

# EDUCATION AND HEALTH RIGHTS OF UNORGANIZED WOMEN WORKERS: A STUDY OF LEGAL PROTECTION AND HUMAN DEVELOPMENT

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## **Abstract:**

The present research study examines the health and educational rights of unorganized women workers from the perspectives of human development and legal protection. Despite making up a sizable portion of India's unorganized sector, unorganized women workers continue to be among the most vulnerable peoples due to such issues like poverty, illiteracy, occupational risks, wage discrimination, and limited access to basic healthcare and educational opportunities. While Articles 14 and 21 of the Indian Constitution guarantees equality, dignity, and the right to life, women's socioeconomic rights in the unorganized sector are still not fully realized in practice. The study uses a doctrinal research methodology, analyzing government policies, labour laws, and constitutional requirements. In order to assess how well welfare programs like the Maternity Benefit Act of 1961 and the Unorganized Workers' Social Security Act of 2008 ensure social security and benefits for mothers' health, it critically reviews these laws. The study identifies implementation gaps and structural obstacles by tying health and education benefits to human development metrics. The study comes to the conclusion with suggestions that in order to guarantee social justice, gender justice, and sustainable national development, it is imperative to embrace inclusive policy reforms, enhance enforcement mechanisms, and raise legal knowledge.

**Keywords:** Unorganized Sector, Women Workers, Education and Health Rights

## **1.1. Introduction:**

Fundamental human rights and vital elements of human development include health and education. Due to poverty, illiteracy, unstable employment, and a lack of legal knowledge, access to these rights is still restricted for unorganized women workers, who make up a sizable portion of India's informal labour force. Despite the fact that the Indian Constitution's Article 21 guarantees equality, dignity, and the right to life, as well as instructs the State to advance social justice, the unorganized sector still fails to adequately implement the rights to health and education. Women workers in unorganized sectors mainly participate in agriculture, domestic jobs, construction, home-based segments, and various other informal roles where social security protections are either weak or non-existent. Legislative initiatives like the Unorganised Workers' Social Security Act of 2008 and the Maternity Benefit Act of 1961 aim to provide welfare support; however, gaps in implementation and a lack of awareness impede their effectiveness. Limited educational opportunities hinder women's chances for skill enhancement and improved employment, while inadequate healthcare services negatively impact their productivity and overall health. The object of this study is to investigate the legal framework that governs the health and education rights of unorganized women workers and to assess how it affects human development. The study emphasizes the necessity of stricter enforcement, policy

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change, and increased awareness to guarantee substantive equality and inclusive growth by connecting legal protection with socio-economic empowerment.

## 1.2. Literature Review:

### (Panda 2022)<sup>2</sup>

Mandakini Panda's (2022) research investigates women's labour in India's unorganized sector from the standpoint of human rights. Nearly 94% of women workers are employed in informal employment, which is marked by job insecurity, wage inequality, a lack of social protection, and exposure to workplace violence and exploitation, according to the literature. Previous research has highlighted structural vulnerabilities and discrimination in the labour market depending on gender. The assessment highlights discrepancies between legal provisions and actual implementation by delving deeper into categories of informal work and assessing legislative frameworks including the Maternity Benefit Act and the Minimum Wages Act.

### (Hegde 2023)<sup>3</sup>

Dr. Shakila Hegde (2023) addresses the human rights abuses that women in India's unorganized sector experience in her article "Human Rights and Women in Unorganized Sector – An Indian Perspective", which was published in the International Journal of Creative Research Thoughts. The literature draws attention to problems like lack of social security, poor health, sexual harassment, job insecurity and wage discrimination. It highlights the vulnerability of rural- urban areas, gender-based exploitation and the effects of technology and globalization. In addition to reviewing national legal frameworks and international obligations like CEDAW, the study comes to the conclusion that gender-sensitive policies and structural reforms are crucial for women's empowerment.

### (Mariya Ansari 2022)<sup>4</sup>

The rights of women in unorganized sector is examined from a legal awareness viewpoint in the study by authors, which was published in the International Journal of Humanities and Social Science Research. The fact that almost 94% of women labour in informal jobs and experience sexual harassment, wage inequality, discrimination and job insecurity is highlighted. In order to defend women's human rights and empower them, the article critically examines labour laws and constitutional protections including the Equal Remuneration Act and the Maternity Benefit Act and MGNREGA. It highlights the importance of legal literacy and efficient execution.

## 1.3. Objectives of the study:

- ❖ To examine the constitutional and legal provisions relating to education and health rights of unorganized women workers.
- ❖ To analyse the effectiveness of existing labour laws, social security measures and government welfare schemes in protecting their educational and health interests.

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<sup>2</sup> Mandakini Panda, WOMEN WORKERS IN THE UNORGANISED SECTOR: A HUMAN RIGHT PERSPECTIVE, VOL-10/50, 12369-12381, (2022).

<sup>3</sup> Dr Shakila Hegde, Human Rights And Women In Unorganized Sector -An Indian Perspective, Volume 11, Issue 7, 2320-2882 (2023).

<sup>4</sup> Mariya Ansari, Mahim Ansari, Dr. Jahangir Chauhan, Rights of women in unorganized sector- An approach towards legal awareness, Volume 8, Issue 5, (2022).

- ❖ To identify the major socio-economic Issues-challenges and barriers that prevent unorganized women workers from accessing education and healthcare facilities.
- ❖ To assess the role of government policies and human rights mechanisms in promoting the human development of unorganized women workers.
- ❖ To propose suitable legal and policy recommendations for strengthening the protection and implementation of education and health rights in the unorganized sector.

#### **1.4. Research Methodology**

The doctrinal method of study used in this study depends on the examination of secondary legal sources. In order to assess legal protection mechanisms and their function in advancing human development, it looks at constitutional provisions, labour laws, court rulings, government reports and policy papers pertaining to the health and education rights of unorganized women workers.

#### **1.5. Significance of the study:**

This study is important because it examines the legal protection afforded to unorganized women workers, who make up a sizable portion of India's informal labour force, as well as the critical relationship between education and health rights. Even though social justice and equality are guaranteed by the Indian Constitution and protections are offered by welfare laws like the Unorganized Workers' Social Security Act of 2008 and the Maternity Benefit Act of 1961, implementation gaps still exist. The study finds systemic obstacles influencing women's well-being by examining these safeguards using a human development framework. It supports gender equity and inclusive socio-economic growth by advancing scholarly discourse, enhancing policy knowledge and raising legal awareness.

#### **1.6. Legislative Provisions & Government Policies:**

##### **1. Legislative Provisions:**

The legal framework that governs the health and education rights of unorganised women workers in India is drawn from particular welfare laws and constitutional obligations.

##### **2. Provisions under Indian Constitution:**

Article 14 of the Indian Constitution provides equality before the law, while Article 15 forbids discrimination based on sex. Article 21 of the Constitution assures protection of life and personal liberty, which has been interpreted by courts to encompass the right to health and dignity. The right to education is guaranteed by Article 21(A), and the State is directed by Directive Principles 39, 41, 42, 45, and 47 to ensure fair and humane working conditions, maternity leave, public health and education.

##### **3. Welfare Laws for Unorganized Workers:**

For unorganized workers, the Unorganized Workers' Social Security Act of 2008 offers social security benefits such as maternity and health insurance. The Maternity Benefit Act, 1961 ensures paid maternity leave and safeguards employment during pregnancy.

##### **4. Codes of Labour and Social Security:**

The Code on Social Security, 2020 unifies social security policies, including as health insurance, maternity benefits and unorganized worker welfare programs.

## 5. Laws Concerning Health and Education:

Working mothers are indirectly supported by the Right of Children to Free and Compulsory Education Act of 2009, which ensures free education for children. Enhancing women's access to healthcare in the unorganized sector is another goal of public health initiatives and welfare programs.

Together with each other, these legislative measures seek to advance human development, gender equality, and social justice; yet, their successful implementation continues to be a difficulty.

### 1.7. Government Policies:

Government measures pertaining to the health and education rights of India's unorganized women workers, demonstrating how the government promotes human development and legal protection:

#### 1.7.1. The National Policy for Women's Empowerment (2001)<sup>5</sup>

The goal of this strategy is to abolish gender inequality and give women more social and economic influence. It emphasizes women's access to health care, education, vocational training, and capacity building—all of which are beneficial to women working in non-formal occupations.

#### 1.7.2. The 2017's National Health Policy<sup>6</sup>

The strategy places a high priority on universal access to high-quality, reasonably priced healthcare, with a particular focus on disadvantaged populations, such as women working in the unorganized sector. It supports maternal health, health awareness campaigns and preventative and promotional health services.

#### 1.7.3. In 2020, the National Education Policy<sup>7</sup>

With an emphasis on chances for lifelong learning and better access for underprivileged groups, such as women from unorganized labour backgrounds, this policy encourages fair and inclusive education for all.

#### 1.7.4. Pradhan Mantri Matru Vandana Yojana<sup>8</sup>

Maternity benefit program that gives pregnant and nursing mothers financial incentives to enhance their diet and overall health. This helps unorganized women workers in particular who don't have official job perks.

#### 1.7.5. Pradhan Mantri Jan Arogya Yojana – Ayushman Bharat<sup>9</sup>

A publicly sponsored health insurance program that provides underprivileged families many of whom are women employed in the unorganized sector with free secondary and tertiary treatment.

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<sup>5</sup>. <https://www.mcrhrdi.gov.in/87fc/policies/Women.pdf>

<sup>6</sup>. <https://www.mohfw.gov.in/sites/default/files/9147562941489753121.pdf>

<sup>7</sup>. [https://www.education.gov.in/sites/upload\\_files/mhrd/files/NEP\\_Final\\_English\\_0.pdf](https://www.education.gov.in/sites/upload_files/mhrd/files/NEP_Final_English_0.pdf)

<sup>8</sup>. <https://pmmvy.wcd.gov.in>

<sup>9</sup>. <https://beneficiary.nha.gov.in>

#### 1.7.8. The mission of Skill India<sup>10</sup>

Includes initiatives such as the Skill Development Initiative Scheme and the Deen Dayal Upadhyay Grameen Kaushalya Yojana, which indirectly boost education and empowerment by enhancing employability, skills and access to higher-paying employments.

#### 1.7.9. National Social Assistance Program<sup>11</sup>

Enhances basic health and financial stability by giving financial support to disadvantaged groups, such as

widows and low-income women. Although there are still issues with implementation and effectiveness, these policies work together to improve unorganized women workers' access to education, health protection, social security and economic empowerment.

### 1.8. Judicial Activism:

In India, judicial activism has significantly improved the rights of unorganized women workers to health care and education. Although equality and dignity are guaranteed by Articles 14 and 21 of the Constitution, it has frequently taken proactive judicial intervention to make these rights a reality for unorganized women workers.

Supreme Court of India has continuously broadened the definition of the right to life under Article 21 to encompass the rights to education and health. The Court acknowledged education as a fundamental right in **Mohini Jain v. State of Karnataka**<sup>12</sup> and **Unni Krishnan v. State of Andhra Pradesh**,<sup>13</sup> which was later confirmed by Article 21(A) of the Constitution. These rulings improved children of unorganised women workers' access to education, especially for migratory and construction workers who are frequently shut out of formal education.

Additionally, in **People's Union for Democratic Rights v. Union of India**,<sup>14</sup> the Court stressed that the State is responsible for safeguarding the welfare of workers since the non-enforcement of labour rules infringes fundamental rights. The judiciary has forced governments to more successfully administer welfare programs under the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act of 1996 and the Unorganized Workers' Social Security Act.

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<sup>10</sup>. <https://www.ibef.org/government-schemes/skill-india>

<sup>11</sup>. <https://nsap.dord.gov.in>

<sup>12</sup>. (1992 AIR 1858)

<sup>13</sup>. (1993 AIR 2178)

<sup>14</sup>. (AIR 1982 SC 1473)

Workplace safety and dignity have also been addressed by judicial activism. Women in both the formal and informal sectors benefited from the rules the court established in **Vishaka v. State of Rajasthan**<sup>15</sup> to prevent sexual harassment at workplace.

Judicial activism has served as a link between constitutional commitments and actual experiences. Through a broad interpretation of socio-economic rights and by providing enforceable directives, the judiciary has enhanced legal safeguards and made substantial contributions to the development outcomes for unorganized women workers. Nonetheless, ongoing legislative dedication and effective administrative execution are crucial to convert judicial directives into practical outcomes.

### 1.9. Conclusion & Suggestions:

India has several labour welfares acts and constitutional protections, but the unorganized sector does not fully apply them. Unorganized women workers continue to face structural inequalities, lack of awareness, economic vulnerability, and limited access to quality education and healthcare services. Legal protections such as the Unorganized Workers' Social Security Act and welfare schemes have not fully translated into tangible benefits due to administrative gaps and weak enforcement mechanisms. Consequently, the denial or limited realization of education and health rights directly affects their human development, economic independence, and social empowerment. Strengthening these rights is therefore essential not only for gender

justice but also for inclusive and sustainable national development.

## 1. Suggestions:

**Strengthening Legal Implementation:** Make ensuring that current labour and social security laws are effectively enforced by means of appropriate accountability, transparency, and monitoring mechanisms.

**Programs for Legal Literacy and Awareness:** Run focused awareness programs to inform unorganized women workers about their rights to health care, education and welfare.

**Enhanced Access to Public Services:** Increase the number of accessible and reasonably priced healthcare facilities as well as adult education and vocational training programs in both urban and rural informal sectors.

**Social Security expansion and policy reforms:** Bolster programs under frameworks such as the National Health Mission and more thoroughly incorporate health and education benefits into labour welfare policies.

**Gender-Sensitive Human Development Approach:** To support the holistic human development of unorganized women workers, implement inclusive policies that cover work-related safety, nutrition, maternity benefits and childcare assistance.

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