing commercialisation and increase in public works programmes. The new development strategy of linking the country with the global economy is expected to accelerate the rural-urban migration. Because of low income, poor women are compelled to join labour market. Generally, women join unskilled, insecure, inferior, part time and low wage jobs keeping them subordinate to the interest of their husbands.

According to a report of 1999-2000 of Ministry of Labour, Government of India, 'more than 90-95 per cent women are employed in unorganised sector. The Census of 2001 indicates that the total number of workers are 402.51 million, consisting of 313.17 million main workers and 89.34 million marginal workers. Compared to the 1991

Census the growth of the marginal workers seems to be higher than the main workers. The unemployment situation for the marginal workers indicates that for the rural male it is 22.13 per cent; for the rural female it is 4.53 per cent; 36.42 per cent for urban-male and 10.07 per cent for urban female (Kumar and Sharma, 2002:1712 and 1713).

Poor women are invisible workers and the invisibility is thrust upon them by confining them to the so called subordinate roles. The statistics thus collected even by the official agencies largely categorises them as non-workers. They are classed as weaker sex, confined to strenuous and monotonous work and withdraw voluntarily from the labour force as and when the situation demands (Bannerjee, 1988). The accounting of females as workers in the census and the NSSO suffers from serious enumeration and recording drawbacks. According to Mitra (1981) the underreporting of female workforce participation rates in the Census varies from 30-40 per cent. He estimates that the participation of females in the informal sector is as high as 49 per cent as against 1 to 17 per cent in the case of males. Jain and Chand (1982) also found that the measurement of female labour force participation and analysis suffer from gross under enumeration, inadequate attention to unpaid family labour, own production and household work and relationship between them.

While, pleading strongly that the System of National Accounts (SNA) should become more comprehensive so as to rightly assess and include women's contributions, HDR (1995) observes:

*“A review of the 31 countries shows that women work longer hours than men in nearly every country. Of the total burden of work, women carry on average 53per cent in developing countries and 51per cent in industrial countries. Of men's total time in industrial countries, roughly tow-thirds is spent in paid SNA activities and on-third in unpaid non-SNA activities. For women, these are reversed. In developing countries, more than three-fourths of men's work is in SNA activities. So men receives the lion's share of income and recognition for their economic contribution, while most of women's work remains unpaid, unrecognized and under valued”*

Nirmala Banerjee (1985) in her paper 'Women and Industrialisation in Developing Countries' has analyzed the nature and characteristics of industrial work that women do in developing countries. She observed that women's experience of development through Industrialisation in different developing countries follows a basically similar pattern. In general, women's industrial employment has been increasing in several countries including India in recent times. In modern sector at least, women are growingly being integrated into the web of the system of wage labour although they are yet to be properly assimilated in the general work-force and hence can not claim equal opportunities with men. In fact, she has found that, greater participation in the industrial sector often has led to greater identification of women workers with women type and therefore inferior jobs with low wages. The basic pattern of their employment or the strict division of labour between men and women has not been affected. These reflect in their double burden, lower wage for the same work, lower valued work for women, unskilled by categorisation, no benefits, no permanency of job, combining household and agriculture or household and construction.

In other words though women have to some extent started working in new industries, they work on relatively less skilled jobs and are dominating in these few less skilled or low productivity jobs. In the majority of modern occupations, ratio remains incredibly low. The variability in labour absorption in unorganised sector is much more pronounced for women than for men. It has been often noted that whenever there is any increase in demand for labour in this sector, the rise in female employment rates is greater than that of males. On the other hand, whenever there is any shrinkage in the workforce, the fall is much more drastic in the case of female workers than that of males. It appears that women construction workers form a reserve army coming to the aid of the construction industry and are first to get retrenched when the work slows down.

A closer look at both developed and developing countries reveals that in the developed countries women represent the vast majority of part time workers engaged in non-standard employment. Like in Sweden, women's share of part time work is as high as 98 per cent while it is 80 percent in UK and 68 percent in Japan and USA. In the developing countries, there are about 60 percent of the women workers engaged in informal employment, outside agriculture, while in Sub-Saharan Africa the proportion of such women is as large as 84 percent and 58 percent in Latin America. The growing

informalization of the economy has caused a rise in the number of women who work - participation rates of women in the informal sector are: e.g. 80 percent in Lima, Peru; 65 percent in Indonesia; 72 percent in Zambia, and 41 percent in the Republic of Korea (Lim 1996).

### **New Economic Policy and Globalisation**

National economic policies and macro policies have a direct bearing on the organized sector directly and unorganised sector indirectly. The trend of economic integration between nations through trade, capital movements and migration has its implications on employment and earning. Rao examining the prospects for rural labour in the wake of economic reforms feels that it would have negative consequences. According to Sheila Bhalla agriculture is reverting back to its traditional role as the residual factor for rural-born workers due to lack of adequate non-farm jobs either in rural areas or in cities due to lack of adequate non-form jobs either in rural areas or in cities (Cited in Haque, 1998:415).

The present economic reform in India was initiated in July 1991. It was intended to improve efficiency and growth through free competition in an open market economy. These policies were initiated by many other developing as well as developed economies. The policy prescribes a free market, profit-maximisation and withdrawal of state regulation and participation in production and market activities. Often termed as the Structural Adjustment Programmes (SAP), it is recommended to make the economy strong. The states are advised to a) drastically reduce government expenditure b) reduce corporate taxation c) increase the rate of return on capital investment and abolish the tariff barriers to release free competition for national and domestic industries d) reduce labour costs. Thus, globally the role of the state as the provider of a wide range of services is increasingly getting reduced. Overall, the result is of a dual economy and society. On the one hand islands of affluence amidst gross poverty – increased luxuries of life for some while uncertainty for large sections of the population. It does improve the income and consumption of the rich and the upper middle class but it is at the cost of the large number of the poor and the destitute. The most adversely affected are the

landless agricultural labour, marginal farmers and unorganised workers in urban as well as rural areas (Pandey, 2001:254).

The new economic policy and its structural adjustment programme profess to make Indian industry more competitive both domestically and globally. There is now emphasis on reduction of public sector expenditure by disinvestments of government share and on shifting public sector from being a model employer to a model profit earner. Such a policy is likely to have adverse effect on the country's workforce. The largest portion of labour force in India is mainly comprising of unorganised sector which may get adversely affected due to change in the economic policies at national level.

### **Globalisation and its implication on the Labour Market**

Globalisation is a 'process of economic integration between nations through trade, capital movements and migration. There is increased emphasis on technology as source of achieving higher productivity and edge in international competition' (Odeyar and Hegade:1998;790).

The process of socio-economic transition has introduced far reaching changes in Indian economy; in the post independence period. There has been sectoral shift from agricultural and allied activities as the most prominent contributor to the GDP towards non-agricultural activities in tertiary and secondary sector (Gill: 1999:793).

Agricultural sector, the largest employer of the workforce shows various levels of development. The development of capitalism in agriculture has led to shift from self-employment to wage employment. Erstwhile tenants were displaced and large numbers of them have been converted into agricultural labourers. Disintegration of traditional *Jajmani* system has also converted most of the persons providing various services in the rural areas into wage labourers. According to Kundu's the new development strategy of linking the country with the global economy is expected to accelerate rural-urban migration. But, if new employment opportunities are not created on a large scale in the organised sector, this would lead to increasing absorption of labour in the informal sector. The strategy also hold that the industrial growth may not be high in the long run and the present low rate of infrastructural investment would slow down even the present

agricultural growth, leading to larger flows of migrant labour from rural to urban areas and subsequent expansion of the urban informal sector (Cited in Mitra, 1998:475).

The new economic reforms in India had significant implications on the country's labour marketing general and women in particular. It is manifested from the fact that women's share in urban workforce was increased after liberalisation. Liberalisation policies facilitated the changed in terms of employment. The policies have led to a reduction in the rate of growth of employment in the organised sector and to an accelerated growth of employment in the unorganised sector. However, the growth in female employment has occurred mainly in casual work. With the advent of economic reforms, liberalised market has become more and more flexible. In order to achieve cost effectiveness in the highly competitive markets, producers are resorting to casualisation and feminisation of the work force. The employers take undue advantage of the poverty and insecurity of the casual or contract female labour, who are subjected to various kinds of discriminations. In many cases they are denied even government legislated social security standards. Thus, though employment opportunities for women are increasing in the wake of economic reforms, majority of them are casual, low paid and insecure jobs. These developments have considerable negative impact on the health and welfare of women. (George, 1999:737). According to the 55th Round of the NSS again, about 40 per cent of women workers in rural India were employed as casual labour during 1999-2000 as against 36 per cent among men (NSS, 2000: 21).

### **Difference between the Unorganised and Organised Sector**

The term 'unorganised' is often used interchangeably with the term 'informal', or employment in the informal sector. Strictly speaking, 'informal' is used to denote those forms of enterprise that are not governed by any legal framework (for example, registration under Company Laws). Although it is quite logical that an 'informal' enterprise will employ 'informal'/'unorganised' labour, it must be remembered that 'formal' enterprises also have 'unorganised' employees, and, in fact, there is an increasing tendency to informalise employment relationships in the formal sector. According to its *Report on Conditions of Work and Promotion of Livelihoods in the Unorganised Sector*, the National Commission for Enterprises in the Unorganised

sector, defines the unorganised (informal) sector as all “unincorporated private enterprises...with less than 10 workers” and workers in this sector comprise those working in such enterprises (excluding “regulars with social security benefits” plus a sizeable body in the organised sector without any employment/social security benefits provided by the employers (NCEUS: 2007).

The unorganised or informal sector, consist of more than 90 per cent of labour workforce have an easy entry for the labourers, it is unregulated, not always legal and un-unionised while, the organised or formal sector has many barriers to entry, it is regulated, has a legal entity and unionised.

Unorganised sector is labour intensive, self-employed or labour used in family, having small scale operation, individual or family ownership is prominent and sometime absence of quality standards. But organised sector is capital intensive, the labour is paid, and there is corporate ownership with shareholdings and the production is done in fairly large scale with fairly rigorous standard of quality. The skills applied in this sector are acquired without any formal school system. In the organised sector, the technology is imported and advances with foreign and domestic resources. Required skill is acquired through formal school system and their market is protected through tariffs, quotas and trade agreements.

The labour market has thus a surplus of labour, which is highly segmented and heterogeneous giving scope for exploitation. Surplus labour creates wage inequality and weakens the bargaining power of the workers. Surplus workers provide employers with the opportunity to recruit employees at lower wages because of the competition. These surplus workers are found in both the unorganised and organised sectors but particularly so in the unorganised sector. Money wages are the main determinant in the calculation of earnings of these workers and hence the issue of minimum wages assumes significance. The non organised informal sector is characterised by inadequate protection for the workers; a lack of employment security; low returns or wages; and no access to social security. Hence, the problems of this sector need special attention.



## **The Formal and the Informal Sector:**

The concept of informal sector assumes a dualism in urban economy. The dualism of the urban economy means the formal co-existence of the formal and the informal sector. Chen, Jhabvala and Lund (2002) point out:

Official statistics indicated that the share of informal workers in the non-agricultural workforce ranged from over 55 per cent in Latin America to 45-85 per cent in different parts of Asia, to nearly 80 per cent in Africa. But, if one includes small farmers and agricultural labourers in the informal workforce, as many countries do, the share of the informal workforce in the total workforce is higher still in India, for instance, the informal workforce (including agriculture) accounts for over 90 per cent of the total employment.

In India, the term informal sector has not been used in the official statistics or in the National Accounts Statistics (NAS). The terms used in the Indian NAS are 'organised' and 'unorganised' sectors. The organised sector comprises enterprises for which the statistics are available from the budget documents or reports etc. On the other hand the unorganised sector refers to those enterprises whose activities or collection of data is not regulated under any legal provision or do not maintain any regular accounts. In the unorganised sector, in addition to the unincorporated proprietorships or partnership enterprises or partnership enterprises, enterprises run by cooperative societies, trust, private and limited companies are also covered. The informal sector can therefore, be considered as a sub-set of the unorganised sector.

Both the sector has its own characteristics. Davies has focused on the distinction between the two sectors mainly on the basis of mode of production. In the formal sector, the mode of production determines superstructure, whereas the reverse is true for the informal sector. (Cited in Samal: 1990; 13). The characteristics implied in the informal sector is its small scale of operation. There is direct participation of the owner in the unit either in manual work or in the entrepreneurial work. The unit, in general has informal relationship with its employees and customers; the wage being determined on the basis of bargaining between the employer and employee and absence of security and certainty in employment and income. The workers make use of machines and tools, and

not the machine making use of labour. In manufacturing, there is existence of two models of production (i) petty mode of production where means of production is owned by those who work with it and (ii) simple or small capitalist mode of production where there are wage labourers but comparatively in small numbers in the unit owned by the master capitalist.

T.S. Papola (1980) has given a simple definition. In his study on Ahmedabad, he suggests that the informal sector is a convenient way of designating a segment of the economy having certain characteristics which lead to unfavorable conditions for the growth of enterprises and activities operating in this segment. According to him, the following are the most often observed features identified as characteristics of informal sector in the studies on the subject: (i) small size of operations, (ii) informal structure and family ownership, (iii) non-modern technology, (iv) lack of access to government favours, (v) competitive and protected product market, (vi) unprotected labour market. But at the same time he raises some questions regarding these characteristics. The various characteristics attributed to the informal sector are not necessary consistent with each other, nor they are found universally in different empirical situations, nor do these characteristics provide a clear identification of the informal sector as the only and necessarily disadvantaged sector deserving supportive policy measures.

### **Categories of Workers**

In the Indian labour market currently, the workers can be broadly divided into two categories. The first category includes those who are: a) Directly employed; b) Permanent; c) Unionised and bargainable; d) In large scale units, with about 100 workers and without prior permission cannot be retrenched legally; and e) Likely to be monopolistic i.e. the firm employing them is in a position to appropriate more value added than it generates in house.

The first category of labour is concentrated in urban areas. Industrialisation and the use of advanced technology have led to the labour force getting concentrated in urban areas. Industrialisation in India grew at a rapid pace after India became independent in 1947. The policy was clearly to industrialise rapidly, for which an industrial base had to be created in the areas of iron and steel, electricity generation,

chemical industry, communication etc. in the absence of investment from the private sector, the government of India went in for public sector investment which succeeded in building up an industrial base. The government set up many heavy industrial complexes all over India in order to promote such a base. Industrialisation has fastened the process of urbanisation and almost 30 percent of the population is staying in urban areas. Urban society is mainly divided into two economic sectors i.e. organised and unorganised sector. The unorganised sector work force is mainly from second category of the labour.

The organised sector, industrial labour, service sector workers have their own strength and power. Their unions always protect them and they can fight for better wages and working conditions. Their problems are taken up by the unions and the government before introducing any changes, have consultations with the union leaders.

The second category includes those who are a) Indirectly employed; b) Non-permanent, may work for many years but remain casual, contract workers; c) Unorganised and non bargainable; d) In small scale, with less than 100 workers, where there is retrenchment, i.e. the firms have to be more productive to stay profitable, have to accept lower prices and cannot pass on the costs to the users (Arun kumar, 1999:803).

### **Unorganised Labour**

The term 'Unorganised Labour' has been defined as those workers who have not been able to organise themselves in pursuit of their common interests due to certain constraints like casual nature of employment, ignorance and illiteracy, small and scattered size of establishments, etc. As per the survey carried out by the National Sample Survey Organisation in the year 1999-2000, the total employment in both organised and unorganised sector in the country was of the order of 39.7 crore – around 2.8 crore in the organised sector and 36.9 crore (about 93per cent) in the unorganised sector. Out of 36.9 crore workers in the unorganised sector, 23.7 crore workers are employed in agriculture sector and about 1.7 crore in construction work (Bhal, 2004:13).

Unorganised workers are generally categorised as four broad heads in terms of occupation, nature of employment, specially distressed categories, and service categories. They are small and marginal farmers, landless agricultural labourers, share croppers, fishermen, those engaged in animal husbandry, in *beedi* rolling, *beedi* labeling

and *beedi* packing, building and other construction workers, leather workers, weavers, artisans, salt workers, workers in *brick kilns* and stone quarries, workers in saw mills, oil mills etc, may come in the first category. Attached agricultural labourers, bonded labourers, migrant workers, contract and casual labourers come under the second category. Toddy tappers, scavengers, carriers of head loads, drivers of animal driven vehicles, loaders and un-loaders, belonging to the specially distressed category while midwives, domestic workers, fishermen and women, barbers, vegetable and fruit vendors, newspaper vendors etc., come under the service category.

### **Magnitude of Workforce engaged in the Unorganised/Informal Sector.**

The National Sample Survey Organisation (NSSO) carried out a sample survey in 1999-2000 and its results showed that out of total workforce of 397 million, only 28 million workers are employed in the organised sector and remaining in the unorganised sector. It reveals that over a decade, the employment in the organised sector has been almost stagnant or slightly declined.

In the light of definition of informal sector encompassing private unincorporated enterprises as mentioned above, NSS 55<sup>th</sup> round, 1999-2000 also covered non-agricultural enterprises in the informal sector in India. As per survey, there were 44.35 million enterprises and 79.71 million workers employed thereof in the non-agricultural informal sector of the economy. Among these 25.01 million enterprises employing 39.74 million workers were in rural areas whereas 19.34 million enterprises with 39.97 million workers in the urban area. Among the workers engaged in the informal sector, 70.21 million are full time and 9.5 million part times. Percentage of female workers to the total workers is 20.2 percent. Change has taken place not only in the volume but also in the character of the informal/ unorganised labour with globalisation and opening of the Indian economy. Wage or casual or temporary contract labour is fast emerging as the major component of the labour force resulting in a labour force that is unregulated and non- unionised.

Considerable doubts have been expressed over the accuracy and completeness of the statistics regarding women's work force participation in India as well as in other developing countries. It is now generally agreed that existing techniques of data

collection and surveys are not able to capture all the dimensions of women's work, particularly in rural areas and consequent invisibility of women's economic contribution has emerged as a major concern in research on women's work in India (Anker, 1987).

The classic example of invisible work in conventional economics is 'housework' which practically nowhere is taken into account as 'work'. Apart from biases of the enumerators and respondents (because of social norms associated with female work), defects in the conceptual framework of women's work and the consequent exclusion of a large number of women's activities oriented to home consumption (like subsistence agriculture, animal husbandry activities, processing food for family use, gathering of wood and fruit for family use etc.) have resulted in lower figures for labour force participation of women in official statistics of India. The distinction between economic (i.e. labour force) and non-economic (i.e. non-labour force) work is often arbitrary and is not able to bring to light the complex activity pattern of women in a developing country like India where the non-market sector (in which the output is both generated and consumed within the household) forms a substantial part of the economy. It has been strongly recommended by ILO to include activities of women oriented to home consumption in labour force activities. The production of economic goods and services should include all production and processing of primary products, whether for the market, for barter or for own consumption (ILO, 1982).

### **Women in Unorganised Sector**

India is the second largest populated country in the world and so is its female population.

**Table 1.1: Male-Female Population Overview from 1951 to 2001**

<b>Year</b>	<b>Persons</b>	<b>Male</b>	<b>Female</b>	<b>Sex Ratio</b>
1951	361.1	185.5	175.6	946(48.63)
1961	439.2	226.3	212.9	941 (48.47)
1971	548.2	284.1	264.1	930 (48.18)
1981	683.3	353.3	300.00	934 (48.30)
1991	846.34	439.2	407.1	927 (48.10)
2001	1027.02	531.28	495.74	933 (48.26)

*Figures in parenthesis are proportion of female population to total population*

*Source: Registrar General of India, Decennial Census Reports cited in 'Women and Employment', Economic and Political weekly Vol. XXXIX No.17 April 24-30, 2004.*

According to 2001 census, the female population of India is 495.4 million (48.26 of the total population). Women constitute a significant part of the workforce of India but they lag behind men in terms of level and quality of employment. The census of India, 1991 has registered 22.73 percent of female population as workers, 90 million in absolute terms out of a total female population of 407 million. The majority of women workers are employed in rural areas. Amongst rural women workers, 87 percent are employed in agriculture as labourers and cultivators. Amongst the women workers in the urban areas, 80 percent are employed in unorganised sectors like household industries, petty traders and services and building construction, etc. (Women's Statistics, Economic and Political Weekly, No. XXXIX, No.17, April 24-30, 2004). The demand for women labour has been increasing consistently which has resulted in more women entering the workforce.

Agriculture is the largest sector employing 62 per cent of the total workforce. Women comprise 84 per cent of this workforce, with the highest number of women workers engaged as agricultural labourers. The commission recognises that the burdens of women are of such a magnitude that they have no choice but to take assistance from their children. The report emphasises that traditional family arrangements are no longer valid. The numbers of women forced to seek employment outside the house have increased. "Today, there are over 15 crore women living below the poverty line and 5-6 crore children under six years belong to the group where mothers have to work for their survival. Most of them are in the unorganised sector".

**Table 1.2: Work Participation in Unorganized Labour**

<b>Year</b>	<b>1971</b>	<b>1981</b>	<b>1991</b>	<b>2000</b>
<b>Total Labour</b>	17473	22879	26735	27963
<b>Women Labour</b>	1063 (6.1)	2793 (12.2)	3781 (14.1)	4960 (17.7)

The data on women's work participation in the unorganised sector shows that between 1971 and 2000 there has been substantial rise. From 6.1 per cent in 1971 it has increased to 12.7 per cent in 1981, 14.1 in 1991 and further to 17.7 percent in 2000.

**Table 1.3: Distribution of Main Workers in different sectors in India (in percentage)**

Sectors	1981		1991	
	Female	Male	Male	Female
Primary	69.35	81.57	67.53	81.20
Secondary	12.98	9.06	11.97	07.98
Tertiary	17.67	9.37	20.50	10.82
Total Main Workers (in millions)	222.51	44.97	285.93	64.27

More than 80 percent of the females are still employed in the primary sector in India. The proportion of working female have declined in secondary sector but they have increased in tertiary sector with no change in primary sector employment. However, in rural areas proportions of female workers have increased both in primary and tertiary sectors. Similarly in urban areas, there has been drastic increase in female workers in the tertiary sector.

It is evident from different studies that the women are the principle victims of casualisation of labour and other ill effects of the process of globalisation. Majority of the workers who have been expelled from the formal economies to enter in to the informal, are the women in almost all countries. The work burden on women in informal economy is extreme.

### **Socio-economic Changes and its Impact on Women Labour:**

Unorganised sector is directly affected by the changes at the macro level resulting in the fragmentation of the labour force in India. This sector is away from the legislative protections in terms of job security, wages, working conditions. Poverty coupled with unemployment forced women to take up work in this sector. The real challenge is to ensure that the laws and schemes that exist (on paper) for the diminishing numbers of workers in the organised sector are extended to the vast majority of workers in the unorganised sector.

The macro economic reforms had significant implications for the country's labour market, particularly female labour market. According to Deshpande and

Deshpande (1998: L - 36) women's share in urban workforce was less than one per cent point higher after liberalisation. Liberalisation policies have led to a reduction in the rate of growth of employment in the organised sector and to an accelerated growth of employment in the unorganised sector. However, the growth in female employment has occurred mainly in casual work. After the advent of economic reforms, liberalised market has become more and more flexible. In order to achieve cost effectiveness in the highly competitive markets, producers are resorting to casualisation and feminisation of the work force. The employers take undue advantage of the poverty and insecurity of the casual or contract female labour, who are subjected to various kinds of discriminations. In many cases they are denied even government legislated social security standards. Thus though employment opportunities for women are increasing in the wake of economic reforms, majority of them are casual, low paid and insecure jobs. These developments have considerable negative impact on the health and welfare of women. (George, 1999:737)

These policies have had a deteriorating effect on women's employment. This is largely because women are being forced to take up jobs that offer very poor wages and little social security, in response to the employers' need for a more flexible labour force. Women's weaker bargaining power, vis-à-vis employers as well as male co-workers, is generally regarded as a prime reason for the employment of women in such large numbers in the unorganised sector. The workers in this sector suffer from lack of protection in terms of job security, wages, working conditions and welfare due to various factors. These include casual and seasonal employment, scattered places of work, poor working conditions, lack of a concrete employer-employee relationship, irregular working hours, and a complete lack of legal protection or government support. The problems of women workers in this sector revolve around issues such as unequal wages, lack of maternity benefits and childcare facilities and discrimination at the workplace. It is important to recognise that women workers who are forced to work in the unorganised sector are often from the poorest sections. Poverty traps them into working in the least protected and most low paid jobs. Maternity benefits and childcare, which are crucial for their mental and physical wellbeing, are denied. The rights of the women workers is not being protected both in the newer as well as older forms of work in the unorganised sector.



Unorganised sector work is characterised by low wages that are often insufficient to meet minimum living standards including nutrition, long working hours, hazardous working conditions, lack of basic services such as first aid, drinking water and sanitation at the worksite, etc. Even a cursory glance will identify several such occupations, including agricultural labour, construction workers on building sites, brick-kiln workers, workers in various service industries ranging from transport and courier services to the hospitality industry.

### **The Brick Kiln Industry**

With the advent of building booms in the urban areas, brick-making in India has become a significant industry in the unorganised sector, confined mainly to rural and semi-urban areas. There are no reliable estimates on the number of brick makers in India. According to Gupta (2003), there are around 50,000 brick kilns in the whole of India, and according to the Association of Brick Kiln and Tiles Entrepreneurs in Tamil Nadu there are around 2000 brick kilns in that specific region.

It is an industry that has its own unique characteristics. This industry is characterised by aspects like instability, short duration. A large number of skilled, semi-skilled and unskilled labourers are absorbed in this industry. Nearly half the workers in this industry are women. The state of working conditions of the brick kiln workers is miserable. They are neither provided with minimum wages for their work nor do they get health and welfare amenities at their place of work. In cases of health related expenditure, they have to borrow the required money from the contractor and repay with interest. The workers don't have access to primary health facilities, education, proper shelter, safe drinking water and sanitation. In spite of their right to life and livelihood and to be protected against all forms of deprivation and exploitations, these workers are not adequately protected by the state. They are left to the condition of the market and are constantly exploited. No special concern appears to have been shown towards these workers either by the central or state governments or trade unions and the Non-Governmental Organisations (NGOs).

### **Characteristics of Brick Kiln Industry:**

1. They suffer from insecurity of job and employment on account of the seasonal nature of activity, they are employed through contractors and can be dispensed with by their employers at any time.
2. They are not in a position to benefit from certain kind of facilities provided as part of general welfare activity by the government. For example: Civic amenities: not being able to have residential accommodation in the relatively well served area in a town, they cannot take advantage of public utilities such as roads, electricity, water, schooling and hospital services, nor can they avail themselves of the subsidised housing schemes.
3. The labourers are not organised in unions to protect their earnings and conditions of work and therefore are left to the vagaries of the labour market which generally operate against them.

They are not covered by the legislation in the field of labour as it is not applicable to the establishments in which they work. Consequently, their conditions of work do not provide for minimum safeguards like in larger factories; they are not assured of regular and reasonable payment of wages and are not entitled to benefits such as medical care, compensation in case of accidents, occupational diseases, injuries and death.

The brick-making process covers the activities ranging from moulding, drying, staking, and burning. The working environment of brick kiln industry is subjected to the uncertainties of nature and climatic conditions like rains, extreme heat, of cold weather, which is arduous and hazardous for the workers. This results in the direct impact on the workers i.e. attack of diseases while the indirect impact is sustained mental pressures culminating in health deterioration. Although there is an increasing number of women in paid occupations, this does not seem to ensure their well being and an improvement of quality of life. Women are being used only as a source of cheap labour. In these new types of employment, the burden on the women gets multiplied.

It is well known that vast segment of labour came from rural sector, where scanty and unsustainable source of livelihood trapped them in indebtedness and distress, which eventually forced them to flee. Due to this condition, they are bound to migrate

towards urban centres for their survival. Migrations, which many a times lead to bondage or servitude have come out as a factor of social disorganisation.

### **The Gender Perspective**

It is important to look at the brick kiln worker's problem with a gender perspective. With the increasing participation of women in work, she is spending more time at the work site. If the conditions are bad for male brick kiln workers, women suffer more managing the triple burden of work, home and childcare. Women are employed in almost all the work related to the brick-making process, from moulding to loading and unloading. Women's work is mostly categorized as unskilled. They help in mixing soil, moulding, loading, unloading, staking etc. At times, the wives of male skilled workers work as assistants to their husbands. Since women do not have a well-defined role and very less women involve in moulding which is a skillful job, their work is treated as unskilled and menial. Though the work of women is treated as manual and monotonous, still they are not less burdened with that of male workers. Stress at the work site and manual work at home has compounded the problem of women's health. The patriarchal attitude, gender discrimination, work nature and other problems faced at work place and home may contribute to her low self-image in her mind.

### **Critical Issues Related to Women's Employment**

A major issue related to women's employment is the double burden women are unable adequately to combine worker and maternal roles, and childbearing is used by society to relegate women to low-status or low income jobs on the fringes of the economy. Women's poor economic condition is also seen in their roles as unpaid workers in family enterprises. Further, for those women who do manage to secure employment, economic marginality takes the form of systematic under-remuneration compared to male employees. Finally, the informal labour market and women's over-representation in it provide unifying theme to the economic plight of women.

A related aspect of women's marginality is their exclusion from the agricultural sector in rural areas, and their resulting need for off-farm employment. A crucial

element in rural development planning is therefore the expansion of off-farm employment opportunities for women whose earnings are of central importance to their families.

### **The Double Burden:**

A constant problem associated with women's changing economic roles and responsibilities, and their increased employment outside the home is the double work load they must perform. For the overwhelming majority of working women employment means an extension of the working day to accommodate both their paid work and their home responsibilities. This double burden or double-day phenomenon is among the most serious of the problems contained in the issue of women's employment. The problem is intensified when one considers the long-term of women's double burden on their psychological and physical health and resulting loss of productivity.

Many of the stereotypes surrounding women's work behaviour are based on the individual women's failure to juggle successfully conflicting work and home demands on her time. Problems of absenteeism, reduced earning capacity, reduced profitability for employers, work histories characterized by exits from and entire into the active labour force, and other behaviour which is interpreted by employers and researchers alike as a lack of commitment to their work and employment, are the result of situations where women are unable to totally cope with the double burden. Market vending has been characterized as work which is essentially compatible with motherhood and housework. To manage the double burden, working women expand their working day, not by cutting back on childcare time or home production time, but by reducing their "leisure" time.

It is the responsibility of policy makers and planners to acknowledge women's double burden and to find means to minimize it and ultimately relieve women of it. This should happen not by denying women work opportunities, but by reducing home and childcare responsibilities to make them more compatible with women's economic roles.

## **Role of State in the area of labour protection:**

### **Philosophical Base:**

The emergence of a welfare state in the last century and the present weakening of it should be understood in the context of industrialisation and the growth of the middle- class in England and Europe. The notion that the state should not only be interested in, but should actively assist, the pursuit of social welfare, sounds commonplace today but there was a time when such an idea was considered utopian. In the pre-welfare state era the accepted notion was that the state should not play an interventionist role (Gajendragadkar, 1968: 153).

In the case of India the long struggle for independence laid the foundation of the welfare state which got formally embodied in the Indian Constitution. The Constitution 'recognized the right of women to employment and included a number of articles to give direction to the state policy. Article 14 laid down the equality before law of all citizen of the country, and Article 15 prohibited discrimination on the grounds of sex, religion, race, etc. article 16 (1) and (2) emphasized equal opportunities for all in the matter of employment and prohibited discrimination in employment on the grounds of sex, race, religion etc.' (Vaidya, 1993:1 and 2).

The Constitution of India has granted powers under Article 15 (3), to make special provisions for women and children within the framework of the fundamental rights. Articles 39 and 42 specially refer to women and children. They direct the State to secure health and strength of all workers, men, women and children and not abuse children for economic gains. Humane and just condition of work and maternity benefit are assured to women by Article 42. Vaidya states the roots of the 'labour legislation for women in India' to the Indian Constitution guided by International Labour Organisation conventions (ibid: 2).

The 'constitutional base' for the welfare state in India draws further strength from the Universal Declaration of Human Rights (UDHR). The UDHR (1948) has mentioned the following fundamental and inherent right to the all human:

All Human beings are born free and are equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Every one has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

Every one has the right to equal pay for equal work. Every one who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protections.

According to Article 24, every workman has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay. It is pertinent to mention that article 25 of the declaration according to which every workman has the right to standard of living adequate for the health and well being of himself and his family including food, clothing, housing and medical care and necessary social services (Gupta, 1999;27 and 28)

These human rights and fundamental freedom of workers propounded and codified by the I.L.O. and later declared by the United Nations in its Universal Declaration of Human Rights have now come to be incorporated by almost all nations into their law. In this way, the workers get recognition, protection and enforcement by the law. Several Acts enacted for giving the rights to the labour.

The welfare facilities available to industrial workers may be classified into two categories. (A) Welfare facilities provided at the work place and (B) Welfare facilities provided out side the work place. All these facilities come under the following heads:

1. Statutory
2. Voluntary
3. Mutual and Others (by Government Agencies, Statutory Welfare Boards and Social Welfare Agencies)

All these welfare programmes are applicable to the organized sector's labour while some statutory provisions are applicable to the unorganised labour (Encyclopedia of Social Work, Vol. 2, 1968; 412)

In view of the above, the present study attempts to explore the problems faced by the women both at house and at place of work. This study aims to bring forward the genuine causes of deprivation and marginalisation of the women labourers engaged in

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brick kiln industry. It is noteworthy that this study may have a significance to create a space for advocacy efforts to do away with their miserable conditions. Besides this, the study will be helpful to see the policy implications and other constraints to ensure the legal safeguards for the socio-economic interest of this section.

The study has been organized into various chapters. Chapter 1 gives an introduction to the study with reference to the changing nature of organized sector and unorganised sector. Its also elaborated the changing macro policies over the micro level realities with reference to women in the unorganised sector. Chapter 2 highlights the important studies conducted on unorganised sector in general and brick kiln industry in particular both in India and abroad. Chapter 3 deals with research methodology adopted to carryout the present study. Chapter 4 provides a brief account of Brick Kiln Industry in Barak Valley. Chapter 5 highlights the socio economic profile women in brick kiln industry and migration pattern. Chapter 6 deals with work and work conditions of women engaged in brick kiln industry. Implication of work and work condition on women is examined in Chapter 7. Chapter 8 is meant for understanding the role of employers, NGOs in improving the conditions of women in brick kiln industry. Some case studies have been incorporated in <sup>this</sup> chapter . The findings of the study are enlisted in the last chapter along with conclusion, suggestions and Social Work Intervention.

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