CHAPTER - 4

WOMEN DEVELOPMENT AND CHILD ABUSE
4.1. Introduction

Women play a crucial role in all societies. However, their low socio-economic status in an historical perspective is largely based on the myth that women are inferior as agents of production. Census data present a distorted picture of women, particularly of their participation in economy as a labour force. Women in most societies are still judged to be less valuable than men. They cannot participate fully in economic and public life. They have limited access to positions of power; have narrower employment choices and lower earnings than men. They must reconcile activities outside the home with their traditional roles. According to I.L.O. global statistics men spend twice as much time as women in gainful employment. The value of statistical information is very dubious. As per U.N. Report 1975, two third of the world’s quantitative work is done by women. In return for their work they receive a mere 10 per cent of all incomes, and own only 1 per cent of all means of production. This reveals in many ways and at many levels that women have remained relatively powerless. Sex and gender differences exist in the society.94 In most societies, men and women are assigned tasks, activities and responsibilities according to their gender95. Different values are ascribed to these different tasks. The gender division of labour varies from one society and culture to another and within each culture; it also changes with external circumstances and over time.

Women make up 40 per cent of the world’s work force in agriculture, a quarter in industries, and a third in services. Women farmers in the developing countries grow at least 50 per cent of the world’s food. In addition to income generating activities both in cash and kind, women’s household activities include processing and preparing food, house maintenance, fetching firewood

94 Sex is the biological difference between men and women. Sex differences are about the fact that men produce sperm, women bear and breastfeed children; men and women have different bodies, different hormones and different chromosomes.

95 Gender describes all the socially-given attributes, roles and activities connected to being a male or a female in a given society. Gender is related to how we are perceived and expected to think and act as women and men because of the way society is organized. Gender is also about who has power.
and water, caring for the children, nursing the sick, etc. Women's productivity remains low - both in income generating work and in home production. Moreover all this work, which falls on the shoulders of women, even in the most developed countries is excluded from macro-economic analysis and policy. Economic trends and policies are usually presented in a language which appears to be gender neutral, without specific mention of gender or the sexual division of labour.

In the Third World households, women have a triple role, namely, reproductive work: i.e., child bearing and rearing responsibilities required to guarantee the maintenance and reproduction of the labour force, community work that is undertaken as an extension of their reproductive role, to ensure the provision and maintenance of scarce resources of collective consumption such as water, health care, and education. This is voluntary, unpaid work undertaken in “free” time, productive work: i.e. often as secondary income earners in rural areas. This usually takes the form of agricultural work. In urban areas, women frequently work in informal sector enterprises located in the house or the neighborhood, which the present study, is concerned.

4.2 Women Labour in Ancient India

Women labour and their exploitation were found since historical times in our country. Women were employed to work as wine servers and as spies to get the secret of the drunkards without giving rise to any doubts in their minds. Some reference in ancient literary works (particularly dramas) partly proves the existence of Dasis (female slaves) in those days. For instance in Kalidas's Mala vikagraimitra, parivrajita testifies to the existence of female spies, in Mrichahakutika of Sudraka (a drama of Gupta age) the character of Madarika bears testimony of the existence of female slaves. Women in ancient India were

also engaged as Ganika. We find such Ganikas in Sudraka's 'Mrichchakutika' and in Dardin's Dasa-Kumar-Charita. The system of employing women as Devadasis, which is still found in the south Indian temples, was widely prevalent in the ancient India.

4.3 Women Labour in the Present Times

With the march of civilization, the impact of social changes and developmental efforts benefited the women much less than man. Social and religious reformers, enlightened public authorities, and women's organizations waged battles against the oppressive position of women through centuries. But scourges as illiteracy, ignorance, superstition still persist in some parts of the country resulting in unorganised low-paid exploited women laborers. Through the centuries, women have been working for their families as long as sixteen hours or more right from day break till late into the night. They manage the household, work on the farm, fetch water, look after the cattle, feed the children as well as the adults in the family, clothes, and educate the children. In poor households fire wood fuel is typically gathered by women, and female children mainly from forest land and village common land.

4.4 Definition / Servant Maids / Domestic Servants

It is very difficult to define the term "domestic" because it is very vague. The term "Domestic" denotes a class of "Menials" which includes many types of workers, like ayah, kitchen helper, cook and sweeper. So we would define the term Domestic Servants as "those servants who do cooking, care the children, cleaning utensils, washing clothes, cleaning and sweeping the houses in return for the payment of wages". The term "gainfully employed" include

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97 Ibid.

only those working in the formal sector, which have regular jobs and earn wages or salary and self-employed basis. Contrary to this fact, most of the women’s work is informal such as women who work at home, help relatives in the family, sales women, seasonal workers, servant maids, etc. Servant maid is the person or immediate attendant to do any type of work in the house.

There are two types of domestic servant maids namely Part-time servants and full time servants. Part-time servants are those who are employed at one or more than one house to perform some definite duties and go away when the assigned work is over. They are not residential helpers. Full-time servants are attached to one house only. They are present for the whole day at the employer’s house, and do whatever work is assigned to them.

There has been an upsurge of debate, discussion, dialogue and controversy around the concept of “informal sector” since 1970’s particularly in the context of developing countries, which have experienced a pattern of urbanization characterized by engagement of large part of labour force in the low productive low-income activities outside the organized modern sector.

Domestic servants are engaged in household’s activities which the housewives are unable to perform either due to personal or physical reasons or due to lack of time. The activities they perform include utensil cleaning, floor cleaning, washing of clothes, cooking, and attending to outdoor tasks such as purchase of vegetables, and accompanying the children to school and back. However, requirements as well as capacity in the households differ. Accordingly, the domestic servant is engaged on part time or full time basis.

The term ‘home-based worker’ refers to two types of workers. Who carry out remunerative work within their homes, dependent sub-contract workers, and independent own account workers. The term ‘home workers’ is used to designate the first category of dependent workers only.
For the purposes of this research, the following definition of the child has been used: A child, according to the UNCRC, means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.  

Child abuse includes a vast area of study and intervention, involving a range of acts of violence and maltreatment. The three main categories of abuse are physical, emotional and sexual. The operational definitions followed by this research for these categories are those given by the World Health Organization.  

"Domestic Worker" means, a person who is employed for remuneration whether in cash or kind, in any household through any agency or directly, either on a temporary basis or permanent, part time or full time to do the household work or allied work.  "A livelihood comprises the capabilities, assets (including material and social resources), and activities required for a means of living. A livelihood is sustainable when it can cope with and recover from stresses and shocks and maintain or enhance its assets and capabilities whilst not undermining the natural resource base.

4.5 Nature of work

Almost everywhere in our/country, the picture of domestic work done by the women is similar in nature. Domestic activities like taking care of children, ailing household members, preparing food and rearing small ruminants are considered as basic responsibility of women in rural areas. The only variation is according to the region, caste, class, and culture. It is a fact


100 Ibid

101 Household and allied work includes but is not limited to activities such as cooking or a part of it, washing clothes or utensils, cleaning or dusting of the house, caring/nursing of the children/sick/old/handicapped
that even-where women have their meals much later than the normal scheduled time as maintained for men. With reference to a study on ‘Women Empowerment through Self Help Group’ conducted by J. Kalyan it is stated that women wake up in between 4.00 – 4.30 AM, and go to sleep in between 10.00-10.30 PM. This study has also pointed out that throughout the day; women do a lot of work in the household. This includes- sweeping & cleaning of corridor & verandah, cleaning of cowshed & utensils, cleaning oven, preparing breakfast, taking care of children and preparing them for school, preparing lunch, collection of fuel washing clothes and serving lunch to household members, cleaning of floors and washing utensils. Again, after having lunch they take care of small ruminants, do handicraft for income generation, mend clothes, fetch drinking water, sweeping corridor, light incense-stick before the God/Goddess, preparing dinner, taking care of children, serving dinner to the household members, preparing beds for sleeping, washing floors, and closing the doors before sleeping. There is no doubt that the extent of work done by women has no boundary at all. Scholars have pointed out that there is no commensurate remuneration for their daylong services in the household. It is considered a ‘service of love’.

People in the informal sector have suffered with low unregulated wages, unregulated working hours, and no paid holidays. The number of people working in the informal sector in the country is a sizeable number; though exact figures are not available. A huge section of our population belongs to this sector with domestic workers contributing a huge chunk of this population. According to the National Domestic Workers Movement (NDWF), there are eight-crore domestic workers in India. Firstly they are not even recognised as workers, and thus, have no specified work, she is made to do everything.

While not everything may be this picture perfect, the association has definitely been instrumental in ushering in improvement in the conditions of the domestic workers. With the support of the association, they have greater bargaining power with their employers. “The pay structure and the leave
arrangement now have a formal standard structure, hence there is no haggling, and nothing has been left to the whims and fancies of the employers. The domestic worker is no longer just a helpless soul, she has thousands backing her in times of need, and the knowledge of this protection is enough to make her strong too”.

4.6 Human Development among Women

Human development is one of the sensitive indicators of development in any society. It indicates the social, economic and cultural development of any society. Women are very important component of human development.

The position of the household with respect to some basic human development indicators, such as education, literacy and primary health is important in determining the employment security of the workers. This is so because unless the household has reached a certain minimum level in relation to these indicators, no amount of employment may seem adequate to the workers. The expectation, therefore, is that workers belonging to households with a lower human development index will face greater employment insecurity as compared to those belonging to households with a higher human development index. Most domestic workers strived to educate their children to the extent possible.

The link between the human development index and employment security is very significant. While we find that better human development leads to improved employment security, it is quite certain that the reverse will also be true. In support of our finding, it is argued adequate fulfillment of promotional social security needs is a necessary condition for the success of protective social security, i.e., unless the household has reached a certain minimum ‘threshold’ level with respect to key human development indicators, it is very likely that no matter how much employment the worker has, it will seem to be inadequate to him / her. An important implication of this is that alongside
employment generation programmes which will ensure employment security. There is a need to improve housing, health, education, drinking water and other basic facilities, so as to bring households to the threshold level.

To conclude, employment insecurity is a pressing problem for the unorganised sector workers in India. The effort of the state to address it thus far has, by and large, been an 'umbrella' approach, without really accounting for the sector-specific nuances.

4.7 Women dominance in the informal sector

High proportion of working women in India are employed in the informal sector. They work in the subsistence agriculture, as a seasonal worker in plantations, or at home, often for extremely low wages. The nature of works in agriculture, which the women labourer performs, exposes them to a particular health hazards. Nevertheless, it is they who make a major contribution to family income. The reasons for this discrepancy are their low formal education and training as compared to men, the traditional allocation of roles, and limitations of formal labour market for women. Again because of mechanization and modernization in agriculture and high technological plane of formal labour markets, the influx labour force has no other go than to work in the informal sector. Informal sector gives some type of relief in the form of ready made jobs to the people, there by helps to a greater extent in removing the seasonal unemployment among the agricultural workers, marginal and poor farmers. The income in the informal sector may be low but chances of employment in this sector are far better than in the rural areas. Children handicapped and maimed are found in this sector. But they are not likely to be employed by the formal sector, which forbids employment of children below certain age. It lays down strict conditions for the appointment of women and requires certain level of formal training.
If the informal sector is to serve as a major instrument of income and employment, growth and equity, it needs to be made “formal”, and the formal section needs to grow fast. Efforts to develop informal sector independent of the formal sector would prove not only self defeating, but will also lead to increasing segmentation of the labour market. The work may be different but it is the same plight of women workers in all informal sector activities with low wages, more number of working hours, poor welfare facilities, inadequate civic amenities at the work place, and more so low or no unionization which results in weak bargaining power. Poverty compels them to accept low wages, and keep quiet against atrocities at the work place. If they raise their voices, they will be removed and in a society where there is abundant labour supply, it is not difficult for the employers to find alternative workers.

Working conditions result in premature and stillbirths. The tasks performed by women are usually those that require them to be in one position for long time, which can adversely affect their reproductive health.

4.7.1 Women Are Overworked

Women work longer hours and their work is more arduous than men’s. Still, men report that “women, like children, eat and do nothing.” Not only do women perform more tasks: their work is also more arduous than that undertaken by men.

In a report of the National Commission on Self-Employed Women and Women in the Informal Sector, the director of social welfare in one state said, “There are no women in any unorganised sector in our state.” When the Commission probed and asked, “Are there any women who go to the forest to collect firewood? Do any of the women in rural areas have cattle?” the director responded with, “Of course, there are many women doing that type of work” Working women are invisible to most of the population. If all activities —
including maintenance of kitchen gardens and poultry, grinding food grains, collecting water and firewood, etc. — are taken into account, then 88 per cent of rural housewives and 66 per cent of urban housewives can be considered as economically productive. Women's employment in family farms or businesses is rarely recognized as economically productive, either by men or women.

4.7.2 Women have Unequal Access to Resources.

Extension services tend to reach only men, which perpetuates the existing division of labour in the agricultural sector, with women continuing to perform unskilled tasks. A World Bank study in 1991 reveals that the assumption made by extension workers is that information within a family will be transmitted to the women by the men, which in actual practice seldom happens. The male dominated extension system tends to overlook women's role in agriculture and proves ineffective in providing technical information to women farmers.

A number of factors perpetuate women's limited job skills. Unequal access to education restricts women's abilities to learn skills that require even functional levels of literacy. In terms of skill development, women are impeded by their lack of mobility, low literacy levels, and prejudiced attitudes toward women. When women negotiate with banks and government officials, they are often ostracized by other men and women in their community for being 'too forward.' Government and bank officials have preconceived ideas of what women are capable of, and stereotypes of what is considered women's work.

4.7.3 Women Are Mistreated

Violence against women and girls is the most pervasive human rights violation in the world today. Male violence against women is a worldwide phenomenon. Although not every woman has experienced it and many expect
not to, fear of violence is an important factor in the lives of most women. It determines what they do, when they do it, where they do it, and with whom. Fear of violence is a cause of worry. They lack of participation in activities beyond the home, as well as inside it. Within the home, women may be subjected to physical and sexual abuse as punishment or as culturally justified assaults. These acts shape their attitude to life, and their expectations of themselves.

In recent years, there has been an alarming rise in atrocities against women in India. Every 26 minutes, a woman is molested. Every 34 minutes, a rape takes place. Every 42 minutes, a sexual harassment occurs. Every 43 minutes, a woman is kidnapped. And every 93 minutes, a woman is burnt to death dowry. Legal protection of women's rights has little effect in the face of prevailing patriarchal traditions.

4.7.4 Child Marriage

Women are subordinate in most marriages. Exposure to and interactions with the outside world are instrumental in determining the possibilities available to women in their daily lives. The situation of women is affected by the degree of their autonomy or capacity to make decisions both inside and outside their own household.

Child marriages keep women subjugated. A 1976 amendment to the Child Marriage Restraint Act raised the minimum legal age for marriage from 15 to 18 for young women, and from 18 to 21 for young men. However, in many rural communities, illegal child marriages are still common. In some rural areas, nearly half the girls between 10 and 14 are married. Because there is pressure on women to prove their fertility by conceiving as soon as possible after marriage, adolescent marriage is synonymous with adolescent
childbearing: roughly 10-15 per cent of all births take place to women in their teens\textsuperscript{102}.

Child marriages contribute to virtually every social malaise that keeps India behind in women's rights. The problems include soaring birth rates, grinding poverty and malnutrition, high illiteracy and infant mortality and low life expectancy, especially among rural women.

4.7.5 Dowries

Women are kept subordinate, and are even murdered, by the practice of dowry. In India, 6,000 dowry murders are committed each year. This reality exists even though the Dowry Prohibition Act has been in existence for 33 years, and there are virtually no arrests under the Act (though giving as well as those accepting dowry are punishable) under the existing law. No one is willing to complain. It is only after a "dowry death" that the complaints become public. It is estimated that the average dowry today is equivalent to five times the family's annual income and that the high cost of weddings and dowries is a major cause of indebtedness among India's poor.

4.7.6 Divorce

Divorce is not a viable option. Divorce is rare — it is a considered a shameful admission of a woman's failure as a wife and daughter-in-law. In 1990, divorced women made up a miniscule 0.08 per cent of the total female population. Maintenance rights of women in the case of divorce are weak. Although both Hindu and Muslim law recognize the rights of women and children to maintenance, in practice, maintenance is rarely set at a sufficient amount and is frequently violated.

\textsuperscript{102} Article in the \textit{New York Times} states 1998 May
4.7.7 Inheritance

Women’s rights to inheritance are limited and frequently violated. Under Hindu law, sons have an independent share in the ancestral property. However, daughter’s shares are based on the share received by their father. Hence, a father can effectively disinheredit a daughter by renouncing his share of the ancestral property, but the son will continue to have a share in his own right. Additionally, married daughters, even those facing marital harassment, have no residential rights in the ancestral home. Even the weak laws protecting women have not been adequately enforced. As a result, in practice, women continue to have little access to land and property, a major source of income and long-term economic security. Under the pretext of preventing fragmentation of agricultural holdings, several states have successfully excluded widows and daughters from inheriting agricultural land.

4.7.8 Women in Public Office: Panchayat Raj Institutions

The highest national priority must be the unleashing of woman power in governance. That is the single most important source of societal energy that we have kept corked for half a century. This recognition is currently missing in India. Transforming the prevailing social discrimination against must become the top priority, and must happen concurrently with increase direct-action to rapidly improve the social and economic status of women. In this way, a synergy of progress can be achieved.

- As women receive greater education and training, they will earn more money.

- As women earn more money - as has been repeatedly shown - they spend it in the further education and health of their children, as opposed to men, who often spend it on drink, tobacco or other women.
• As women rise in economic status, they will gain greater social standing in the household and will have greater voice.

• As women gain influence and consciousness, they will make stronger claims to their entitlements—gaining further training, better access to credit and higher incomes—and command attention of police and courts when attacked.

• As women’s economic power grows, it will be easier to overcome the tradition of son preference* put an end to the evil of dowry.

• As son preference declines, and acceptance of violence declines, families will be more likely to educate their daughters, and age of marriage will rise.

• For every year beyond 4th grade that girls go to school, family size shrinks 20 per cent child deaths, wages rise 20 per cent.

• As women are better nourished and marry later, they will be healthier, more productive, and will give birth to healthier babies.

Gender development, within the gamut of human development (as opposed to income / development), lays emphasis on women as individuals, human / beings and citizens with equal rights and opportunities, while recognizing the need for enhancing their capabilities so as to ensure equal participation and benefit-sharing in development.

Equality refers to equal opportunities in terms of access to sources of livelihood, health, and education, as well as to social, economic and political participation without discrimination. Patriarchal structures aid the prevalence and perpetuation of / gender inequalities despite the constitutional provision of equality. Gender inequalities stem from relations of power and authority, class-caste hierarchies and socio-cultural traditions, customs and norms. Empowerment may be defined as the process of transforming these, structures and institutions, thereby ensuring equality. The indicators selected and used to assess levels of gender development; cannot shed light on all the intricate patterns and dimensions of the changes occurring. However, these indicators
provide mechanisms for evaluation to strategies the directions and steps that need to be taken to move towards gender equality and empowerment.

4.7.9 Education

Does women’s education lead to a positive impact on gender development? Will improvement in female literacy ensure greater gender equality? While it can be stated with a certain degree of certainty that improving the education of women will lead to gender development. It is difficult to affirm that improvements reflected through this variable of female literacy alone will be sufficient to bring about women’s equality. Use of this or other education-related indicators reflects attainment/achievement levels, and highlights the gap or extent of parity between men and women. Existing levels of discrimination and biases are an outcome of socio-cultural factors and patriarchal structures which are not easily overcome by introduction of literacy alone. Nevertheless, the benefits of education cannot be trivialized as these would have a long-term impact upon the empowerment of women.

Literacy is the first step towards formal education. It refers to the ability to read and write. Female literacy has been improving over the years. The proportion of women who are literate has increased by 15 per cent over the last decade from 39 per cent in 1991 to 54 per cent in 2001. This is a remarkable improvement that reflects the concerted efforts of the state along with the assistance of nongovernmental organizations and other concerned groups.

The emphasis laid on education, especially for women, is visible in the policy documents of the government such as the various Five Year Plans, the National Policy on Education (NPE) and so on. Many programmes targeting different segments of the population have been instituted to promote literacy among women, young and old. These efforts have been only partially
successful on account of the lower value ascribed to women’s education in our society.

4.7.10 Women’s Health

In the state’s approach to the issue of women’s health, there is an excessive focus on reproductive health. Women are viewed mainly as the means of reproduction, often at the cost of their own personal, individual identity. Even now, despite some efforts to widen women’s health concerns to include the issues of nutrition, sexuality and control over their bodies, state policies and programmes still emphasise and concentrate on family welfare and reproductive health. A major share of the budgetary allocations is under these heads.

4.7.11 Discrimination against Women in India

Looking through the lens of hunger and poverty, there are seven major areas of discrimination against women in India:

- **Malnutrition:** India has exceptionally high rates of child malnutrition, because tradition in India requires that women at last and least throughout their lives, even when pregnant and lactating malnourished women give birth to malnourished children, perpetuating the cycle.

- **Poor Health:** Females receive less health care than males. Many women die in childbirth of easily prevented complications. Working conditions and environmental pollution further impairs women’s health.

- **Lack of education:** Families are far less likely to educate girls than boys and far more likely to pull them out of school, either to help out at home or from fear of violence.
• **Overwork**: Women work longer hours and their work is more arduous than men's, yet their work is unrecognized. Men report that "women, like children, eat and do nothing."

• **Unskilled**: In women's primary employment sector - agriculture - extension services oversee women.

• **Mistreatment**: In recent years, there has been an alarming rise in atrocities against women in India, in terms of rapes, assaults and dowry-related murders. Fear of violence suppresses the aspirations of all women. Female infanticide and sex-selective abortions are additional forms of violence that reflect the devaluing of females in Indian society.

• **Powerlessness**: While women are guaranteed equality under the constitution, legal protection has little effect in the face of prevailing patriarchal traditions. Women lack power to decide who they will marry, and are often married off as children. Legal loopholes are used to deny women inheritance rights.

India has a long history of activism for women's welfare and rights, which has increasingly focused on women's economic rights. A range of government programs have been launched to increase economic opportunity for women, although there appear to be no existing programs to address the cultural and traditional discrimination against women that leads to her abject conditions.

Gender disparities in nutrition are evident from infancy to adulthood. In fact, gender has been the most statistically significant determinant of malnutrition among young children and malnutrition is a frequent direct or underlying cause of death among girls below age 5. Girls are breast-fed less frequently and for shorter durations in infancy; in childhood and adulthood, males are fed first and better. Adult women consume approximately 1,000 fewer calories per day than men according to one estimate from Punjab.
Nutritional deprivation has two major consequences for women: they never reach their full growth potential and anaemia. Both are risk factors in pregnancy, with anaemia ranging from 40-50 per cent in urban areas to 50-70 per cent in rural areas. This condition complicates childbearing and result in maternal and infant deaths, and low birth weight infants.

The practice of breast-feeding female children for shorter periods of time reflects the strong desire for sons. If women are particularly anxious to have a male child, they may deliberately try to become pregnant again as soon as possible after a female is born. Conversely, women may consciously seek to avoid another pregnancy after the birth of a male child in order to give maximum attention to the new son.

A factor that contributes to India’s high maternal mortality rate is the reluctance to seek medical care for pregnancy — it is viewed as a temporary condition that will disappear. The estimates nationwide are that only 40-50 per cent of women receive any antenatal care. Even a woman who has had difficulties with previous pregnancies is usually treated with home remedies only for three reasons: the decision that a pregnant woman seek help rests with the mother-in-law and husband; financial considerations; and fear that the treatment may be more harmful than the malady.

4.7.12. Working Conditions

These women neither count nor do they measure the work they are doing daily. They go on and on without any rest, without any wage and without any recognition.

Earning monthly merely a sum of about Rs 300 for part-time work and Rs 1,000 for full-time work, these workers have not been unionized to demand better working conditions’.
Even after working for eight hours a day every day with no day off, no holiday or no sick pay, a domestic worker can bring in just over a third of average family expenditure. But since this too is rarely paid, her earnings actually cover about a quarter of the family’s expenditure needs. Two-thirds of families hence have three or more earners to support the basic needs of the family, usually consisting of six family members. However, the average total stated family income per month, despite taking the earnings of all members into account, was still only Rs. 4267; a shortfall of over Rs. 900 per month over the expenditure.

We can only assume that this shortfall between expenditure and family income is made up through child labour, prostitution and criminal activity. The shortfall could also be covered through additional loans. 80 per cent of loans were found to be for consumption, i.e., health and education, and not for investment. The plight of other unorganised workers is not very different. Despite this, and although the Supreme Court (SC) had stated that a single earner should be able to support a family comprising spouse and two children, the domestic workers are currently content to demand an increase in the minimum wage from 1,600 to only Rs. 2600 per month (50% of actual need). ‘It is good enough if a family is able to run on the wages of two earners’44. 60 per cent of domestic workers were prohibited from meeting people outside the household while 75 per cent were not allowed to leave freely. Half of the employers polled felt that they had the right to restrain workers’ movements.

There were many domestic workers that don’t have day-offs or were not allowed to go out.

Seven per cent of domestic workers were not paid for overtime work. 85 per cent received less than Rs. 3,000 a month, the minimum wage for the workers in the area. While some might argue that the food and shelter provided by employers count for compensation. A large portion of domestic workers’
meals were sub-standard and consisted mainly of leftover food. 20 per cent of these workers had no privacy and slept on the floor. 'Domestic work is an important source of income for women with low education, Children who work as domestics outside the family home are amongst the most vulnerable and exploited. They begin work at an early age, shoulder excessive responsibilities such as caring for babies/infants, handling fuel, stoves, sharp tools amongst others, work for long hours with no rest period, with little or no remuneration, work at the mercy of the employer and frequently suffer from gender and sexual violence. They are deprived of access to schooling, play and social activities and the affection and support of their family and friends.

What perhaps distinguishes child domestic workers from children in other forms of labour is that even as this form of work is extremely exploitative, the children are amongst the most difficult to protect. The difficulty in protecting child domestic workers emerges from the fact that it is carried out within the confines of private homes. While traditionally these have been the homes of the landlords in rural India, in present times, it is a phenomenon in the homes of the burgeoning middle class and upper classes, a section of society that is extremely private and closed, be it in the case of domestic violence against women and children or the violence against children employed in their homes.

What makes it even more difficult to protect child domestic workers is that civil society, government and legislation alike do not recognize them as workers. It is frequently considered charitable to provide employment to children as domestics. Given the cultural and social acceptability that surrounds Child Domestic Work, and the fact that it occurs within private spaces, makes interventions for protection of Child Domestic Workers extremely complex.

Furthermore, there are variations in the nature of employment in this sector. There are children who are living with their families, in rural or urban
settings, and working as domestics in the homes of the well to do. Most in the urban areas are second-generation migrants. Then there are single migrant children who work as full time residential domestics. They have either been trafficked or have been brought to the employer’s house through relatives, friends and acquaintances.

Besides the fact that there is cultural acceptability attributed to domestic work, very often parents believe that it promises better prospects for their children. This provides middlemen with easy bait to lure the family into sending their children to work as domestics in the homes of people in the city. The reality is that even as any of these children do work as domestics, many of them are trafficked into worse forms of labour including commercial sex work.

Child Domestic Work must be understood in conjunction with issues of trafficking in children, child sexual abuse and commercial sexual exploitation of children.

Save the Children defines child domestic workers as children working within peoples homes for a wage in cash or kind, outside of their families, in domestic chores and not for commercial purposes. This definition includes all those children who run errands for their employer, and offer support to homemakers for a wage. It does not include those children who stay out of school and help their mothers at home and/ or those who support the employers in commercial ventures such as catering and laundry (although these are extensions of domestic chores).

4.7.13. Law and Women

In early societies women as a class did not enjoy equal rights and opportunities as men. The social attitudes and customs towards women got institutionalized through law and reinforced through political process. It is only from the beginning of the present century that the legal status of women has
come to be considered objectively in various legal systems. In a civilized society—a society which believes in human rights and the dignity of individuals, discrimination of individuals or groups of individuals cannot exist. Free India declared in its Constitution—its faith in the equality of men and women as a precondition to ushering in a society where there would be justice—social, economic and political, for all. It affirmed not only to bring about equality of status but also provide for equality of opportunity for women.

Fundamental Rights and part IV, of Directive Principles states that the equality clause especially prohibits discrimination on the grounds of race, religion, caste, sex and place of birth, and enunciates two principles, namely, equality before law and equal protection of laws. Article 14 enunciates the general principles of right to equality and prohibits discrimination on the grounds stated above.

The Supreme Court of India, the guardian and protector of Fundamental Rights has always been the champion in maintaining the concept of equality of status particularly when discriminatory laws were made by the State against women. Thus Article 14 firstly confers on women equality of status, and secondly protects against any violation of this principle. The framers of our Constitution had the fear that the freedom, liberty and equality in the Preamble may be misused and exploitation of these principles frustrate its own aim and purpose. Therefore, they empowered the State to give preferential treatment to women wherever it is required. For that they provided Article 15(3) which reads,

Nothing in the article shall prevent the State from making any special provisions for women and children. Women are considered to be the disadvantaged gender group whose social identity derives from comparisons with men, because men are dominant and more powerful, and women are the less powerful and subordinate. Thus group identification brings with it negative
characteristics and inferior status. Hence women need to take action in order to develop a sense of positive distinctiveness. Social Change has been employed by women for this purpose.

Indian women face a major paradox with regard to their changing status. One of the most formidable obstacles in the discussion of the changing status of women is the absence of homogeneity among Indian women. The Report of the Committee on the Status of Women observed that despite progressive legal change, the actual conditions of life of the mass of Indian women have not changed much. Indian women as a whole are much worse off than men. The mass of women compared to men are less literate, more unemployed, less visible in the authority structure, more prone to diseases and suffer more from barriers of customs and patriarchal norms and values. It would, however, be wrong to say that there has been no change in the status of women, particularly during the last 60 years. In fact, substantially due to the efforts made in the pre-independence period by social reformers and the opportunity provided by the Freedom Movement for participation in public life, a noticeable value change in terms of equality and individuality has been observed. The major policies of the Indian Government directly or indirectly affect women and their status in society. Constitutional and legal reforms, planned development and state support to social welfare activities directed social change, and thereby the status of women.

In this world of spectacular breakthrough in science and conquest of space, equality of women is not yet fully recognized. The review of policies adopted in the post-independence period and their implications on the status of Indian women draw attention to certain important developments. It appears that in the political field and in Constitutional provisions, the formal status of women has been made equal to men. Her participation is visible in certain political and economic power structures. However, in practice, women as equal participants in the development process have been a myth and their invisibility
is striking. Even in the case of working and career women, the status gain, many a times is very elusive. Many middle class working women find themselves no better than non-earning women in terms of possessing any real authority in spending and utilizing their earnings. In the lower classes, living at the subsistence level meant all income goes to provide food and shelter for the family. It has been observed that since long that inherent in equality operates against women folk as they are expected to look after the children, and do domestic work even if they are in employment. Nature has also discriminated against them due to the fact that the women conceive and produce children due to which they are unable to attend the place of work during the period of confinement. The Committee on the Status of Women in its report observed as under. “Discrimination against women is incompatible with human dignity and the welfare of the family and of society, prevents their participation on equal terms with men in the political, social, economic and cultural life of their countries and is an obstacle to the full development of the potential women in the service of their count and humanity”. It has been virtual consensus that women have an inferior status in the family as compared to men, and this has been the trend in developing countries. Thus one of the major issues connected with the status of women is the devaluation of women’s work, whether paid or unpaid. The significance and symbolic power attached to the status of mother is another ideology-trap which has to be reckoned with while assessing women’s status in society. As legal equality, of citizens whatever their race, nationality or sex is a principle accepted in every modern society, it has been felt that real equality, social as well as economic can only be achieved through a transformation of society from the growing menace of dowry, violence against women, sexual harassment.

4.8 Women’s Development During Five-Year Plans in Andhra Pradesh

Government of India as well as Government of Andhra Pradesh has initiated several measures to improve the status of women in the country.
First Five Year Plan (1951-56): The First Five Year Plan focused on the need to provide adequate services for women's welfare. It planned for development of maternal and child health, and family planning services.

Second Five Year Plan (1956-61): In the Second Five Year plan, it was stated that women should be protected against injurious work. It also suggested speedy implementation of the principle of equal pay for equal work.

Third Five Year Plan (1961-66): The main thrust of the third Plan was expansion of girls' education.

Fourth Five Year Plan (1969-74): In the Fourth Five Year Plan, it is stated that measures are needed to improve maternal and child health services, supplementary feeding for children and nursing and expectant mothers.

Fifth Five Year Plan (1974-79): In the Fifth Five Year Plan, emphasis shift from welfare to development. The new approach aimed at an integration of welfare with developmental services.

Sixth Five Year Plan (1980-85): The Sixth Five Year Plan introduced a separate chapter on women. This plan adopted a multidisciplinary approach with a three pronged thrust on health, education and employment. It stressed on economic independence.

Seventh Five Year Plan (1986-90): The main thrust in the Seventh Five Year Plan was in making women to realize their role in the process of development. It focused on the concepts of equality and empowerment of women which was expressed by the International Decade for Women.

Eighth Five Year Plan (1992-97): The Eighth Five Year Plan marked a shift in the focus from development to empowerment. In 1990 the National Commission for Women Act was enacted.
Ninth Five Year Plan (1997-2002): The main objectives of the Ninth Five Year Plan are: (a) Generation of adequate productive employment and eradication of poverty, (b) provision for basic minimum services of safe drinking water, primary health care facilities, universal primary education, shelter and connectivity to all. (c) Promoting and developing people’s participation through Panchayati Raj Institutions, and (d) Empowerment of women.

Tenth Five Year Plan (2002-07): women empowerment was given priority in the Tenth Five Year Plan.

Also the Government of India passed several Acts and initiated several programmes for a safe-guarding the interests of women in Andhra Pradesh.

1. Equal property right for daughter and son under the Hindu Succession Act since: May 1986, to uphold the fundamental right of equality before law, and to put an end to social inequality of women.

2. A.P. Devadasis Act 1988, which bans the practice of dedication of women as Devasasis, Jogins, Basavins, etc.

3. The A.P. Factories Rules of 1950 provides provision for crèches where more than 30 women employees are working.

A.P state has initiated certain policies and programmes to improve the status of women in the society. The main aim of these programmes are as follows (a) to generate employment opportunities for women by improving their productive skills (b) to strengthen their economic base by providing credit and subsidies (c) to provide support services to enhance their skills and efficiency, (d) to enhance their bargaining power and decision making abilities. The measures undertaken are as follows:

1. 33 per cent reservation of seats in panchayati Raj Institutions.

2. 30 per cent reservation in government and other public sector undertakings.
3. Free education upto graduation level.

4. Allotment of fair price shops.

5. Grant of individual or joint land and house site pattas.
6. Purchase of agricultural land in the name of Scheduled Caste and Tribe women.


8. Implementing Girl Child Protection Scheme with an annual outlay of Rs. 25 crores.

9. Reservation of 33 per cent of the jobs in the non-traditional category of conductors and drivers in A.P.S.R.T.C.


11. Establishment of family courts in several districts.

12. IRDP, DWCRA (Development of women and children in rural Areas) were launched in 1982.


15. In July 1999, another innovative scheme entitled Deepam was proposed by the State Government to liberate the women from the daily ordeals.\(^\text{103}\)

The success of all programmes aiming at women to play proper role in economic development would depend on increasing women’s participation at policy making levels and to increase women’s self-reliance, economic and social empowerment and women to play a more active role in the development process. But still a large number of women in the country are not able to utilize

the provisions provided by the government. Still a majority of the women are working in the informal sector. Most of the legal provisions provided to women are not applicable to the women in the informal sector. Servant maids are mostly the women workers. In spite of the several legal measures, their working conditions, terms of work are most unfavourable to them. There is every need to provide better assistance to these women in future.

4.9 Policy Approaches

The following are the policy approaches adopted to better living conditions of women in the country.

Welfare Approach is the earliest and was popular between the 1950’s and 1970’s. Women are seen as passive beneficiaries of development; it seeks to meet practical gender needs through top-down, hand outs of Mother Child Health Programmes, feeding schemes, Family planning etc. This approach is non-challenging and tends to encourage dependency still followed in many Third World countries.

Equity Approach recognizes women as active participants in the development process, who through both their productive and reproductive roles provide a critical contribution to economic growth. It identifies the origins of women’s subordination both in the family and the market-place and seeks to “bring” women into the development process through access to employment and the market-place and achieve equity for women in the development process.

Anti-poverty Approach follow the poverty rather than subordination as the source of inequality. This is also called the “basic needs strategy”. This approach seeks to increase the productivity of women through income generation and better access to resources. Though popular with the NGOs, this
approach has been criticized for taking little account of the fact that women are already overburdened, and do not control family budgets.

**Empowerment Approach** is more than the other approaches. It looks at all aspects of women's lives and all the work that women do productive and reproductive, private and public, and rejects any attempt to undervalue family and household maintenance work. It also questions the commonly accepted theories of what good development entails and challenges the idea that women want to be integrated into the mainstream development, in which they have little chance of determining the kind of society they want. Empowerment is associated with a bottom-up approach to meet the strategic gender needs and has arisen out of the feminist writings and emergent women's movement of the south. This approach traces the roots of subordination to race, class, colonial history and the position of southern countries within the international economic order. Its sees the goals of development for women in terms of self reliance and internal strength and empowering them to work to change and transform the structures such as labour codes, men's control over women's bodies, reproductive rights, civil codes and property rights. Though challenging, its avoidance of western feminism makes it unpopular except with Third World women's NGOs, and it is also viewed with suspicion by many aid agencies and Governments.

**Women and Development (WAD)** is a neo-Marxist feminist approach, which emerged in the latter half of the 1970's. It grew out of a concern with the limitations of the modernization theory, and draws its theoretical base from the dependency theory. Rather than focusing on strategies for "integrating women into development", it points out the relationship between women development processes and that the work they do inside and outside the household which is central to the maintenance of their societies. WAD also recognizes that poor men are also victims of the development process, and women's position is seen as part of the structure of international and class inequalities, and that their
position will improve as and when international structures become more equitable. Though WAD offers a more critical view of women’s position than does W1D, it fails to undertake a full-scale analysis of the relationship between patriarchy, differing modes of production, and women’s subordination and oppression.

Gender and Development (GAD) approach emerged in the 1980s as an alternative to the earlier WAD focus. It finds its theoretical roots in social feminism, and has bridged the gap left by the modernization theorists by linking relations of production to the relations of reproduction and taking into account all aspects of women’s lives. GAD is holistic in its approach and looks at the totality of social organization, economic and political life. It is not concerned with women per se, but with the social construction of gender the assignment of specific roles, responsibilities and expectations to women and to men. In contrast to the emphasis on exclusive female solidarity of radical feminists, GAD welcomes the potential contribution of men on issues of social justice and equity and analyses the nature of women’s contribution within the context of work done both inside and outside the household and rejects the public/private dichotomy relating to family and household maintenance world performed by women. GAD while questioning the underlying assumption of current social, economic and political structures sees women as agents of change rather than as passive recipients of development assistance, and it stresses the need for women to organize themselves as a political voice to bring about structural changes and power shifts and ensure a more equitable development for both women and men.

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105 Jaquette Jane S., 1982, Women and Modernisation Theory; A Decade Of Feminist Criticism, *World Politics*, 34
4.10 Practical and Strategic Gender Needs

Elected women in Panchayat Raj Institutions (PRIs), legislative bodies and Parliament have played a positive role in addressing, or attempting to address, a range of practical gender needs is not remarkable.

Women’s work is one of the most crucial indicators, and serves as an empowerment tool. However, the number of women who work is poorly captured or enumerated since most of the work they do is not remunerated, and hence remains unrecognized. As a consequence, the rate of women’s participation in the workforce is shown as low. Given poor human capital investment, the share of women in the organized sector is also low. The only source that reveals a high rate of women’s participation is the time use survey that calculates the number of hours per day and hours per week per women work.

Education forms a very basic indicator for women’s equality and empowerment. Levels of female literacy, gender gaps in literacy levels, and enrolment and dropout rates at the primary school level are relevant indicators. Indicators used in measuring women’s health are limited to mean age at marriage, total fertility rate, couple protection rate and anemia levels. For the issue of survival of women and girls, the chosen indicators are sex ratios, especially child sex ratios; infant mortality rates among females; maternal mortality rates and life expectancy at birth among females.

How significant is the participation of women in private and public decision-making? Some information on autonomy levels and the role of women in decision-making in the areas of the provisioning of food, healthcare, levels of mobility without having to seek permission and so on have been provided by the National Family Health Survey (NFHS) data.
The percentages of women as voters, contestants and winners in general elections and in panchayati raj institutions as elected representatives are used as indicators for the role of women in public decision-making. Incidence of crimes against women is used to reveal the safety and security experienced by women.

The role played by women in the care sector, predominantly their reproductive work (bearing, rearing, nurturing children and household maintenance), falls outside the national accounting systems. Many of the tasks 'non-working' women are involved in would be considered work if performed by a person hired for the purpose or unrelated to the household. Because women perform roles, which are not statistically counted as economic, and hence not monetarily valued, women’s roles and their contribution are assigned a lower status.

### 4.11 Women’s Contribution to Unpaid Activities

The time use survey divides activities into three categories—those accepted as economic activities as per the System of National Accounting (SNA), extended SNA and non-SNA. Household maintenance, regarded as care activity, is not considered to be an economic activity by the SNA but is included in the second category of extended SNA. SNA activities have been further classified into paid and unpaid activities. While paid SNA activities are undertaken largely by men, women are found to be involved for a larger number of hours in unpaid SNA activities, many of which are prone to go unrecognized.

In SNA activities, women spend 19 hours per week, while the time spent by men is far higher at 42 hours per week on average. The unpaid SNA work burden shared by women takes up 51 per cent of their time, while men devote only 33 per cent of their time.
On the whole, FWPR is low, partly as a result of the poor coverage given to women’s work, especially in the unorganised sector, and partly due to heavy domestic responsibilities that inhibit women’s economic activities. Nearly 50 per cent of women who are principally involved in home-making reported that there was no other household member to undertake these responsibilities. It is noteworthy that even in this segment, 31 per cent urban and 26 per cent rural women expressed their willingness to undertake work within their homes has argued in favour of income earning opportunities for housewives as a means of empowering and improving their economic status.

4.12 Employment Security of Unorganised Workers

The relatively higher employment security of the domestic workers as compared to the some other categories in unorganised sector such as construction workers, agricultural workers is to be understood as a function of three factors. The first is the social organization of production in domestic work, which, in turn, influences the first variable—the actual months of unemployment. Domestic work does not follow a seasonal pattern, as is the case with agricultural work and to a lesser degree, construction work. The former are (a) not daily wage earners, (b) typically have employment throughout the year, and (c) are usually paid monthly salaries. Any lack of employment in their case arises more from demand-side constraints (ill-health, shifting of residence, etc.) as against lack of availability of employment from the supply side.

The second factor influencing the employment security of domestic workers is the gender dimension, which helps us understand the second variable, i.e., their perception of the availability of employment. All domestic workers were women, and not, quite often, the principal earners of their households. Their incomes only supplemented the principal source of income of the households. Several of them were not very concerned about the ‘quantum’ of employment they had been getting; nor did they seek more
employment than they already had. The main reason for their was that they also played the role of 'homemakers', and typically had young children or elders to take care of, which meant that they were quite satisfied with the employment they had because it afforded them enough time to concentrate on their own domestic needs and problems.

The third is some extra-economic considerations. Often, it is not possible to quantify some factors that play a crucial role in cementing employer-employee relationships, which further contribute to the employment security of workers. Some such factors are trust, faith, mutual respect, etc. These factors were most evident in the case of domestic workers as compared to agricultural and construction workers.

Domestic workers were also found to work for multiple employers, but the equation was different in their case. They worked for all these employers every single day throughout the year; and therefore, there was a certain degree of continuous contact that they were able to establish with their employers. In addition, the setting of domestic work is such that the employers are almost always at their homes when the workers are working, which lends this occupation a slightly more personal touch than the other two. This factor is important because in some cases, to a large extent, and in some, partially, it played a very important role in determining the extent of employment security attained by the workers.

Most domestic workers faced some level of employment security between these extremes. For most workers, high employment security indicated that continuity of employment was an assured phenomenon. However, they were neither aware of any regulations for their welfare, nor were they organised enough to mobilize themselves and collectively bargain for their rights against employers. Other than the exceptional cases, in general, the domestic workers
were highly exploited in terms of the hours of work they put in and the non-commensurate wages they were paid.

4.12.1 Household-level Factors

Some times domestic workers are provided social security needs by their employers. Employers used to open a bank account in name of the maid to which they contribute regularly, so that she can continue to educate her children. Some times the employers provide the servant maids with living premises, and also drinking water and electricity both free of cost. They also provide them with meals regularly, clothes and medical assistance. They pay her overtime on days that she does any extra work. They servants maids would be willing to do any additional work for them without any extra remuneration even when they do not pay them. These measures make the servant maids feel increasingly secure about their employment, without the need to work in any other household additionally. The rapport between the employer and employee, coupled with mutual respect, has given them this confidence.

The servant maids are attending to works such as washing domes, utensils, sweeps and mops, does gardening, and cleaning bathrooms. They manage their livelihood by cutting back on their expenses.

The present chapter presents in the importance of women in the Indian society, Position of Women in ancient lives modern turn various governemental programmes under taken during five year plans and policy apporced adopted for the development of women in India with special emphasion employment
4.13 Concept of Child Abuse

Child abuse is a major issue impacting the lives of millions of children across the country today. And yet, there is a severe lack of information and/or research statistics available on the subject, which in itself is indicative of the unfortunate reality that this issue has been ignored, even by the academic and voluntary sector. Comprehensive and scientific information on this topic is not available at the national or regional levels for any of the abuse categories. A survey conducted among girl students from schools and colleges by Samvada, an NGO from Bangalore, shows that approximately 24 per cent of the respondents had been sexually abused at least once in their lives. Another study by the Special Cell for Women and Children, a field action project of the Tata Institute of Social Sciences, Mumbai, reveals that a total of 1176 cases of child sexual abuse were registered during the period 1990-95 in Mumbai106.

Though all children are vulnerable to abuse, children in marginalized and especially difficult circumstances are at a higher risk. The profile and vulnerable conditions of child domestic workers have been well documented in a number of recent reports. Some of the common observations of these reports are:

Most Child Domestic Workers come from families under the burden of poverty. Many Child Domestic Workers work without pay, or for very paltry wages. They are made to work for excessive hours with little or no rest.

A significant population is very young in age. They are most often considered the employers property. Child Domestic Work is not a voluntary vocation, but is usually forced upon the children by their parents or others known to the family.

The literacy levels among Child Domestic Workers are low, with many either being illiterate or dropouts from school.

It is very difficult to get authentic data on sexual abuse of Domestic workers. "More than 90 per cent of girl-children engaged in domestic work are exploited through different forms of sexual harassment by their employers, or by their cousins or relatives.

The term abuse especially child sexual abuse, should be clearly defined, so that it is made distinguishable from commercial sexual exploitation of children. This is important for further programming and action.

Lobbying at the governmental and non-governmental level and information dissemination at the public level should be done about the harmful aspects of domestic child labour. This is important, as domestic child labour is popularly perceived as a harmless and even safe occupation for children. Domestic work by children is not considered hazardous labour by the Indian law. In order to protect the interests of the children given their abusive circumstances, it is of paramount significance that this form of labour is also classified as hazardous and relevant legal protection is extended to these children.

Abuse, even sexual abuse, is accepted as a professional hazard to be endured. The only alternative is to leave the job. All child domestic workers are hesitant to talk about their jobs even after they have left them. They fear they will not only lose their present jobs but will be 'branded' by the local employer community.
There is also a lack of comprehensive legal and policy measures on child abuse in India. Concerted efforts should be made to influence law to offer protection to all children against violence and abuse. Personal safety, a curriculum that teaches children life-skills and helps them participate in their own protection, can be included as part of the activities of the non-formal education-cum-vocational skills centers being run as a part of the Child education.

4.13.1 Type of Child abuse

They are different types of child abuse. They are physical, emotional and sexual.

4.13.1.1 Physical Abuse

Physical abuse of a child is that which results in actual or potential physical harm from an interaction or lack of interaction, which is reasonably within the control of a parent or person in a position of responsibility, power, or trust. There may be single or repeated incidents.

The survey reveals that almost 68 per cent of the Child Domestic Worker participants have been physically abused. The most common type of physical abuse faced by the Child Domestic Workers is beating with an external object slapping and hair pulling.

As far as the identity of the abuser is concerned, in 50 per cent cases the abuser is someone from the employer's family. In about 7 per cent instances, the abuser is not the employer's family directly, but is someone connected to the child's role as a domestic worker, such as the employer's neighbor or another domestic worker in the same household. This indicates that the child's status as a domestic worker not only puts the child at risk of abuse by the
employer and his/her household, but also increases his/her Vulnerability towards abuse from others as well.

Most Child Domestic Workers mentioned that they had faced physical abuse repeatedly.

As far as medical attention is concerned, most children who have been abused did not get any medical attention. Very often children are asked to keep the abuse a secret. About 25 per cent of the participants said that the abuse was still happening to them.

The abuser is very often a member of the employer’s family (65.5 % of cases in the survey). As in the case of physical abuse, the child often gets verbally abused by other people who are not members of the household, by virtue of her / his status as a child domestic worker. The study revealed that in about 14 per cent of the instances, the abusers are from the child’s own family.

4.13.1.2 Emotional Abuse

Emotional abuse includes the failure to provide a developmentally appropriate, supportive environment, including the availability of a primary attachment figure, so that the child can develop a stable and full range of emotional and social competencies commensurate with her or his personal potential, and in the context of the society in which the child dwells. There may also be acts toward the child that cause or have a high probability of causing harm to the child's health or physical, mental, spiritual, moral or social development. These acts must be reasonably within the control of the parent or person in a relationship of responsibility, trust or power. Acts include restriction of movement, patterns of belittling, denigrating, making a scapegoat out of the child, threatening, scaring, discriminating, ridiculing, or other non-physical forms of hostile or rejecting treatment.
The problem of emotional abuse of Child Domestic Workers seems to be near universal in character. The nature of abuse faced by them is mostly being shouted at and/or cursed at, while a very substantial number of children disclose that they have faced all forms of emotional violence.

Statistics reveal that the children face emotional abuse in varied forms such as being shouted at (27.8%); cursed, verbally abused (7.0%); threatened (16.3%); blamed (11.6%).

The frequency of emotional abuse follows a pattern similar to that of physical abuse. More often than not, the abuse takes place more than once, as was the case of 46.8 per cent of Child Domestic Worker participants in the research. About one-third of the participants say that they are still facing emotional violence at the hands of their abusers.

4.13.1.3 Sexual abuse

Child sexual abuse is the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared and cannot give consent, or that violate the laws or social taboos of society. Child sexual abuse is evidenced by an activity between a child and an adult or another child who by age or development is in a relationship of responsibility, trust or power, the activity being intended to gratify or satisfy the needs of the other person. This may include but is not limited to the inducement or coercion of a child to engage in any unlawful sexual activity; the exploitative use of a child in prostitution or other unlawful sexual practices; the exploitative use of children in pornographic performances and materials.
The research reveals that sexual abuse is rampant among the population of children studied. The children responded to four basic questions about sexual abuse, which are: a) has anybody touched your private body parts in a way that made you feel uncomfortable or unsafe; b) has anybody ever forced you to touch their private parts; c) has anybody ever forced or tricked you to have sexual intercourse; and, d) has anybody ever forced or tricked you to watch pornographic material (both printed and/or audio-visual). The responses of the participants are presented below:

The study clearly indicate that there is a substantial population among the Child Domestic Worker participants in the research that has faced sexual abuse. The sexual violence faced by them includes a whole gamut of sexual activities such as someone touching their private parts (for instance fondling, molestation), someone forcing or tricking them into touching their private parts (such as masturbation), forcing or tricking them into having sexual intercourse (vaginal, anal or oral) and showing pornographic materials to them (whether in printed form or as movies etc.). The identity of the abuser is a crucial factor. The relational proximity to the abuser increases the vulnerability of the child, and also increases the likelihood of abuse having adverse physical, psychological and behavioral effects on the child.

Most abusers belong to the employer’s family. It is often believed that the abuser is usually a stranger. This popular perception is false. In the given data, it can be clearly observed that the abuser is very often someone known to the child, and has power over the child. Only in about 4.5 per cent of the cases of abuse recorded in this research is the abuser a stranger.

Another pattern common to the other two types of abuse is that even when the abuser is not the employer or someone from the employer’s family, the abuser is still associated with the employer’s household in some way such as being another domestic worker in the same household, a neighbor etc.
In the case of physical and emotional abuse, it was observed that most abuse incidents had happened more than once to the same child. Likewise, sexual abuse also follows.

In the present study Child Domestic Workers faced all types of abuses such as Physical, emotional and sexual abuses. Within each category of abuse also, these children are made to experience a wide variety of abusive situations. 68.3 per cent of total child participants have faced physical abuse. Nearly 86 per cent of total Child Domestic Worker participants have faced some form of emotional abuse. 32.2 per cent of the participants have had their private parts touched by someone. 22.4 per cent of the respondents have been made to touch the abusers, private parts. 20.3 per cent of the participants were forced to have sexual intercourse with the abuser. On the whole the sexual abuse observed in present study id 74.9 per cent.

Most incidents of abuse are not one-off, but happen more than once, as was observed in most cases of abuse in this research.

Child abuse physical, emotional and sexual is widely prevalent among the child domestic workers, and is mostly perpetrated by their employers or family members of their employers. It has also been observed from the collected data that even when the abuser is not someone from the employer’s family, it is someone associated with the family in some way or the other. In this way, the abuse (and abuser) have a strong link with the child status as a domestic worker in that household.

### 4.14 Policy

Besides bringing the issue into the realm of public dialogue, the purpose of this research is to influence policy and law to provide support with these
children within situations of exploitation, oppression and abuse, and to prevent further marginalization.

Since most Child Domestic Workers started working while they were in the age-group of 12-18 years, special attention should be paid to this particular group while planning programmes and interventions, in order to prevent children from entering abusive and neglectful situations as Child Domestic Workers. The preferred support systems for Child Domestic Workers are peers and parents. Therefore, attempts should be made to facilitate accessibility of children to these support systems, and appropriate. Information should be provided to the support systems as well to empower them to respond in an appropriate and helpful manner.

Peer support should be included as a part of the Personal Safety lessons for Child Domestic Workers, informing them in an age-appropriate fashion about the ways to respond to disclosure of abuse by their peers, and how/where to seek help.

Proactive action should be taken to help and support children who are currently facing abuse, as many children have mentioned that they are presently living under abusive circumstances, and have sought help.

Networking with Child line (a 24 hour nationwide helpline for children) should be strengthened for this purpose, so that an effective reporting mechanism may be developed for the Child Domestic Workers facing abusive circumstances.

This research has many outcomes, a very crucial one being statistical findings on the prevalence and dynamics of child abuse among child domestic workers. But another significant component of the research was to actually reach out to children through this research and begin a process of dialogue and
empowerment through interactive sessions as part of the data collection process through teaching children personal safety.


Though a majority of Child Domestic Workers do seek help for abuse-related situations, there is an almost equally strong group that does not approach anyone for help. Peer support system is the most sought-after support system for Child Domestic Workers, followed closely by family (mother, siblings and father, in that order). Though many children are helped when they disclose, still in a large number of instances the children are not believed, helped or are blamed when they disclose abuse.

These findings represent a larger culture of apathy and indifference prevalent within society as far as this category of children is concerned. They also point towards a major paucity in terms of support systems to first encourage and empower children to seek help as and when they need it, and then to provide the required help in a sensitive, timely and efficacious manner. Another significant noteworthy factor is that the two most important support groups for these children are their peers and their families. Previously it has been discussed that opportunities for these children to access their families are few and far between. Also, in their present circumstances, their peers are also often other Child Domestic Workers who are equally underprivileged and marginalized. When viewed together with the data presented earlier, one can observe that these systems are either insufficient or non-existent for a child to access.
4.14.2 Rights of the Domestic Workers

Studies reveal one common aspect in the mindset of child Domestic workers -- that their work hours extend to all hours; that they have no legitimate rights.

There are scarcely any national and international organisations that defend the rights of domestic workers. They often work in isolated circumstances, have poor conditions of employment, make long working hours and are sometimes the victims of abuse and exploitation and have no possibilities to defend their rights. One of the indirect outcomes of the research was the start of a UNIFEM-funded project to improve the working conditions of domestic workers107.

Cases of physical, mental and sexual abuse of domestic workers abounds – though not highlighted in the media with the same intensity of sensation as that of cases of domestic workers involved in theft or murder. It has been documented that more often than not a domestic workers is physically abused when a work is not done well, or simply abused to give vent to one’s frustrations. The woes are worst if the domestic worker happens to be a woman, vulnerable to sexual abuse and rape which will not even be registered and when women are raped and then thrown out of the house on the pretext of a thievery or some other petty accusation. Is it then valid to also verify the employers and see if they have a history of violence/ abuse or any criminal history?

The verification drive no doubt is a move to protect citizens but this move also begets a question- what about the safety of the domestic workers? Also is it not valid to provide services for domestic helps in case of any atrocities committed against them? There should be a recourse mechanism for domestic workers in the city. One expects the Delhi Police to be for the public

107 http://www.nerve.in/news:253500101563
without a class, caste and religious bias and not just an elite section of the society.

4.14.3 Protection for Women Labour against Sexual Harassment at Work places

In 1997 the ILO addressed an old uncivilized, unwanted and unwelcome act, namely sexual harassment of women workers at the work places. It violates the basic human right to privacy, decency and dignity of a person, particularly women.

4.14.4 Long-Term Policy Initiatives for Protection of Women Labour

The universal and efficient implementation of international labour standards (ILS) in general and with specific reference to women labour in particular necessitate certain long-term policy initiatives. Some of these are:

1. Appropriate care to define the material content and level of labour standards meant to protect women labour like maternity benefits.

2. These standards should not be overloaded with ideological and welfare biases which would lead to the displacement of women labour and raise obstacles in achieving labour market flexibility.

3. Careful implementation of globalization policies so as to avoid feminization of poverty and prevent unemployment.

4. Laying greater emphasis on skills formation and education of women thereby increasing their access to organized sectors of the economy.

5. Introduction of measures to improve the general law and order situation and working conditions in the work places ensuring a more safe working environment for women so that they can take up works entailing night shifts, and evening shifts.
6. Involvement of trade unions in protecting the interests of women workers, particularly in regard to the enforcement of health and safety standards.

7. The World Development Report has called upon nations to evolve an 'sophisticated job evaluation system' to effectively implement the ILSs related to job discrimination and equal pay for equal work.

4.14.5 Legislation for domestic workers

The Domestic Worker's Bill, if passed, will be an important step towards securing the rights of a large chunk of the unorganised workforce. But as with all laws, the real test of this legislation will be in its implementation. Existing labour legislation on informal work has also not been easy to implement.

It is the responsibility of the employer to provide the domestic worker with safe, healthy and adequate accommodation, and to treat him / her well and with respect, in the case of full time servant maid. In return, the domestic worker must commit to undertaking his/her work with honesty, integrity and secrecy and in a way that does not conflict with the culture and traditions of the family he / she works.

In many developing countries "Domestic workers usually don't fall under the purview of labour laws. Many governments in developing countries are now planning a separate legislation for domestic workers and they are very close to bringing it to effect".

The legislation will foster a better understanding and accountability between both workers and employers. Most importantly, it is being seen as an important step towards checking the proliferation of unscrupulous placement
agencies. The registered placement agencies would be obliged to provide a
number of services to both the domestic workers as well as the employers.
“The placement agencies do nothing more than placement and replacement of
workers for which they charge heavily. This legislation will force them to
provide many more services to the workers and their employers.

The legislation could also check child labour in domestic work. In the
absence of any operational mechanism, the 2006 prohibition of child labour in
domestic work under the Child Labour Act has been unable to achieve this.

The Domestic Worker’s Bill is an important step towards securing the
rights of the domestic workers who constitute a large chunk of the unorganised
sector workers. But as with all laws, the real test of this legislation will be in its
implementation.

4.14.6 Pay structure for domestic work

Introducing the long-awaited bill on constitution of boards for
promoting the welfare of domestic workers, the Maharashtra Government
expressed its commitment for the upliftment of 10 to 11 lakh such
workers from the state. Mumbai alone has approximately 2.5 to 3 lakh
domestic workers as per the government assessment. On May 1, 2000 the Pune
Shahar Molkarin Sanghatana made public a pay structure for domestic work. It
reads as follows:

- Washing clothes and utensils (one person) - Rs. 100 per month.
- Sweeping and mopping (one room) - Rs. 60 per month.
- Cooking one entire meal (four persons) - Rs. 800 per month.
- Diwali bonus - one month’s salary.
- Four weekly offs per month; 20 privileged leaves per year.
- Extra wages for guests, Diwali cleaning, chopping vegetables, cleaning
  bathrooms, and any other extra chores.
• If the employer terminates services, he must pay the worker gratuity. Gratuity is calculated as 15 days of salary of every year of service.

The government bill is the result of a long pending demand being made by representatives for the domestic workers engaged in sweeping, cleaning utensils, washing clothes, cooking and related jobs. Among all these workers, womenfolk constitute a major part?

• Welfare boards per district or a separate board for a local body.

• The boards will have nominated members by the government providing representation to employers, the domestic workers and the state government.

• The board will undertake the task of the registration of domestic workers which would be optional.

• The board will create a fund for the welfare of domestic workers, those will come from the contribution of the government and the domestic workers.

• The government will appoint an advisory committee to give advice to government upon matters related with the board and the welfare of the domestic workers.

The board will undertake registration of domestic workers as beneficiaries to make provision of immediate assistance to a beneficiary in case of accident. It will provide assistance for the education of children of the beneficiary besides providing medical expenses for treatment of ailments of a beneficiary or his dependents.

The board will also provide maternity benefit to the women beneficiaries which will be restricted to two children only. It will also make payment of funeral expenses to the legal heir on the death of the beneficiary.

Every domestic worker within the age group of 18 to 60 years will be eligible for registration as the beneficiary under the proposed act.
The domestic worker who wishes to register with the board will have to make monetary contribution to the board which will be decided later\textsuperscript{108}.

Until recent times, domestic workers in India are not covered by social security. A policy to include them came put up under domestic law in 2008. There is no fixed minimum wage nor mandated day-offs, other than an annual six-day vacation.

Indian citizens are not covered by the national health insurance scheme free of charge, as is done in some other developing countries.

The quality of a society is estimable based upon frequency and speed at which the status of the needy and oppressed is ameliorated through the instrumentality of law. Objectionable, unjustifiable, indiscriminate, irrational inequalities make democracy a platitude.

There are a number of demands of domestic workers. One among them is a demand for a weekly holiday. In the past, we would only hear about the problems of the servant maids when they come to us or at gatherings. In order to have constant contact with them, there is need to open a P.O. Box. But to make the idea successful we must have correct mail addresses.

It is suggested that giving equal importance to educating and sensitising employers is needed so that they understand that domestic workers are people who have the same basic rights as other employees. It’s not just making laws but also changing the perception of the people. Improving the home

\textsuperscript{108}http://www.mumbaimirror.com/net/mmtpaper.aspx?page=article&sectid=2&contentid=200807262000807260403337589da540ba&page=-1
environment such as by educating children to raise their awareness and acceptance of workers’ rights are the important focus issues.

In last few decades there has been a tremendous growth in the demand for domestic workers which has led to the trafficking and other forms of exploitation of millions of women and children and to meet this growing demand. There has been a spurt of thousands of placement agencies providing domestic workers in metro-towns of many states who are exploited in various ways as well as trafficked and remain outside the purview of any legislative control.

Domestic service in our country is individualistic and unorganised to a certain extent and gives no norms to the workers who take it up. NGOs have an important role in creating economic organizations for them. SEWA (an NGO organization in Gujarat) has helped their members to form economic organization and find a wide variety of organizational forms depending on the areas, the activity and the capacity of the members. But in our country only very few domestic workers come under such organizations.

4.14.7 Minimum Wages: A Boon for the Domestic Workers in Karnataka

In 1987, the unions helping the cause of domestic workers in Karnataka had begun their struggle demanding inclusion of domestic labour in the scheduled list of employment. According to the Minimum Wages Act, the government notifies minimum wages only to workers in the scheduled sectors. Though the unions achieved their goal on 3 January 1992, to their dismay, ‘domestic work’ was arbitrarily removed from the schedule on 22 November 1993. ‘Domestic work’ reappeared in the schedule only in 2004. Karnataka is one of the first states in the country to fix wages for domestic workers. The unions were taken into confidence before fixing the minimum wages.
A bill namely Karnataka unorganised workers welfare bill (2001) was enacted and implemented. The state has come up with a notification, which ensures minimum wages for the domestic workers. According to the notification, a domestic worker who works for eight hours in a house is entitled to an amount between Rs 1,600 and Rs 1,800 per month. But if the members of the household where the work is done are more than four, the charges will go up to Rs 2,200. If she/he works more than eight hours, they have to be paid double the rate.

An estimated 100,000 people work as domestic labour in the Bangalore city. Many a time the workers are engaged in performing single chores like washing, sweeping or cleaning. A worker performing a single chore for 45 minutes will now have to be paid Rs 150 per month. But people are happy because at least a domestic worker is assured of a fixed wage. They were working for extremely poor wages.

For the thousands of domestic workers in Karnataka, the order comes as a boon. But how far the rule will be implemented is a big question.

4.14.8 Insufficient protection under law

The Minimum Wages Act (MWA) was passed in 1948 to protect workers in 'sweated' occupations from exploitation and deprivation. But the MWA sadly - and oddly - contains no definition of a minimum wage, and prescribes no criteria for the fixation thereof. Minimum wages are hence determined in a laborious, long drawn out, sector-by-sector and case-by-case basis by State-level Minimum Wages Advisory Boards according to their own discretion. Though Labour Ministers have been expressing since decades, at every Parliamentary session, the need to amend the MWA to remove these inadequacies, these have remained mere ritualistic platitudes.
Karnataka, for instance, has fixed only Rs.1600 per month for an eight-hour day of domestic work; there is thus no assurance of ‘living’ wages here, although the state is regarded as a pioneer for even having taken this small step! Contract municipal sweepers’ wages have been fixed Rs.1800 per month. The daily wages for agricultural work were fixed at Rs.56.30 up to March 2004. Yet again, a notification published in January 2005 says, “The wages for employees under special employment schemes for weaker sections in rural areas shall not be less than Rs.30.50 per day for eight hours of work”.

Such low wage rates show that States have ignored the injunction of Articles 223 to 228 of the International Labour Organization Code, as well as a directive of our own Constitution contained in Article 43 which states that, “The State shall endeavor to secure by suitable legislation or economic organization or in any other way to all workers, agricultural, industrial or otherwise, work, a living wage (emphasis added) conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities”. States have also brushed aside the five norms for fixing minimum wages which were evolved by the 15th Indian Labour Conference in 1957 - that minimum wages should be high enough to meet all basic needs of a worker’s family, including food, clothing, shelter and amenities. The 15th ILC said that in calculating the minimum wage:

- the standard working class family of husband, wife and two children should be taken as three consumption units for one earner (husband: one unit, wife: 0.8 unit and two children: 0.6 units each; this norm, however, has been criticized by experts who point out that a spouse is not just 0.8 units and a standard family is not just “one spouse and two children”. Especially in the Indian context, there are elderly parents and more than two children whom an earner has to usually support.)

- minimum food requirement should be calculated on the basis of 2,700 calories per day per consumption unit (as recommended by Dr. Aykroyd for an average Indian adult of moderate activity);
• clothing requirement to be based on per capita consumption of 18 yards per annum, which gives 72 yards per annum for the average worker's family;

• for housing, the rent corresponding to the minimum area provided for under the government's industrial housing schemes should be taken; and

• fuel, lighting and other items of expenditure should constitute 20 per cent of the total minimum wage.

The supreme court on various occasions has further amplified the need for payment of minimum wages (presumably at the minimum subsistence level) by stating that the minimum wage "sets the lowest limit below which the wages cannot be allowed to sink in all humanity"; that it has to be paid irrespective of the kind of enterprise, the extent of profits and financial condition of the enterprise; or the availability of workmen at lower wages; that non-payment of minimum wages amounts to "forced labour" under Article 23, and that an employer has no right to conduct his enterprise if he cannot pay his employee a minimum subsistence wage.

In this chapter the women development and child abuse are discussed in detail. The development of women during ancient times and at present are discussed. The occupation of the servant maids is one of the oldest professions and the nature of work under taken by the servant maids and the problems associated with work are discussed at length. The various polices needed for the development of women working in the informal sector especially among the domestic workers was discussed at length.