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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

INTERSECTIONALITY AND UNORGANIZED WORKERS: A MULTI-DIMENSIONAL ANALYSIS OF VULNERABILITY IN INDIA'S INFORMAL SECTOR

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India's unorganized sector, employing over 90% of the nation's workforce, stands as a complex landscape where economic vulnerability intersects with deep-rooted social inequalities. This descriptive study examines how the sector's inherent precariousness intertwines with multidimensional social factors, creating a web of disadvantage that recent government interventions have struggled to address comprehensively. This research analyzes national labor statistics and major schemes implemented between 2015-2024 and reveals significant misalignment between policy design and workers' intersectional realities. While initiatives like the National Urban Livelihoods Mission aim to improve livelihoods, they often overlook how social factors like gender norms and caste hierarchies influence access and outcomes. The study highlights how the sector's informal nature amplifies existing inequalities, with digital initiatives like e-Shram portal inadvertently excluding workers with limited technological access. By elucidating the complex interactions between sector-specific vulnerabilities and social inequalities, it aims to inform more holistic, intersectional policy approaches to improve the lives of India's marginalized workforce.

Keywords: Unorganized sector, sector-specific vulnerabilities, social inequalities, intersectional policy approaches, labor policies.

Introduction

The landscape of India's labor market is characterized by a stark divide between the organized and unorganized sectors, with the latter dominating employment patterns in a way that intersects with multiple dimensions of inequality and vulnerability of the different sects of the society. In the context of economic challenges, the unorganized sector in India has exhibited predominant growth patterns. According to the economic survey, between 2019 and 2020, an exorbitant 91% of the additional jobs created were situated within this sector, emphasizing the

urgent requirement for enhanced social security measures¹.

The National Commission for Enterprises in the Unorganized Sector (NCEUS) defines informal workers as "those working in the informal sector or households, excluding regular workers with social security benefits provided by the employers and the workers in the formal sector without any employment and social security benefits provided by the employers."² This definition underscores the precarious nature of employment for the vast majority of India's workforce. But these workers does not remain in uniform isolation.

What makes this situation particularly concerning is how it intersects with deep-rooted social structures and inequalities. The concept of intersectionality provides a crucial lens to examine how various social identities – such as caste, gender, class, religion and place of origin – interact with the conditions of unorganized work to create unique patterns of disadvantages and vulnerability.

Lower-caste workers are disproportionately represented in the most precarious and low-paying segments of the unorganized sector. Women face double discrimination, confronting both gender-based inequalities and the insecurities inherent in informal work. The intersection of these identities with economic class further compounds the challenges, often trapping workers in cycles of poverty and exploitation.

Moreover, the lack of social security benefits, a defining feature of informal employment, exacerbates these vulnerabilities. For instance, only 5% of the poorest quintile of non-farm workers have access to provident fund benefits, compared to 35% of the richest quintile. This disparity in social protection further entrenches existing inequalities.

By thoroughly analyzing the unorganized sector through an intersectional framework, we can uncover the complex ways in which labor market informality interacts with broader social inequalities. This approach not only provides a more nuanced understanding of the challenges faced by unorganized workers but also highlights the limitations of one-size-fits-all policy approaches for which government has brought up many schemes in addressing their diverse needs and vulnerabilities.

As India grapples with the challenge of providing decent work and social security to its vast

workforce, understanding these intersecting factors becomes crucial for developing effective, inclusive policies that can uplift the most marginalized segments of society.

II. Methodology

This study has adopted the doctrinal method with an intersectional approach, scrutiny of various legal areas has been done. This is an evidenced based study wherein catena of reports is being taken to rely on the statistical data to study the diversity of these unorganized workers. The analysis of intersectionality has been done by exploring various policies and legislations implemented by the State as well as Union government. These policies are thoroughly analyzed to study and ensure the impact at grassroot levels. It further describes the social insecurity of these workers and how they are surrounded by various levels of discrimination which makes this class more vulnerable and prone to exploitation. This made the author further focus upon observing the evolution of their growth and the stands taken by government for their welfare.

II. Research Objectives

- To analyze the intersectionality of gender, caste, and class in shaping an individual's working conditions in unorganized sector.
- To assess the impact of caste on access to formal employment opportunities and social security benefits for workers in the unorganized sector, with a specific focus on the employment conditions of Scheduled Castes (SCs), Scheduled Tribes (STs).
- To bridge the gap between legislation and practice and recommend better policy implementation for the unorganized sector.

III. Research Questions

- Whether the existing legislative regulations suffice the urge for formalization of unorganized sectors?
- Whether targeted policies can effectively address the compounded vulnerabilities faced by women in India's unorganized sector due to the intersections of caste, class, and economic instability?
- Whether caste-based discrimination undermines the intended benefits of public welfare schemes for marginalized groups?

IV. Understanding the Workforce

According to the Unorganized Worker's Social Security Act, 2008³, unorganized workers include home-based, self-employed, wage workers, and those in farming, whether paid or unpaid. The unorganized sector, also known as the informal sector, includes workers without formal contracts, set working hours, or social security benefits. They account up to 90 percent of total workforce across India. It covers a wide range of economic activities like domestic work, small-scale manufacturing, street vending, and agricultural labor. This type of work is mostly seasonal or casual. This sector's defining characteristics contribute significantly to the economic vulnerability and instability of its workforce, with one of the most prominent features being the absence of formal employment contracts. This sector lacks government enforcement of regulations, making it easy to enter but difficult to access legal protections. The unorganized sector in India is characterized by its lack of regulation, low-skilled labor, and poor working conditions.

Despite these challenges, the unorganised sector has played a crucial role in India's economy, particularly as a buffer during periods of stagnation in the organized sector. This significance is illustrated by employment trends: while the organised sector showed only marginal growth from 24 million employed in 1983 to 27.8 million in 1999-2000, the unorganised sector's employment grew more significantly, with rates of 2.05% between 1983 and 1987-88, and 2.27% between 1983 and 1993-94. The sector's importance is further underscored by the rise in the share of informal employment from 92% in 1983 (approximately 276 million out of 300 million) to 93% in 1999-2000.

V. Understanding intersectionality in India's Unorganised Sector

Intersectionality explains how overlapping identities, such as caste and gender, create distinct forms of discrimination. Kimberlé Crenshaw explains 'synergistic discrimination' in which individuals at these intersections experience unique and compounded disadvantages. In India's informal sector, this intersectional lens is crucial for understanding the heightened vulnerabilities of unorganized workers. The caste system, with its rigid hierarchies, exacerbates the challenges faced by women and other marginalized groups, leading to severe discrimination that often goes unaddressed.

To effectively address these multi-dimensional vulnerabilities, a focused approach is necessary which deals with structural inequities and the specific needs of those at the intersection of caste and gender to ensure appropriate support and protections are implemented.

Navigating gendered disparities

Indian feminist Gail Omvedt poignantly reflects on the compounded oppression faced by Dalit women, stating, 'We say Dalit women are thrice oppressed—caste, class, and gender...' This insight captures the unique and layered struggles Dalit women endure, not only as women but also as members of marginalized caste and class groups. Unlike other women, Dalit women face the harsh realities of caste-based discrimination alongside the systemic inequalities of class and gender, positioning them at the intersection of multiple forms of oppression. Female workers constitute majority of workforce in unorganized sector however they are subject to various discrimination at workplace as well as home.

Under the Constitution of India⁴ women are protected under part III and IV wherein article 14 guarantees equality for all, article 15 is for prohibition of discrimination on grounds of religion, race, caste, sex or place of birth⁵, wherein the women is discriminated on all of the following grounds, article 16 guarantees the equality of opportunity for employment. Various laws specifically address the rights of women workers, including the Maternity Benefit Act, the Equal Remuneration Act⁶ (ERA), and the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA). Enacted in 1976, the Equal Remuneration Act mandates equal wages for women in comparison to men in similar work positions, ensuring non-discrimination in terms of recruitment and working conditions.

A brief analysis of legislative frameworks

ERA was passed to wipe out the wage disparity, which is often rooted in preconceived gender biases, with employers offering women lower pay regardless of job performance. Women, particularly in rural and agricultural sectors, are left with limited alternatives in such conditions of social and economic marginalization.

The Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), 2005⁷, seeks to address this disparity by guaranteeing 100 days of work per household annually at a statutory

minimum wage. The Act includes provisions specifically aimed at women, mandating that at least one-third of workers be women and ensuring equal pay for both genders. Additionally, it provides for childcare facilities at worksites when needed. These measures represent a significant step toward promoting gender equality in India's labor force.

The Maternity Benefit Act, 1961⁸ provides paid maternity leave for the females. Maternity benefits in the unorganised sector are covered under provisions like the Employees' State Insurance (ESI) Act, 1948, and the Code on Social Security, 2020. These laws aim to provide health and maternity benefits through welfare schemes, though implementation remains limited. Many women in the unorganised sector still face challenges accessing formal maternity benefits due to the sector's informal nature. The Rajasthan High Court recently ruled that working women, regardless of the establishment they work in, are entitled to 180 days of maternity leave as laid down in the Maternity Benefit (Amendment) Act, 2017.⁹

The absence of formalized contracts and employment benefits makes women laborers in the unorganized sector more prone to instability in working conditions. For instance, the absence of maternity benefits, such as paid leave, which are granted rights in the organized sector, poses a significant challenge for women balancing work and family responsibilities in the unorganized work environment. Especially, the jobs which is stigmatized for the lower caste workers such as menial jobs restrict a women to grow out of her environment. This poses a serious risk as these kinds of work are fatal in nature.

Intersectional challenges of lower caste genders

These provisions are critical as women often face compounded challenges due to gender and the informal nature of their work. This can be further delved into by looking into woman's life which is mostly unrecognized as it is unpaid and considered 'housework,' despite contributing to family income. The women in unorganized sectors are engages in activities like agriculture, construction, weaving, and vending, yet these are often excluded from official statistics, underestimating the true scale of women's labor. Most women in the unorganized sector work as casual laborers, often in caste-based occupations like agricultural labor for Pulayas or coir and handloom weaving for Ezhavas. Especially, the jobs which is stigmatized for the lower caste workers such as menial jobs restrict a women to grow out of her environment. This poses a serious risk as these kinds of work are fatal in nature.

One of the prime examples wherein the women are the worst victim of exploitation in this industry they face discrimination based in their class, caste and economic insecurity. Beedi making, primarily done by SCs and Muslim OBCs, reflects the intersectional discrimination women face in the unorganized sector. Muslim women dominate due to cultural restrictions on working outside the house. In regions like Maharashtra and Andhra Pradesh, SC participation is high. Women beedi workers are equipped best with this job, they are dragged into such hazardous activities and endure in such poor socio-economic conditions. Despite legislation such as Beedi workers welfare and fund Act, 1976¹⁰ their situation continues to deteriorate.

Although some newer activities, like floriculture and food processing, are attracting women from relatively higher castes, the work remains physically strenuous and underpaid. Informal sector jobs, such as fish processing, paddy transplanting, coir work, and headload transporting, impose severe physical hardships on women, affecting their health and exacerbating the intersecting disadvantages they face in terms of gender, caste, and economic status. Despite growth in women's employment, most still labor under poor conditions in unorganized sectors, facing systemic discrimination and exclusion.

Addressing Sexual Harassment and Intersectional Inequality

This challenges when exploring the life of these women further the intersectionality of gender and unorganized workers in India, the issue of sexual harassment emerges as a critical focal point. Despite legislative efforts like the Sexual Harassment of Women at Workplace Act of 2013¹¹, women in India's unorganized sector continue to face disproportionate vulnerability to harassment. This vulnerability is deeply rooted in the intersects with these women's caste, and class. Lower-caste women in occupations such as fish processing or agricultural labor often find themselves at heightened risk, their economic precarity compounding their susceptibility to exploitation. The informal nature of their work, coupled with deeply entrenched power dynamics, creates an environment where harassment can flourish unchecked. Moreover, the burden of proof becomes particularly onerous for these women, many of whom lack the education, resources, or social capital to effectively advocate for themselves. Gender-based discrimination in the workplace is inextricably linked to broader socio-economic inequalities, highlighting the need for nuanced, intersectional approaches in both policy formulation and implementation to address the multifaceted challenges faced by

women.

Caste Dynamics and Labor Division in the Unorganised Sector

Caste, a profoundly embedded social system in India, has long-defined work, social rank, and marriage partners. The caste system is hierarchical, with Brahmins, the highest caste, historically linked with academic pursuits and religious rites. The Scheduled Castes (SCs) have historically endured severe prejudice and were frequently relegated to menial employment. Scheduled Tribes (STs), or indigenous people, endured comparable prejudice and were frequently relegated to minor roles in society. SCs and STs are frequently employed in low-wage, hazardous jobs in the unorganized sector, reinforcing the caste-based labor division. This disparity is starkly evident in the concentration of socially vulnerable groups within the unorganised sector, with 93-94% of Scheduled Tribes (STs), Scheduled Castes (SCs), and Other Backward Classes (OBCs) employed in informal work. Such a high concentration not only reflects the historical marginalization of these communities but also underscores their limited access to opportunities within the organised sector.

Evolving Employment Incentives: From PMRPY to Ashadeepa Scheme

The Government of Karnataka's Ashadeepa Scheme¹² represents a more focused evolution of employment incentive programs, building upon the foundation laid by the Pradhan Mantri Rojgar Protsahan Yojana (PMRPY)¹³. While the PMRPY, operational until 2022, took a broader approach to employment formalization by covering employers' EPF and EPS contributions for new hires, the Ashadeepa Scheme narrows its scope to directly address caste-based employment disparities. This targeted initiative specifically aims to improve employment opportunities for Scheduled Caste (SC) and Scheduled Tribe (ST) candidates, reflecting a more nuanced strategy to combat longstanding socio-economic inequalities in the workforce. The Ashadeepa Scheme represents a significant evolution from the Pradhan Mantri Rojgar Protsahan Yojana (PMRPY), reflecting a more targeted approach to addressing caste-based employment disparities. While the PMRPY broadly promoted employment formalization by offering social security benefits for new hires earning under ₹15,000 monthly, it did not specifically address the unique challenges faced by Scheduled Castes (SCs) and Scheduled Tribes (STs) in accessing formal sector employment. The Ashadeepa Scheme, in contrast, directly confronts the systemic marginalization of these communities. By providing targeted incentives to private sector employers for hiring and retaining SC/ST

candidates, the scheme aims to overcome the historical underrepresentation of these groups in the formal workforce. By offering financial incentives to employers for hiring and retaining Scheduled Caste (SC) and Scheduled Tribe (ST) workers, the scheme aims to facilitate the transition of these marginalized groups from informal to formal employment. This initiative is significant given that approximately 90% of India's workforce is in the unorganized sector, with SC/ST workers disproportionately represented in low-paying, insecure jobs lacking social security benefits. The scheme's focus on apprenticeship support and long-term employment incentives has the potential to enhance skill development, improve job stability, and provide access to crucial social security measures for SC/ST individuals.

Complexities in the Ashadeepa Scheme

The Ashadeepa Scheme, while ambitious in its goals to promote formal employment for Scheduled Castes (SCs) and Scheduled Tribes (STs) through financial incentives, faces significant implementation challenges. Despite offering reimbursements for employer contributions to ESI and EPF, apprentice stipends, and partial salary coverage for permanent hires, the scheme struggles with several practical hurdles. A primary concern is the limited awareness and participation among private sector employers, many of whom may be deterred by the perceived bureaucratic complexities of the reimbursement process. The capped reimbursements, such as the ₹3,000 monthly limit for ESI and EPF contributions, may prove insufficient to motivate employers, particularly in higher-paying industries. Smaller establishments with constrained administrative capacities often find the documentation and verification procedures for claiming benefits cumbersome, leading to potential delays or unclaimed incentives. There's also a risk of scheme misuse, with some employers potentially exploiting the incentives for short-term hires without committing to long-term employment.

Furthermore, the scheme's targeted focus on SC/ST candidates, while addressing historical inequalities, may encounter resistance in sectors where caste-based discrimination remains deeply ingrained. This underscores the need for complementary initiatives to combat workplace biases and foster genuine inclusivity. These multifaceted challenges highlight the complexity of implementing such a targeted employment scheme and emphasize the need for ongoing refinement and support to achieve its intended impact of bridging the employment gap for marginalized communities.

The Persistence of Caste Discrimination in Public Welfare

Similarly, other schemes implemented by the Government of India continue to be marred by persistent caste-based discrimination, undermining their effectiveness and perpetuating social inequalities. Recent studies reveal alarming rates of exclusion and discriminatory practices across various states. In the Mid-Day Meal Scheme, for instance, 52% of villages in Rajasthan, 24% in Andhra Pradesh, and 36% in Tamil Nadu report caste-based discrimination. This manifests in various forms, including opposition to Dalit cooks, segregated seating arrangements, and even outright denial of meals to lower-caste children in some cases. Similarly, the Public Distribution System (PDS) is rife with caste-based favouritism. Lower-caste individuals, particularly Dalits, often face discriminatory treatment such as being served last, denied service altogether, or subjected to "untouchability" practices¹⁴. The 55th round of India's National Sample Survey (NSS) gives useful insights regarding caste marginalisation in the unorganised sector. The survey projects that 85% of workers in non-farm sectors belonging to SCs and OBCs do not receive social security payments, compared to 75% of others and SC and STs have relatively inadequate social security coverage among the unorganised workforces. These discriminatory behaviors not only hinder access to essential services but also reinforce existing social hierarchies, directly contradicting the inclusive aims of these welfare programmes.

VI. Conclusion

The intersectional analysis of India's unorganized sector reveals a complex of vulnerabilities that cannot be addressed through siloed policy approaches. The persistent gap between legislative intent and ground realities underscores the urgent need for a paradigm shift in how we conceptualize and implement labor protections. Policymakers must recognize that the challenges faced by unorganized workers are not merely economic but deeply intertwined with social structures of caste, gender, and class. Formalizing the sector through a unified, digital registration platform for workers, combined with expanding social security coverage via portable benefits, could address economic security, but such measures must consider accessibility for marginalized groups. The failure of well-intentioned schemes to reach their intended beneficiaries points to a fundamental misalignment between policy design and the lived experiences of workers. To bridge this gap, future interventions must be rooted in a nuanced understanding of intersectionality. Targeted skill development programs and job placement services for marginalized workers, along with mentorship opportunities, are crucial

to facilitate upward mobility. This means moving beyond blanket policies to develop targeted, context-specific strategies that address the unique challenges faced by different subgroups within the unorganized sector.

Moreover, the persistence of discrimination in both private employment and public welfare distribution calls for a broader societal transformation. To combat discrimination, policymakers must enforce anti-discrimination laws rigorously, complement legislative measures with awareness campaigns, sensitivity training, and inclusive hiring incentives, and empower worker collectives to give voice to marginalized workers. While legislative measures are crucial, they must be complemented by efforts to change deeply ingrained social attitudes and practices. This could involve awareness campaigns, incentives for inclusive hiring practices, and stricter enforcement of anti-discrimination laws.

Ultimately, addressing the vulnerabilities of unorganized workers is not just a matter of economic policy but a fundamental question of social justice. By adopting an intersectional approach, India has the opportunity to create a more equitable labor market that not only provides economic security but also challenges and transforms long-standing social inequalities. Empowering unions and collectives to support workers' rights could help balance power dynamics between workers and employers and create a more inclusive labor environment. This shift towards a more holistic understanding of worker vulnerabilities could serve as a model for other developing nations grappling with similar challenges in their informal sectors.

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