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**UNORGANISED WORKERS IN INDIA: EXAMINING HEALTH
RIGHT, VULNERABILITIES, & THE NEED FOR STRONGER LEGAL
PROTECTIONS**

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Abstract: -

The unorganized sector is a distinct market segment separate from the organized sector, characterized by easy entry, reliance on local resources, family-run businesses, small-scale production, labor-intensive operations, technology adapted from indigenous sources, skills acquired outside formal education, and informal adherence to regulations. The significance of the unorganized sector is particularly evident in its role in offering employment opportunities to skilled, unskilled, and lower-income workers, including both migrants and non-migrants, in densely populated developing countries. In India's unorganized sector, workers are engaged in a range of informal occupations, often lacking access to social security benefits and formal employment agreements. While workers in the unorganized sector play a crucial role in the country's economic progress, they face significant challenges due to the lack of protective laws and regulations. Despite their vital contributions, these workers encounter various issues such as inadequate wages, absence of social security coverage, occupational hazards, informal employment practices, child labor, forced labor, gender disparities, lack of skills training and education, migration, poverty, income inequality, and limited awareness of labor rights. These workers are available whenever needed, working long hours every day, often without receiving minimum wages, under unsanitary and hazardous conditions, living close to their workplaces even in dumpsites, primarily as migrant workers separated from their families, lacking identity and citizenship rights, and risking their dignity and well-being from childhood to old age, disability, or illness. Presently, over 450 million workers are employed in various sectors in India, including industries, households, agriculture, transportation, and other areas crucial for societal functioning. This article critically examines the existing legal framework, including the key judicial pronouncements toward recognizing health as an

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integral part of the right to life. The paper explores international human rights obligations under ILO conventions and the Universal Declaration of Human Rights, assessing India's compliance. It concludes by proposing policy reforms aimed at strengthening occupational health systems, enhancing social security coverage, and ensuring effective grievance redressal mechanisms.

Key Words: Unorganised Workers, Right to Health, Social Security, Constitutional Rights, Human Rights.

Introduction: -

The majority (90%) of Indian workers are employed in the unorganized sector, which includes a broad range of jobs like construction workers, street sellers, domestic servants, and agricultural laborers. Unorganized workers frequently continue to be denied access to official labor protections, social security programs, and healthcare services, despite their substantial economic contribution to the country. Informality, low and inconsistent pay, job insecurity, lack of access to healthcare, and inadequate workplace safety regulations are common characteristics of their working conditions. Both international law and the Indian constitutional framework recognize the right to health and the wider range of human rights for workers. The Indian Constitution requires the State to protect the health, welfare, and dignity of all citizens, especially the weaker and more marginalized ones, through both the Fundamental Rights and the DPSP. In response, a number of national laws and policies have been passed over time to give unorganized workers more protection. There is still significant concern about how well labor rules meet the demands and safeguard the rights of unorganized workers. Their rights to social security, health care, and decent working conditions have been protected by a number of laws and programs, but their actual effects have been minimal.

Definition of Unorganized Workers: -

According to the 1st National Commission on Labour, 'unorganized labour are those who have not been able to organize themselves in pursuit of common objectives on account of constraints like casual nature of work, ignorance and illiteracy, small and scattered size of establishments, and position of employees because of the nature of industry. To this, poverty, indebtedness, working far below minimum wages, lack of bargaining power, vicious circle of

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helplessness, low technology, compelled migration, etc. may also be added². According to Section 2(m) of the UWSS Act³, unorganized workers are defined as wage workers, self-employed individuals, or home-based workers in the unorganized sector, as well as employees in the organized sector who are not covered by any of the Acts specified in Schedule II of this Act. A home-based worker, self-employed worker, or wage worker in the unorganized sector is considered an unorganized worker, as defined by Section 2(86) of the Code on Social Security. This definition also covers an organized sector worker who is not covered by the ID Act or Chapters III–VI of this Code.⁴

Categorise of Unorganised Workers:-

In India, unorganised workers constitute a significant portion of the workforce. The unorganised sector includes workers who are not covered by formal labour laws and social security benefits. The categories of unorganised workers can be broadly classified based on the nature of employment and the sector in which they are engaged. They are as follows-

I. Based on Nature of Employment

A. Self-employed Workers

These are individuals who operate their own businesses, enterprises, or farms. They do not have employers and are not salaried. Their earnings are often uncertain and fluctuate based on demand, seasonality, or access to capital and markets. Examples, Street vendors selling food, clothes, books, etc., small farmers who cultivate land on their own or leased property, artisans and craftspeople like potters, weavers, and blacksmiths. They faced various issues like, Lack of access to credit and insurance, absence of minimum wage protection, no access to social security, pensions, or health benefits.

B. Wage Workers in Unorganised Enterprises

These workers are hired by small, informal enterprises that are typically not registered with the government and operate outside the scope of most labour laws. Employment is informal, and there are no written contracts. Examples, Workers in local Kirana shops, food stalls, or repair shops, employees of small manufacturing units operating from homes or garages. They

²Government of India, “Report of National Commission on Labor” (1969).

³ The Unorganised Workers’ Social Security Act, 2008. section. 2(m).

⁴ The Code on Social Security, 2020. section 2(86).

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faced various issues like, Low and irregular wages, no job security, paid leave, or health benefits, exploitation due to power imbalance and absence of unions⁵

C. Temporary Employees

Casual workers are hired on a daily basis or for short-term assignments. They are not permanent employees and can be dismissed at any time without notice or severance pay. Examples, Daily wage labourers in construction, agriculture, or transportation, manual loaders and unloaders at markets and railway stations. They often faced problem related to, Uncertainty of employment and income, no health insurance or accident coverage, often suffer from occupational injuries and have no access to compensation.

D. Home-based Workers

These workers perform work at home or in a nearby location rather than in a factory or office. They are often a part of subcontracting chains, where their work feeds into larger industries (e.g., garments, handicrafts). Examples, Beedi rollers, garment and embroidery workers, aggravate makers, envelope folders. They Extremely low piece-rate wages, lack of recognition as ‘workers’ under most labour laws, exposure to harmful substances without protection (e.g., tobacco dust in beedi making).

II. Based on Sector or Occupation

Small and marginal farmers, landless agricultural labourers, share croppers, fisherman, those engaged in animal husbandry, beedi rolling, labelling and packing, building and construction workers, leather workers, weavers, artisans, salt workers, workers in brick kilns and stone quarries, workers in saw mills, oil mills etc⁶.

A. Agricultural Workers

This worker includes both land-owning farmers and landless labourers who work on farms. Most of them belong to marginalised social groups and are often excluded from formal protections. Examples, Sharecroppers, daily wage agricultural labourers. Issues they faced is, exposure to pesticides and poor working conditions, debt bondage, especially among small farmers, no pension or social security.

⁵ Prof. (Dr.) Subhashish Chatterjee, “Laborers of Unorganized Sectors and their Problems” 3(7) *International Journal of Emerging Trends in Science and Technology* (2016).

⁶ Naveen Kumar, “A Study on Laborers and Their Problems in Unorganized Sector in India” 4(2) *Indian Journal on Integrated Research law* (2021).

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B. Construction Workers

In India, at least 30 million persons are directly employed in the field of construction. This sector has a sizable migrant and casual labor force. Work is physically demanding and dangerous. Examples, labourers carrying bricks and cement, carpenters, masons, and plumbers. Issues they faced is, frequent accidents, often fatal, non-payment or delayed payment of wages, lack of toilets, safety gear, and clean drinking water at work sites.⁷

C. Domestic Workers

These workers perform household chores in private homes and are among the most exploited due to the private, invisible nature of their work. Examples, maids, cooks, babysitters, and caretakers. Issues they faced is no fixed working hours, risk of verbal, physical, or sexual abuse, no formal grievance redressal mechanism. Domestic workers are more vulnerable than other workers, and they not covered by laws that apply to workers.

D. Street Vendors and Waste Pickers

They perform essential services but often face harassment and lack official recognition or space to work. Examples, food cart vendors, mobile hawkers, recyclable waste collectors. Issues they faced is, eviction and confiscation of goods by authorities, exposure to harmful waste without protective gear, no legal rights to vending space.

E. Transport Workers

These workers operate in informal systems without contracts or legal protections. Examples, rickshaw pullers, delivery agents, porters. Issues they are faced, long working hours, exposure to road accidents and air pollution, no health or accident insurance.

Challenges faced by Unorganised Workers:-

I. Poor Working Conditions

The most common problem faced by the workers working in the unorganised sector is the lack of security of job. As the workers working in the informal sector are not employed with proper regulations in a formal manner there are no obligations regarding the jobs. The Mahatma Gandhi National Rural Employment Guarantee Act 2005 aims at providing the job

⁷Namita Das, "Women in Unorganized Sector Problem & Issues in India" 5(8) *Journal of Emerging Technologies an Innovative Research* (2018).

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security to the workers by ensuring guaranteed wage employment for a minimum of hundred days of in a financial year⁸.

II. Low wages

One of the main factors influencing workers' employment in unorganized sector is wages. However, most employees in the unorganized sector do not get compensation that is appropriate for the amount of labour they have done. Additionally, workers in unorganized sectors typically do not earn minimum wage. They don't receive any extra incentives, bonuses, allowances, or fringe perks. Being subjected to injustice, discrimination, and exploitation at work has become a daily occurrence for them without protest.⁹

III. Long Working hours

Long work hours have a severe negative influence on employees' lives since they deprive them of their social and familial lives. Because they must balance their careers and domestic duties, women workers' lives are significantly impacted. Working longer hours than the required labour norms is a frequent practice in India, primarily due to a lack of laws. There were various labour laws which are limit the working hours, but they do not apply to the unorganized sector, hence there are no restrictions on working hours. The legislations like the Factories Act, Shops and Establishment Act¹⁰, etc. provides for maximum limit of working hours but the unorganised sector is not covered under the purview of these legislations leading to no constraint in the working hours.

V. Women and Children are unprotected

Children are still employed in tea shops, small shops etc., for low-cost wages. Likewise, women were also not given reasonable wages for their hours of work. As well as they were also facing many physical and mental problems during the course of employment. Article 39 (d) of the Constitution¹¹ of India speaks about equal pay for equal work, which means all workers should be given equal wages without any discrimination.

VI. Exploitation

⁸ The Unorganized Sector in India: Issues and Challenges Faced by the Unorganized Workers, (December 2022), available at: www.journal-innovations.com (last visited on 10 June 2025).

⁹Dhananjoy Biswas, "Problems of Unorganized Workers and their Social Security Measurers in India: An Analysis" 7(1) *International Journal of Research and Analytical Reviews* (2020).

¹⁰ West Bengal Shops and Establishment Act,1963.

¹¹ The Constitution of India, 1950. art.39 (d)

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Compared to workers in the organized sector, those in unorganized sector are less protected. They suffer from maltreatment, exploitation, and deprivation in the end. Particularly women and kid labourers, who are unable to protest, are not compensated fairly for their equal labor. Not eligible to receive compensation for their extra work, nor are they eligible to receive paid vacation or holidays.¹²

VII. Risk to Health of Workers

The health of the employees is at stake because they are working in unfavourable settings. Particularly in the unorganized sector, they are unable to provide a healthy meal three times a day for everyone because they all come from low-income families. They labour long hours without breaks, eat little, and use dirty sanitary products, all of which have an adverse effect on their health.

Occupational Health:-

The multidisciplinary field of occupational health is dedicated to safeguarding, promoting, and maintaining the health of workers in all occupations. Ensuring that working conditions do not negatively impact employees' physical, emotional, and social well-being is its main goal. The ILO and WHO state that the following goals of occupational health Maintaining and promoting health means making sure that employees are in the best possible physical, mental, and social condition. Preventing workplace-related illnesses and injuries, which are brought on by unsafe or subpar working circumstances. Risk management for workplace hazards includes preventing exposure to biological agents, chemicals, dust, noise, stress, and ergonomic strain. Adjusting Work to the Employee ensuring the workplace meets the demands of employees on a psychological and physiological level. Although there isn't a single legal definition of occupational health in India, the idea is included in a number of legislations, including Factories law, which covers fundamental aspects of health and safety, like ventilation, cleanliness, waste disposal, and worker welfare.¹³ The Code on OSH unifies thirteen labour laws and places a strong emphasis on maintaining medical records, conducting regular physicals, providing safe working conditions, and establishing regulations for various industries, including manufacturing, construction, and mining. Despite the lack of a clear definition of occupational health, the OSH Code requires businesses and governments

¹²Dhananjoy Biswas, "Problems of Unorganized Workers and their Social Security Measures in India: An Analysis" 7(1) *International Journal of Research and Analytical Reviews* (2020).

¹³ The Code on Occupational Safety, Health and Working Conditions, 2020.

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to make sure that workplaces are safe and healthy. Occupational health risks associated with the kinds of work people do.¹⁴

Constitutional Provisions: -India has a written Constitution which is supreme law of the nation. It is the ground norm of the legal system of the country, it conditions and overrides all legislative and administrative actions. The preamble to the Constitution aims at establishing a sovereign, socialist, secular, democratic republic so as to secure to all its citizens, social, economic and political justice, liberty of thought, expression, belief, faith and worship etc¹⁵. Article 38 further provides that the state shall strive to secure a social order in which social and economic justice shall inform all institutions of national life. The preamble of the Constitution is notable for two reasons. Firstly, it resorts to a fiction by conferring on the people of India the ultimate authority for not only constituting the future society but also laying down the cherished ideals of the society and bringing into force the constitution itself. Secondly it spells out a social mission that people of India resolve to pursue, namely setting up a Sovereign, Socialist, Secular, Democratic, Republic, securing the ideals of justice, liberty, equality and fraternity and adopt and give constitution¹⁶. Some of these rights, such as the freedom of speech and expression, the right to organize a union, and the right to be free from forced labor and child labor, are justiciable, while others are not¹⁷. In addition, Constitution's Seventh Schedule describes how the federal and state legislatures share legislative power on several issues. Most of the labour subjects are on List III (Concurrent List). These include provident funds, maternity benefits, workers' compensation, unemployment benefits, social security and social insurance, occupational unions, industrial and labour conflicts, and employer liability. Since they are on the Concurrent List, most labour-related professions have labour regulations established by Parliament. Constitution provides a solid foundation for security and welfare of working class. Distinction between organized and unorganized work is non-existent. Instead, all Indian citizens are equal before the law and are afforded equal protection under it, according to Article 14.¹⁸ Parts III and IV, contain a number of clauses pertaining to workers' rights and the right to health. Part IV lays

¹⁴ Dr. Satyabrata Patro, "A Critical Analysis on Occupational Safety, Health and Working Condition of Unorganised Workers in Odisha" 30(4) *Educational Administration: Theory and Practice* (2023).

¹⁵ Dr. J.J.R. Upadhyaya, *Administrative Law* 32(Central Law Agency, Allahabad, 11th edn., 2019).

¹⁶ Dr. R. D. Dubey, "Rights of Women Workers in Unorganized Sector: Legal issues and challenges", 5 *Indian Journal of Law and Justice* (2014).

¹⁷ Naveen Talawar and Sheetanshu Singh, "Social Security for the Unorganized Sector Workers in India", 6 *International Journal of Legal Science and Innovation* (2024).

¹⁸ The Constitution of India 1950, art.14.

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out certain fundamental principles for governmental policy, while Part III protects citizens' fundamental rights. However, the particular difficulties faced by workers in unorganized sector in exercising their entitlement to health care are not particularly or promptly addressed by this legislation. Consequently, there is still a large void in the legal and constitutional framework that oversees the defence and maintenance the health rights of unorganized sector.¹⁹

Social Security of Unorganized Workers :-

This Act²⁰ was passed by the Parliament of India on December 30, 2008. This act aims to provide safety & benefits to unorganized businesses. Many initiatives are being developed by the state and federal governments on a variety of subjects, including life, disabilities, elderly people, education, and work. These initiatives are funded by the federal government and the states. This statute specifically addresses India's unorganized industry. To enforce the law, the government set up a State Social Services Council and National Social Security Board. A member secretary, 31 nominated members, and an appointed chairperson make up the Board. Making recommendations for the creation and execution of appropriate welfare programs is the primary goal. The Board's other duties include reviewing the registration and identity card issuance process for unorganized workers, advising the union government on issues pertaining to the Act's administration, assessing financial expenditures, and offering suggestions to increase the Act's efficacy. Similar responsibilities fall to State Social Security Board.

International Standards: -Informal workers made a sizable share of the labour force worldwide, especially in emerging nations. These workers contribute to the economy, but they frequently deal with dangerous working conditions, poor access to healthcare, and little social protection.Right to health is recognized and protected by international treaties, accords, and regulations, especially for unorganized sector workers. It highlights how the WHO, ILO, and UN have contributed for development of international standards for health rights.The 1948 UDHR²¹, is a treaty, similar to the Declaration of Independence, it also declares policy and a call to action.It is clearly stated that everyone has the right to quality of living sufficient for his or her own and their family's health and well-being, including access to healthcare and

¹⁹Dr. R. D. Dubey, "Rights of Women Workers in Unorganized Sector: Legal issues and challenges",5 *Indian Journal of Law and Justice* (2014).

²⁰The Unorganized Workers Social Security Act,2008.

²¹The Universal Declaration of Human Rights (UDHR), 1948.

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security in the event of illness or incapacity. It is believed that one can gauge how well the right is being realized by looking at one's health. Right to a minimal quality of living, which does not necessarily entail health. The idea is that the right can be acquired, usually by having access to adequately compensated employment, as opposed to needing to be directly provided with food, clothing, housing, and healthcare.

ILO Conventions: -

The establishment of safety net minimum requirements resulted in acknowledgement of social security as a fundamental Human Rights. International Labour Conference's 34th meeting, held in June 1951, formalized these criteria. The key requirements for social security were laid forth during this meeting, and preliminary recommendations for information included in workers Social Security standards were produced²². Convention 102, commonly referred to as the Convention on Minimum Standards of Social Security, was adopted in 1952, marking a major turning point in the development of social security. This convention establishes the fundamental conditions for social security in nine important areas: disability, maternity, old age, work-related injuries, illness, unemployment, medical care, survivors' benefits, and family benefits. A comprehensive framework is established by the Social Security (Minimum Standards) Convention with the goal of progressively encompassing all economic sectors. Convention 102 describes the nine components of the program and establishes fundamental guidelines for amount of SS benefits. It also describes the range of coverage, the qualifying standards, and the types of benefits provided.²³ This framework stipulates that a ratifying state must adopt at least one branch of benefits related to unemployment, old age, disability, survivors' compensation, or work-related injuries.

Role of Judiciary: -

In the case of *Consumer Education and Research Centre*²⁴ an NGO, filed a writ petition under Article 32 of the Constitution. The petition raised concerns about the health and safety of workers employed in asbestos industries across India. It highlighted the hazards of asbestos exposure, including incurable diseases like asbestosis, and sought protective measures and compensation for affected workers. The petition also challenged the failure of

²²International Labor Organization, Social security (minimum standards) convention, 1952 (No.102), Geneva.

²³Ernest M. Beele, "Social Security Legislation in Zambia and the ILO Social Security (Minimum Standards) Convention, 1952 (No.102)", 48 *Zambia Law Journal* (2018).

²⁴*Consumer Education and Research Centrev. Union of India and Ors.* (1995) 3 SCC 42.

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the government and employers to ensure safety standards and healthcare for workers handling asbestos. In a major ruling, the SC of India acknowledged that the right to health and medical treatment is a fundamental right and that, in accordance with Article 21 of the Constitution, it is a component of the right to life. It said that having access to safe working conditions and health care is essential to living a fulfilling life. Obligations of employers and the state, Employers and the government are both required by the constitution to protect workers' health and safety, particularly in dangerous sectors like asbestos production.

In *Occupational Health and Safety Association*²⁵, a PIL was filed highlighting the inhuman and unsafe working conditions of sewage workers and manual scavengers in Delhi and other parts of the country. The petitioner argued that these workers were being exposed to toxic waste and hazardous environments without proper protective equipment, violating their fundamental rights under Article 21 of the Constitution. The Court held that occupational safety is an essential component of the right to life and dignity, and directed the government to strictly enforce the provisions of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, ensure mechanization of sewage cleaning, and provide proper protective gear and compensation for injury or death.

Conclusion: -

Unorganised workers in India remain one of the most vulnerable sections of the workforce, facing poor working conditions, lack of healthcare, and financial insecurity. The absence of adequate social protection exposes them to exploitation, illness, and economic instability. Ensuring their wellbeing requires a holistic approach that combines access to healthcare, income security, and safe working environments. Awareness, effective implementation of welfare schemes, and active support from both government and society are crucial. Strengthening social security for unorganised workers is not just an economic necessity but a moral imperative to uphold their dignity, health, and human rights.

²⁵*Occupational Health and Safety Association v. Union of India & Ors.*, (2014) 3 SCC 547.

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