

CHAPTER-IX

WOMEN AND CHILDREN

The Terms of Reference of our Commission ask us, *inter alia*, to give attention to the need for "improving the effectiveness of measures relating to social security, occupational health and safety, minimum wages and linkages of wages with productivity and in particular the safeguards and facilities required for women and handicapped persons in employment."

9.2 Approximately half the population of our country and, therefore, of the potential workforce is of the female gender. Any social, economic or industrial system that ignores the potential, talents and special aptitudes of this half will be flawed on many counts. It will be guilty of gross underutilisation of the human resources or human potential available to the nation. It will be guilty of denying equal opportunities, and thus creating conditions that cause or perpetuate exploitation and disparities. It may even result in conditions of near slavery for a large section of our population. It is,

therefore, necessary to ensure equal opportunities for employment; equal remuneration for equal work; equal opportunities for the acquisition and upgradation of skills; equal opportunities for promotions; equal opportunities for access to positions of responsibility; equal respect, and protection from indignities, harassment and humiliation at place of work; equal opportunities for the redressal of grievances; and equal access to the by-lanes and highways and summits of entrepreneurship, and all the requirements of entrepreneurship including credit. These must be backed by equal rights to property and inheritance. But the Commission does not propose to make detailed observations on the question of equal rights to property and inheritance, since this does not fall within our terms of reference.

9.3 While all the opportunities and rights that we have mentioned in the earlier paragraph are vital, and are corollaries of the perceptions and fundamental principles enshrined in

our Constitution, the full development and deployment of the potential of the female workforce cannot be ensured merely by making these opportunities available. The system and the laws have also to take cognisance of, and provide for, the special responsibilities that women bear to society and the species. While it has been proved that women can do any job that men can do, there are some social responsibilities that men cannot discharge. While men can, and should share the responsibility for child caring, women alone can bear the responsibility of child bearing. A society that is mindful of the value of human resources cannot be unconcerned about the pre-natal and post-natal care of its mothers, and the care and attention that are essential at childbirth. It is obvious that women workers cannot be loaded with the normal load of work during these days. It is also evident that women workers have to attend to the needs and care of the infant. The demands of all these on the nutritional requirements, health and physical well being of the mother and infant child have to receive full attention from society.

9.4 All these have their own impact

on the conditions under which women can be expected to work. Yet, one often sees that these special conditions are made excuses for denying women full and equal status as workers, for reducing them to the status of casual employees, or employing them only on casual and contract-based jobs, for creating conditions in which they are compelled to accept jobs that carry lower wages, often with discriminatory practices and attitudes. The Human Development Report 1995 points out that "in no society women enjoy the same opportunities as men." The Human Development Report 1996 says that "in all countries the gender-related development index is lower than the human development index, reflecting lower achievements in human development for women, compared to men. Gender gaps in education and health are closing, but opportunities for economic and political participation are severely limited for women. Women occupy only 12% of seats in Parliament, and only 14% of administrative and managerial positions. With the average gender empowerment measure at 0.391, all countries have a long way to go before reaching equality."

9.5 The Commission is strongly of the opinion that our laws and systems of social security should prevent and eliminate such discriminatory attitudes and practices.

The laws that relate to the workforce and the systems that are set up to provide safety and security, should therefore, be examined with a view to eliminating discriminatory impacts, and providing full protection and welfare to women workers. The Commission has examined the existing laws relating to the workforce, from this point of view, particularly the:

- a) Minimum Wages Act, 1948
- b) Industrial Disputes Act, 1947
- c) Workmen's Compensation Act, 1923
- d) Maternity Benefit Act, 1961
- e) Inter-State Migrant Workmen (R.E.C.S.) Act, 1979
- f) Beedi and Cigar Workers (Conditions of Employment) Act, 1966
- g) Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996

- h) Contract Labour (Regulation and Abolition) Act, 1970
- i) Trade Unions Act, 1926
- j) Factories Act, 1948
- k) Unprotected Manual Workers (Regulation of Employment and Welfare) Act, 1979

9.6 The detailed recommendations that the Commission proposes to make to amend and improve these laws are included in the Chapter on 'Review of Laws.'

9.7 The Study Group appointed by our Commission to study the problems and needs of 'Women Workers and Child Labour,' has made a comprehensive study of the needs of women workers in the realm of social security. They have studied the special concerns of women workers as well as their general needs. They have looked at the potential and adequacy of the citizen-based approach as well as the work-based entitlements that should supplement the citizen-based entitlements. They have also examined the relative merits of different statutes and institutions that can assure

comprehensive and universal coverage as well as ensure speedy and efficient delivery of services in the field of social security. They have pointed out that the present laws and statutes cater mainly, if not solely, to the organised sector that accounts only for less than 10% of the workforce; that the remaining 90% or 93% that is today outside the pale of social security systems, is more vulnerable, and therefore, more in need of social security entitlements; that the vast majority of women workers are in the unorganised or informal sector; and that any attempt to reach social security to women workers should take into account the conditions of the workforce in the unorganised or informal sector. The Commission has given full consideration to the suggestions that the Study Group has made.

9.8 Our detailed recommendations on aspects of social security that are of special relevance to women workers, can be found in the Chapter on 'Social Security,' along with our recommendation for a comprehensive social security system for the entire workforce.

WOMEN WORKERS IN INDIA: A MACRO PICTURE

9.9 The Commission shares the view that the contribution of women as a category of workers, is grossly underestimated. This under-valuation manifests itself in disparities in wages, in access to and control over resources, in lack of infrastructural support, and above all, in great disparity in the work burden.

9.10 The Census of India and the National Sample Survey Organisation (NSSO) are two main sources of data on women's employment. But they have not followed identical definitions of work. The Census of India, 1991 defined work as participation in any economically productive activity, irrespective of whether the participation is physical or mental. In addition to this, activities like cultivation for 'self-consumption' and unpaid work for family enterprise were also included in the definition of work. The Census of India, 1991 divided the working population into three broad categories: Main workers; Marginal workers and Non-workers. A person involved in any work for more than six months of the year preceding the survey, has been termed a main

worker. Anyone whose work participation has been for less than six months in the year under reference has been termed a marginal worker. Those who have not worked at all during the previous year have been counted as non-workers.

9.11 The NSSO has a broader definition of work. It encompasses all activities pursued for pay, profit or family gain. While both market and non-market activities for the agricultural sector are included in the definition of work, only market activities are included for the non-agricultural sector. The production of food grains or any other crop for self-consumption has also been regarded as 'gainful activity.' The NSSO employment surveys, conducted every five years, define three different levels of employment: usual status, current weekly status, and current daily status. The corresponding reference time periods are: one year, one week, and each day of the week.

9.12 None of these definitions has fully captured the extent and degree of women's participation in the workforce. The Census criteria are quite insensitive to most of the kinds

of work performed by women. Upto the 1981 census there has been gross under-enumeration of the participation level of women workers. Work was defined as 'participation in any economically productive activity.' It thus, excluded a wide range of activities performed by women who produced a variety of goods and services for self or family consumption. The 1991 Census examined the periodicity of work in agriculture, work in the informal sector, unpaid work, and work in the farm or family enterprises. It produced genderwise data on household heads. However, it still remained an inadequate source to realistically assess the economic and social value of the work contributed by women. As we have observed earlier, the NSSO has a broader definition of work and, therefore, shows a higher participation of women in the labour force. It includes activities for self-consumption (except the processing of primary commodities for self-consumption), and the work of unpaid helpers in the farm, domestic workers etc.

9.13 The Human Development Report of 1990 also says "Much of the work that women do is 'invisible' in

national accounting and censuses, despite its obvious productive and social worth. The reason is that women are heavily involved in small-scale agriculture, the informal sector and household activities, – areas where data are notoriously deficient.

9.14 “But there is another aspect. Women’s work, especially their household work, often is unpaid and therefore unaccounted for – processing food, carrying water, collecting fuel, growing subsistence crops and providing childcare. For example, women in Nepalese villages contribute 22% to household money incomes, but when non-marketed subsistence production is included, their contribution rises to 53%. It is estimated that unpaid household work by women, if properly evaluated, would add a third to global production.

9.15 “Even when women are remunerated for their work, their contribution is often undervalued. In formal employment, women earn significantly less than men in every country having data. In the informal sector, where most women work, their earnings at times reach only a third (Malaysia) to a half (Latin America) of those of men.

9.16 “Do women remain invisible in statistics because little value is attached to what they do? Apparently, yes.

9.17 “Women have shouldered a large part of the adjustment burden of developing countries in the 1980s. To make up for lost family income, they have increased production for home consumption, worked longer hours, slept less and often eaten less – substantial costs of structural adjustment that have gone largely unrecorded.

9.18 “The low value attached to women’s work requires a fundamental remedy: if women’s work was more fully accounted for, it would become clear how much women count in development. To do that requires much better gender-specific data on development. There is a need to redesign national censuses, particularly agricultural surveys.” We endorse these views.

9.19 Though the definition of work has been refined over time and the extent of women’s work which is not enumerated is less today than what it was in the past, the data on work participation of women still remains questionable. The problems arising

from inadequate definitions and inaccuracies and biases in enumeration, are compounded by the difficulties that are experienced in assigning economic value to the work of women especially when it is unrelated to the market.

9.20 A good example of the enumerator's perception is highlighted in a small survey commissioned by United Nations Development Fund for Women, India (UNIFEM), which found that 98 out of 100 enumerators did not even put questions regarding work to women: it was simply assumed that women did not work. Out of the 2002 women in the 1000 households covered, only 4 women were asked about any work they had done in the previous year. In other

cases, enumerators depended solely on answers or information supplied by male members of the family.

In this chapter, we have tried to examine trends in women's participation in work relying on data available with the NSSO.

TRENDS IN WOMEN'S PARTICIPATION IN THE LABOUR FORCE

9.21 The labour force includes both the employed and the unemployed, and, therefore, measures the total available supply of labour. The participation of women in the labour force has always been lower than that of men, in the rural as well as urban areas. The difference has been greater in urban areas.

Table 9.1
LABOUR FORCE PARTICIPATION RATES

(Percentage)

Category		NSS 50th Round (1993-94)	NSS 55th Round (1999-2000)
1.	Rural Males	56.1	54.0
2.	Rural Females	33.1	30.2
3.	Urban Males	54.2	54.2
4.	Urban Females	16.4	14.7

Source: NSS Report No. 455, Employment and Unemployment in India, 963. *-1999-2000. Rates are based on UPSS criterion.

9.22 Data from the 55th Round seem to suggest a slight decline in the labour force participation since 1993-94 in all categories except that of urban males.

9.23 WORKFORCE PARTICIPATION:
The picture is similar even if we

confine ourselves to the workforce (i.e. those classified as employed), instead of the labour force. The workforce participation rates for females are substantially lower than that for males, more so in the urban areas.

Table 9.2

S. No.	Category	38th Round (1983)	43rd Round (1987-88)	50th Round (1993-94)	55th Round (1999-2000)
1.	Rural Males	54.7	53.9	55.3	53.1
2.	Rural Females	34.0	32.3	32.8	29.9
3.	Urban Males	51.2	50.6	52.0	51.8
4.	Urban Females	15.1	15.2	15.4	13.9

Source: NSS Report No. 455 cited above. The rates are on the basis of UPSS criterion.

9. 24 The work participation rates have fallen between 1993-94 and 1999-2000 in all the four categories but more sharply in respect of

females. These trends can be confirmed only after we have access to the census data of 2001.

9.25 WORKFORCE ESTIMATES:
Estimates of the number of workers
in 1999-2000 (as per usual status)

based on the above participation
rates are as follows:

Table 9.3

(in Millions)

	Male	Female	Persons
Rural	198.6	105.7	304.3
Urban	75.4	18.2	93.6
All areas	274.0	123.9	397.9

Source: K. Sundaram, *EPW*, Volume 36, Number 34, August 2001

Female workers account only for less than one-third of all workers.

9.26 DISTRIBUTION OF MALE AND FEMALE WORKERS BY BROAD INDUSTRY GROUPS: The Primary Sector is the dominant sector so far as the employment of women in the rural areas is concerned. It accounts for nearly 85% of women's activity. A comparison of NSSO estimates between 1983 and 1999-2000 shows that the proportion of women employed in the primary sector has decreased.

9.27 In the urban areas, a large number of women are employed in the tertiary sector. Women's employment in the tertiary sector has increased over the period 1983-2000. The increase in the tertiary sector indicates that more and more women are joining the expanding service sector.

Table 9.4**Changes in the distribution of male and female workers in broad industry groups between 1983 and 1999-2000.****Rural**

(percent)

		Male			Female		
Year	NSS	Primary	Secondary	Tertiary	Primary	Secondary	Tertiary
1983	38th	77.5	10.0	12.2	87.5	7.4	4.8
1999-2000	55th	71.4	12.6	16.0	85.4	8.9	5.7

Urban

(percent)

		Male			Female		
Year	NSS	Primary	Secondary	Tertiary	Primary	Secondary	Tertiary
1983	38th	10.3	34.2	55.0	31.0	30.6	37.6
1999-2000	55th	6.6	32.8	60.6	17.7	29.3	52.9

Source: NSS Report No. 455 cited earlier.

9.28 A similar trend, with varying rates of change for all sectors is seen in the case of male workers too. The male-female gaps in the industrial distribution are narrowing down fast in urban areas, while the gap is increasing in rural areas.

9.29 DISTRIBUTION OF WOMEN WORKERS (Activitywise): Agriculture is the most important activity of the women workforce (84%) in the rural areas, with the highest number of women workers engaged as agricultural labourers. (see Table 9.5)

However, as we pointed out earlier the percentage of women workforce in agriculture is declining.

Manufacturing and services are the other two sectors where women are employed in large numbers.

Table 9.5

Percentage of Workers in various Industrial Categories (1999-00)

Activity	% of Female Workers	
	Rural	Urban
Agriculture	84.1	14.6
Mining and Quarrying	0.4	0.4
Manufacturing	7.7	23.2
Electricity, Water etc.	—	0.2
Construction	1.2	5.5
Trade, Hotels and Restaurant	2.3	16.4
Transport, storage	0.1	2.0
Services	4.3	37.8
Total	100.0	100.0

Source: NSSO, 55th round, Report No. 455.

9.30 The top ten manufacturing industries that employ women in large numbers are:

Employment Status Categories:

- a) Tobacco
- b) Cotton textiles
- c) Cashewnut Processing
- d) Machine tools and parts
- e) Matches, explosives and fireworks
- f) Clay, glass, cement, iron and steel
- g) Drugs and medicines
- h) Grain mill and bakery
- i) Garments

9.31 In the rural areas, the pattern of changes in the distribution of workers by employment, status categories during the last fifteen years has generally been similar for men and women workers. There has been a fall in self-employment and an increase in casual labour for both categories. In the urban sector, employment status distribution for women workers has undergone substantial change, with regular employment having recorded an increase, while casual labour has decreased correspondingly.

Table 9.6
Changes in the distribution of employment status
categories over time

Rural

		Male			Female		
Year	NSS round	Self-employed	Regular	Casual	Self-employed	Regular	Casual
1983	38 th	60.5	10.3	29.2	61.9	2.8	35.3
1987-88	43 rd	58.6	10.0	31.4	60.8	3.7	35.5
1993-94	50 th	57.9	8.3	33.8	58.5	2.8	38.7
1999-2000	55 th	55.0	8.8	36.2	57.3	3.1	39.6

Urban

Year	Round	Male			Female		
		Self-employed	Regular	Casual	Self-employed	Regular	Casual
1983	38 th	40.9	43.7	15.4	45.8	25.8	28.4
1987-88	43 rd	41.7	43.7	14.6	47.1	27.5	25.4
1993-94	50 th	41.7	42.1	16.2	45.4	28.6	26.2
1999-2000	55 th	41.5	41.7	16.8	45.3	33.3	21.4

Source: NSS Reports.

9.32 The trends show distinct signs of casualisation, i.e. increase in the number of casual workers, for both males and females. In rural areas, while women have been predominantly self-employed/family helpers, the proportion of casual employees is on the increase. The trends of casualisation, for both - females and males have been more pronounced in rural areas. It has been pointed out that a large proportion of semi-landless and marginal landholders work as casual wage labourers. The increase in landless households and precariously small holdings, in turn, accentuates

the pressure on the casual labour wage market. While men in landless households were able to find other kinds of work, women in such households were confined to wage work. Options of diversification to non-agricultural employment, which is more paying, are fewer for women.

9.33 THE ORGANISED SECTOR: A little more than 48 lakh women were employed in the organised sector in 1999¹. This constituted a mere 17%

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¹ Shrivastava, N in Papola and Sharma, Gender and Employment in India, 1999.

of all employees in the organised sector. The proportion of women was highest in what are possibly the most backward and low-paying segments of industry, agriculture, forestry, fisheries and plantations. It was lowest in electricity, gas and water. In terms of absolute numbers, the largest concentration was in community, social and personal services, like education services and medical services.

9.34 Out of the total women workforce in the organised sector, 58% were in the public, and 42% in the private sector. The corresponding

proportion for males was 71% and 29% respectively. Within the organised sector, during the nineties (1990-99), employment of women grew much faster (3.2% per annum) than the total employment (0.7% per annum). The organised tertiary sector, particularly, transport and banking, also registered growth of women's employment. However, the fact remains that women's share in employment in the organised private sector has remained extremely low, involving only low-paid assembly line work or tasks of repetitive detailing. Thus, they remain confined to the peripheries in this sector.

Table 9.7
Industry wise Women's Employment in the Organised Sector , 1999

Industry	% of Female Workers
Agriculture	10.4
Mining and Quarrying	1.6
Manufacturing	20.9
Electricity, gas, water	0.9
Construction	1.4
Trade, Hotels	1
Transport, storage and communications	3.6
Financing Insurance	4.7
Community, personal and social services	55.5
All Industries	100.0

Source: Ministry of labour, Employment Review, Jan-March, 1999

9.35 THE UNORGANISED SECTOR:

Globally, the unorganised sector has been growing in relation to the organised sector. In this sector, there are no defined or regulated conditions of work or employment. It includes a high percentage of agricultural workers and also workers who are not attached to any particular employer. It has been estimated that this sector contributes over 60% to the NDP and over 60% to household savings. The unorganised sector also contributes substantially to the exports of the country, accounting for Rs.46,000 crores, (1996-97) which approximates to 40% of the total export earnings.

9.36 Women workers and the

unorganised sector: As has been stated earlier, women constitute a large percentage of the workforce in the unorganised sector. Data from the 55th Round of NSS (1999-2000) show that in the non-agricultural sector, Own Account Enterprises (OAEs) have a higher concentration of women workers. OAEs provide women the freedom to organise their time in such a way that they can undertake activities along with their domestic chores. Even under OAEs, most women are not working as owners or hired workers, but are put in the residual category of 'other workers.' In rural areas, they account for 35% of all 'other workers.'

Table 9.8

Distribution of Workers by Gender, 1999-2000 (Percentage)				
	Gender	Rural	Urban	Combined
Male	OAE	72.18	81.28	75.76
	Estb.	83.75	91.1	89.32
Female	OAE	27.8	18.7	24.2
	Estb.	16.2	8.9	10.7

Source: NSS 55th round**Table 9.9****Percentage of female workers in different activities,
1999-2000**

Activities	Working owner		Hired worker		Other Worker/ helper	
	Full Time	Part Time	Full Time	Part Time	Full Time	Part Time
All Enterprises						
Rural	16.2	6.32	15.69	3.04	35.05	22.07
Urban	10.94	3.23	8.97	1.31	19.57	9.48
Estb						
Rural	6.93	2.06	16.6	2.37	23.11	6.84
Urban	4.73	1.21	9.04	1.18	7.28	3.73
OAEs						
Rural	16.77	6.58	7.33	9.16	35.73	22.93
Urban	12.79	3.84	7.63	3.92	23.11	11.13

Source: NSS 55th round

9.37 The percentage of self-employed women is higher in Own Account Enterprises (OAEs) as compared to those in Establishments. It can be seen that a slightly higher percentage of women are working as

owners in rural areas than in urban areas – in both establishments as well as in OAEs. But the most significant form of employment for women in rural as well as urban areas is as 'other workers,' i. e, unpaid family

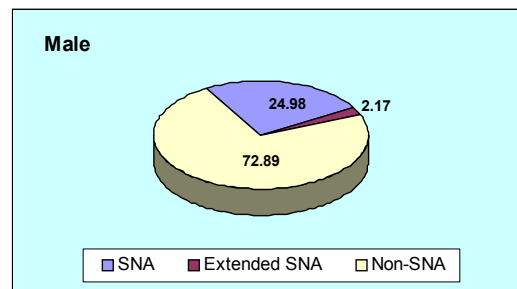
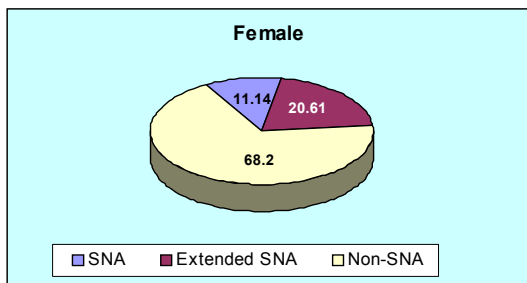
hands in OAEs.

9.38 Within the unorganised sector, women have an overwhelming presence in agriculture, forestry, fishing, plantation and allied activities with the highest proportion working as agricultural labourers and cultivators. They predominate in certain industries such as garments, textiles, food and electronics. The seasonality of work in the agricultural sector and the lack of other avenues of work, make them vulnerable to a range of exploitative practices including attempts to depress their wages or remunerations. Though they are economically active and contribute to the national economy, they remain invisible and poor. According to the Human Development Report of 1990, "Women typically work about 25% longer hours than men: up to 15 hours more a week in rural India, and 12 hours more in rural Nepal. But their total remuneration is less

because of their lower wage rate and their preponderance in agriculture and the urban informal sector, where pay tends to be less than in the rest of the economy. In urban Tanzania 50% of the women working are in the informal sector, in urban Indonesia 33%, and in Peru 33%.

9.39 "The persistence of female-male gaps in human development offers a challenge and an opportunity to the developing countries – to accelerate their economic and social progress in the 1990s by investing more in women."

9.40 TIME-USE ANALYSIS: The time-use analysis significantly, overcomes the lacunae of conventional methods of data collection which disfavour women. It captures the division of a day by men



and women in paid and unpaid work. Marketed activities are valued at their market price. Activities aimed towards self-consumption are valued either in terms of the opportunity cost of the labour time, or vis-à-vis the price of the close substitute. This analysis is free from any socio-cultural bias. It simply records the various activities undertaken by the respondents on a given day.

9.41 The time-use survey reveals that on an average, the time that men devote to unpaid family responsibilities and care labour is roughly one tenth of the time spent by women. Several studies show that the time women spend in unpaid work often varies through the course of life, expanding and contracting in accordance with their responsibility for others – working to fulfil their responsibilities as mothers, working for husbands, looking after children, in-laws, etc. On the other hand, regardless of their position in the course of their lives, the hours that men spend per week on unpaid household work tend to remain fixed, and low.

9.42 The inference is obvious.

Women have restricted opportunities for public participation because their family responsibilities are organised around homes. These affect their chances of employment. They often have interrupted labour force participation and consequently, suffer downward mobility and increased risk of poverty and vulnerability. The overall effect is lower lifetime earnings and less employment security which further increases their dependency on a male 'provider.' Women's work participation can increase substantially if the supportive services such as day care and maternity benefits are provided to them.

WOMEN WORKERS IN A LIBERALISING ECONOMY

9.43 WHAT DOES LIBERALISATION MEAN FOR THE ORDINARY PERSON? The main observations that the Commission wants to make on the processes of globalisation and their impact on the workforce, labour market, industry and industrial harmony, have already been made in the chapter on globalisation. However, while discussing the impact of liberalisation and globalisation on women workers,

we have to recapitulate some of the factors that we have already referred to. But we do so, in this chapter, with special reference to the impact on women workers.

9.44 It can be seen that the discussion on the subject often goes along two opposing lines. There are some who vehemently support globalisation and cite evidence to support the claim that it has 'unleashed' the productive forces in the country. On the other hand, many analysts and activists believe that globalisation has affected people negatively. They point to increasing inequalities, to large-scale unemployment, to deteriorating conditions of work, to a shrinkage of the formal sector, and to evidence and statistics that show that poverty has increased.

9.45 It can well be argued that these contradictory views reflect the different ways in which globalisation has affected different classes of people. For some sectors of the Indian middle class, and perhaps for some entrepreneurs, we find a positive story. The picture changes

when we look at the evidence in the lives of poor classes. The figures analysed for different income groups, show that on the one hand, absolute poverty has decreased but on the other, inequality has shown an increasing trend.

9.46 While liberalisation has led to job losses in the organised sector, particularly in the Public Sector, the emergence of new types of work in new markets, local and global, have led to new opportunities for some. At the lower end of the spectrum, some people who had no work, or whose work was extremely marginal in terms of security or income, have gained new employment opportunities, primarily in the unorganised sector. These newly created employment opportunities do not have upward mobility, and usually involve low skills. On the other hand, for some categories of the educated middle class such as those in Information Technology, liberalisation has brought substantial opportunities requiring higher skills and providing higher incomes.

9.47 This variation in opportunities

is more visible in the case of female workers. Women with degrees from good universities in metropolitan areas, from families that are well acquainted with English, have a large variety of possible job openings. Today, they have begun to work in a large number of non-traditional areas, from television to Information Technology. Women from rural areas and poor families have fewer opportunities. Even where opportunities exist, they are less appealing. For example, the new export markets in the fish processing industry have opened new job opportunities for young women. But the conditions at many places of work are appalling. Since these industries prefer young, unmarried women, the span for years of employment remains restricted.

9.48 Our Study Group on Women Workers and Child Labour commissioned studies of some sectors where there is concentration of women workers, and where there is some preliminary evidence of the effects of globalisation. Within the primary sector, the studies were on livestock, agriculture and forestry. In the secondary sector, women's employment and income were

examined in food processing, textiles and garments, *beedi* rolling, crafts, and home-based industrial subcontracting. Vendors, health workers and construction workers were examined under the tertiary sector.

9.49 The impact of globalisation in all these sectors, is visible in a variety of ways - through technological change, 'flexibilisation' of the workforce, opening of new markets, changing social norms, growing pressures on resources and so on. The paragraphs that follow give a brief sector-wise review as revealed by these studies

THE PRIMARY SECTOR

9.50 The forestry sector: The impact of globalisation on the forestry sector shows the effects of the environment movement as well as the opening of international markets. There is strong evidence to show that the new consciousness on environment has led to a growth of the tree cover in the last decade. There has also been an increase of imports of timber and pulp, leading to

further conservation of our forest resources. On the one hand, this has led to the closing down of some timber or wood-based industries, while on the other, the exports of minor forest produce seem to have increased. There is hardly any impact of liberalisation on the management of forests, since state control and state monopoly continue. If there are major policy changes in this sector, and if the state is willing to open up areas for nurseries, cultivation of fodder, afforestation and conservation, new job opportunities may be created for women in this sector.

9.51 Livestock: Rearing cattle is largely a women's activity. It is often combined with 'housework' or 'non productive' activity. But livestock products are both monetised and non-monetised, the milk that is produced at home, being partly used for home consumption and partly for sale. As a result, reliable statistics on women's contribution in the field of livestock are not available. About three-fourths of rural households own livestock. India's livestock population is the largest in the world, and the prospects for larger markets for milk and milk products, both in

India and abroad, seem bright. The main policy implication in this sector is the need to recognise the potential for women's contribution, to increase their skills and knowledge, and, to ensure their ownership of both the livestock assets as well as partnership in institutional set-ups such as co-operatives.

9.52 In spite of the fact that the maximum number of women work on land in the agricultural sector, they seldom own resources. The World Development Report 1996 also points out that "Women have fewer opportunities to secure livelihood because of constraints to land ownership and lack of access to credit." A majority of them work as agricultural labour or as unpaid workers on family-owned land. A very strict division of labour on the basis of gender, characterises agricultural activity. The tasks performed exclusively by women are usually the most back-breaking and low paying, e.g. transplanting, weeding, winnowing, threshing, harvesting and so on. These tasks are also monotonous and repetitive, and involve harmful postures, wet conditions and handling of toxic materials. Yet, there is wide disparity

between men's wages and women's wages, with women being paid far less than men in most States. Recent technological changes have eliminated many jobs traditionally performed by women while the exodus of men from villages has imposed further burdens on them. Increasing commercial and mechanised farming has often meant displacement of women workers from their villages and migration to urban areas in search of employment, leading to food insecurity and worse living and working conditions.

THE SECONDARY SECTOR

9.53 The Small-scale sector: From the '60s, the Government of India has been promoting small-scale industries by giving subsidies, tax exemptions and the like. With the emphasis now shifting to large industries, workers from the unorganised sector, who are employed in these industries, have experienced adverse effects on their employment. Small-scale industries have lost the tax advantage that they had, and there has been loss of employment due to cheaper imports as well.

9.54 Beedi rolling: It is a major area of employment for women, which,

however, remains low-paid, insecure and hazardous for health. The risks to health are not confined to those who work, but extend to children who play around tobacco and to others who often live in unventilated houses in which the work goes on. Globalisation has affected this industry in two ways. Firstly, the international anti-tobacco campaign is threatening to reduce the work in the industry, and secondly, *beedis* are finding new international markets. The main challenges here are, to implement the existing legislation for protection and welfare of *beedi* workers as well as to begin the search for new avenues of local employment, and training for new skills.

9.55 The Crafts sector: The crafts sector is closely linked with international markets. Today it earns over Rs.8000 crores through exports. Women are concentrated in certain crafts like embroidery, weaving, cane, bamboo and grass products, costume jewellery, pottery, coir products etc. However, in recent years they are entering male-dominated crafts like brassware. The market for craft products is expanding both in India and abroad, and artisans have

already begun blending traditional skills with new technologies and designs. For women artisans in particular, there is a need to promote skill upgradation along with a more market-oriented approach to production.

9.56 The study on industrial sub-contracting shows the extent to which major private sector and even public sector companies have resorted to outsourcing work, including home-based work, in recent years. Although this has increased work opportunities for women, it is unfortunate that the earnings are very low, sometimes well below the minimum wage. The average monthly earnings in technical trades like electricals are reportedly Rs. 450 per month; strangely, no different from *aggarbatti* making or leaf plate making. Nor do the workers engaged by sub-contractors, have access to social security systems. Due to the low piece rates in home-based work, women take the help of their children, thus leading to a situation where the incidence of child labour seems to be increasing in the home-based trades. The ILO adopted a Convention on Homework in 1996. The Commission recommends that the Government

formulate a National Policy on Home-based Work, in conformity with the provisions of the ILO Convention.

9.57 Food processing: Within the food-processing sector, the last decade has seen increasing marginalisation of the small scale and unorganised sector. Women, using traditional skills in many primary food-processing areas, carry out a large proportion of food processing in the unorganised sector. Extensive technological modernisation in the organised sector is also displacing not only large numbers of unskilled workers among women, but also many skilled workers, whose skills have become obsolete for handling new technologies. Whereas the Government is investing heavily in the organised food-processing sector, there is practically, no attention being paid to the unorganised sector. This is one area where upgrading skills and bringing in modern technologies of food processing, preservation and packing can create many employment opportunities, particularly for women.

9.58 The textiles and garments industry: It is a major employer of

women. In particular, the cotton textile, handloom and to some extent power loom industry and the growing garments sector, both factory and home-based, employ women. Unfortunately, employment in handlooms is declining (in spite of a growing market), because of lack of availability of cotton yarn, competition from power looms and lack of skill training. Linking of handloom weavers to market requirements and skill upgradation of the weavers, will improve their employment prospects.

9.59 The garment sector has become the fastest growing export sector in the country. Women are employed here, both in the export factories as well as in home-based work. In the factories they earn more than home-based workers, but require protection of the labour laws for social security. They also require continuous upgradation of skills for increased productivity and earnings. We have already referred to the need to formulate and implement a National Policy on Home-based Workers.

THE TERTIARY SECTOR

9.60 The Construction sector: In this sector, it is foreseen that the

requirements of the World Trade Organisation (WTO), will bring in major changes in technology through prefabrication and the induction of labour replacing machinery. This will lead to a major reduction in employment opportunities, especially for women, who now do most of the manual work. The present day construction industry does offer incomes that are higher than those in other unorganised employments, but the working conditions, health and safety risks and the strains are almost intolerable. The challenges in this sector are two-fold: first, to improve the working conditions and the social security support to women construction workers, and second, to undertake rapid skill upgradation and policy measures, to accelerate employment opportunities for women workers in the scenario of changing technologies.

9.61 Street vending and rag picking: These are other major areas of employment for women in both urban and rural areas. In the last five years, there has been considerable pressure on vendors, which can certainly be traced to globalisation. In the urban areas, there has been a

tremendous increase of vehicular traffic due to the opening of the automobile markets. Indian cities too, are now being planned and built with multi-storey complexes and separate commercial centres. This has placed great pressure on existing infrastructures, and necessitated large investments in rebuilding. The street vendor is now perceived as a 'nuisance' in the way of the new infrastructure, and is being removed wholesale. The Indian middle-class too now wants cities without street vendors. In the rural areas, there is an increasing pressure on the rural 'haats' as the space that was traditionally reserved for them is now being privatised and used for other purposes. In order to preserve and expand this employment, it is necessary to make provisions for vendors at the stage of town planning and laying infrastructures. A similar attitudinal change is needed in the case of rag pickers who derive their employment from collecting waste and at the same time provide a cleaning and recycling service to the city. They need to be recognised as contributors in the task of maintaining the environment of towns and cities.

THE SERVICE SECTOR

9.62 It is well known that the service sector is rapidly expanding in India. The informal or unorganised service sector is also expanding with the large scale opening of opportunities for women. The largest increase in employment opportunities comes from domestic service, education (including home-tuitions), childcare and health services. Unfortunately, women workers in this sector have received very little attention, with the result that their earnings remain low and their employment insecure. Domestic workers need protection of earnings and training for higher skills; there has been a long-standing demand for a Law on Domestic Workers. We will refer to this in a later paragraph. The Health sector is also expanding. There are between 2 to 3 million midwives (or traditional birth attendants) in the country, and most of the births in rural areas are still attended by them. Unfortunately, not enough attention has been paid to integrating these practitioners within the growing health system, increasing their skills and helping them to attain the status of professional health providers. Wherever this has been

done, it has been found that it has significantly increased the earnings of the midwives, and has resulted in better maternal and child health services.

9.63 There are approximately 5 lakh nurses of various categories in the country. Although there is a perceived shortage of nurses, the incomes received by qualified nurses remain low at an average of Rs. 60 per day in the rural areas, and Rs. 84 in the urban areas. At the same time, they have long working hours, run the risk of sexual exploitation, and lack upward career options. Many nurses are looking for opportunities to emigrate, particularly to western countries. There was considerable demand for Indian nurses in the Gulf countries, but now nurses from the Philippines seem to be in greater demand. Stringent visa rules and educational requirements have made it difficult for many nurses to go to the more attractive western countries. With more investment in career training for nurses and midwives, and better working and earning conditions, there is great potential for employment, both for fully qualified nurses and auxiliary nurses and other para-medicals.

9.64 An Approach to the Future: A number of socio-economic forces are causing rapid changes in people's lives. The main question that faces us is how to react to these forces. What are the forces that will improve the life of women workers and their work? What are the forces that harm them? What action should be taken to see that they, and their families, are set on the path to development? What needs to be done to increase their work capacities and work opportunities, and to enable them to make their voices audible?

9.65 The need for a minimum wage/income: The Study Group has found that the earnings of women workers in most sectors are much below the minimum wage. The Commission supports the view of the Study Group that this situation has to change. It is unjust that a worker spends many hours at difficult work, and yet does not earn enough to feed herself and her family. The studies conducted by the group show that many large companies are subcontracting work to small factories and to home-based workers. The women employed in these undertakings or activities are earning

barely Rs.500 per month, whereas the minimum wage is Rs.1500 or more and a worker in a private sector factory, doing the same work is earning at least Rs.3000. Similarly, women in fish export factories earn approximately Rs.800 per month.

9.66 The Commission is of the view that anyone who employs a worker directly or indirectly should be required to pay at least the minimum wage or assure a minimum income. Every worker needs basic inputs such as food, clothing, shelter, medical services, education, etc. to be able to maintain his or her efficiency. A minimum wage will ensure that he or she can afford these. An assured minimum income will go a long way for the worker, and will reduce the temptation to use minor family members to supplement the income and thus, to ensure survival. Exploitation of children could be effectively controlled if parents' wages are such that they can afford to keep their children in school.

9.67 Payment of Minimum Piece-rate: The purpose of minimum wage legislation can be defeated if employers fall back to the piece-rate

system and keep piece-rates depressed. Moreover, the Minimum Wages Act covers only workers who can be shown to have an employer-employee relationship.

9.68 Gatherers of forest produce are paid at piece-rates by the Forest Department. According to studies, they earn less than Rs.1000 per month (depending on the product). Wholesalers pay waste-pickers per kilo of paper or plastic collected, approximately Rs.25-30 per day. Sharecroppers are paid by a share of the crop, and get only a one-fourth share (if their contribution is confined to labour). These are all 'piece-rated' methods of payment to a worker, used by a person who has complete control over the worker and the product, but wants to keep the employer out of the ambit of the Minimum Wages Act. We endorse the view that minimum rates need to be fixed in all work situations even where there is no clear employer-employee relationship and a piece-rate system of payment is followed.

9.69 Employment at the Centre of Liberalisation Policies: Today, when liberalisation policies are being

formulated, their effect on employment is rarely calculated or taken into account by economists and policy makers. When severe negative effects are felt in certain areas or certain sectors, there is a great amount of social discontent and opposition, but often, it is too late for policy makers to take any remedial measures. Many organisations of workers such as trade unions, farmers' associations and other activist organisations have talked to us about the negative effects of liberalisation.

9.70 There is evidence to show that this fear is not unfounded. The studies conducted by our Study Group show that the effects include:

- a) Loss of existing employment without creation of alternative employment.
- b) Changes in employment due to mechanisation and new technologies.
- c) Changes due to Informalisation of Work.
- d) Creation of new employment opportunities.

9.71 (a) Loss of Existing Employment Without Creation of Alternative Employment: Our Study Group on Women & Child Labour has pointed out many cases where liberalisation has caused loss of employment without creation of alternative employment. The displacement of street vendors is one such example. After liberalisation, there have been large investments in urban infrastructure. City Governments have adopted a policy of removing street vendors with no thought of rehabilitation, thereby causing loss of employment. In Kolkata, for example, 'Operation Sunshine' of the Municipality caused a loss of nearly 50,000 jobs overnight.

9.72 Such loss of employment without creation of any alternative employment also happens when an Indian product is displaced by imports from the world market. Thousands of women silk spinners and twisters in Bihar, have lost their employment due to the import of 'China-Korea' silk yarn. Weavers and consumers prefer this yarn as it is relatively cheaper and has a better shine. Rag pickers in many cities have lost employment as a consequence of the

import of waste paper from developed countries. In Gujarat, women gum collectors, who were picking from the *prospis julifera* (*Baval*) trees, have lost their employment due to the import of cheaper gum from Sudan.

9.73 Similar displacement has come with the entry of large fishing vessels into Indian waters. These vessels take away the fish that could be collected by smaller Indian fishing boats, thereby destroying the employment of fishermen and women, fish sorters, dryers, vendors and net-makers.

9.74 Other indirect effects of globalisation are also visible. We do not minimise the need for consciousness about the evil effects of tobacco on health. But *beedi* manufacturers have told us during evidence that the anti-tobacco campaign is one of the factors affecting employment in the industry. Yet another indirect effect of liberalisation is the growth of concern about the environment. As part of this concern, employment and environment are often posed as alternatives to each other, and in recent years, there are instances

where environment issues have taken precedence over considerations of employment, and where industries have been shut down causing large scale loss of jobs. This has also happened as a consequence of the judgements of the Hon'ble Supreme Court and High Courts. Those who appeared before the Commission in many States, including the Himalayan States and Andamans, drew our attention to the closure and consequent loss of employment in wood-based small industries. In Delhi, thousands of workers lost their jobs with the closing of small and home-based industries.

9.75 (b) Changes in employment due to mechanisation and new technology: Women are the most affected by changes that are caused by mechanisation. The employment of manual workers is reduced and displaced by workers who can run machines. In these cases, the total number of jobs is reduced drastically with the introduction of new machines, although the income earned by the employed workers may actually increase. Moreover, various micro studies show that technical change has eliminated many

jobs traditionally performed by women. In the agricultural sector men have substituted women in activities in which machinery has displaced manual labour. All other labour intensive tasks are still left to women. Thus, the introduction of tractors, harvesters, insecticides, weedicides, hormone accelerators, high yielding variety seeds and mechanical cotton pickers has meant that tasks traditionally performed by women, and on which many women depended for their livelihood, have been lost to men or machines.

9.76 Weeding in paddy producing areas is done mainly by women. When chemical spraying replaces weeding, the spraying is performed by men. Similarly, the introduction of rice mills has displaced hand pounding done by rural women. Rice mills utilise husking equipment with the consequence that women who use traditional husking methods have lost their means of livelihood.

9.77 In construction, under the prevailing WTO regime, the essential requirements of global tendering have

facilitated the entry of many large companies in the Indian construction scene in a big way. The presence of some of these companies is increasingly visible in many infrastructure development projects being undertaken under government funding as well as under bilateral/multilateral assistance arrangements. With increased mechanisation, there will be massive displacement of labour in nearly all construction operations. Women labour may be affected most, and may be eliminated from the main operations in which they have been traditionally deployed, namely, soil digging and carrying inputs for concrete mixing, carrying bricks etc. It is estimated that the overall deployment of labour will become 1/20th to 1/5th of the current numbers. Obviously, manual labour will be increasingly eliminated from the construction sites, and women workers may turn out to be the worst affected by these changes.

Table 9.10

Major Construction Equipment/ Accessories being Factory- produced

Equipment/Accessories	Impact on Labour
Excavators	Reduction to 1/20th of present workforce
Ready-mix concrete (RMC) plants	Reduction to 1/20th of present workforce
Wall panels (made from fly ash-based cement)	Reduction to 1/10th of present workforce
Pre-fabricated segments workforce	Reduction to 1/10th to 1/5th of present workforce
Complete pre-fabricated steel structures	Reduction to 1/20th of present workforce
High-strength concrete ASC slabs of different sizes (made from fly ash based cement)	Reduction to 1/20th of present workforce
Auto-dov wall panels using fly ash cement (aerated, light weight—half of a mud brick weight, low cost and high heat isolation property; most useful in earthquake prone regions).	Reduction to 1/20th of present workforce.

9.78 On the other hand, there will be an increase in factory production as well as growth in the need for various construction skills for masons, tile fitters, painters, plumbers, cement finishers, glaziers, electricians etc. Unfortunately, there are few women with these skills today.

9.79 In the textile sector, handloom

spinners and weavers are being rapidly replaced by power looms, and power loom workers with lesser quality machines are being displaced by those with better quality machines. The spinners and winders, who are mainly women, are being completely displaced. Handloom

weavers, both men and women are losing work. Most power loom workers are men. At the same time, the power looms that are being displaced are those that are in small work sheds or homes, where women are engaged in greater numbers.

9.80 In the food-processing sector, the big domestic companies and multinationals with huge investments and state of the art technology are entering the processed food sector in a big way. They are pushing out small and unorganised units out of the market. Due to lack of finance, absence of access to latest technologies and modern quality control facilities, and measures of sales promotion, these units are not able to meet the required high quality standards. Neither are they able to take up production of new ranges of attractive products for a rapidly changing market. For instance, Pepsi that has entered in *bhujia namkeen* manufacturing, has not only captured part of the market of small units but is also endangering their existence, according to some surveys. Companies like *Brooke Bond* have started manufacturing and marketing chilli powder, *jeera* powder, powders of

other condiments, *sambar* powder and the like. Thus, the small scale and unorganised sector which dominated the country's food processing is in danger of being increasingly marginalised. This is already affecting employment avenues and opportunities for women.

9.81 In the screen-printing industry of Ahmedabad, mechanisation has reduced employment by nearly 50%.

9.82 Recent mechanisation in *zari* embroidery has displaced many home-based women who did *zari* embroidery by hand.

9.83 We have cited these instances from among the many that were brought to our notice, only to illustrate the way opportunities for employment are disappearing while new opportunities are not being created for those who lose their means of employment and livelihood.

9.84 (c) Changes due to informalisation of work: One of the

major concerns today is the casualisation of the workforce. Casualisation is resulting in increased employment opportunities for some and loss of jobs for others. On the whole, casualisation displaces the better-paid, more protected workers, and increases insecure and low-paid employment. Men lose jobs, and are substituted by women. Studies conducted by the Study Group showed that the largest employment change was in the industrial sub-contracting sector.

9.85 Many big companies, including multinational corporations (BPL, Johnson & Johnson Ltd., Elin Electronics, Hindustan Lever Ltd. etc.) have evolved a vendor system of subcontracting for their production. Depending on the nature of work, some of these vendors either employ women workers in large numbers, or give out work to home-based workers mostly through contractors.

9.86 Often, big corporates in the heavy industry sector have a very big inventory of plant accessories required in their plants on a regular basis. Some companies have set up

co-operatives of women living in the vicinity of their plants for production of such items. (Examples: Steel Authority of India Ltd. and Bharat Heavy Electricals Ltd.). Yet others have a subcontracting arrangement. Established companies give out work to small units in the organised/unorganised sector, which in turn outsource some simple operations to home-based workers. The company often deals with these units/workers through contractors who get the production work done and deliver the output to the company (Examples: Finishing and quality control, assembling, sorting, packaging and labelling). Many medium and small-scale industries in the organised sector, and production units in the unorganised sector subcontract work to home-based women workers. Generally, the manufacturers establish direct contact with these workers, and sometimes even act as contractors for bigger companies.

9.87 Sub-contracting of work given out to home-based workers has been found to be widespread in the unorganised manufacturing sector, and seems to have expanded considerably over the past decade.

In almost 90% of the households, in the resettlement colonies and slum areas surveyed, at least one woman was reported to be doing some kind of home-based work. However, the types of jobs created in this manner are irregular and low-paid. In the manufacturing trades (except garments), the work is extremely irregular; the average deployment time is less than four months in a year. In the home-based sector, the earnings of women workers in all trades in the sample were found to be extremely low, far below the minimum wage. The average monthly earnings in technical trades were Rs. 450.

9.88 (d) Creation of new employment opportunities: There are many areas where new employment opportunities have been created for women without loss for anyone else. Employment opportunities increase when new markets are opened, or existing markets expanded. These markets may be within the country or outside.

9.89 In the crafts sector, for example, employment has grown at a fast pace. This sector now directly links a big traditional rural economy with the far distant metropolitan and global markets, providing visibility to a large

number of artisans through their work. The sector witnessed a dramatic increase in number of craftspersons: from 48.25 lakhs persons during 1991-92 to 81.05 lakhs in 1997-98 (Annual Report Ministry of Textiles 1998-99). Trends continue to indicate that while male participation in crafts has been slowly decreasing over the years, female participation is on the rise, particularly in the rural home-based crafts sector.

9.90 The proportion of women employed in different handicrafts varies from a low 40% to a high of nearly 80 to 90%. Women artisans dominate in trades like decoration cloth (embroidery and lace making), coir work, cane and bamboo craft, dyeing and bleaching of textiles, earthenware, reed mat making, artistic leather ware, weaving and papier mache. Over the years, women have also started entering craft areas traditionally considered to be male preserves, namely, stone carving, metal work and wood work. The number of women handicrafts artisans getting recognition as master crafts-persons is also increasing.

9.91 The average daily earnings of women craft workers are as low as

nearly half those of men. Women engaged in hand printed textiles get the maximum rates followed by those in the cane-bamboo making industry and *zari* work. The wage rate in three women-dominated crafts - lace work, reed mat making and leatherwear - is extremely low. In fact, all crafts indicate a *status quo* in wages over the years. As in other industries in the unorganised sector, the payment of wages to artisans is on piece-rate basis. For the crafts-persons, the predominant channel for marketing their produce is the vast network of middlemen/traders. Nearly 93% of the artisans dispose of their products through this channel. Only 3% of the crafts-persons undertook direct export activities although 46% of the self-employed artisans were aware of the final destination of their products.

9.92 Another area of expanding opportunities is in services of all types. Personal services such as domestic work, cleaning and cooking services and care of children and the elderly, is increasing rapidly in the urban areas. Women provide most of these services. However, even in these areas, the earnings remain low in the unorganised sector, and work remains irregular. Health services are

another area of expansion. India has always had a very large private medical sector, especially for non-hospital care. The slowing down of state investment in the hospital sector was in itself a signal to the private sector, and the State supported this by giving subsidies, soft loans, duty and tax exemptions, etc. Secondly, the introduction of modern health care in the rural areas by the State through the setting up of Public Health Centres (PHCs) and cottage hospitals paved the way for the private sector, by creating a market for modern health care in the peripheral regions. The number of specialists being turned out has increased tremendously. Their demand in the West has gone down comparatively, and that too may have played a role in the growth of private hospitals, since most specialists prefer practice in hospitals. The livestock area is another sector where there is an increase in employment opportunities, especially for women. With globalisation, prospects of the export of milk and milk products seem to have brightened. Among the four major players in the international market - the European Union, New Zealand, Australia and United States - New Zealand is the only country that

does not offer any subsidy to milk producers. Since India too does not provide any subsidy to its milk producers, with the withdrawal of subsidies under WTO agreements, India will become price competitive. India's proximity to major dairy markets (Middle-East, South-East Asia, North Africa) is another advantage. Countries like Malaysia, Philippines and South Korea are importing more than 95% of the milk they consume. Even Thailand imports around four-fifths of its milk requirements. Given the low overhead cost and inexpensive family labour, India's dairy sector is quite competitive. Yet, it was pointed out to us that flavoured milk processed in China was being imported and sold in some colonies in Delhi. We have no direct information about other areas of the country. But, if it is available in one metropolitan area, there is no reason to believe that it is not sold elsewhere.

9.93 A study by the National Council for Applied Economic Research (NCAER) estimates the total work generated in the dairying sector as more than 56 million person years per annum. As has been stated earlier, women play the predominant role in

dairy operations mainly carried out within the household. These include milking, feeding and bathing of animals, processing of milk, and cleaning the cattle shed. Nearly 58% of the total labour in dairying is accounted for by these operations, including cleaning. The most important operation, in terms of time expended (around 30% of the total in dairying), is fodder collection, and in this, women play a predominant role. Unfortunately, women's role in this sector is not given due attention, and does not appear even in the censuses. In spite of being the main workers in this sector, they are rarely members of milk co-operatives, and they do not receive the training that is required for increasing the productivity of the animals. This situation must be corrected.

9.94 Another growing area of employment is the manufacture of garments and associated work. There is growth in both the domestic and export markets. The opportunities for employment of women workers are on the increase in this sector, but a large percentage of the new employment generated is sub-contractual, home-based work.

9.95 Access to micro-finance has also added to the growth of employment for women. When a woman joins a micro-finance programme, it also gears up the process of capitalisation in her life. The moment she starts saving, she builds up an asset over a period of time, and this ultimately helps her in starting a new enterprise, upgrading her existing work, or meeting future consumption expenditures. Studies show that micro-finance enhances women's employment and livelihood in a number of ways. She is able to take a loan to increase her working capital and thus add to her earnings. She is also able to take a loan to buy working tools. She is often able to diversify into new types of employments and reduce the risk she would have had to bear, if she had depended on one kind of work. She is able to finance growth of employment not only for herself but also for her family, specially her children.

In the light of these considerations, we recommend:

9.96 All economic policies of the Government have an impact on employment, especially for workers in the unorganised sector. Therefore,

the adoption of each policy that relates to finance, industry and agriculture must be preceded by an evaluation of its effect on employment as well.

9.97 The situation becomes serious when a policy results in large scale loss of employment. In such cases, policies will have to be examined to look for ways of reducing or preventing loss of employment. In the fishing sector for example, it has been suggested that foreign fishing vessels, should not be allowed into the shallow waters, where local people fish. To save jobs for the common people, it may also be necessary in some cases to restrict certain imports, either by imposing higher duties or by quantitative restrictions.

9.98 Another way of dealing with the loss of employment is to invest in rehabilitation. The question of rehabilitation has been addressed in some cases in the face of displacement by Dam-related projects. The same types of rehabilitation packages can be offered to those whose livelihood has been affected on a large scale. Some rehabilitation schemes may, in fact,

not even be costly, but may only need some modifications in policy. For example, the resettlement of street vendors may require only allocation of appropriate areas in the towns and cities.

9.99 To deal with the shrinkage of employment that results from mechanisation and the introduction of new technology, we recommend the following measures:

- a) Skill training and upgradation of skills for women on a widespread and continuous scale. (This issue has been dealt with in detail in the chapter of the report that deals with skills). In each sector, however, the required skills need to be identified, and a system for providing skills to the unorganised sector has to be set up. This must be the joint responsibility of the Government, Industry and local authorities.
- b) Identification and transmission of appropriate technology: Normally a number of different technologies are available for any specific task. We need to identify and promote technologies which increase the

productivity of workers, but which at the same time have the least negative effect on employment. Some viable examples are hand tillers as opposed to tractors; smaller powered and specialised stitching machines which can be used at home or in small workshops; home-based tile and block making machines, etc. In the food processing sector, many technologies such as cryogenic spice grinders, cryo-containers and refrigerators, quick fish freezing systems and controlled atmosphere food storage systems have already been developed by institutions like the Central Food Technological Research Institute, the Indian Institutes of Technology, the National Physical Laboratory etc. But they have yet not been made accessible to small producers. These technologies need to be fully exploited. Large-scale dissemination of these technologies will also give a boost to the equipment manufacturing industry in the country.

9.100 It is a cause for deep concern that workers with security of work, fair incomes and social security, should be deprived of their employment. However, the process of casualisation, or 'flexibilisation' as it is called, is widespread. Our concern is to assure a minimum level of income and security to all women workers regardless of where and under what employment relations they work. We, therefore, propose the following measures:

- a) Very strict implementation of the Minimum Wages Act and high penalties for breaches. All trades should be included in the Act, regardless of existing schedules.
- b) Expanding the Act to include workers under piece-rates, regardless of whether employer-employee relationships can be proved or not.
- c) Identification of all workers and issuing them identity cards.
- d) Ensuring social security to all workers (Rec. No. 3 and 4 are dealt with in detail in the Chapter on Social security)
- e) We have proposed laws and policies for certain categories of workers (dealt with in detail in the sector-wise recommendations). These include:
 - A National policy for Home-based Workers (in accordance with the ILO Convention. This policy has already been approved by the Tripartite conference)
 - An Agricultural Workers Act (A Bill has been drawn up and introduced in Parliament)
 - Measures to provide protection to domestic workers.
 - A Manual Workers Act (On the lines of the Gujarat or Tamil Nadu Act)
 - A National Policy on Vendors

9.101 We have seen that there are many areas where there has been real increase in employment opportunities for women. Though many of these employment opportunities yield less income and do not have many avenues for advancement, they can contribute to further increase in employment.

9.102 We have made some sector-wise recommendations. For example, forestry is a sector where women's employment can be increased many-fold. Reforestation is a priority for the country, and forests need to grow. Women's groups can be given priority in reforestation programmes of nursery growing, plantation and tending of plants. The collection, processing and sale of minor forest produce are another major area. For instance, one estimate shows that if the nursery growing for the Forest department in Gujarat is done through women's groups, it can lead to additional employment for one lakh women for six months. In the health sector, policies which would link 'informal' health providers especially midwives with the formal health system, will increase both employment and earnings of the health providers. (Detailed recommendations may be seen in the Annexure).

9.103 Other general recommendations for increasing employment opportunities are:

- a) Increasing micro-finance which would increase employment opportunities through livelihood development (Details may be

seen in the Chapter on Social Security).

- b) Direct access to markets which will increase employment opportunities as well as earnings. Recommendations for a number of sectors including crafts, livestock, garments, food processing, agriculture and forestry may be seen in the Annexure.
- c) Training and skill development will enhance productivity and earnings as well as opportunities (specific recommendations can be found in the chapter on skill development)

CHILD-CARE:

9.104 Childcare is a major investment in the protection and development of human resources. It has to be accepted that it is not the sole responsibility of the woman, but also of the other parent and the family and of society. The mechanisms of childcare should, therefore, be multi-dimensional. First, labour legislation should include provisions for crèches where there are 20 or more workers irrespective of the gender of the worker so that the worker, whether mother or father,

can leave the child in the crèche. Secondly, Childcare should find a place in the Integrated Child Development Services (ICDS) programme. Thirdly, it should be recognised as part of the policy on education. Fourthly, low-cost community based approaches should be encouraged and multiplied. Fifthly, the important role of the childcare worker should be recognised, and compensated.

9.105 Children are the future of the country and the nursery of its workforce. Early childcare or lack of it determines, in many ways, the future of the country. The 0-6 year period is crucial for the development of the child. From conception until the age of 6-8 years, children go through a crucial process of development. They learn to cope with increasingly complex forms of thinking, feeling, relating to others and moving. Inadequate care and nurturing can result in life long impairment of the child's faculties. In India, the early years continue to be a hazardous period for children. Over a third of Indian infants are born with low birth weight, and a staggering 53% of children under five are malnourished. In terms of absolute numbers, 73 million (or 40%) of the world's total of

190 million malnourished children live in India ². As we have said earlier today, the child is considered the sole responsibility of the mother. But the working mother is often bogged down by the burden of childcare, leading to decline in productivity as well as negative impacts on the health of both the mother and the child. Besides, the assumption that young children are taken care of in traditional family arrangements is no longer valid. The number of women forced to seek employment outside the house has increased. Today, there are over 15 crore women living below the poverty line and 5-6 crore children under 6 years belong to the group where mothers have to work for sheer survival. Most of them are in the unorganised sector.

9.106 These women workers have to walk long distances by foot or travel in crowded public transport to reach their places of work. On an average, a woman worker works for 10-12 hours a day, often 7 days a week. A working mother is

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² Gupta, Neelam (1999), Home Based Workers et al: in India, Study on Ready Made Garment, Aggarbatti and papad workers, SEWA Bharat. 2000

overworked and exhausted and often very anxious about her child's welfare. Childcare provisions relieve her of one of her multiple burdens, creates time and space and work opportunities for her and supports her empowerment. Studies show that the provision of childcare results in up to 50% enhancement in the productivity of the mother as well as in lower morbidity and better growth for the child. In the absence of adequate childcare facilities, a working mother has often no option but to leave the child with a slightly older sibling. A large part of sibling caregivers are girl-children - many of them not above the age in which they themselves need care and nurturing. Provisions of childcare facilities will release the girl child to attend school and to enjoy her own childhood, and grow.

9.107 The coverage of existing state-sponsored programmes for children is extremely limited, and do not reach even a fraction of the children in this age group³. Estimates show that only 12% of children in the age group of 0-6 benefit from some form of early childcare programme. In addition, such provisions as exist, cater largely to the 3-6 age group. The younger and more vulnerable 0-3 group remains largely untouched.

INTEGRATED CHILD DEVELOPMENT SERVICES (ICDS)

9.108 The best-known government programme in this field is the (ICDS), which aims at the total development of young children. It has been quite successful in developing an infrastructure for childcare services, covering about 62% of the children and reaching out to rural and tribal areas. It also has an impressive record in areas like improving health and nutritional status, immunisation, and enrolment of children from *anganwadis* to primary schools and reducing dropout rates. However, ICDS is not programmed to cater to the needs of working women, as it provides services mainly for the 3-6 age groups, and even these are available for only 3-4 hours per day when most mothers are at work and cannot access these services. Consequently, it is not of much help to the mother in lessening her burden. The rigid hierarchical implementation structure of the Government, negatively influences

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³ Kaul, Venita (1992), "Early Childhood Education in India", in, Gary A. Woodill, Judith Bernhard and Lawrence Prochner (eds), International handbook of Early Childhood Education, New York and London: Garland Publishing.

community participation, flexibility and efforts towards sustainability. Besides, its total dependence on the government for funds, further leads to lack of sustainability. These drawbacks of the ICDS have to be seen against the fact that it absorbs the bulk of the budget allocated by the Government for mother and childcare services.

9.109 There are several laws that make it obligatory for employers to provide crèches for the children of women workers:

- a) Factories Act 1948
- b) Plantation Labour Act 1951
- c) Mines Act 1952
- d) *Beedi and Cigar Workers' (Conditions of Employment) Act, 1966*
- e) Contract labour (Regulation and Abolition) Act, 1970
- f) Interstate Migrant Workmen (Regulation of Employment and condition of service) Act, 1979

9.110 These Acts specify the minimum number of women workers

necessary for applicability (except in mines where a crèche is obligatory even for a single woman employee), the quality of accommodation, type of childcare etc. However, the implementation of the laws is far from satisfactory. Existing laws that restrict the provision of crèches to undertakings that employ 20 working women or more, have worked against women's employment, and have provided employers with an excuse for avoiding the employment of women. Employers either employ a fewer number of women, to escape the applicability of the Act and in some cases employ only unmarried girls, or employ women on a temporary basis.

RECOMMENDATIONS

9.111 REGARD CHILDCARE AS AN INTEGRAL COMPONENT OF SOCIAL SECURITY: As we have pointed out earlier, Childcare is often represented as an exclusive concern of women. The burden of childcare must be shared equally between both the parents. The importance of a cooperative relationship between the genders in the care and nurture of young children has to be kept in mind. Childcare should, therefore, be

part of the perspective of the activity of welfare boards, and protective legislation. As we have stated earlier, there should be a provision for crèches where 20 or more workers are employed irrespective of the gender of the worker. This will enable the child to be brought to the crèche either by a mother or a father. If it is found that individual enterprises are not in a financial position to run their own crèches, enterprises may jointly establish and operate them. Another possibility is that *Panchayats* or local bodies or local tripartite groups run crèches, and employing units are asked to make a proportionate contribution to the costs.

9. 112 RECOGNIZE CHILDCARE AS PART OF EDUCATION POLICY: The proposed 83rd Amendment Bill will guarantee the right to education for children in the 6-14 age group. Only those who can afford to nurture their young children and provide them pre-school opportunities, will be able to take advantage of this right. The age group of 3+ must be included to ensure that children of disadvantaged groups have equality of opportunity in the school system.

9.113 CREATE A FLEXIBLE,

AUTONOMOUS CHILDCARE FUND: A flexible, autonomous Childcare Fund may be set up. This Fund can be drawn upon to provide childcare facilities to all women, regardless of income, number of children or other considerations. The Fund should be at the state, rather than the national level, for administrative convenience and adaptability. The Fund should be raised from multiple sources, and should have autonomy in action and in developing income. [According to the experience of the Self Employed Women's Association (SEWA) childcare for a single child from 9 a.m. –6 p.m. costs Rs 10/- per day. This includes nutrition (Rs 5), salary of childcare worker (Rs.3), travel (Rs.1.85), and fuel for cooking (Rs 0.15). On the basis of these figures, the total cost of providing day care for 60 million children below 6 who are in need of care, can be estimated as Rs. 2160 crores annually].

9.114 The best-known example of a designated childcare fund comes from Colombia. The government collects a 3% payroll tax for this purpose from public and private companies with more than fifty employees, or with sufficient capital to qualify as enterprises. This fund is

administered by the Colombian Institute for Family Welfare (CIFW) which runs a nation-wide programme of *hogares familiares* or day-care homes for children under six. This programme meets expenses on the care and developmental and nutritional needs of children.

9.115 USE MULTIPLE STRATEGIES:

A variety of strategies are required to meet the varied needs of different groups. No unitary, centrally controlled childcare scheme or programme can provide solutions for all the varied scenarios. For example, the needs of mothers selling vegetables in a market will not be the same as those of factory or construction workers. Similarly, families living in remote rural communities will need to be supported in a manner different from those living in urban slums. The needs of caregivers will also vary. Mothers looking after their children at home will need information about pregnancy, breast-feeding, healthy nutritional practices, and the value of early stimulation, while community workers running a day care centre will require training in child development and growth monitoring. An altogether different approach is required when

the caregivers are themselves children. Their right to education and to healthy development must take priority.

9.116 The NGO sector in India is a good source of innovative, effective and low - cost approaches. In addition, creative responses have also been developed by families that live outside the ambit of governmental or centralised services. While small in scale, they nevertheless offer a wealth of approaches that could be successfully incorporated into the practice of the mainstream Government sector.

9.117 The global experience can also have a few lessons for us. The Accra Market Women's Association in Ghana developed a childcare programme that kept children safe while mothers conducted business. The Accra City Council provided funds while the Department of Social Welfare, Ministry of Health and Ministry of Water and Sewage, collaborated in refurbishing an old building near the market. At this centre, infants are provided full day care, and a meal, and mothers are encouraged to come to the centre to breast feed their children.

9.118 PROMOTE AND VALIDATE LOW-COST COMMUNITY BASED APPROACHES: Special efforts should be made to identify, develop and investigate low-cost, community-based approaches; to analyse their impact on the overall development of children, and to validate and legitimise them on the basis of evaluation. The most innovative and promising community interventions are those that respond to the reality at the grass root level; that involve all the stakeholders including the parents and the community, and have strong informal networks. They also draw on local practices and assets. Some of them are completely informal with all the costs borne by the parents or the communities. Others are more formal and supported by NGOs, and local or central authorities. Many others are intermediate to these systems. In fact, all possible combinations are possible. Many of these interventions are effective and low cost and, therefore, ideally suited for the specific situation they have been designed for. They empower women, parents and the community by allowing them to come together to take responsibility for their children's lives. Finally, they appear to stand a better chance of sustainability than

externally imposed 'models.'

9.119 Nepal and Ecuador provide excellent examples of community-based childcare. In Nepal, the *praveshdwar* home-based childcare programme of the Government of Nepal has been developed as an integral part of the Production Credit for Rural Women project. It caters to children in the 0-3 age group and is run by the mothers themselves. Mothers form groups of six, take turns to look after the children in their own homes, and provide meals.

9.120 In Ecuador, the Community Home programme is located in the squatter settlements of Guayaquil city, and is operated by United Nations Children's Emergency Fund (UNICEF) and the Government of Ecuador. It provides care for children of working mothers in homes in the community, in this case in the home of a female neighbour who has been trained as a childcare worker.

9.121 STRENGTHEN ICDS SCHEMES AND RECOGNISE THE ROLE OF THE CHILDCARE WORKER: ICDS Schemes need to be redesigned to include the child under three. Current weaknesses in implementation

and allocation need to be corrected. Wages, conditions of work, training and accreditation of childcare workers need consideration at the policy level. Childcare workers like *Aganwadi* workers have a low status, are poorly paid and get little or no recognition. Yet, they are expected to be resourceful, motivated and loving. Pleas for better working conditions run into the argument that financial resources are not available. However, a close scrutiny of the budget shows that lack of interest and will rather than total lack of resources is the root cause for under-funding and the poor attention given to the needs of these childcare workers. NGO initiatives, particularly in developing community based programmes, show that working in this sector can also be an empowering experience for poor women.

MATERNITY ENTITLEMENTS

9.122 A statutory scheme for the implementation of maternity entitlements should cover all women under income criteria. The scheme should provide financial support for childbirth, childcare and breast-feeding in the first few months of the child's life. The funds to support such a

scheme should be raised from a basket of sources, including the employer, the employee, state contributions, and community contributions. It should be linked with the maternal and child health provisions of the public health system.

9.123 The most productive years of a woman's life are also the reproductive years of her life. In the absence of any provision for maternity leave, a woman worker often has to leave her job to have a child. Poor health, additional medical expenses and loss of employment, make the woman worker economically vulnerable during the period of childbirth, plunging her into a crisis of borrowing and high interest expenses. Often, she does not take adequate rest and starts working soon after childbirth with adverse effects on her health. This repeated neglect of a woman's health during pregnancy and childbirth manifests itself in high mortality rates (570 per 100000 live births), anaemia (88% in women 15-49 years of age) and low birth weight of the new born (33% babies less than 2500 gms). A mother's health is closely linked to the child's welfare, and maternity entitlements are the

lifeline to ensure proper survival and development of the child. In fact, the development of the child begins with the care of the pregnant mother and, thereafter, the opportunity to breast-feed her child for the first six months.

9.124 In recent years there has been a distinct trend towards declining allocation of funds for public health. For instance, the Seventh Five Year Plan allocated only 1.75% of the total plan investment to health as compared to 3.3% in the First Plan. The last decade has seen casualisation of the labour force, especially women workers. They are increasingly finding employment in temporary and contractual jobs with inappropriate and inferior conditions of work. The withdrawal of the social safety nets to working women is compounded by the privatisation of health care. The high rates of maternal and child mortality reflect the absence of access to basic services that can ensure the health of the mother and the survival of the child. Today, the reality in the country is that 85% of health needs are being met from private providers, and this percentage is growing.

9.125 The main international

convention covering maternity benefits is the ILO's Maternity Entitlement Convention, 2000. The Convention includes the following components:

- a) Maternity benefits should include all women workers, whether full time or part time or employed in atypical dependent forms of work.
- b) Leave should be granted for periods upto 14 weeks with a minimum of 6 weeks as compulsory in the post-natal period, and cash benefits should include not less than 2/3rds of a woman's insured earnings.
- c) Employment security should include protection from dismissal. The woman should have the right to return to the same job. No dismissal should take place if a woman is pregnant or ill. In case of dismissal the burden of proof is to lie with the employer.

9.126 The ILO convention has a limited scope since it does not consider the application of maternity

benefits to all women. As far as the present framework of the Indian Constitution is concerned, Article 42 under the Directive Principles of State Policy provides that state shall make provisions for securing just and humane conditions of work and for maternity relief. The two main Acts that govern this provision are: The Maternity Benefit Act, 1961 and the Employees State Insurance Act 1948.

9.127 Employees State Insurance Act (ESI) 1948: The Act stipulates that a cash benefit is to be paid to an insured woman in case of confinement, miscarriage, sickness during pregnancy, medical termination of pregnancy, pre-mature birth etc. The Act only applies to non-seasonal factories using power and employing ten or more persons, factories not using power and some other establishments employing 20 or more persons. The Act applies to employees whose earnings are upto Rs.6500/- p.m. The paid leave in the pre and post confinement period is given for twelve weeks. In addition, the woman is also granted a medical allowance of Rs. 250 if her confinement is in an area where ESIC facilities are not available.

9.128 Maternity Benefits Act, 1961:

It is applicable to all workers in the organised sector who are not covered under the Employees State Insurance Act. This Act covers workers in regular employment in factories, mines, plantations and establishments irrespective of the number of people working in the establishment. Further, every woman employee who has worked for a period of 80 continuous days in one year is eligible to be covered under the Act. The salient features of the Act include protection from dismissal during pregnancy, and 12 weeks of paid leave of which six weeks may be taken in the period preceding childbirth if the mother so desires. Further, the Act also stipulates that the employer will not compel the woman to do any arduous work during her pregnancy, or give notice for discharge or dismissal during this period. It also makes provisions for two nursing breaks of 15 minutes each, once the mother gets back to work.

9.129 It is universally acknowledged that there are inadequacies in both the Acts at the National Level. These Acts only cover workers in the organised sector. There is a need, therefore, to extend maternity benefit measures to women workers

in the unorganised sector. Moreover, the coverage of these Acts is very limited even in establishments where all working women are covered by them. A study by Chaddha N. shows that only 0.25% of women avail maternity benefits in a situation though 94% are entitled to it. Further, the laws have many loopholes as factory owners and contractors find it easy not to adhere to the ESI Act by employing 19 rather than 20 women. These Acts provide no work protection for women. Many women are either forced to leave their jobs when they are pregnant, or are not hired at all because they will have to be provided maternity benefits during and after pregnancy. It has been brought to our notice that the amount of benefits provided by these two Acts are inadequate, as women are not able even to cover the cost of the extra nutrition that they require during their pregnancy.

9.130 Apart from these two Acts, there are several government schemes available for maternity benefits. For example, the Employment Guarantee Scheme in Maharashtra (1974) provides one month's wages, food as part of wages, and the facility of a crèche for

children. The Tamil Nadu integrated Nutritional Project provides nutritional supplementation to pregnant and lactating mothers and the Muthulakshmi Reddy Scheme (1988) in Tamil Nadu and the maternal protection scheme of Gujarat (1986) provide cash benefits (Rs 350) to compensate for loss of wages. There is also a government scheme of cash support to agricultural labourers. But all these schemes have problems in

