CHAPTER – 1

INTRODUCTION
1.1 Background

The Indian constitution guarantees democracy and confers the right of equality to all strata. But the reality is that this guarantee and right of equality have not reached many lower sections of the society. Certain sections unfortunately occupy a subordinate position due to gender segregation and social stratification. It is those people who struggle, are impoverished, alienated, and concerned with basics for survival. The case of the domestic workers is evidence to the fact that despite the guaranteed constitutional rights (in a limited way), their struggle for equality and survival continues.

It is disheartening to note that domestic workers as a part of unorganised work force remain the most exploited ones even after six decades of independence and completion of ten five year plans. There are many evidences to indicate that over a period of time domestic work has become more “feminised”.

Domestic workers, estimated to number over a 100 million, formed one of the largest yet unprotected segments in the global workforce\(^1\). Various studies, surveys and local observation projects estimate that the worldwide magnitude of this practice is enormous, representing 20 to 40 per cent of all recorded instances of child labour. Working in the confines of private homes, unprotected by the labour laws of the country, India’s domestic workers are a silently suffering lot.

The home may be a symbol of nurturing and security, but it can be an extremely exploitative site of work. With no checks and controls in place, domestic workers around the country face a host of problems. They have no security of tenure. They have little bargaining power over wages, no regulation of working hours or entitlement to paid leave.

\(^1\) [http://ipsnews.net/news.asp?idnews=43346](http://ipsnews.net/news.asp?idnews=43346)
The processes of extremely uneven development have rendered migration for work in the urban informal economy, the only survival option for the vast population of rural and tribal hinterlands of India. Domestic work in urban households is a major avenue for employment for these migrants.

Child Domestic Work has been recognised as one of the most intolerable forms of child work, and is a sector that has been identified by the International Labour Organisation as a priority sector for removing children from work. The situation of children in domestic work has been compared to a new form of slavery in the ILO Convention on the prohibition and elimination of the worst forms of child labour².

The basic characteristic of domestic work is that it takes place in the private place or the home, which is not the child’s own home but that of another person, the employer. The characteristic of invisibility that is commonly assigned to it despite its widespread existence is not because it is socially invisible as it is known to exist, but because of its confinement in other people’s homes. As a result, it is difficult to bring it out in public, and make it an issue for debate and on government agenda.

1.2 Importance of the Informal Sector

Cleanliness begins at home. Maids are an integral part of our daily lives and are often accused by the homemakers of compromising on cleanliness.

The increasing demand of domestic workers in cities has played a major role in the migration of women from far flung rural areas. Most of the women who migrate to cities are from poor families, and are illiterate. The lack of education and skill make their choice very limited; and when they come to big

cities they have to face a number of problems, and because of their inexperience and lack of skill, they become easy victims of exploitation.

There are millions of households in the country who are capable of hiring domestic help. It is a workforce no middle-class urban dweller can do without domestic workers. Low-paid women workers, equipped with no special skills, keep the cities going.

A large proportion of girl child labourers enter the unorganised sector of domestic work. Girls are seen as natural domestic workers, seemingly trained at home in doing housework. In the absence of official sources of data, rough estimates available from sporadic studies present a limited but a realistic assessment of the magnitude and nature of the problem.

Migration will improve their own position and that of their families. Rich class Indian women do not want to do paid housework as it has a very low status. Many families in economically developed countries make use of migrant women as domestic workers and cleaners and the same is adopted by developing countries also.

1.3 Significance of the Study

One of the low-ranking occupations assigned to the poorest class of society is "Domestic Service". Employment of servants has become very common in the urban areas; and in many cities there are a large number of housewives going out for jobs. The employment of servants saves much of the time and energy for the working housewives of modern cities. Domestic servants have proved to be a necessity for non-working housewives in cities. In urban areas, they commonly engage domestic servants for carrying out household chores, partly due to physical inability, and partly due to lack of time. Moreover, in nuclear families there is no stand-by in the family, if the
house wife falls ill. Also we can argue that the new middle classes have developed a life style which has increased the demand for domestic servants.

Clearly in all the 120 million households in the country, the primary responsibility of providing nurture to the family, child-bearing and child-care are provided by women. These tasks are viewed by the society as "natural duties" and are not taken into account as work.

Thus the servant maid employed in household labour is playing a significant role especially in small towns of India. It is difficult to gauge the exact number of women in the occupation, as workers in the category have not been enumerated as such by the census. However, some studies bring out the information regarding the domestic servants in different parts of the country.

Human Development Report (UNDP) points out some common problems faced by the domestic servants such as deplorable wages, high level of insecurity, illiteracy, and lack of marketability, lack of confidence in securing other productive jobs, long and unregulated working hours, lack of paid holidays and sick leaves, immense work load, lack of maternity benefits, health problems, and social exploitation.

The number of labour as working is quite large in the informal sector. The share of informal sector is significant to the total employment and to the growth of urban incomes. The factors that have contributed to the growth of informal sector are urbanisation, migration, and slow growth of industrialisation. In the process of urbanisation and migration, the labour in the informal sector is a crucial source for poor women or unskilled women. In the informal sector child workers are preferred usually because of their low wage demand, poor bargaining capacity, and lack of organisation. The condition of child workers in particular is more alarming. In several cases, they do not find any job on a regular basis throughout the year. The unorganised character of
labour, and absence of state support like social security and labour welfare measures aggravate their hardships. In India, only a few labourers working may dare demand increase in wage and congenial working conditions, weekly holidays or payment for overtime work, etc, nothing concrete has so far been done for their well being and for their rescue.

A large percentage of women are concentrated in the "informal" sector of the urban economy. They are invariably engaged in low paid, low skilled jobs. In the home based production sector a substantial number of women work at home, in sporadic and informal manner, in paid and unpaid jobs. At the macro level a great deal of research work remains to be done to understand how the informal sector relates to both the urban and rural economy.

This research study focuses on abuse faced by child domestic workers also. This has involved direct interventions to help to improve children’s lives. The study is based on domestic workers and work aimed at policy influencing and public advocacy.

Even though Child Domestic Work (CDW) has been in existence for ages, it has escaped inspection and public discourse as far as violence against children is concerned. Surrounded by the popular notion that child domestic work is a harmless occupation, the abusive and neglectful circumstances of child domestic workers have neither been taken cognizance of, nor been dealt with in a proactive and efficacious way. Such lack of support is probably informed by the common perception that children employed in family environments do not get abused, further fueled by another equally popular notion that employers of these child domestic workers are being philanthropic towards these children’s impoverished families by employing them. In the wake of these factors, the violence faced by these children often remains hidden and gets ignored.
It was felt that there is severe paucity of empirical data on the subject of violence against child domestic workers, especially within the regional context. And the need to increase the body of knowledge was felt in order to present the reality to the mainstream population, and to question, and deconstruct the myths and misinformed perceptions that add layers of oppression to the lives of these children.

In addressing these issues, the Domestic Workers (Regulation of Employment, Conditions of Work, Social Security and Welfare) Bill, 2008, came as a ray of hope for domestic workers. This bound to do some good in improving the lives of domestic workers.

1.4. Rights of the child

Article 32 (of the UN CRC) recognizes. The right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education or to be harmful to the child's health or physical, mental, spiritual, moral or social development. Internationally, the Save the Children Alliance (comprising of 27 Save the Children’s across the world) has a position on child labor/ child domestic work which states that hazardous and exploitative forms of child work, which jeopardize children’s physical, mental, educational or social development, should be eradicated and that any work children undertake should assist them to develop socially and educationally. Child domestic work has been considered abusive and hence should be eradicated.

1.5. Support Systems

Availability (or lack) of support systems plays a major role in the lives of abused children. Appropriate and timely response can initiate the process of healing and recovery from the trauma of abuse for the child. At the same time,
a lack of support systems, or their insensitivity/ineffectiveness can further add to a child's trauma. Most of the child participants (36 per cent) in the research did try to seek help by speaking to someone about the abuse they are facing. However, almost an equal number of children (33 per cent) kept the abuse to themselves, and did not disclose about it or seek help. These figures reflect the larger lack of support systems in our society, lack of safe spaces for children to voice their concerns and have those concerns addressed, and lack of empowerment among children to seek help when they need it.

It is also important to look at the support systems children attempt to access during such problems. The data reveals that most children who are facing abuse spoke to their peers about it, followed closely by the number of children who shared their problem with their mothers. This was followed by siblings and fathers, and only 2 children ever spoke to their employer or someone from employer's family about it. 48 per cent of the total child participants in the research mention that they still want help to deal with their oppressive circumstances.

The responses received by the children from the people whom the children disclosed the abusive incidents also mirrors the larger social norms and principles. Participants claim that when they disclosed about the abuse they were not believed. They were asked to keep it a secret, they were blamed for the abuse and/or nothing changed in their lives as far as abusive circumstances are concerned.

There is a tendency to suspect the domestic help for crimes. But it is based less on evidence than on our deep-rooted class prejudices. The recent spates of incidents have made it clear that we have always looked at domestic workers with a classiest doubt. With everyone's first suspicion being the domestic helps of the household. It is unfortunate that such generalization always have a very strong underlying class, caste and religious bias. In every
incident of theft, murder in the household the domestic workers is looked upon with suspicion and is the first person to be questioned.

Another point includes keeping an eye over the visitors of the servants. Though this move could assist the police when crimes occur but this also gives neither a strong message that neither the domestic worker is to be trusted nor his /her relatives. Such a message can not be a base for an employer-employee relationship. The employer is thus seen as having no liability. The drive to verify domestic workers is a generalization and branding of a whole class of people. However, such arbitrary generalization does not affect the employers even though it is documented that domestic workers have suffered more from their employers than vice-versa. Though the latter is also sensationalized and displayed prominently by the media whose readership / viewer ship are the former and thus also downplay atrocities committed against domestic workers. Such selective reporting also contributes to branding of select section of people.

The biggest problem facing domestic workers across the country is their non-recognition as workers. Domestic workers don't come under labour laws - they have no right to workers' compensation, weekly holidays and minimum wages. Even the Child Labour (Prohibition and Regulation) Act, 1986, does not include domestic workers.

Incidents of abuse have been well documented by the National Commission for Women and Human Rights Law Network.

But do the isolated instances of crime committed by some individuals match the routine exploitation to which domestic workers are subjected? Proposing a comprehensive legislation, the Domestic Worker's Bill is a major attempt to address problems of domestic workers. The Bill was drafted by the National Campaign Committee for the Unorganised Sector Workers.
The major proposal of this bill is to set up tripartite boards that include representatives of domestic workers, their employers and the government. All domestic workers, their employers and placement agencies will have to register with the board and contribute a designated amount, annually, which will be used as a corpus fund to take care of the many social security needs of workers.

The board will fix the conditions of work and maintain a record of all domestic workers. It will also evolve a dispute resolution mechanism, look after the health needs of workers, create a safe shelter and help those open bank accounts.

These women have been able to fight cases of non-payment of wages by employers, bring to book exploitative employers and rescue trafficked children.

How much should domestic workers be paid for various kinds of labour? Scores of women in cities step out of their homes each morning, ring the doorbell of another household and begin their daily duties of sweeping, mopping, washing clothes and utensils, dusting furniture, chopping vegetables, cooking entire meals, baby-sitting, and so on. Like their counterparts elsewhere, these domestic workers too are categorized under the umbrella of 'unorganised labour'. But this description may be getting a little less accurate. These women have unionized themselves into a registered organization in Pune as early as 1980 that looks after their service conditions, their pay packets, and even their post-employment status.

The domestic workforce almost always finds itself excluded from labour welfare laws and activities that look after important employment-related issues such as conditions of work, wages, social security, provident funds, old age
pensions, and maternity leaves. Though the Indian government's Ministry of Labour has adopted legislative measures for social security and welfare of unorganised workers, these if at all effected, are typically applicable to those employed in agriculture, construction, trade, transport, and communication; domestic workers are left out.

But that does not mean domestic workers do not face similar concerns to those employed in these other professions. In its Annual Report, 2001-2002, the Ministry of Labour cites certain problems specific to unorganised workers. These problems - viz. no formal employer-employee relationship, lack of organization, poor bargaining power, low legislative protection, and inadequate welfare measures - can be cited as the major impediments in the assurance of a minimum working lifestyle for all unorganised work, including in the domestic workforce.

These encumbrances propelled the formation of the Pune Shahar Molkarin Sanghatana (Pune City Domestic Workers Association) as far back as 1980. Even at a time when support groups, the media, and a majority of the workers themselves were not paying special attention to the rights of this category of workers, these women from Pune had educated themselves in the intricacies of the problems facing domestic labour, and begun active work for their consequent correction. They got together, prepared a charter of their rights, trained a group of women to become their spokespersons, and initiated action.

The association's key view is that a woman putting in eight hours of domestic work (in one household alone, or in several together) must be regarded as a 'worker', and hence must be guaranteed the privileges and rights that industrial, construction or agricultural workers get. Towards this end, one of its significant achievements has been the establishment of a Maharashtra Government Resolution, dated August 10, 2000. This GR was the outcome of
repeated demonstrations and lengthy discussions with the city and state authorities on the issue of regulating the domestic workers. While there has not been much noticeable progress since then, the GR did recognize the following as legitimate demands of the workers:

- One month's salary as Diwali bonus for workers who have been employed for a minimum of one year.
- Medical expenses of the workers to be shared by the employers.
- Annual increment in salary to be made mandatory.
- A fortnight's paid leave for those women employed full-time so that they can visit their home towns, and travel expenses to be shared by employers.

However, nothing further happened, the state government step up a labour board, with representatives from the government, domestic workers, NGOs, but nothing has materialized so far. In fact, the central government has also talked of a sort of pilot project in three districts in Maharashtra as a step towards regulating the domestic workforce all over the country.

 meanwhile the organization continues with its work. On its own, it has fixed rates for housework, and ensures that these conditions are met by the employers of its members in Pune. It intervenes in the event of altercations between employers and workers. We have had instances when employers want to kick their help out, and so falsely accuse her of thefts, and call the police in. Some such victims have been in police custody, have had to pay fines and even bribes to police staff to be let out. They are often beaten both by the employers and police, and in the face of such ill treatment, we have to step in. But before we do so, we first do our own spadework to check the genuineness of the member's complaint.
1.6. Domestic workers Act 2008

The issue of exploitation of women and children domestic workers is frequent and regularly reported. With no rights and rules to fall back on, most of the domestic helps have become contemporary slaves. It is also a known fact that many women and children are trafficked and exploited by the placement agencies, which operate openly without any form of restrictions and regulations.

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 of the both sexes 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.

Absence of any legal protection, has led to severe exploitation of women and children which include depriving domestic workers from there entire salary average more then 16-18 hours of work per day, absence of proper food and living/sleeping condition, forced and total cut off from their family members, bounded labour, sexual exploitation by agent during transit, at the office of agency and at the work place in houses of employers, The list of exploitation is endless and frequently reported upon by the media.

The legislations such as the recent notification on prohibition of child labour in domestic work under Child Labour (Prohibitions & Regulation) Act, 1986 can not be implemented in the absence of any implementation mechanism in this Act.

Recently few State Governments have taken different initiative such as including domestic workers under minimum wage notification but in the
absence of a central legislation capable of reaching all domestic workers none of these state level measures can really benefit the domestic workers. That only a Comprehensive Central Legislation specifically designed to meet the working condition of the domestic workers including registration, who are an important segment of service sector of Indian economy and who have an Multiplier impact on the economy by enabling the women in particular to work by sharing the family burden, can ensure the end of the exploitation of these domestic workers.

That in the public interest that the domestic workers, employing, as it does, a very large number of women and whose conditions of work and living need amelioration and to whom regularity of employment must be assured, Placement agencies must be regulated so that the Directive Principles of the Constitution more particularly the relevant provisions Article 39, 41, 42, 43, and 43-A of the Constitution are given effect to by a law made by Parliament with reference to entries 22, 23 and 24 of List III in the 7th Schedule in the Constitution3. (The details of the act are presented in Appendix-I)

1.7 Need for the Study

In the recent past the trend shows that all big cities of country have become the centres to recruit poor women as domestic workers. A major reason for this being a sharp increase of middle class women in employment. These middle class employed women have shifted their household workload to the poor working women as their “maids”. In some cases it is seen that the middle and upper classes in order to keep their upward mobility and status symbol have withdrawn themselves from household duties. Unorganised workers, who make it possible for these few to lead a life of ease, do not seem to have a share

3 Domestic workers (Registration social security and welfare) Act 2008
in this good life. The housemaids, security guards, drivers, and many others who perform their jobs around some affluent class have a very different story to tell. Their incomes have not grown at the staggering rate of their employers; indeed when adjusted for inflation, their incomes have often fallen over the last two decades, driving them into deeper poverty.

Informal sector is the backbone of the Indian work-force. There is a general tendency to ignore this vast mass of work force, particularly women workers who are powerless, and economically weak. Of late, there have been a growing number of households where women are the primary earners. Socio-economic crisis and inadequate incomes have led many women to assume economic responsibilities for family's survival. When a woman is the major provider, contributing substantially for subsistence of her household, she is the defacto head of the household.

Though some scholars have made studies on informal work aspects of women, there are very few studies on domestic workers, covering their socio-economic back-ground. The problems of women domestic workers have still not received adequate attention by the researchers, members of voluntary organisations, and other social activists as yet. A collaborative frequent interaction and wider networking with the people and organisations working on the similar issues is required to intensify the movement of improving the overall condition of domestic workers.

Women workers, who face difficulties in getting jobs in organised industries and Government departments, are employed in the informal sector, as construction workers, part-time domestic servants, servant maids, casual workers in mills, and child attendant in different middle class families. Most of the women migrate to the towns with their husbands, and both work in the informal sector. Wide range of employment on the one hand and low technical knowledge on the other is the cause of predominance of women in the informal
sector. Women as a work force are engaged in unpaid domestic work and paid work in the market place, and whether they are efficiently or inefficiently engaged by the society needs probing. Their distributive share from national income or their enjoyment in family and society is under searching questions. An exploration into this field is also necessary. Their optimal efficiency and ideal distributive justice inevitably will have far reaching social effects on the status of women vis-à-vis men. Freedom of choice and security on the part of women would mean a new social egalitarian order.

There are a large number of maid servants in the country, working in the middle and upper income households in urban areas in particular. In view of its developing phenomenon, it is proposed to study the socio-economic conditions of the servant maids in the urban informal sector in Vijayawada Municipal Corporation of Krishna district of Andhra Pradesh, as a case study.

The existing problems of domestic workers have been studied by many researchers, social activists and voluntary organisations at different levels. But they have not succeeded in providing a feasible solution to the problem. Perhaps lack of a common perspective in this area is a main cause for it. Since the problems of women domestic workers are multifaceted, it should be studied holistically covering economic, legal, social, physical and psychological aspects. For this, there is high necessity to formulate an integrated approach to understand the issue, and it is also important to develop a collective programme to improve their social status and working conditions.

Now a days, a wide range of cleaning products that include utensil cleaning scrub pads, sponge wipes, and a range of household brushes have come into existence but the message has not spread, and there is need to spread the message further for more efficient cleaning.
We know very little about women in India. Whatever little we know, is mostly confined to elite and highly educated women. There is need to discover the slight of ordinary women, especially women working in the informal sector, and hence the present study.

They are a good number of studies that dealt with workers, working in the informal sector. However, there are no substantive studies, concentrating on women working as servant maids. The present study is pursued in this direction.

1.8 Plan of the study

The present study is broadly divided into six chapters:

Chapter 1- deals with introduction, importance of the informal sector, and need for the study.

Chapter 2- deals with objectives, sources of data, methodology, survey of Literature, and limitations of the study.

Chapter 3- deals with various dimensions of informal sector in India.

Chapter 4- deals with women in informal sector in India and child abuse.

Chapter 5- deals with the social and economic pattern of living of the Servant maids; a case study of Vijayawada Municipal Corporation, Krishna District, Andhra Pradesh.

Chapter 6- provides the summary and conclusions of the study.

The present chapter presents background of the study, importance of informal sector, significance of the study, need for the present study and plan of the study.