

SUMMARY OF THE STUDY GROUP REPORT ON WOMEN & CHILDREN

INTRODUCTION:

The Report of the Study Group on "Women and Children" runs into three volumes. While Volumes I and II deal with rural female labour, Volume III deals with child labour. The Report is based on facts and figures culled out from various official and non-official publications on the subject. For female labour, the study group has also drawn upon its own inquiries and case studies relating to self-employment ventures initiated by women's organisations in the States of Maharashtra, Tamil Nadu, and Rajasthan and studies on the custom of devdasis and male alcoholism, the details of which are given in Volume II. The summary of the report of the study group (excluding the summary of Volume-II concerning case studies) consists of two parts: Part I on Rural Female Labour and Part II on Child Labour.

PART—I: RURAL FEMALE LABOUR

DEFINITION AND SCOPE

2.1 'Labour' in a comprehensive sense has to be understood as work done by women especially in rural areas. Women's work is divided into the following six categories:

1. Wage or salary employment outside home.
2. Wage employment inside home i.e. 'home-based' workers in occupations like Bidi making, papad making etc.
3. Self-employment with the help of own assets.
4. Help in the family's economic activities like agriculture, dairy, poultry, cottage industry etc. which are usually carried on in the name of man who expects help from other family members including women.
5. Besides the above productive activities, the women perform the reproductive activities of child birth and child care.
6. Finally, women perform consumption related activities which cover a wide area including cleaning grains, cooking, serving food, washing clothes and utensils, cleaning houses, fetching water, collecting and fetching fuel and fodder, feeding and milking the milch animals, stitching cloth etc. Men do not normally perform these activities except occasionally and marginally. However, these activities assume importance for women.

2.2 There are three types of problems connected with the women's work. First, for the employed these relate to earnings and working conditions

However, the third problem is relevant only to women, and this reflected in the need to (i) induce women to seek more work and (ii) persuade more women to seek work. This dimension of women's work assumes considerable social significance in view of their low social status. Participation in wage or salary employment outside the home gives women economic independence which is a precondition for freedom and equality of status. The role of technology in reducing the domestic work burden of women which goes mostly unrecognised, assumes great importance. Such technology is expected to enable women to find more time for gainful economic activity.

2.3 The problem of the woman in the labour force has to be seen in the context of pervasive poverty and its eradication. The poverty syndrome is seen as a network of interlocking vicious circles brought about by low income, frequent maternity, ignorance, ill-health, alcoholism, drudgery etc.

Status of Women

3.1 The status of women in India is subordinate to men. The low status of women is reflected in the higher incidence of malnutrition among female children, high level of female morbidity, higher death rate of female upto the age of 35 not only in rural areas but also in urban areas, less access for females to education, employment and property, payment of lower wages to women for same or similar work, violence leading to death, especially of young married women due to huge dowry demands, molestation, rape etc. Incidence of severe malnutrition among females (combine all age group) can be gauged from the table given below:

Severity of Malnutrition	Incidence of Malnutrition (%)	
	Male	Female
1. Severe	28.57	71.43
2. Moderate	43.07	56.93
3. Mild	56.40	43.60
4. Normal	61.20	30.30

When discrimination in respect of food starts right from early childhood, it is hardly surprising that illness should have greater incidence among women than men. Just as there is bias against

3.2 A good deal of data is available from various studies which show that generally female children get less nutrition as compared to male children. The gender discrimination is particularly pronounced during hard times.

3.3 The reduction in sex ratio (number of women per thousand men) from 972 in 1901 to 946 in 1951 and further down to 934 in 1981, even with economic development, shows as yet another indicator of the low social status of women. Girls' access to education is generally lower as compared to that of boys. There is a strict gender-based division of labour, resulting in a 'segmented' labour market, confinement of women to the unorganised and low-skill sector, consequent low wages and lower wages than for men even for the same jobs. Low wages with long hours of work, insanitary and sometimes hazardous working conditions, sexual harassment and oppression and no legal protection or benefits of any kind are their basic problems.

3.4 It is only after 1956 that Hindu women have been given a share in paternal property. However, this right is a circumscribed right because it accrues to women only in case the father dies instate. In ancestral property, they have been granted a right but not at par with men.

3.5 The violence against women has increased conspicuously over the recent years. Bride burning, molestation, rape and kidnapping of women continue unabated. Sex-determination tests are a new horrible curse on female foetuses. Over 90 per cent of abortions after amniocentesis have been those of female foetuses.

3.6 The women carry the excessive work burden at the work place as well as at home. In spite of a good deal of even 'productive' work done by women, it remains 'invisible' and goes unreported and unrecognised.

3.7 The low rate of women's participation in political process is also considered as evidence of the low social status of women.

3.8 We have given above a very brief outline of symptoms of the subordinate status of women in the country. We must add that in almost every respect the situation is worse for women in the North than in the South and worse in rural areas than in urban areas.

3.9 In spite of all the above, the contribution of women to family income remains significant. In the first place 35 per cent of the households of rural landless population are headed by women as compared with 20 per cent in the country as a whole. It must be also noted that especially in the poor households there is a strong correlation between the mother's income and the child's health. This is because whatever the women earn a greater part of it is devoted to the care of children than is the case with men.

3.10 The inferior status of women which we have discussed above is the result of all-pervasive and

ingrained male attitudes rooted in patriarchal values. Perhaps the lowest that womanhood can reach in terms of status is being a Devadasi.

Women and Work

4.1 The Work Force Participation Rate (WFPR) for women based on usual status concept (Principal status plus subsidiary status) are given below:—

NSSR Round	WFPR
27 (1972-73)	35.5%
32 (1977-78)	38.5%
38 (1983)	38.7%

The WFPR shown above excludes women in activities like collection of fuel and fodder, dairy, poultry, kitchen garden etc. When the number of women engaged in these activities is also considered, the WFPR for women in 1983 rises to 51 per cent which is only 13 percentage points below the male WFPR. An analysis of the census figures of work participation also points out the increase in the percentage of female workers in both rural and urban areas in contrast to the corresponding percentage for male workers in 1981 over 1971. The rise in work force ratio (female workers per 100 male workers) was from 23 to 29 and 12 to 13 in the case of rural and urban areas respectively in the corresponding period. There was a 22 per cent increase in rural female WFPR in 1981 over 1971 for main workers, whereas there was a 2 per cent fall in male WFPR. This differential behaviour in male and female WFPRs is true of most States. In regard to marginal workers, though the rise in WFPR of men was faster than that of women, the number of women marginal workers were far higher than males, particularly in rural areas, where female workers were five times of male workers. The industrial distribution of female main workers in rural India based on 1971 and 1981 census is given below:—

Industry	Share in Employment		Sex Ratio	
	1971	1981	1971	1981
1. Cultivators	32.7	37.1	14	19
2. Agricultural labourers.	54.3	50.2	50	61
3. Livestock, forestry etc.	2.6	1.8	23	21
4. Mines & Quarries	0.3	0.3	18	20
5. Household Industry	3.6	3.8	27	38.1
6. Other than household Industry	1.6	2.1	15	16
7. Construction	0.4	0.6	11	14
8. Trade and Commerce	1.0	1.1	8	10
9. Transport, Storage & Communication	0.1	0.1	3	2
10. Other services	3.4	2.9	14	16
Total	100.0	100.0	23	29

Significant increases in female participation were in the categories of cultivators, agricultural labourers, household industry (mainly food processing, textiles, wood and ceramics) and construction.

4.2 Based on 1983 NSS round, the proportion of male workers in self-employment was 60 per cent in contrast to 62 per cent in the case of females. In the case of casual labourers, the proportion of males was 30 per cent as against 35 per cent for women. Those who had regular wage/salary employment accounted for 10 per cent and 3 per cent in respect of males and females respectively.

4.3 While we are considering the status of workers, two qualifications need to be made. One, all self-employed workers need not be better off than casual workers. Among women especially a large number of self-employed are 'helpers', i.e., 'unpaid family workers' without any decision-making powers or without any independent cash income. Two, those who are in 'regular wage employment' according to the NSS classification do not necessarily belong to the 'organised sector' which gives some security of tenure, benefits of labour laws and sickness, old age and maternity benefits. In fact the organised sector covers less than 60 per cent of the NSS category.

Female Child Labour

4.4 One disturbing aspect of women's WFPR revealed by the census must be noted. In rural India the percentage of boy workers below 14 fell by 8 per cent whereas that of girl workers rose by 30 per cent from 1971 to 1981. Barring a few exceptions, the absolute number of boys as well as their WFPR went down sharply everywhere. This increase in girl WFPR was more pronounced in cultivation — 36 per cent.

4.5 It does not look as if women's greater WFPR is due entirely to growing poverty as argued by some. In States where the share of agriculture in the rural male work force fell by more than the all-India average, there was a sharper increase in the ranks of women cultivators. Kerala, Maharashtra, Orissa, West Bengal and to a less extent Punjab, Haryana and Tamil Nadu belonged to this group. But this group of States also correspond roughly to the group of States where the percentage of people below the poverty line fell relatively faster between 1977-78 and 1983-84. Similarly, increase in the number of female agricultural labourers was the highest in Punjab, Haryana, Gujarat and Maharashtra which were not only among the richer States of India but also the States in which 'below-poverty-line' people's percentage had fallen faster over 1972-73 and 1983-84. In areas like U.P. and Bihar the increase in female agricultural labourers was the least and these were the States where there was little change in the poverty level.

4.6 Also, if greater WFPR women was the result of women being forced to work more because of growing poverty, their relative earnings, compared to those of men, would have gone down. But this

has not happened. From 1972-73 to 1983 rural women's relative average earnings per week increased from about 52.5 per cent to 69.44 per cent of male earnings.

4.7 A World Bank study presents evidence showing that the incidence of female agricultural labour is positively correlated with district-level agricultural growth rates and with the share of gross cropped areas planted to cash crops.

4.8 Therefore, the more correct conclusion seems to be that the rise in women's employment has by and large been the result of greater demand for women's work, induced by developmental forces.

Unemployment and Under-employment

5.1 According to NSS data, generally female unemployment (daily status) is higher than male unemployment. Over the decade (1973—83), there was a rise in male unemployment but fall in female unemployment. The latest NSS data (1987-88) indicate that there has been a further steep fall in the un-employment rates of rural workers. In terms of daily status unemployment, the figures are as follows:—

rural males 2.4 per cent; rural females 1.5 per cent. This fall has taken place in spite of 1987-88 being a drought year and may be due to the stepped employment generation programmes.

5.2 The NSS 38th round shows that under-employment (i.e. proportion of persons among the 'usually employed' who are seeking or available for additional work) was 20.25 per cent for rural males and 18.11 per cent for rural females. All these figures are lower than at the time of 32nd round— which means under-employment has declined. The heaviest under-employment for rural women was in the sector of 'casual wage labour in agriculture — 33.06 per cent followed by casual wage labour in public works — 27.22 per cent and casual wage labour in non-agriculture — 22.89 per cent'.

Wages and Wage Differentials

6. Jose's analysis of wage data from 1970 to 1985 shows that real wage rates have increased both for men and women. Rural Labour Enquiries 1964-65 and 1974-75 have shown that in every agricultural operation men's wages were higher than those of women. However, over the years this gap has narrowed down. In sum, gender differences in wages, even operationwise over 1964-75 narrowed, but still persist and remain significant.

Domestic Work Burden

7.1 The NSS 38th round shows that — over 42 per cent of females in rural areas attend domestic duties only. Out of the females engaged in household duties, 63 per cent have to fetch water from household premises, 49.9 per cent have to prepare cowdung cakes for fuel, 36.8 per cent have to grind

foodgrains, 31.8 per cent have to look after household dairy, 17.4 per cent have to do sewing and tailoring, etc.

7.2 According to one study by Illina Sen carried out in 4 villages (155 households) in the Houshangabad District of Madhya Pradesh, the position in this regard is as under:

Total hours worked by males and females in each class

Class		Hours spent in household work	Hours spent in non-household work	Total hours spent in work	Per cent hours spent in household work
Landlord	(M)	0	8482	8482	0.0
	(F)	7540	1994 (23.50)	9534	79.09
Rich Peasant	(M)	206	50318	50524	0.41
	(F)	38023	35548 (70.64)	73571	51.68
Middle Peasant	(M)	873	78609	79482	1.10
	(F)	47299	41906 (53.30)	89205	53.02
Poor Peasant	(M)	963	118316	119279	0.81
	(F)	74913	53354 (45.09)	128267	58.40
Agricultural labour	(M)	4107	121722	125829	3.26
	(F)	71259	54397 (44.68)	125656	56.70

Note : Figures in brackets show women's work hours as percentage of men's work hour.

7.3 On the basis of general observation also it would be possible to say that women of the middle and poor classes on the whole devote more time to physical work than men. Where women work, they typically suffer from a 'double burden' or in fact a 'triple burden' of maternity, domestic chores and 'productive' work either in the family occupation or in wage employment outside the house.

Concluding observations

8. On the basis of previous discussion, the following few broad observations about rural women and their work are made:

- (i) Women do a significant amount of productive work. Scheduled Caste, Scheduled Tribes and women from poorer households, of course, do more productive work than other women.
- (ii) In addition, they bear almost the entire burden of domestic duties.

(iii) With the result their total work burden is likely to be much higher than that of men.

(iv) From 1971 to 1981 total employment of women has increased relatively to that of men. Their share in total employment has gone up in many sectors. In agriculture, one can now talk of 'feminization' of agriculture in some parts of the country. In manufacturing there is a reversal of the earlier trend of declining employment. There is also a slightly greater diversification in women's employment in the manufacturing sector and a little advance in the more modern branches. In services rural women's share has gone down although in urban areas it has gone up significantly.

(v) Female child labour has increased markedly while male child labour has declined. This is somewhat intriguing.

(vi) Unemployment among women is higher than among men. However, rates of unemployment have shown as steady decline. Under-employment among women has been lower than among men and it has gone down from 1978 to 1983. There is a further fall in unemployment in 1987-88.

(vii) Real wages of agricultural labourers have increased and the wage differentials have narrowed.

(viii) There are strong indications that generally, with a few exceptions, women's employment has increased not because they are 'pushed' into it owing to increasing poverty but because they 'pulled' into it because of rising demand for their labour.

(ix) A large proportion of women workers belong to the unorganised sector. To take NSS figures 61 per cent of them belong to the self-employed sector and 36 per cent are casual labourers. This comes to 97 per cent. In addition, as we noted earlier, not all women (3 per cent) with 'regular wage employment' belong to the organised sector. This means that a vast proportion of women workers are not entitled to the facilities like security of tenure, minimum wages, social security, maternity benefits, etc.

(x) Even within the unorganised sector, self-employment that too as cultivators, means that women work as helpers in the family occupation. Here their labour is unpaid. This means that increase in self-employment adds to women's work burden without any monetary compensation. The only qualification to this statement would be

that to the extent this increase is accompanied by growing incomes the families to which women belong are somewhat better off than formerly.

(i) In spite of a remarkable increase in WFPR rural women workers are still by and large, confined to traditional occupations. Not much dent has been made in the sex-based division of labour and consequent segmentation of the labour market.

(ii) Finally an attempt should be made to compare, synoptically, the relative positions of men and women. Problems of unemployment, low wages, hard work, poverty and exploitation in certain occupations are common to both men and women in the lower categories of the class hierarchy. A majority of both the sexes belong to the unorganised sector which offer almost no security and no protection of any kind. However, in every respect men are in at least a slightly more advantageous position in regard to employment, unemployment, wages and general working conditions. This is about 'gainful' work. If we consider domestic work, men play almost no part in it. This 'invisible' work, which is not necessarily light, takes a good deal of women's time and by all accounts this work is increasing owing to increasing shortage of water, domestic fuel and minor forest produce. On the whole, women work harder but get less attention. The problem of poverty is widespread and affects both men and women; but once again the brunt of this deprivation has to be borne by women. We have seen signs that things are taking a better turn in respect of employment, unemployment, wages and wage discrimination over the last two decades. However, one must remember that the severest poverty is perhaps to be found among most of the so-called 'women-headed' households. In this sense, women constitute the core of the poverty problem.

9. We must throw a brief glance at the causes of the generally adverse conditions of women. Their work force participation rates are low partly because of social taboos. It is considered a mark of low social status if women have to work outside the house; as soon as the economic position of the family improves women withdraw, or are made to withdraw, from the labour market. Partly also the low participation is due to maternity, child care and a multitude of domestic chores. Then, there are biases — women are deliberately kept out of certain occupations. Further, technological change of the labour-saving type hits them harder because a greater proportion of women are engaged in unskilled or low skilled jobs which are the first to be mechanised. Nor is trade union protection

available to them because unions also carry the male prejudices and look upon women as easily expendable. Finally, women's low literacy and education condemns them more to poorly paid jobs, as compared to men.

POLICY AND RECOMMENDATIONS

10. As shown earlier, we have selected some core areas which we consider critical from the point of view of women's development and status. These are self-employment, wage employment, education, family planning, domestic fuel, drinking water, health, support services and male alcoholism.

(i) Self-Employment Sector

11.1 Employment in the rural non-farm sector was about 15 per cent of the total rural employment in 1971; it increased to only 17 per cent in 1981. Moreover, the share of rural non-farm employment in total non-farm employment has declined over the same decade — it was 44.64 per cent in 1971 but came down to 42.31 per cent in 1981.

11.2 The NSS survey of self-employment in non-agricultural enterprises (NSS 29th round, 1975) reveals that the major part of the rural industrial activity in different States has continued mainly as a part of tradition without necessarily being differentiated on the basis of the linkages, integration with local resources or changing demand patterns. Most of the rural industrial enterprises are carried on as a means of family subsistence, use primarily household labour, have very small size of production and low productivity and income per worker.

11.3 In Khadi and Village Industries falling within the purview of KVIC, employment increased marginally from 23.94 lakhs in 1960-61 to 24.84 lakhs in 1985-86. However, the increase in the percentage of persons employed on full time basis from 7.16 in 1955-56 to 32.94 in 1984-85 in this sector was a redeeming feature.

11.4 IRDP which is a major anti-poverty programme based on self-employment, is not addressed either directly or indirectly to improving women's lot. The statistics relating to the share of women in the number of beneficiaries show that women could benefit only marginally from IRDP. Women beneficiaries accounted for only 7 per cent of the total number of beneficiaries. Even in the case of Training of Rural Youth for Self-employment (TRYSEM), which has given better representation to women, the training imparted is confined to skills like sewing, knitting, embroidery etc. which are usually relegated to women's sphere. IRDP benefits are also oriented towards tasks like attending milch cattle, poultry rearing, tailoring etc. which are traditionally assigned to women. Women had to struggle repeatedly to get loans in their own names despite the stated priorities of the scheme. Acquisition of assets like milk animals, in fact increased the domestic burden on women. Men go for selling the milk and the income is earned by them whereas the women had to toil at home without getting any benefit.

11.5 It has also been pointed out that in reality the development process has been taking place without the involvement of women. One of the important reasons behind the disappointing participation of women has been the tendency to treat them as objects and not subjects in the development process. The women therefore, do not have any say in the planning mechanism. Since their needs are not properly identified the benefits do not reach them.

11.6 The knowledge about the development problems of women has brought out that for a large population of unskilled, illiterate and poor women of the country, wage employment in whatever forms is the most meaningful remedy. Assured employment over a substantial period in a year would be the first steps towards income generation and subsequent development. A comprehensive analysis of the problems regarding women's employment was made by the Working Group on Employment of Women set up by the Planning Commission in September, 1978. Their findings indicated that the problems of women's employment were characterised by (1) the inability of women to reach for services and assistance programmes offered by the Government and semi-Government institutions, (2) a lack of awareness among institutions about the need to promote employment of women, (3) the tendency of the economically powerful organisations to obtain financial and other assistance in the name of women but diverting it to other areas of investment and (4) the failure of technological modernisation of several industries in expanding employment opportunities for women, widening of skill, training opportunities and upward mobility of women workers.

Development of Women and Children in Rural Areas (DWCRA)

12.1 One of the most important features of DWCRA is that unlike IRDP which treats beneficiaries, poor men and/or women as individuals, DWCRA espouses a group approach in extending credit to women's production activities. It is thought that working in groups would help the poor women in realising the economies of scale in purchase sale and production and enable them to resist exploitation. It is also believed that the group approach is essential in the context of improving the social status of women. With improvement in their economic and social status, DWCRA envisages women as the vehicle for realising health and educational aspects of family's development, particularly of children.

12.2 Those who have studied this programme have pointed out that it has met with mixed results. As this was a combination of social action and income generation activities it has given rise to a number of operational problems.

12.3 One of the problems reported in a workshop organised under the auspices of the Centre for Women's Development Studies in Bankura district of West Bengal was that the bankers found that almost all the schemes suggested under DWCRA were non-viable in nature. This was mainly because the women

were not properly trained before taking up a particular activity. It was also suggested that instead of individual household-oriented activities collective activities should be undertaken. For this purpose a project approach with necessary planning inputs and the possibility of expansion of the membership of the group of beneficiaries beyond twenty may be considered.

12.4 In a similar kind of a series of workshops organised by the National Institute of Bank Management (NIBM), Pune in 1987 it was found that the essence of group philosophy behind DWCRA, especially its economic and social context, was not clear to the functionaries. There was need for considerable extension activity before the beneficiary women were organised into groups. A need was also realised to evolve a sound marketing strategy preferably in the form of marketing outlets in the district.

12.5 Though, DWCRA has been launched with a lot of enthusiasm and considerable inputs have been put into its implementation, some scholars have found that it is meeting the same fate as other development programmes. Excepting the States of Tamil Nadu and Haryana, the response in other States is not good. In DWCRA also traditional activities have been assigned to women. There has been disuse and misuse of Revolving Fund—a grant provided by UNICEF and Government. In the absence of sufficient involvement of banks, the level of operations of these activities was circumscribed by the size of Revolving Fund. The health and educational aspects of DWCRA have not received systematic attention.

12.6 An evaluation of the DWCRA programme in Osmanabad District of Maharashtra has pointed out that grassroots level workers, particularly the Gram-Sevikas, had incomplete knowledge and understanding of the philosophy underlying the DWCRA programme. It was found that the groups were established hurriedly and haphazardly for completing targets of ten groups per block. Equally troublesome was the fact that the Government officials were frequently transferred. The non-availability of suitable and interested women officers; deployment of men, non-filling of the posts of intermittent periods and frequent transfers hampered the programme to a large extent. However a non-conventional action research project in Pune district with Mahila mandals at village level, a co-operative society at block level and a voluntary Trust at the district level and also introducing non-traditional activities has given encouraging results.

Women and property rights :

13.1 As far as ownership of land is concerned, the dominant pattern all over India (except some of the communities in South and North India and some of the tribal groups) has been that the land was owned by men. In a recent study of women's customary access to land, it was discovered that of the 145 communities all over India, 131 were patrilineal, i.e., among them the land was owned by men and was transferred from men to men. Under the majority of customs governed by the traditional Hindu law

(both Mitaksharo and Dayabhag Schools), women did not inherit immovable property such as land. To some extent they were protected from becoming destitute but their right was nowhere equal to that of men's. Again, whenever rights were recognised, they were not unconditional and were linked to women remaining in the parental home or village and the husband joining her there.

13.2 The lack of access to land for Indian women has been symptomatic of the trend the world over. It has been mentioned that though women constitute 50 per cent of the adult world population and one third of the official labour force, they own less than one per cent of the world's property.

13.3 The lack of access to land for women has been termed as a socio-legal barrier to the development of women. These socio-legal barriers are arbitrarily created by men, i.e., without any moral justification. It has been mentioned that women are not given access to property because in many societies women are regarded as the property of men. This legalised deprivation of women is particularly strong in religions like Islam and it not only affects the women but the dependent children as well. As mentioned before, occasionally women were given conditional rights over the land. But various socio-cultural changes have been affecting these rights.

The Impact of Land Reforms

14.1 The land reform legislations were mainly introduced to reduce the skewed distribution of land assets. To some extent the reforms benefited the tenants, share-croppers, and actual tillers of the land. But as the titles to the land were mainly in the names of the males, women as a class did not receive any benefit from them. In order to evade the ceiling limits and tenancy Acts, at many places the land was partitioned and registered in the names of the female members of the family, but for all practical purposes the control and ownership remained in the hands of the males.

14.2 Even when land is owned there are a number of difficulties which prevent the women from actually exercising control over it. The norms of patrilocality, village exogamy and long distance marriage form the obstacles in actual cultivation of the land. Also women, on the whole, intend to keep good relations with the brothers and hence do not claim actual control. On the other hand the brothers may prevent a sister, especially if she is single or widowed, from cultivating the land. A single woman is always vulnerable to harassment from the male kin.

14.3 The land distribution programmes were initiated mainly as an anti-poverty measure. The lands freed under the ceilings Acts and the surplus lands with the revenue departments were mainly distributed to landless people along with other disadvantaged sections. To some extent the encroachments made by the tribals and other rural communities on the forest and revenue lands were also regularised to provide land-ownership to the landless population. How-

ever, all these measures principally benefited men, as women were not considered for the allotments of land.

14.4 The privatization of the lands under the State laws has been characterised by a masculine bias. Though the Government has proclaimed that 'Pattas' (pieces) of land would be made available to women, in practice the title deeds are made in the names of men. This bias has been found even in the case of matrilineal societies.

14.5 Though women's right to own the land has not been fully realised, women have been participating whole-heartedly in various struggles for land ownership all over the country. The participation of women was intense in the peasant movements of Telangana (Andhra Pradesh), in West Bengal and in Kerala. However, it is only in the post 1975 period with a clearer understanding of the basis of gender oppression that women's organisations formally demanded the right of women to land in the redistribution of land under various programmes.

14.6 Repeated demands have been made by various organisations that land ownership may be granted exclusively for women especially for destitutes, widows and other single women. Though this step would certainly benefit these women and their family members, in actual practice many of the hardships mentioned above would remain as before. Again, this measure could be implemented only in the case of new land distribution programmes and not retrospectively. And it is getting more and more difficult to find new land for distribution.

Credit :

15.1 We cannot take leave of the subject of self-employment without at least a brief reference to credit. Women experience special difficulties in obtaining credit, firstly because they have no security to offer and secondly because male biases come in their way in spite of instructions to the contrary. However, there are deeper reasons why access to credit is difficult for small and poor borrowers. Lending agencies are hard put to it to cater to the needs of a large number of small account holders. If they were to undertake all the necessary tasks any careful lending agency must perform in regard to loan operations their costs will increase substantially. On the other hand, if they are not performed, lending becomes a highly risky proposition. In the result, left to themselves lending institutions would not touch such borrowers with a pair of tongs. That they engage themselves in lending to the poor is due to pressures exerted on them from above. In the result, there is a half-hearted involvement of banks in lending operations for the self-employment of the poor lending often to disastrous results like the ones highlighted in our case study No. 1 ("Financing of She-buffaloes in Arag").

15.2 One way out of this difficulty is to involve voluntary agencies in credit programmes so that they do the variety of jobs which really ought to be done by the banks. In fact this is what voluntary agencies like SEWA (Gujarat), WWF (Tamil Nadu) or Annapurna (Bombay) have been doing. In such cases

mobilising borrowers, preparing projects, writing their applications, supervising the use of funds, recovering the loans—all jobs are done by voluntary agencies out of their own concern for the poor. When there is somebody to do this for the bank then the loan operation is successful. Yet this model cannot be relied upon everywhere because voluntary agencies do not exist in sufficiently large numbers. Nor are all voluntary agencies equally careful as our case study referred to above, shows. Further, voluntary agencies themselves lack resources to organise such programmes. There are suggestions that banks should provide managerial subsidy to voluntary agencies who have to employ manpower for credit-linked programmes and/or that they should pay the voluntary agencies reasonable service charges for recovery of loans. This will help somewhat but not too greatly. In the end, the problem of reaching the poor will remain as it is and overdues of financial institutions will continue to mount.

15.3 A more useful alternative, perhaps, is the self-help credit groups promoted by voluntary agencies or those which have come up spontaneously. These groups are small, accumulate small savings and disburse them as loans for small enterprises or for meeting consumption or emergency needs. It might be possible for banks to liaise with them and build up working relationships with them. It is desirable that banks simplify their procedures to enable the groups to operate savings accounts in the names of the groups themselves. In due course banks could help them with finance for productive purposes. Some of these groups are women's groups and it has been generally found that women "demonstrate better financial management skills with fewer possibilities of deliberate leakage." Banks and voluntary agencies could even try to promote such group.

15.4 A very vital area for financing women is in situations where men migrate either temporarily or permanently. This is particularly true of hill areas and drought prone areas. Since the land titles are in the names of men, the banks find it difficult to finance the women heads of households even for economic activities. Therefore, suitable lending policies and procedures need to be evolved for meeting the production credit needs of such households. This consideration, of course, should apply to all women-headed households.

Concluding Comments :

16. In the light of previous discussion our judgement about the role of self-employment would be as follows :

- (i) We have shown on the evidence of a number of Scholars that, by and large, the self-employed sector lacks dynamism, is not well-integrated with the general industrialization process, is carried on more as a way of life than as a business proposition, that it is characterised by low productivity and low income per worker.
- (ii) Attempts to foster household enterprises through KVIC or under IRDP have met with

extremely limited success, especially where women are concerned.

- (iii) Self-employment opportunities for women are constrained by their lack of ownership of assets, particularly land and by anti-female prejudices of delivery systems. Further, women lack entrepreneurial qualities, so necessary for household enterprises, more than men because of their lower education, lower opportunities for training and generally lower exposure to business environment. Particularly noteworthy in this context is their lack of adequate access to credit.
- (iv) The basic problem of this sector is to locate really viable occupations. They are so few and far between. In most of the literature concerning small enterprises there is almost a ubiquitous comment regarding the 'marketing difficulty' experienced by them. This is fundamentally a 'demand-deficiency' rather than a 'marketing difficulty' in the narrow sense. And this growing demand deficiency is the result of cheaper substitutes produced by large scale, technologically advanced modern industry. This competition will grow in course of time rather than abate.
- (v) Apart from the question of viability there are questions of organising the programmes for self-employment with its plethora of problems concerning identification of the poor, mobilising them into suitable groups, arranging loans and subsidies, purchasing the assets, maintaining them in good condition, monitoring the end-use of credit, arranging marketing and looking after repayments.

Recommendations :

17. The following recommendations are made :

- (i) Proposals for household enterprises should be sanctioned and financed with a close look at their economic viability. Such enterprises would be mostly found in the following areas; artistic products, lands well-endowed with irrigation facilities, lands where irrigation can be developed, tree crops, certain types of horticulture which need less water, etc.
- (ii) Not all traditional industries are on the decline. Those of them (like leather work) which have expanding markets or which are remunerative at present prices should be carefully identified and helped.
- (iii) This means that blanket large-scale self employment programmes would have no place in future planning.
- (iv) When viable household enterprises for women are identified they should be given adequate entrepreneurial training.
- (v) Steps should be taken to amend the existing inheritance laws which discriminate against women. Such laws, apart from making them

bankable propositions will be a great help in removing their dependence on men. There is no doubt that sub-division and fragmentation will worsen somewhat and some amount of land will be ill-managed. Yet this price has to be paid for the far larger economic and social benefits which will accrue to women.

- (vi) We also endorse the following recommendations of the National Perspective Plan for Women (The wording has been slightly modified.):
- (a) Property which is acquired during the subsistence of the marriage should be vested in both husband and wife and should be recorded as such.
 - (b) Co-ownership of property should not merely be confined to land but must also extend to all other productive assets.
 - (c) Wherever other interests in land like cultivating possession, share cropping tenancy, share in common property resources, rights of collection of minor forest produce, grazing rights devolve on private citizens they should be vested in both husband and wife and recorded as such.
 - (d) Single title of ownership may be given to married women, widows, divorced women, deserted women etc. when Government waste-lands, village common land, developed house-sites, ceiling-surplus lands etc. are distributed.
- (vii) Self employment financing programmes are likely to be more successful where voluntary agencies are found willing and capable of helping financing institutions. These should be identified and liaised with. Similarly about self-help credit groups of women.
- (viii) Special procedures should be evolved by financing institutions to finance women-headed households where titles do not exist in their names.
- (ix) In the chapter on 'Women and Work' we have mentioned the growing 'feminization' of agriculture. In this light the question of appointing women extension workers deserves immediate consideration.
- (x) In the context of growing employment of women in agriculture, attention needs to be given to evolving tools and equipment specially suited to them.

'Guaranteed' Wage Employment

18.1 There has been the Employment Guarantee Scheme (EGS) in Maharashtra from 1973. Experience gathered from all these has now, more or less, crystallised in favour of the adoption of the 'Guarantee' idea at the national level. We, therefore, devote our attention in this section to a broad

assessment of the Maharashtra Employment Guarantee Scheme and try to derive lessons for its wider adoption.

18.2 Two features of the EGS seem noteworthy. First, according to several reports it has made a notable contribution to poverty alleviation; second, and of more immediate relevance to us, is the fact that attendance of women workers on the EGS has been significant. For all practical purposes the guarantee amounts to a lean season guarantee, wherein government offers work for a specified period when at least a minimum number of fifty workers seek employment and are willing to work at least for a month continuously.

18.3 According to the working group on Wage Employment, participation of women (40-50 per cent) in Maharashtra EGS is very significant. If one compares this ratio of male to female workers with similar others in the 1971 census in various categories of activity, there is no activity—not even agricultural labour—that employs such proportion of women. Figures pertaining to 1983 showed that of the total 87 works executed, in 52, women outnumbered men. In the Kolhapur District, female workers' participation was 56, 62, 76 and 59 per cent respectively for 1979, 1980, 1981 and 1982.

18.4 The EGS has brought about a unity among all the weaker and poorer sections of the countryside. EGS has become for them a forum to come together. Here the landed and the landless, women and men, Harijan and caste Hindu come together for work, work and eat at one place and drink water from the same well or tap. They forget their caste distinctions. The inequality, usually seen in villages, is not seen here.

18.5 Maharashtra EGS has been found to be more effective even nutritionally as compared to specific nutrition intervention programmes like Public Distribution System, Andhra Pradesh's Two rupees a kilo Rice Scheme, the Tamil Nadu Nutritious Meals Programme, Tamil Nadu Integrated Nutrition Project, and Integrated Child Development Services. The EGS of Maharashtra is found to have made an appreciable impact on child nutrition. The decline in income variability, especially in the incomes of women workers, has the effect of reducing seasonal malnutrition.

18.6 The effects of these features of the EGS on the works themselves are easy to imagine. They have to be within the district, more preferably within the Panchayat Samiti area, most preferably within 5 Kms. radius of the village. Then, given the nature of guarantee, they have to be of the 'switch-on switch-off' type. Locational and economic considerations thus go by the board. The emphasis on providing work near the village would mean that sooner or later really useful works will be exhausted and a tendency might develop to 'create' work where none in reality exists. It is reported

that notional kinds of activities do tend to be taken up under the EGS; there are also reports that in many areas works have reached a saturation point. The Collector's discretionary power to stop ongoing works would also result in incomplete works and perhaps a loss of sunk resources. These are also reported to have been the consequences in actual implementation.

18.7 The sum and substance of the findings of the latest study by M.D. Sathe can be expressed as follows: EGS with its capital investment of Rs. 2100 crores over ten years has generated assets leading to further employment and its diversification at higher levels of wages and this is the reason why the attendance shows a falling trend. This would mean that EGS is heading towards completing its growth function and making itself redundant.

Revising the EGS concept

18.8 If the guarantee amounts to 'continuous and dependable' full-time employment to workers it will have effects far more radical than those arising from the current EGS practice. If a dependable alternative is given to the landless and marginal and small farmers (who constitute the bulk of the unemployed and the underemployed) they can permanently be withdrawn from agriculture. The worker, for instance, can make a 'career' as a full-time wage-earner on Government work if he finds the wage and working conditions sufficiently attractive. Most landless labourers and many small and marginal farmers will in that case choose to accept such a career rather than hold on to their tiny and uneconomic holdings. This will, in fact, remove at least a part of the 'excess' population which presently is a 'burden' on agriculture and village industry and the cause of its many inefficiencies. When this happens a process would be set into motion whereby very small holdings may either be leased out or sold, thus facilitating a reorganisation of the agrarian structure along lines of larger-sized and more efficient holdings. Dandekar and Rath put it this way: "A large programme of rural works organised as a permanent feature for some years to come will also enable some of the agricultural proletariat to withdraw permanently from agriculture and thus rationalise the existing employment."

18.9 The implications of a revision of the Maharashtra EGS concept must now be briefly seen as under:

- (i) If sustained employment on assets of greatest productivity has to be offered the village-centred orientation of EGS will have to change and people will have to move to places of work rather than work having to move to places of people. This work will then be mostly found beyond the boundary of the village—may be anywhere within the Block or within the District or perhaps even the State.

- (ii) This will need a different kind of organisation which will be more centralised in nature, will maintain a permanent pool of workers and move them from site to site. This will clearly mean that the planning and execution of works will be out of the purview of village Panchayats. In any case, how efficiently, how justly and for how much concern for the poor village Panchayats are functioning today is itself in doubt. Dandekar and Rath put it strongly; nevertheless the point that they make appears to be well-taken. ". . . welfare of the poor cannot be entrusted to local communities for the simple reason that because of their long acquaintance with poverty at close quarters, they have developed a certain callousness or hardened conscience towards poverty." Indira Hirway also seems to agree: The plans should be "basically prepared by experts and not by elected Panchayat leaders who frequently do not have the expertise as well as concern for the poor." A World Bank Evaluation says that under the Maharashtra Scheme, district Collectors and not the Panchayats, were the prime movers and that the relative success of the Scheme could be partly traced to this fact.

- (iii) A mobile labour force that such a revised Scheme would necessitate would mean erection of temporary camp sites and provision of all the minimum necessary amenities to workers. Happily, the Working Group of the Department of Rural Development seems to be thinking on similar lines. This means greater costs. However, the direct and indirect benefits of the new organisation would be so overwhelming as to exceed additional costs by a very great margin.

18.10 Let us look at the revised EGS concept from the point of view of women workers. One reason why women today attend EGS works in large numbers is the fact that they (the works) are located in or near the village and it may be feared that because of the location of works at sites away from villages the participation of women would fall. This eventuality must be conceded as likely. However, to some degree this can be prevented from happening if facilities at work sites and camp sites are made specially attractive. Alternatively, a dual Scheme—one part closer to the village with lower wages and another anywhere in the State at a higher wage—may be considered.

A 'Right to Work':

19. The National Front Government felt committed to its promise of a 'Right to Work' in its election manifesto. This, however, is dangerous ground. Any such promise will involve an unbearable burden on the State and a number of legal

complications. We would urge that priority must be given to removal of poverty and not to an assurance of a job to everyone across the board. The latter is not necessary for putting through an effective employment guarantee programme, in actual fact, the Employment Guarantee Scheme, especially in its revised version as indicated above, would in practice amount to the conferment of the *de facto* Right to Work on those who most need it. We should be satisfied with this much. And also as the new investment under the EGS fructify the general unemployment situation in the country would ease, as the Maharashtra experience seems to indicate.

Self-employment and wage employment (Conclusions—Recommendations)

20. We would like to conclude this section with a comparison of the relative merits of self-employment and wage employment (including guaranteed employment) to round off the discussion in this and the previous section:

- (a) Wage employment creates new assets ('capital formation') through use of labour which would otherwise remain idle and thus leads to further growth, whereas self-employment only results in creation of more consumer goods.
- (b) It is difficult to find many viable self-employment occupations of the cottage or rural industry-type (for this is what self-employment amounts to), in the prevailing situation characterised by technological change which makes survival of labour-intensive cottage establishments difficult. Further, in any local area it is difficult to come into possession of information as to what would sell. By contrast, assets produced by wage employment in public works do not have to face market competition.
- (c) It has to be remembered that a self employment programme has to be not merely viable, i.e., it has to cover its costs and yield some profit, but the total net gain must also be of a size which would bring the household above the poverty line. This condition is in fact more difficult to meet than the earlier one. By contrast wage employment means a quick crossing of the poverty line.
- (d) Self-employment programmes even when they satisfy the above two criteria, are of limited use to the large mass of poor, illiterate and unskilled workers because they need certain qualities of entrepreneurship and management in addition to the capacity to bear the risks of business which the poor, by definition, are unable to bear.
- (e) Implementation of self-employment pro-

grammes. The IRD programmes are a testimony to this. Wrong identification of beneficiaries, wrong choice of occupations, non-availability of necessary infrastructure, cumbersome procedures, leakages and corruption are frequent results. By comparison, wage-employment programmes are easier to implement and more leakage-proof. (They are 'self-targetting'. For example, only the really poor alone will take up, say, work on stone crushing.)

- (f) (i) Women seem to benefit more under wage employment than self-employment. Self-employment is, all said and done, home-based employment and, therefore, is likely to remain invisible and dominated by the male in the family. On the other hand wage employment is out-of-home employment, it attacks the 'inside-outside' dichotomy which has plagued women, gives them greater control over their earnings, raises their status at home and confers on them at least some power of decision-making.
- (ii) Women experience difficulty in obtaining credit for self-employment because of non-availability of security to offer since they have no assets which they can pledge. This question does not arise in the case of wage-employment. Secondly, in so far as entrepreneurial competence is concerned women lag behind men because of low levels of literacy and general awareness and exposure. By contrast a wage employment programme does not need any qualification except an ability to put in physical labour. Lastly, male biases are unlikely to operate to the disadvantage of women in so far as wage employment is concerned. "The biggest attraction of EGS to them (women) was that no obligation and favours were required to get EGS work"
- (g) Equality of wages for the same and similar kind of work can be effectively introduced in Government-run wage employment programmes (as in Maharashtra).
- (h) Under wage employment programmes there is a fixed wage for all seasons. This will reduce income variability and consequent uncertainty.
- (i) The considerable social advantages which arise in wage employment programmes which we have outlined earlier do not obtain where work is home-based.
- (j) We have already pointed out the variety of social action related to education, family planning, curbing alcoholism, etc.

that can be taken up at the work-cites (and at the camp sites if a revised EGS is visualised).

(k) Finally, a very important point is this:

- (i) Planning in this country, until now, has not been people-oriented. There has really been no will to solve the problem of the poor—as witness the growing poverty and unemployment in the wake of 'development', the almost total neglect of basic needs like drinking water, the callous disregard of primary education.
- (ii) It is the vested interests that have dominated the development process and hogged its benefits. Distribution of the fruits of planning is the arbitrary outcome of the tug-of-war between powerful groups. They are the capitalists, the landlords, the bureaucracy, the politicians, the stronger trade unions. All these belong to the so-called 'organised' areas of economic life. The sufferers in this process are the unorganised who cannot unite, articulate the common grievances and produce common action. Among these sufferers, the poor women, are the most unorganised and the most hit.
- (iii) Everyone in the country has an organisation, or a lobby, or a group except the poor. The development process cannot ultimately begin to be shaped in their favour unless they organise. The EGS for the first time offers an opportunity to do this. Workers on EGS, women included, can be a lobby of the poor. Most careful observers of EGS have seen this aspect as the most promising for the future of the country.

Recommendations :

- (i) A nation-wide programme of continuous guaranteed employment may be initiated by the Government. This employment should be available for manual, unskilled work to persons between the age-group of 15 and 59. It should be mandatory for workers to offer themselves for work anywhere within the boundary of the State to which they belong.
- (ii) Men and women workers should be offered equal wages for the same or similar work.

- (iii) Minimum facilities like good hutments, drinking water, first aid, health care, cretches, education for children etc., should be provided to the workers at camp sites.
- (iv) Works to be constructed should be mostly of the productive and labour-intensive type. They should be selected on the basis of strict economic and locational criteria and be integral parts of the broader State plans.
- (v) There is no necessity of a *de jure* Right to Work in so far as an effective employment guarantee is concerned.
- (vi) For various detailed regulations the Maharashtra Act may be found useful. However, those provisions of it which are inconsistent with No. 1 above, i.e., provisions which conflict with the assurance of continuous guaranteed employment may be deleted.
- (vii) Initially, the Guarantee should be applied to selected backward and drought-prone districts; other districts should be covered within a course of 3 to 4 years.
- (viii) Proper arrangements should be made for the maintenance of assets created under the programme.
- (ix) It is necessary to see that created assets are properly utilised by the community. Follow-up action in respect of these should be an essential part of the programme. For example, if an irrigation source has been developed and there is seepage or waterlogging as a result this has to be attended to; if a percolation tank has been constructed loans must be advanced to farmers in the command area for construction of wells, etc.

Women and Education :

21.1 Education is a important instrument for liberation of women and also for the general well-being and prosperity of the society at large. The positive impact of women's education can be seen as under:

- (i) A higher level of education means a higher age at marriage. This further results in less child bearing and less child care, in turn enabling women to enter the labour force in larger numbers.
- (ii) The higher the level of education, the higher is the awareness regarding family planning.
- (iii) Better prospects for employment.
- (iv) Directly bearing on material well-being is the effect of education on health—women's own and that of the others, particularly the children.

The relationship between educational level of the mother and infant mortality is shown below:

Education of mother	Infant mortality rate	
	Rural	Urban
1. Illiterate	132	81
2. Literate	90	53
3. Literate but below primary	105	59
4 Primary and above	64	49

(v) Makes women more aware of their role and status in society.

State of Women's Education :

21.2 Though the enrolment of girls as compared to that of boys has improved significantly from 24.61 of total enrolment in classes I to V in 1950-51 to 76.7% in 1984-85, the gap between girls and boys continues to cause concern. The girls' enrolment situation vis-a-vis total enrolment in the country in 1986 was as follows:

Classes	Percentage of girls
I to V	41.15
VI to VIII	35.44
(I to VIII)	(39.74)
IX to X	31.74
X to XII	30.81
(IX to XII)	(31.50)

If rural areas alone are considered the following picture emerges:

Classes	Percentage of girls
I to V	39.88
VI to VIII	32.04
(I to VIII)	(38.23)
IX to X	27.46
XI to XII	24.15
(IX to XII)	(26.92)

Enrolment can be looked at from another point of view—as percentage of school-goers to total population in the relevant age-group (Gross En-

rolment Ratio). Gross enrolment ratios for boys and girls in 1986 are as follows:

Classes	Boys	Girls
I to V (6 to 11 years)	106.42	79.98
VI to VIII (11 to 14 years)	60.61	35.57

Drop out rates for girls are higher than those for boys; in 1981-82 it was 55.5% at the primary stage and 77.7% at the middle school stage. Out of rural girls who entered class I in 1978, 85.7% did not reach class IX by 1986.

21.3 Literacy: The relative gap in male and female literacy has been decreasing over the years. According to 1981 census only 24.82% women were literate as compared to 46.89% men in India. There were wide variations from state to state with Rajasthan having 11.42% female literacy to Kerala having 65.73. Rural urban differences are striking. In urban areas the percentage of literate males was 45.83 as against that of females at 47.82. In rural areas male literacy percentage was 40.79 and female literacy was 17.96%. The situation of Scheduled Castes and Scheduled Tribes women is worse still. In 1981 literates among Scheduled Caste women were 10.93% and among Scheduled Tribes women 8.04% as compared to 29.51% among the rest of the female population.

21.4 In order to improve the capability of the educational system to cater to the needs of women, the following recommendations are made:

- (i) Compulsory and free elementary education for all children of the 6 to 14 age group. This will hit child labour. On the one hand this will mean a loss of income to poor families and on the other, a (temporary) loss in national income and (perhaps) a permanent loss in foreign exchange from some exportable commodities (such as carpets). Loss of children's employment and income arising from that will be made up by substitution of adult labour wherever it can be substituted and it can be substituted in most cases except (as in the carpet weaving industry) where what children can do, adults cannot. But such situations are not likely to be many. In some industries depending on child labour mechanization can be thought of. Diminishing poverty level through employment programmes will make children's contribution to family income less of a necessity.

- (ii) The compulsion need not come for all children immediately. There can be a phased programme spread over the next five years in which, stage by stage, all sectors in which children are employed can be covered. This will bring great benefit to children, who, freed from labour, domestic and paid, can have a real childhood and an exposure to education and learning processes which will make all the difference between ignorance and enlightenment.
- (iii) It goes without saying that outlay on elementary education which is a measly 1.04 per cent of the total plan outlay in the 7th plan must increase commensurately with its expansion.
- (iv) Expansion of educational facilities must be accompanied by upgradation of educational standards, more careful drafting of curricula, appropriate training for teachers and innovative teaching methods.

FAMILY PLANNING

Case for Fertility Control :

22.1 Frequent pregnancy, maternity, child-birth and associated child care take away a large chunk of the time of a women's active life. It is estimated that out of 30 years of reproductive life, the average Indian women spends 16 years in pregnancy and lactation. This process holds the women down to the home and obstructs her participation in the work force and the mainstream of national life. High fertility rates keep down the general standard of life of the family. Besides, this long ordeal takes away toll of the women's (and child's) health. Control on the number of pregnancies is thus crucial from the point of view of women's liberation. For a quicker exit out of poverty, it is necessary to hold fertility within very narrow limits.

22.2 All this shows that demographic behaviour is a complex of many, factors and there are no straightforward answers to many questions to guide the policy-makers. Nevertheless an attempt to intervene in the form of propagation of family planning methods and making the family planning means available for bringing down pregnancies, maternities and childbirths for the purpose of improving the social and health status of women and the economic condition of families does not seem to be ruled out on the basis of any theory if supplemented by other measures.

22.3 In this context two facts concerning the Indian situation need to be noted. One, if it is true that fall in child mortality and infant mortality leads to a greater motivation for family planning, a certain ground has been already covered in this respect. Infant mortality in India has fallen from 150 in 1965 to 99 in 1987. This fall in IMRs should satisfy us that quite a good deal of motivation for family planning now already exists; it only needs to be exploited more vigorously.

22.4 Secondly, as field experience shows there is no strong resistance to acceptance of family planning methods even among poor women. The proportion of effectively protected couples in 1987-88 was 39%; surely not all of these belong to the affluent classes. Secondly, it has been found that 60 per cent couples have attitudes favourable to family planning.

Policy and Performance :

22.5 The Sixth Five Year Plan adopted the long term goal of reducing the net reproduction rate to unity from the then existing 1.67 by 1995. The Sixth Plan targets and performance was as follows:

Programme	Target	Actuals
Sterlization	24 million couples	17 million
IUD insertions	7.9 million	7 million
C C users	11 million	9.31 million
Effective couple protection	36.6%	32%

22.6 The Seventh Plan laid down the following targets:

Effective couple protection	42
Crude birth rate	29.1
Crude death rate	10.4
Infant mortality rate	90
Immunization	Universal coverage
Ante-natal care	75%

22.7 It will be seen from the above that the goals set earlier in the 6th Plan for 1955 (i.e. net reproduction rate of 1, birth rate of 21, death rate of 9 and infant mortality rate of 60) are now postponed to 2000 A.D. Similarly the goal of 1200 million population for 2000 now becomes 1300 million. This means that the relentless growth of population makes our national goals recede further into the future.

22.8. In so far as the attack on birth rates is concerned the present policy is to lay special emphasis on the following elements in family welfare programmes: raising the status of women, female literacy, enhancing child survival, linkage with poverty alleviation programmes and old age security. Child survival rate will be increased through immunization, provision of effective maternity and child health services including ante-natal, pre-natal and post-natal care, breast-feeding of infants and nutrition, control of diarrhoeal diseases and health and nutrition education. Presently almost 75 per cent of protected couples are through sterilisation, but women in the younger age

group (15—29 years), whose fertility is very high do not go in for it and constitute only 20 per cent of protected couples. Contraception and spacing of children by women in this lower age group is of vital importance.

Financial Outlays and Expenditure :

22.9. If we consider total Government Expenditure the proportion spent on family welfare was 0.53 per cent during the Fifth Plan (1974-75 to 1978-79). For subsequent years the figures are as follows:

1979-80	. . . . .	0.42
1980-81	. . . . .	0.41
1982-83	. . . . .	0.61
1983-84	. . . . .	0.70
1984-85	. . . . .	0.64
1985-86	. . . . .	0.70
1986-87	. . . . .	0.69 (Provisional)
1987-88	. . . . .	0.69 (Allocation)

22.10. It goes without saying that these are pitifully meagre sums considering the magnitude of the problem and its crucial place in poverty eradication, improvement in women's health and in women's status.

Recommendations

22.11. In the light of the preceding discussion we would like to make the following recommendations:—

- (i) Sterilisation should continue but as we have seen above, their impact on birth rates is limited. Therefore every effort should be made to reach the more vulnerable section of married women in the younger and more fertile age group and this group can be reached only through reversible methods. However, such methods require a more personalised approach in the form of counselling, monitoring etc. The administrative set up will have to be oriented in this direction.
- (ii) The sterilisation programme mainly concentrates on women and this is rightly objected to by women's groups because of the side effects and discrimination involved. Efforts do need to be made to educate the males and bring about a change in their attitudes to accept vasectomy because it is a simpler and less expensive operation. However, we do not propose that female sterilization should be discouraged. What we would rather recommend is an improvement in surgical treatment and after-care so that tubectomies do not amount to an 'assault on women'. If proper care in this regard is taken the method

need not be opposed on the grounds purely of 'discrimination.'

- (iii) The legal age of marriage should be immediately raised to 20. Registration of marriages should be made compulsory. Deterrent penalties should be provided for cases of violation. More important is the enforcement of the law. (The indifference of the Government towards implementation was dramatically demonstrated only very recently when thousands of tiny children were married off on the Akhi Teej day in Rajasthan).
- (iv) The incentives and disincentives being deliberated upon in Government circles are welcome. In fact, we would prefer more substantial incentives and stricter disincentives.
- (v) The allocations to family planning, as noted earlier, have been paltry as compared to the challenge which population growth holds. There must be a substantial increase in them. However, the larger allocations should be geared to the improvement in the quality of the service rather than towards 'more of the same.'
- (vi) Finally a word about NGOs. We have formed an impression that women's organisation are generally lukewarm to family planning programmes. This is a great pity. We would rather expect that family planning should be high on their agenda (See our section on Non-Government Organisations).

PROBLEM OF DOMESTIC FUEL

23.1. Environmental deterioration resulting in shortage of fuelwood makes a serious impact on the lives of rural women. With decreasing villages commons and forests the supply of these items has gone down sharply. This naturally affects the poor landless families, who are most dependent on forests and village commons. 68.5 per cent of the rural energy supply to-day is met by firewood.

23.2. The total area under forests according to official statistics is 22.1 per cent much less than the prescribed 33 per cent. Due to pressure of human and animal population, illegal activities and ecologically unsound practices there has been continuous erosion of our forest cover and common prosperity resources (CPRs) causing hardships to rural poor women.

23.3. Shortage of fuelwood also induces the poor rural women to shift to less nutritious foods which need less fuel to cook or which can be eaten raw. It also forces them to eat partially cooked food or left overs.

23.4. Within a poor household the burden of deteriorating CPRs and decreasing access to them mainly falls on women and children who carry out the task of gathering fuel, fodder, food from the CPRs and the forests.

India's Forest Policies

23.5. After Independence, various policies were made by the Indian Government. The National Forest Policy, 1952, Indian Forest (Conservation) Act 1980 are among them. The Forest (Conservation) amendment Act was passed in 1988. In order to promote afforestation the Government established the National Wastelands Development Board (NWDB) in May, 1985. A new National Forest Policy was adopted in 1988. A new Technology Mission, the National Mission on Wastelands Development was launched in October, 1989. The target areas for the Mission are wastelands in forest areas, degraded pastures and public lands and private wastelands/drylandlands. The Eight Plan target of 17 million hectare, which is double the target of the Seventh plan envisages (i) regeneration of degraded forests—9 m.ha. (ii) greening of public lands—2 m.ha and (iii) farm forestry—6 m. ha. The overall goals of the Mission are: to check land degradation, to put wastelands to sustainable use, to increase biomass availability, specially fuelwood and fodder and restore ecological balance. A National Waste Management Council has been set up in March, 1990 to develop fuel substitutes from waste. Business Houses are to get 100 per cent tax exemption for donations to tribal groups or other NGOs for greening.

Recommendations

23.6. The following recommendations are made:

- (i) The first thing to do is to improve the management of the Forest Departments. Various critics have pointed out serious lapses in respect of some of the most elementary things—such as classification of forests. It is unbelievable that depletion of forests should not have been 'noticed' for a long time. Then there is widespread corruption which has to be rooted out.
- (ii) Granting of tree-pattas has been prohibited by the new amendment even for afforestation purposes. This will mean that a promising method of afforestation will be discouraged. We urge that the Amendment be reconsidered.
- (iii) Business houses should be encouraged to develop plantations on waste lands.
- (iv) Farm forestry on private lands should be encouraged through extension service and loan facilities with appropriate regulations regarding the types of species to be planted.
- (v) Restrictions on felling of trees on private lands have acted as strong deterrents to planting of trees. They have also led to a good deal of corruption and harassment. (The U.P. Government lifted the ban. The Minister for Forests said it is "likely to boost tree farming in this State as the farmers would now feel encouraged to grow trees to earn returns which (are) higher than those received from the normal crops.") We think that this is an irrational measure and should be scrapped.

- (vi) Forest-based industries should be encouraged to develop their own forests.
- (vii) Substitutes to wood should be found wherever possible—in fuel, in packaging, in building material, for manufacture of paper.
- (viii) Greater research attention needs to be given to development of wood substitutes and fast growing species.
- (ix) All non-essential uses of wood such as for furniture, should be totally banned.
- (x) Unused lands in the possession of Departments like Railways, Irrigation, Roads should be greened and the responsibility for planting and protection should be placed on the Departments themselves.
- (xi) Control on the growth of animal population and free grazing should be strictly exercised. Stall-feeding in appropriate cases should be propagated.
- (xii) There are several cases in recent years of successful private and NGO experiments in afforestation and horticulture. They should be documented, evaluated and the information widely disseminated.
- (xiii) Some Gram Panchayats (e.g., Deheri in Gujarat) have raised their own plantations on village common lands and created lucrative sources of revenue for themselves. Such examples should be highlighted and encouraged in every possible way.
- (xiv) We are skeptical about the success of direct community management of forests, either through the village Panchayats or through the Gram Sabha. Collective management has to face almost insoluble problems of proportionate division of work and benefits among participants. However, on-going experiments of this type should be subjected to expert evaluation and their results broadcast.

WOMEN AND HEALTH

24.1 Women face special problems of health. These arise from discrimination in feeding, biological vulnerability during reproductive period, effects of repeated pregnancies, etc. Death rates of women in the reproductive period exceed those of men in the corresponding period.

Sex differentials in death rates in India, 1980

	A	G	E			
	15—19	20—24	25—29	30—34	35—39	40—44
MALE	2.0	2.3	2.2	3.4	4.7	7.2
FEMALE	2.9	3.8	4.0	3.6	4.6	5.5

24.2. Greatest vulnerability of women is upto the age of 35 and India has one of the highest maternal mortality rates. A major cause of this high mortality of women is early marriage. In seven decades from 1901 to 1971 the average age at marriage had gone up by just 2 years (from 20.2 to 22.2 years) for males and 4 years (from 13.2 to 17.2 years) for females. Risks and obstetric complications are particularly high in early pregnancy (below 16 years of age).

24.3 There is no increase in food intake of women in keeping with higher requirements during pregnancy and lactation. In addition their domestic work (over-work) continues as usual. As a consequence nutritional anaemia is one of the major causes of rapid ageing and lower resistance among young women. This is a major cause of female mortality. Over-depletion of woman's body resources results also in a high degree of foetal wastage.

24.4. Induced abortion is probably the most widely used method of fertility regulation. Each year 40 to 70 per 1000 women in the reproductive age have an abortion. These abortions, many of them at untrained hands, result in disease and deaths.

24.5 Women have less access to health services because their health is a low priority. For every 3 men who avail of such facilities, only 1 woman does so.

Occupation-related health problems

24.6 A few examples of women's specific problems under this category may be given. Domestic workers have to use washing powders harmful to the skin. Dusting and cleaning affects their lungs. They have to clean toilets and basins with acid which causes severe burns. Working in water all the time they develop body aches, chills and cold. Among home-based workers (Chikan workers, beedi rollers, etc.) weak eyesight, spondylitis and TB are major complaints. Cooking fuel creates its own variety of health problems for housewives. Over 90 per cent households use wood, dung, crop residues as fuel. This causes heavy smoke and women are thus exposed to more pollutants than even industrial workers in extremely polluted environments. The capacity of women for sustained heavy physical work is lower than that of men; yet women are forced to do heavy and strenuous work. This causes special disorders in the case of women--in construction industry accidents take a heavy toll. Cement dust, plaster, asbestos, sand etc., cause various kinds of disorders.

24.7 In connection with women there are special psychological problems. Rape and harassment are universally feared. Nurses, auxiliary nurse-midwives (ANMs), community health workers—all fear sexual attacks from village politicians, doctors, wardboys and patients. Prostitution is one of the most sexually hazardous occupations. Extremely cruel methods of torture are used to break the girls'

initial resistance. They are beaten up and kept without food for days. All these pressures give rise to hypertension.

24.8 Most women experience active or passive discrimination at work-place. Then there is the harassment at home due to drunkard husbands.

Government and Health:

(a) Plan expenditure on health

24.9 On health, from the Third Plan onwards, expenditure has ranged between 1.8 per cent to 2.6 per cent of the total expenditure. In the Seventh Plan the total outlay was divided as follows: 81.4 per cent for economic services, 18.6 per cent for social services and health got only 1.9 per cent of the total.

(b) National Health Policy:

24.10 Health for all by 2000 A.D. is the goal accepted by the Government. Goals set by the National Health Policy are given at Annexure I.

(c) Health Services for Women:

25.1 Maternal and Child Health (MCH) services have been stressed since Independence. These services include ante-natal, partum and post-natal care, prophylaxis against nutritional anaemia among mothers and children, prophylaxis against blindness due to vitamin A deficiency, expanded programme of immunization covering pregnant women and health education under various specific programmes.

25.2 The other programme having relevance also for women and children is the Integrated Child Development Services (ICDS). One of its objectives is to "enhance the ability of mothers to provide proper care for their children." The Anganwadi, with an Anganwadi worker in each village is the centre for the delivery of services. ICDS is a joint programme which involves the efforts of Government of India, State Governments and several international agencies. Each non-tribal project covers 100 villages with a population of 100,000 and a tribal project covers about 50 villages and population of about 35,000, each headed by a Child Development Project Officer. About 17 per cent of the population would be below 6 years old and 20 per cent women in 15-44 age group:

Rural-Urban differences

25.3 Government's health care institutions are mostly concentrated in urban areas. Eighty-one per cent hospitals are in cities and only 19 per cent in rural areas whereas only 25 per cent people live in cities and 75 per cent in rural areas. This means that on an average in cities there is one Government health facility for every 17000 population or one for every 5 sq. km. area and in the villages there is one Government facility for every 25,000 population or one in every 140 Sq. Km. area. Expenditure from public funds (government and local bodies) provide Rs. 78 per city dweller but only Rs. 76 per villager on health and family welfare.

The facilities are too far, services inefficient and drugs inadequate in rural health units and dispensaries. The Bhore Committee (1946) recommendation for a 75 bedded Primary Health Unit with 6 doctors, 6 nurses, 6 midwives and 66 other para-medical and supporting staff for a population of 10,000 to 20,000 is still a far cry.

25.4 Of the facilities available to rural people, women have been less owing to a variety of factors. Long distances, loss of earnings, male biases—all go against the poor village women. Further, women generally complain less about their ailments than men; in fact it has been pointed out that they do not 'perceive' their illness as much as men do. (Poor men also perceive their illnesses less than rich men. In a survey in Jalgaon District, Maharashtra it was found that 13 per cent of the 'poor' reported that they fell ill in any given month as compared to 28 per cent among the rich).

25.5 The composition of the medical and health personnel in the country does not fit its needs especially those of women. There is greater need to provide basic health services through ANMs, nurses and lady health visitors and relatively less of doctors and specialists. However, in 1983 we had only 80,012 ANMs, 1,62,875 nurses and 2,68,712 doctors. The ratios come to 1 doctor for 2500 population, 1 nurse for 4442 population and 1 ANM to 9333 population.—And 70—80 per cent doctors and 90 per cent nurses work in urban areas while 80 per cent ANMs work in rural areas! In spite of this, we continue to train more doctors than nurses and ANMs. The 1981-82 figures are: 12,170 doctors, 8144 nurses and 5572 ANMs.

25.6 An estimate pointed out that if the short term objective of covering the whole country with basic health services is to be achieved we would need to train on an average 15,321 ANMs per year between 1981 and 1985, as compared to 5572 actually trained.

25.7 The revised Dais Training Programme and the Community Health Guide (CHG) Scheme are expected to improve the health delivery system in rural areas. However most village Panchayats have favoured the selection of male members... to the posts of village health workers.

25.8 Generally about maternal and child health (MCH) services it can be said that "despite detailed planning and the expansion of infrastructure and trained personnel (they) have had little impact on the health of women and children as demonstrated by the continuing high maternal, infant and child mortality and morbidity levels in India.

Health Non-Government Organisations :

26.1 Many NGOs have done remarkable and innovative work in the sphere of rural health. There are an estimated 9,500 such agencies in rural areas and half that number in cities, some of which deliver

health to the poor. The Ford Foundation has documented the experiences of a dozen of the best groups in a series of pamphlets titled *Anubhav*. NGOs in Jamkhed, Mandwa-Uran, Miraj and Pachod (Maharashtra), a voluntary scheme for plantation workers in Tamil Nadu, Karnataka and Kerala, the Child in Need Institute in Calcutta, SEWA—Rural in Gujarat—are some of the examples. The scheme for plantation workers has brought down the infant mortality rate from 119 in 1971 to 48 in 1984. SEWA—Rural has brought it down from 164 in 1980—1982 to 61 in barely 3 years.

26.2 The success of these groups is largely due to involvement of the community. They have roped in the services of village heads, retired school teachers etc. local dais and even housewives have been trained to perform such elementary but essential tasks as monitoring the weight-gain of infants.

26.3 However, these groups are small and work in small areas. Indeed, their efficiency varies inversely with their size. If they grow big they begin to face all the problems that Government schemes face.

Recommendations :

27. Apart from the inadequateness of the health services the preceding analyses has brought out several imbalances that characterise them. These are: rural — urban imbalance, imbalance within the medical and health personnel and their training, the imbalance within expenditures on various areas within the health budget, the imbalance in preventive, promotional and curative approaches with the last being preponderant, the imbalance between the private and public sector and finally the most important from our point of view — the imbalance in health delivery to males and females and also in their training as medical personnel. Our recommendations made against this background are as follows:

- (i) Basic health facilities in rural areas must be made universal. The model of such service proposed by the Bhore Committee is still relevant.
- (ii) Implementation of the above calls for a big hike in the meagre sums devoted to health and medicine today.
- (iii) Emphasis should shift from curative to preventive and promotive aspects of health with greater attention being given to sanitation, drinking water, nutrition, immunization, check on environmental pollution and health education of the public, especially women — which would cure 80% of illnesses.
- (iv) Emphasis on curative practice has led to excessive reliance on drugs. In India 10 to 20% of total health expenditure is on drugs compared to about 10% in Western industrialized countries. And the drug market has been showing a number of

vicious tendencies like production of hazardous drugs. Production of the same drugs under different brand names of several manufacturers at prices training no relation to costs, adulteration of drugs etc. and on the other hand there is a perennial shortage of essential and lifesaving drugs. All these distortions have to be corrected and unethical practices both of manufacturers and practitioners have to be curbed with a firm hand.

- (v) There exist many simple and low-cost remedies used by indigenous systems of medicine, homeopathy and village and tribal folk. Research into and propagation of these is necessary.
- (vi) As pointed out by Sharmshakti, health problems of women and especially their occupational health problems particularly in the unorganised sector, have remained neglected by Research institutions. The latter generally seem to be oriented to the needs of the urban and elite classes. This orientation has to change in favour of the health needs of the common woman and the common man.
- (vii) Similarly, medical education, in large part, lacks relevance to the health needs of the country. There is greater stress on specializations and superspecializations to the neglect of general and simple needs. This imbalance needs to be corrected.
- (viii) In respect of rural health services, particular emphasis needs to be given to the strengthening of MCH services. Special medical establishments for women and children where they would get a better deal may be considered in this context.
- (ix) In the Section on 'Guaranteed Wage Employment' we have advocated the adoption of a nationwide Employment Guarantee Scheme with a mobile workforce. If it is adopted a new and challenging task will face the medical and health delivery system to provide basic services at the camp-sites. This should be planned in advance.
- (x) In another Section we deal with male alcoholism. The spread of this evil has attracted little research and Government attention. There are several physiological and psychological problems associated with addiction and pose a challenge to health research and action. We urge immediate consideration of them.
- (xi) The significant work done by NGOs in the health sphere should be documented, translated into major languages and widely publicised. Their innovative methods should be studied and adopted by Government organisations.

- (xii) Health services have their limitations. Basic health problems arise from poverty. Therefore, income generation and all the other core areas which we have chosen for our study need to be addressed simultaneously.

DRINKING WATER ETC.

28.1 Fetching water for domestic use has been customarily the work of women who spend long and strenuous hours drawing and carrying it. The strain gives rise to a number of physical disorders as well. Procuring water is also an important obstacle in the way of obtaining gainful employment and thus breaking the domestic barrier. The problem of water for domestic use is getting worse and is grim in many parts of the country.

28.2 The problem is not merely that of the quantum of water but also that of its quality. Insanitary and polluted water is considered to be the cause of deaths particularly of the children in the age group of 1-5. Most of the acute diseases affecting Indian society are water-borne such as diarrhoea, amoebic dysentery, cholera, typhoid and infective hepatitis (jaundice). It is estimated that 73 million work-days are lost every year due to water-related diseases. Protected water supply covers only 33% of rural population and sanitation through latrines only 2%. A National Technology Mission on drinking water was set up in 1987.

28.3 A number of tasks done by women are strenuous, time consuming and/or affect health. Examples are: cooking with wood or cowdung as fuel, drawing water, carrying it, grinding corn etc. In these areas there are problems of posture, of tools used, of environment and of health which have received a low research and action priority. The information on research done in this area needs to be pooled, tested and propagated. The research must be financed on a larger scale.

Recommendations :

28.4 The following recommendations are made:

- (i) The basic problem is that of water conservation, development and rational distribution of existing water resources. This needs a total view and comprehensive planning. Domestic use of water, on any reasonable consideration, should get the highest priority; however our topsy-turvy planning allows sugar-cane growers to use enormous quantities of water while keeping millions of people thirsty. This has to be set right.
- (ii) As of today there is no control on use of ground water resources. Competitive drilling and digging has led to increasing recession of the water table. Legislation to check this is necessary.

- (iii) From the point of view of development and conservation of water resources, watershed development must be given a high priority, taking into consideration human, cattle and agricultural demands on the watershed.
- (iv) Once a water source is created the responsibility for its maintenance must be placed on a specific authority. In this endeavour help should be taken of NGOs where they are available; in the alternative, efforts should be made to involve village women in this task through formal or informal organisations.
- (v) We urge greater research attention to the drudgery. Women have to undergo in domestic and non-domestic work and to the development of technical aids to ease or eliminate it. Existing information should also be pooled and tested. Viable technologies should be propagated through extension.

TACKLING MALE ALCOHOLISM

29.1 Any one who has any acquaintance at all with rural areas (and city slums) cannot miss the pervasive evil that is consumption of alcohol. It has grown manifold over the recent period. From 1976 to 1986 liquor production in the country rose from 160 million litres to 330 million litres. Turnover of just one Company — United Breweries (Mac Dowell) is said to increase by 10 per cent per year.

29.2 In families where men are addicts, in income terms they may be above the poverty line, but the quality of life that they live is so wretched that the conditions are worse than those of pure poverty. General disharmony, violence (especially directed towards women), women's greater work-burden as a result of drain on family resources, under-nutrition, neglect of children, crime — in short the lowest that life can reach — is the fate of such families. Women have the worst of it. Therefore, we consider that male alcoholism is one of the basic issues in so far as the well-being of women is concerned.

29.3 Drunkenness is more common among communities, castes and economic classes which live a poor and degraded life. Those who are the victims of social indignities and inhuman treatment — such as untouchables or the ex-criminal tribes — seem to take to liquor easily and become confirmed alcoholics and their alcoholism becomes one long calamity for the family. No deep knowledge of psychology is needed to see why this should happen given inequities, injustices and frustrations of the existing social arrangements.

Recommendations :

30. It is necessary for the Governments to realise that considering the seriousness of the problem,

especially in the context of the poor and the women and children, a sensible policy needs to be evolved. Some of the ingredients of such a policy are indicated below in the form of recommendations.

- (i) Looking upon consumption of intoxicating substances as a source of revenue must stop. Taxation of such substances should be 'sumptuary', i.e., of a kind which limits consumption.
- (ii) Illicit distillation must be rooted out with a firm hand, again, not merely because the Government loses revenue but because such manufacture has no quality control and can become a serious health hazard, as numerous tragedies have shown.
- (iii) The enforcement machinery for the above will have to be toned up and corruption which created a vested interest of the law enforcing authorities in continuance and spread of the evil, must be eradicated.
- (iv) There are several instances where if the access of people to drink is made difficult, addiction has been seen to go down markedly. From this point of view restriction on manufacture and sale of hard liquors, non-expansion and, in fact, reduction in the number of retail outlets, increase in the number of dry days or periods, ban on sale of liquor on pay-days are some of the methods which should be vigorously pursued.
- (v) The existing policies in States to assist voluntary agencies in their efforts to curb the drink habit must take into consideration the important role women can play in this matter and special efforts must be made to set up women's groups to fight alcoholism. Existing Mahila Mandals may be fruitfully oriented in this direction.
- (vi) A comprehensive study of the state of alcoholism in the country and evaluation of Government policies is overdue. We strongly urge that such an assessment be undertaken.

OTHER PROPOSED MEASURES

Introduction :

31.1 In the earlier section of this Part we have recommended policies regarding what we consider to be the 'basic' issues. However, there are numerous other measures proposed by several Working Groups/Committees/Commissions etc. From the Committee on Status of Women in India (1974) to the National Perspective Plan for Women (1988), it is time to bring them under review. We do not propose to go into a detailed study of all these but would rather concentrate on the more salient demands. Although, in the following, we make reference to other literature our chief attention will be focussed on the *Report of the Commission on Self Employed Women and Women in the Informal*

Sector published under the title *Shramshakti*. This is for three reasons. One, *Shramshakti*, is the latest major study on female labour. Two, it is close to our concern because its subject matter runs parallel to ours. Three, it is possible to say that *Shramshakti*, is in a sense, representative of the demands of a large number of women's groups.

31.2 The important policy recommendations culled from the concerned documents can be grouped as follows:

- (i) Protection of women's existing employment.
- (ii) Expansion of women's employment
- (iii) Improvement in earnings and working conditions of women.
- (iv) Administrative arrangements for the above.

31.3 First, we state the more important recommendations of the *Shramshakti* under each group. Later, we discuss them from several angles including general economic consequences, employment effects, feasibility, etc.

I. Protection of women's existing employment :

(a) Restrictions on large industry and new technology :

- (1) "... directives should be issued to all sector, that no further reduction in the level of employment of women will be permitted."
- (2) "Projects which result in displacement of women should not be issued business licences...."
- (3) "...Expansion of large scale industries should not result into erosion of employment opportunities of women in the traditional sector."
- (4) "Bamboo should not be given to paper industry."
- (5) "...It is necessary to provide in the law that any reduction in the female work force of any establishment by way of retrenchments should have the prior permission of a prescribed authority.... This must apply to all establishments irrespective of its nature and size in terms of employment".
- (6) "All technologies which are labour-displacing must be rejected a *priori*".
- (7) "All technologies which are likely to take over tasks currently performed by women... and therefore, likely to displace, them, must be placed under women's control."

(b) Subsidies etc. :

- (8) "Those enterprises which compete with the organised sector can survive only with Government protection and subsidy.. "

(9) "Piece-rate workers should be encouraged to do their own account work by providing package of incentives like helping them to acquire raw material at reasonable prices, capital input at low rates of interest and marketing...providing workplace and space to market their products."

(10) "...artisans should have the first claim to the raw materials at reasonable prices."

(c) Reservation of markets

(11) "...the Government itself can provide marketing facilities to women as it makes extensive purchase of goods produced by women."

II. Expansion of women's Employment :

(a) Reservations etc. :

- (12) "The Commission is not in favour of making reservations for women."
- (13) There should be minimum 15 per cent reservations in ITI's Apprentice Schemes, TRYSEM, with relaxation of educational qualifications for 10 years to make up for past neglect.
- (14) Extend scope of reservations in credit, work-place, scarce commodities, raw materials, marketing etc.
- (15) There should be women agricultural extension workers.
- (16) Efforts should be made to provide employment to at least 25 per cent of the female population by the end of the Sixth Plan.
- (17) There should be a higher rate of investment in women-preferred industries.
- (18) Fifty per cent funds should flow to women; in no case less than 30 per cent.
- (19) Female relatives should have a claim on the job from which a women has retired.
- (20) There should be an allocation of non-divertible funds to women in every sectoral plan.
- (21) There should be a 'special component' approach with earmarked resources for women.

(b) Concessions, Relaxation of Rules etc.

- (22) Provision should be made for part-time employment to women.
- (23) Maximum age of entry into jobs for women should be 35 years to encourage married women who have not been able to take up employment to fulfil child-bearing responsibilities.
- (24) For women who are already in employment, special leave without pay upto maximum five years be granted so that they can devote their time to maternity and child bearing and re-enter employment.

(c) **Support Services :**

- (25) Creches and child care facilities should be extensively provided.
- (26) The problems regarding fuel and drinking water should be tackled to reduce the domestic work burden of women.

III. **Earnings, working conditions, etc. :**(a) **Earnings, monetary benefits etc.**

- (27) Minimum wages should apply to anyone who works.
- (28) "Where wages are fixed and paid on piece rates, there must inevitably be a fall-back wage which may be, say, 75 per cent of the time-rate wage and this wage must be paid to the women worker even if the output is low for the reason that raw materials were not supplied or for any other reason beyond the control of the worker".
- (29) "A related concept would be the payment of retaining allowance to workers during off-season (and) periods of inactivity in an intermittent type of employment...."
- (30) In respect of home based workers....the employer is saved from incurring not merely expenses relating to setting up a factory, installing equipment but also expenses for supervision and control. We recommend, therefore, that a premium of 25 per cent of the notified wages..(be) paid to compensate for this."
- (31) Section 26 of the Minimum Wages Act which exempts Governments from offering minimum wages etc., should be deleted.
- (32) Domestic workers need "legal protection for better wages, fair and strictly adhered to terms of employment (hours of work, leave, etc.) and social security benefits, provision of proper living quarters, including low cost hostels for single women—strictly enforced educational and recreational facilities for children..."
- (33) Abolish contract and piece-rate labour.
- (34) Extend coverage of Maternity Benefits Act to all working women in the unorganised sector.
- (35) Maternity benefits should not be confined to three confinements. "The emphasis on a small family norm will, in our view, be better served by improved maternity and child by reducing infant mortality and improving the health of mother and children result in small families."
- (36) "The existing practice in some states of providing maternity benefits to women agricultural labour...will only have to be extended to cover all adult women."

- (37) "The Commission (Shramshakti) is of the view that there should be a social security scheme for all the artisans so that when they stop working, they have some financial security to live on."

- (38) The Workmen's Compensation Act, 1923, excludes casual workers; it should apply to all. Its coverage must be universal. Burden of proof in regard to accident should be on the employer. In the case of death or disability, the compensation for women should be 25 per cent more than for males because loss of a women is also of housekeeping functions.

- (39) All jobs in the public sector should be made permanent.

- (40) In order to dispense with the system of contract labour the Government should "gradually take over the function of recruitment and registration of workers.

- (41) In order to increase incomes in the traditional sector, technology should be upgraded.

(b) **Working Conditions :**

- (42) There are several problems connected with the health of workers at the workplaces.

- (43) There are postural problems (such as in chikan and zari work, bidi and paperbags making etc.), problems connected with repetitious movements and problems related to work-action (such as tying, stitching, banging, lifting, bending etc.) and problems of exhaustion due to long hours of work problems connected with mental health (as in cases of sexual harassment and oppression, rape, prostitution, etc.)

- (43) In the first place many of these problems need to be researched into and appropriate improvements introduced. Medical and health facilities in addition to first aid must be provided at work places.

- (44) Certain health problems are work-environment related (such as absence of sufficient light, ventilation, space, latrines etc). Proper facilities in respect of these must be **provided**.

- (45) The more serious problems relate to handling of or contact with hazardous materials, gases, dust, (such as tobacco dust, silica-dust in slate pencil making) etc. In respect of these, information regarding health hazard must be provided to workers, warning systems erected, protective equipment given.

IV **Administrative arrangements :**

- (46) In order that all the above and much more does happen there is a necessity of mechanisms which look after enforcement. Thus,

several administrative measures are suggested.

- (47) Laws should be precisely framed so that time-consuming legal battles do not ensue.
- (48) Law enforcement machinery must be strengthened, its scope enlarged, penalties for offences must be made more stiff.
- (49) Implementation, in necessary cases, should be handed over to Tripartite Boards consisting of representatives of employers, Government and employees with women properly represented among the latter. Women's organisations should be given the powers of inspection over implementation of laws, filing complaints, etc.
- (50) There should be a constant review for making some offences cognisable.
- (51) There should be a separate wing in the Labour Department for dealing with problems of unorganised labour. Thirty per cent functionaries in the Department should be women.
- (52) There should be women's representatives on minimum wage boards.
- (53) There should be a monitoring cell in every Government agency, starting with the Planning Commission, with proper representation of women.
- (54) There should be a Development Commissioner for women at the State level.
- (55) There should be District Co-ordination Officer in each District to look after working women's interests.
- (56) There should be a special Labour Commissioner for women labourers.

A Critique :

32. We do not comment separately on each of the above recommendations. Only a few broad observations are made.

- 1.1 Modern technology generally goes with a large size of establishment. Such industries are also highly capital-intensive which means that their employment-creating potential is limited as compared to that of small sized home or cottage industries.
- 1.2 Shramshakti, therefore, is in favour of the small-sized, low capital-intensive sector and either proposes a ban on the further expansion of large scale industries and technologies which displace (particularly female) labour or at least tries to make the technological transition more difficult and conditional.
- 1.3 Our position is that from the long run point of view it is only productivity growth that can ensure eradication of poverty and increasingly decent standards of life for the

common man. And productivity growth is tied up with technological progress.

- 1.4 There is no doubt that technological change hurts women more than men. Since women are generally engaged in manual or low skill jobs their operations are ordinarily the first to be mechanised. Secondly, they generally lack the educational qualifications or capabilities to handle the more technologically oriented jobs with the result that their re-absorption at a higher level becomes difficult. Lastly, when it is the question of protecting employment, trade unions, male-dominated as they are not particularly keen to protect women's employment.
- 1.5. And yet we feel that a halt to technological progress for the reason given above, would be unwise. We would only say that to the extent possible, female employees should be trained for the new jobs which follow in the wake of mechanization.
2. Shramshakti is conscious that most establishments in the unorganised sector would be unviable; that is why it asks for subsidies, open or concealed, on the cost of every kind of input and the price of output. This is also the reason why it asks for captive markets. Such measures can have only a short-term meaning, a kind of 'holding operation' and they cannot be a permanent feature of the economy.
- 3.1 There are three kinds of reservations proposed for women. One, reservations in individual jobs; two, reservation in the aggregate sense (e.g., 25 per cent of the total female population by a certain date), and three, reservation of funds to be employed in women-preferred industries.
- 3.2 The principles of 'compensatory discrimination' is well accepted now. Reservations would, therefore, be necessary considering the bias against women employees shown by employers. But a blanket reservation of a certain percentage in every industry would be unrealistic. Availability of female candidates would differ from industry to industry it would be necessary to ask for a different percentage reservation appropriate to each one. The quotas could be revised from time to time.
- 3.3 Two things, however, must be kept in mind so far as reservations are concerned. One, although originally envisaged to be temporary, they have a habit of persisting. Their use, therefore, must be resorted to for a strictly short period of time. Second, the talk of reservation for women will be, in fact it has already been, followed by demand for quotas for sub-categories of women such as Scheduled Caste, Scheduled Tribes, Other Backward Classes, etc.

These complications must be taken into account when thinking about reservations.

3.4 Allocation of funds to women-preferred industries needs to be objected to on two counts. One, this introduces a totally extraneous criterion in the allocation of resources. Two and more important, it tends to perpetuate the existing unfair sexual division of labour.

4.1 We would not ordinarily favour relaxation of qualifications for jobs in order to accommodate women. The real answer here is education for women. But there are two proposals for relaxation of rules which we would strongly endorse. These are: The maximum age of entry into jobs for women should be raised so that they can have done with child-bearing responsibilities by that time. However, we would recommend that the maximum age of entry should be 30 rather than 35 so that women are encouraged to keep the family small. Second, special leave for 3 to 4 (rather than 5) years should be granted to women for maternity and child rearing.

5.1 Laws regarding minimum wages, social security, welfare, safety, working conditions etc., in so far as the unorganised sector is considered will remain on paper. They cannot be enforced there. In this context the difficulty has been well brought out by *Shramshakti* itself as under:

“An important feature of the various labour laws is the existence of employer-employee relations and the consequent need to define an employer and employee. This is for the reason that for the purpose of employment and provision of benefit, the law places the responsibility on the employer who for that purpose will have to be identified precisely. But in respect of the large mass of women workers in the unorganised sector, either the employer keeps on changing frequently as in the agricultural or construction work, where assured employment for a minimum number of days in the year itself is in doubt, or there is no direct relationship with the ultimate employer as in the case of occupations where the only point of contact for the workmen is only a lower level intermediary... be it in beedi rolling or agarbatti making in the homes, or construction work. In addition we have the large mass of “self-employed women” who are supposed to be their own employer’s...”

5.2 In such a situation it is no use suggesting that the enforcement machinery should be strengthened or that the task should be taken over by tripartite boards because the machinery itself will be faced with the problem of identification.

5.3 Further, assuming that these laws are enforced the next question is about their consequences. Minimum wages, maternity benefits, provi-

sions of creches, fall-back wages, retaining allowances, premium for compensating the costs of equipment and supervision etc., provision of living quarters to domestic servants, provision of creches, provision of transport facilities—all these would increase the costs of employers, especially if they employ women and the effect would clearly be their displacement, a result which is the exact opposite of what is desired.

5.4 The most effective way to ensure higher wages, better working conditions and other amenities and benefits is to increase the bargaining power of women; and this can increase only when demand for their work rises. Thus, programmes of wage employment, especially of the guarantee type, will indirectly but effectively achieve the desired results than any direct intervention, so long as the basic imbalance between supply and demand of labour is not corrected, any number of laws or any number of enforcement officers will be of no help.

5.5 The contract labour system is a useful device in occupations, such as constructions, where the work is not continuous, nor is it located at one place. At the same time this system by blurring the employer-employee relationship makes it impossible to apply any labour legislation. The suggestion, therefore, has been made that the Government dispense with the contract system and gradually take up the function of recruitment and registration of workers. In addition to being administratively unfeasible the measure has the blemish of being a breeding ground for corruption. It is also a moot point whether this kind of Governmentalization and bureaucratization of the labour market would be a healthy development for a free society.

5.6 There is no question that the safety and good health of the workers at the workplace should be the responsibility of the employer. However, ensuring these is possible only in the organised sector.

6. Most of the administrative reforms suggested are useful and must be adopted. It must be remembered however, that their effectiveness will be confined mostly to the organised sector.

7. About maternity benefits we are strongly of the view that the existing rule should remain; in fact instead of three confinements only two should be laid down as deserving of benefits in the interest of the small family norm.

8. The practicability of following recommendations seems doubtful to us; fall-back wage, retaining allowance, premium for home-based workers. (See (28) above) protection to domestic workers, maternity benefits to all women, social security for artisans, all jobs to be made permanent, etc.

33. Summing up this discussion we would say the following:

It is only in the organised sector that labour laws can be implemented with some measure of success. In the case of the unorganised sector, they are likely to be as good as non-existent even if they are enacted. Yet, many of the recommendations we have considered in this chapter are aimed at protecting a sector whose labour would remain unprotected. This is a basic contradiction. If we wish to aim at a working class which has a decent standard of life and humane conditions of work the transition will have to be from the informal to the formal sector. This will have to be the general direction of economic development barring a few exceptions which would favour the small, informal and self-employment sector. And the short term measures will have to be such as do not come in the way of this long-run development.

NON-GOVERNMENT ORGANISATIONS AND WOMEN

I. The Voluntary Sector :

34.1 A striking phenomenon of recent years is the growth of the 'voluntary sector'. It has covered many areas of life from welfare work to media and research. Particularly significant from our point of view are the groups concerned with rural development. What could be their role in regard to problems that we have discussed? There is no rigorous all-India study of this sector. The following observations are based on fragmentary evidence and personal impressions.

34.2 Most of the women's groups are located in urban areas and seem to be engaged in conscientization and awareness building. They have frequently raised their voices against grosser forms of violence and oppression. Most political parties have women's wings but they lack independent initiative. Male organisations generally are interested in women's mobilization to the extent they are useful for their own particular ends. The Shetkari Sanghatana in Maharashtra, seemed to take a big step forward by organising two conventions of rural women and demanding equal rights, but whether the momentum will last and whether rural women will assert their own point of view against male domination, remains to be seen.

34.3 Grassroots organisations in the rural areas are few and far between. What we have are Mahila Mandals generally doing welfare work. There are few who can be considered capable of handling problems of development and income-generation.

34.4 This is not surprising. The ethos in the rural areas is such that any activity of women outside the house is frowned upon. Mobilisation of these women has to be generally done by urban middle class activists. Moreover, rural women are generally illiterate, over-worked and without any means. They lack cohesion because of caste and class differences. Under these circumstances it is very difficult for really live organisations of women coming up in sufficiently large

numbers. Considering the obvious constraints on women activists settling in rural areas, it looks as if for sometime to come general NGOs will have to be relied on to solve rural women's problems.

34.5 There are some examples of women's organisations having achieved remarkable success—SEWA in Gujarat, W.W.F. in Tamilnadu are the important names in this context. Similar but less well-known organisation also exist (such as 'Shanti Dan' in our Case Study No. 3). Their central thrust is on making credit available to self-employed women. There is no doubt that this helps to a certain extent. However, it is questionable whether, given the small resource base of the self-employed and the difficulties in finding markets for their products, how many of them can really cross the poverty line. We have, in an earlier section, already drawn attention to the limitations of the self-employed sector.

34.6 It has been felt that a marriage between the bureaucracy and the NGOs will do the trick. Certain experiments along this line have been mooted since the beginning of the 7th Five Year Plan.

34.7 Government-NGO collaboration is a new development and its performance has yet to be evaluated. The WDP experiment in Rajasthan, described in our case study No. 4 shows that the two partners have yet to settle down into an easy relationship. The new 'Mahila Samakhya' set up on the same lines as WDP in U.P., Gujarat and Karnataka as well as the WDP have shown that in one respect they have certainly been successful. As a result of mobilisation and organisation, women have become conscious of their rights and have begun to fight against injustices that particularly bear upon them. We can say that a heightened degree of awareness is something that has been achieved by the WDP and the Mahila Samakhya. But where do they go from here?

34.8 Our study of the WDP brings out one ideological blind spot from which some women's NGOs suffer. They are not prepared to go beyond organisational and agitational work. The expectation that women's groups will pressurise and bend Government machinery of development towards themselves has not been fulfilled because the NGOs look upon activities of economic benefit as not very proper for revolutionary clan. This is in spite of the fact that local women are demanding economic programmes. Our case study finds that women NGOs are also indifferent to family planning programmes.

II A Desired Orientation :

35.1 We have already drawn attention to the problems connected with self-employment. We have also indicated areas where self-employment may have a chance. Such areas are very few. In spite of this most Mahila Mandals and other NGOs usually think along lines of self-employment when it is the question of giving the poor (including poor women) gainful employment. Generally they fail. Realising that wage employment is the only effective answer to unemployment and poverty eradication, thoughts of

NGOs must turn to what they can do in this matter. One area is to agitate for an EGS in States where it does not exist.

35.2 Where, such as in Maharashtra, the EGS exists, a two-fold action on the part of NGOs is called for. As shown earlier the Maharashtra Scheme, even conceptually, is in no sense an ideal one. Pressure, therefore, needs to be exerted to get it revised along lines earlier indicated. Second, NGOs can help in making the EGS in whatever form it exists, more effective in implementation.

35.3 Workers, men and women, collecting at work sites of the wage employment programmes can become a national lobby for the poor—a force which is conspicuous by its absence today, if the NGOs make wage employment their principal concern, they will also free themselves from the necessity of a number of irritating and time-consuming tasks associated with running development projects and more important, will not need large resources and consequently their dependence on funding agencies will cease. NGOs really can come into their own when they tackle wider issues—like casteism, untouchability, ignorance, superstition, alcoholism, gambling and other vices, propagation of family planning etc.—at work sites and work camps as well as in villages. If NGOs adopt the new perspective, a wide area would open up for useful action.

35.4 Work connected with women's rights and fight against severe injustices done to women will have to continue so long as their subordination continues. However, the only point we wish to make is that this need not and should not be the exclusive concern of all organisations of women. And finally, constructive activity and militancy on specific issues need not be antagonistic to each other.

CONCLUDING OBSERVATIONS

36. At the end of this Part of the Report it would be proper to round off the discussion with a few concluding observations.

(i) We have singled out some core elements in the context of female labour and framed our recommendations around them. These elements are — employment, education, fertility control, health, fuel, drinking water and restraining male alcoholism. We have proposed a simultaneous attack on all these problems. We believe that such an attack alone will make for an early release from poverty and women's bondage.

(ii) But this is only a beginning. These ideas must be given a more concrete shape by calculating their costs and by spelling out their implications for planning and the general process of development. In other words what the situation demands is an alternative Plan Frame which keeps poverty and women at the centre. We have not attempted this larger task.

(iii) We must point out, however, that the task is important. Poverty removal has been made to appear a central issue in our country over the past few years but instead of the whole fabric of planning being woven around a few critical elements that would undermine poverty what we have been proffered is a (changing) set of 'anti-poverty' programmes appended to mainstream planning which is growth-oriented. Thus, poverty eradication has been peripheral to planning rather than forming its core. This criticism of planning in our country has been voiced on several occasions. However, no reasonably carefully worked out alternative has as yet emerged. We must urge that this task needs to be undertaken on an urgent basis.

(iv) Even this is not enough; in fact this only amounts to half the story. The other half is the building up of a poor people's lobby around this theme. We have already made a few observations in this regard in the context of the NGOs.

(v) Finally, we would like to clear one possible misconception about our approach in the Report and meet one possible criticism.

(vi) In so far as our set of principal recommendations is concerned it may be felt that our emphasis is on poverty removal and that when one talks of poverty removal one assumes a family centred approach neglecting the intra-family differences which heavily bear on women. In other words our package has more to do with poverty as a social problem than with the problem of women.

(vii) One way of answering the above objection is to say that even if gender discrimination continues women would be better off in a situation of non-poverty than of poverty.

(viii) Another is to say that since women bear the brunt of poverty its removal will benefit them more than the men.

(ix) But a more important answer is that general poverty removal can also become the beginning of women's emancipation.

(x) However, what we have proposed is not merely a poverty-removal package in the narrow sense. If that were so we could have stopped at the discussion of employment and income-generating programmes. In point of fact, we have gone much beyond them and the other measures suggested by us simultaneously benefit the whole population and prepare the background for women's release from bondage. The role, especially in this context, of education should not be minimised. The

minimum formal education that we have advocated will enable women to more efficiently absorb informal educational remove, influences around them and will expose them to modern thought concerning human rights whose logical extension is the emancipation of women.

- (xi) The likely criticism may run on the following line: We take for granted the existing 'system' and do not question its foundations; the woman's problem and the poverty problem generally, will not be solved unless the 'system' is changed; therefore, our recommendations amount to 'tinkering', 'palliatives'; what is worse, our general thrust amounts to supporting and perpetuating the existing unjust scheme of things.
- (xii) In answer it must be said that the Marxist alternative, never very promising in theory, has also now demonstrated its futility in practice. The Socialist countries, which enslaved whole populations, cannot have made women free. (Glasnost is now revealing the misery that was the lot of working women in Soviet Russia). Failing Socialism what alternative do we have?
- (xiii) The new thinking on the scene is that of some of the Environmentalists. It is the product of the threat held out by fast depleting non-renewable sources of energy,

ecological degradation and increasing pollution. It challenges the very value system on which both capitalism and socialism are based. It advocates a world-view attuned to ecological balance.

- (xiv) Shorn of much of the mysticism and mythology that accompanies it, the new view amounts, in its bare essentials, to limitation of wants, small and self-sufficient communities, primitive techniques. It is reminiscent of the thinking of early opponents of industrialism who harked back to an imagined arcadia of yore. That arcadia is also supposed to confer greater freedom on women — how, one does not know. It is more an emotional, and somewhat panicky reaction to the threats named above and not a systematically worked-out social philosophy. Therefore, literature in this vein has not yielded any new paradigm.
- (xv) We are therefore constrained to go by what we have. We do presuppose the existence and continuance of the existing system with its property relations, its quest for more goods and services, its stress on technological advance. However, we do visualise and ask for interventions at critical points so that the outcome is a more humane world in which women enjoy their rights equally with men.

PART II—CHILD LABOUR

INTRODUCTION

1.1. That children are the 'future citizens of the country' is a well-worn phrase, so well-worn as to have ceased to make an impact on our mind. And yet it contains a perennial and a most profound truth. In a sense all parents live for their children such is the natural love and concern for them. In addition to the hope that children symbolise they are a source of pleasure when they are seen to develop their faculties in a free and healthy atmosphere. And yet circumstances force this flower of the earth, in millions over millions, to begin drudgery at a tender age, sometimes when they are barely out of their swaddling clothes, bereft of play and the elevating influence of education, to lead a miserable and, many times, a short life. There can be no crueller sight in the world than that of overworked children earning a pittance to supplement the meagre resource of their parents, inhaling dusts and poisonous gases, sitting in body-deforming positions, being subjected to accidents some of which can be fatal, running errands in dangerous conditions, being lured irreversibly into crime or vice and on the whole denied the chance to develop into cheerful, able and responsible adults.

1.2. Working children lose not only education but also all that we associate with playful, free and happy childhood. Further, in some occupations, they are overworked and are exposed to serious health hazards and accidents. Sexual abuse is a common occurrence. The environment around workplaces easily leads them into vice and crime. Another aspect of the tragedy is that children work so long as they are children and then they are thrown out on the streets as soon as they have outlived their special utility to the employers. Those of them who emerge from the rigorous of work in a reasonably fit state are often found to be incapable of any other job.

1.3. As the global dimensions of this problem, especially in the third world, became apparent the conscience of the world woke up to the horror and at the international level its cognisance began to be taken. According to Article 32 of the United Nations Convention on the Rights of the Child (November 1989) the parties must "recognise 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, moral or social development". India, too, has made her own efforts in the direction of eradicating and controlling this evil.

1.4. It shall be our objective in this study to indicate the dimensions and characteristics of this problem; study the policies and measures taken so far to ameliorate it and suggest the course of future action. 'Child' or 'children' in this Report should be understood to mean "person or persons who has/have not completed the 14th year of age".

CHILD LABOUR: A STATISTICAL PROFILE

Total Child workers

2.1. According to the 1981 Census there was a total child population (0 to 14 years of age) of 26 million in the country. Of these 13.6 million (including 2.4 million manual workers) were estimated to be child labourers, 'labour' in this context being understood to mean 'productive work' only. The percentage of child labourers to total child population thus comes to 5.2. However, very young children cannot work. It would, therefore, be proper to exclude the children belonging to the age group of 0 to 4 from the count. In the age group of 5 to 14 there were 180 million children. Out of them the 13.6 million workers come to 7.6 per cent.

2.2. The N.S.S. estimates of child labour in India for the years 1972-73, 1977-78 and 1988 are given below.

(Age group 5 to 14; figures in millions)

Year	RURAL			URBAN			Grand Total
	Male	Female	Total	Male	Female	Total	
1972-1973	8.66	6.38	15.04	0.85	0.44	1.29	16.33
1977-1978	8.84	5.34	14.68	0.99	0.58	1.57	16.25
1983	9.34	6.23	15.57	1.13	0.86	1.79	17.36

2.3 Thus, the N.S.S. estimates are higher than those of the Census. Further, for 1985, the N.S.S. estimates child labour population at 17.58 million.

2.4 The operational Research Group, Baroda in 1985 put the figure at a staggering 44.3 million. The Bandhua Mukti Morcha estimates 100 million as the number of working children.

2.5 It will be seen from the above that estimates vary, sometimes widely. This is because it is difficult to identify 'workers', especially in the unorganised sector in which most children work. Even within the organised sector cent per cent accuracy cannot be guaranteed. Thus, the real extent of child labour in India cannot be known at the present moment. However, it should be noted that generally the official estimates i.e., those of the Census and the N.S.S. are considered to be 'conservative'.

Rural-urban break-up:

2.6 The proportion of workers among rural children is higher than among urban children. According to the 1971 Census the work participation rate of children (0-14) was 5.3 for rural areas as compared to 1.82 for urban areas. According to the 1981 census the WFPR for children (5-14) was 9.0 for rural areas and 2.6 for urban areas.

2.7 The N.S.S. also shows greater child labour in rural areas than in urban areas, although its estimates are higher than those of the census for both categories. For 1977-1978 N.S.S. estimated 3 WFPR for rural and 5.3 WFPR for urban areas.

Female break up:

2.8 The WFPRs for female children are less than those for male children. This is true for both the rural and urban areas.

2.9 The 1981 census estimates are: For all areas the male WFPR is 8.7 per cent and female WFPR 6.4 per cent. For rural areas the male WFPR is 10.1 per cent and female WFPR 7.8 per cent. For urban areas the male WFPR is 3.7 per cent and female WFPR is 1.5 per cent.

2.10 The N.S.S. estimates for 1977-78 also show larger WFPRs for male children.

All Areas	Male	12.9
	Female	10.3
Rural	Male	14.4
	Female	11.6
Urban	Male	6.1
	Female	4.4

2.11 Female WFPR in rural areas rose from 3.05 to 3.53 and in urban areas from 0.82 to 0.88 from 1971 to 1981. Male WFPR declined from 7.56 to 6.30 in rural areas and from 2.75 to 2.64 in urban areas.

2.12 It should be noted that just as in the case of the work of women workers generally, the work of female child labourers is also likely to have been underestimated.

Occupational distribution:

2.13 According to Survey on Infant and Child Mortality 78.45 per cent of child workers (below 15 years) worked as 'farmers, fishermen, hunters, loggers and related workers'. The next category, 13.04 per cent, was that of 'production and related workers, transport equipment operators and labourers.'

Child workers as proportion of total workers, industry-wise:

2.14 If we look at child workers as a proportion of total workers in each industrial category, the position in 1981 was as follows:

Cultivators	5.05%
Agricultural labourers	8.98%
Livestock, forestry, fishing, etc.	14.21%
Mining and quarrying	2.30%
Manufacturing, processing, servicing and repairs :	
(a) Household industry	5.76%
(b) Other industry	3.22%
Construction	2.42%
Trade and commerce	1.86%
Transport, storage and communications	0.58%
Other services	1.76%

State-wise child labour situation

2.15 The following information is based on Survey of Infant and Child Mortality, 1970-1983

- (i) If we consider work force participation rates from 6% and above as 'high', the States of Karnataka, M.P., Orissa, Rajasthan, Tamilnadu and Andhra Pradesh show a high proportion of male child labour. The remaining States belong to the 'low' category. The happiest state, according to this source, is Punjab where there is no male child labour.
- (ii) In so far as female child labour is concerned, the States on the 'high' side are: Himachal Pradesh, Rajasthan and Andhra Pradesh. The rest are on the 'low' side. The lowest again, is Punjab with a WFPR of below 0.5%.
- (iii) If we cast a glance at the rural-urban division the high concentration of male child labour in rural areas is found in

Jammu and Kashmir, Karnataka, Orissa, Madhya Pradesh, Rajasthan, Tamilnadu and Andhra Pradesh. Rural female child labour shows a high concentration in Himachal Pradesh, Madhya Pradesh, Tamilnadu, Rajasthan and Andhra Pradesh.

- (iv) Broadly speaking we could say on the basis of this survey that in so far as child labour is concerned, Punjab is at the lowest end of the spectrum while Andhra Pradesh is at the highest.

Specific occupations and regions of their concentration:

2.16 The following table shows the fields of work and areas of major concentration of child workers in India.

Some occupations where children work	Areas of major concentration
Fish peeling	Kerala
Match industry	Tamil nadu
Food grain smuggling	West Bengal
Brick making	Uttar Pradesh
Sari embroidery	Delhi & Uttar Pradesh
Bædi making	Maharashtra and M.P.
Glass works	Uttar Pradesh
Diamond polishing	Gujarat and Andhra Pradesh
Plantation and Tailor aides	Tamilnadu
Newspaper selling	All over the country
Domestic servants	All over the country
Book binding	All over the country
Shoe shining	All over the country
Handloom	All over the country

Source: ICCW New Bulletin, Vol. 30 (2) February 1982 (Cited in Operational Research Group, *Working Children in India*, Baroda, 1983, p. 54)

Working children and schooling

2.17 An analysis of the figures of the 1981 census reveals the following picture of the schooling

of the working and non-working children (5—14 years):

Category of children	Attending school	Not attending school
<i>Main workers</i>	0.6%	99.4%
Male	0.6%	99.4%
Female	0.2%	99.8%
<i>Marginal workers</i>		
Male	33.3%	66.7%
Female	4.0%	96.0%
<i>Non-workers</i>		
Male	57.5%	42.5%
Female	37.5%	62.5%

2.18 The above table shows that most 'main workers' among children, both boys and girls almost totally deprived of schooling. The situation is a little better for male children among 'marginal workers'. For girls in that category it is not much better.

Bonded child labour :

2.19 There are some stray estimates of bonded child labourers. A survey by Gandhi Peace Foundation said that the total number of bonded labourers in the country was about 26.17 lakhs and that about 26% of them were of an age below 20 years.

CONDITIONS IN WHICH SOME CHILDREN WORK

3.1 We shall now look into some specific occupations which fall into the 'hazardous' category to get a glimpse of the conditions in which children are sometimes forced to work.

3.2 The 1983 Employment of Children's Act contained a list of what were deemed 'hazardous occupations'. The 1986 Child Labour Act added but one occupation to the list in the repealed 1983 Act. It must be noted, however, that many other occupations not listed can also be directly or indirectly hazardous to children.

Intrinsically hazardous occupations :

3.3 In such occupations due to the very nature of the work the child's health and well-being is at risk. Not listed in the Act but justly classifiable as intrinsically hazardous occupations are the glass making industry and the mining industry. In the former, children have nobody protection if an accident

occurs while carrying molten glass from the furnaces to the workers; nor from the fragments of glass covering the factory floors. Consequently, children incur burns and lacerations to their bodies. It is noted in the latter that children are used in trenches and mines which are too narrow for adults and these jobs may have the specific risk of siliosis and of infections transmitted from rats and mice.

Occupations that are hazardous to health through the environment and conditions of work :

3.4 Hazards of this sort are due to the blatant neglect on the part of the employer, precautionary measures are not undertaken and an unwillingness by employers to improve conditions exists. A rise in the cost of production is to be avoided even at the cost of human suffering and death. For example, children working in their own or their employer's home usually work in small, dark and ill-ventilated surroundings. Eyesight can be irreparably damaged in the gem polishing, diamond cutting and carpet weaving industries when carried out under these conditions. Also in the carpet industry, the position of sitting is the cause of spinal problems and postural deformities.

3.5 The piece rate system of pay adds undue stress to a child worker who is forced to work beyond his/her physical capability.

Hazards arising due to child vulnerability :

3.6 There are some occupations that may not be hazardous for adults but do become hazardous for a child due to the "context in which children have to operate."

3.7 In the domestic sphere, in *dhaba* work or even in selling newspapers children are at the mercy of their employer and subjects of sexual and physical abuse. In their innocence children can be easily led into the underworld—gambling, pimping, prostitution, peddling drugs. Most children working in these occupations usually live on the premises or outside on the street. Their being available twenty-four hours a day allows them to be exposed to an increased workload and more easily exploited sexually and physically.

Wages and Conditions of work :

3.8 We now describe the wages and conditions of work of children in a few industries on which studies are available.

(a) Diamond Industry of Surat :

3.9 These units employ about 12 lakh workers out of which about 15 per cent are children. They work for 12 to 14 hours a day. They work in ill-ventilated and badly lit premises and suffer from eye strain, headaches, tuberculosis, skin diseases and

urinary infections. They get piece wages @ Rs. 1.75 to Rs. 3.50 per piece and their average daily earning comes to Rs. 15 to Rs. 25/-.

(b) Carpet industry of Mirzapur :

3.10 This information is based on 2 surveys. According to one survey 41 per cent of workers in this industry are under 14 years of age. Of the children interviewed in Palamau 48 per cent received no wages. They received only food. Others received Rs. 1.50 per day. These children suffer from eye problems, skin allergies due to chemical dye compounds, filaria, asthma, tuberculosis, enlarged lymph glands, swollen finger joints, crippling arthritis of the knee, skeletal deformities and mechanical injuries. The second survey revealed that out of 1294 workers in Mirzapur 137 in Varanasi and 94 in Allahabad district 45.5 per cent received between Rs. 3 to Rs. 5 per day; 24 per cent received Rs. 6 to Rs. 8 per day, 18.6 per cent received Rs. 9 to Rs. 10 per day and only 7.6 received more than Rs. 10/- per day.

(c) Glass Industry in Firozabad :

3.11 Children workers in this industry worked for 8 hours a day. Their wages were as follows: Rs. 8 to Rs. 10/- per day for making bangles. They were paid piece rates of Rs. 12 to Rs. 13 for bangle cutting and Rs. 15 to Rs. 17/- for glass blowing.

3.12 These children were exposed to 1300 degree heat resulting in anaemia, retardation of growth, muscle cramps, fatigue, respiratory ailments and worst cancer. They also suffered from eye ailments due to continuous heat and glare, laceration from glass fragments, nasal ulceration and perforation of the nasal septum arising out of alkaline dusts of soda and potash. They also suffered from scrotal carcinoma because of exposure to skin irritants as well as fuel oils used in the firing process.

(d) The Match and Fire-Works Factories of Sivakasi :

3.13 These factories employ approximately one lakh workers out of which 50 per cent are under 15 years of age. Some of them work in small cottage units in their own villages. Others are transported to the factory. The first group works for about 12 hours a day and the second group has to spend additional three hours travelling. The work is carried out in cramped environment without adequate ventilation. They are paid on a piece rate basis which brings them Rs. 2/- to Rs. 7/- per day. These children have to work with a range of hazardous chemicals. They breathe dust from chemical powders and strong vapours.

(e) Beedi Workers in Orissa :

3.14 In the Beedi industry of Orissa 16.4 per cent of all the workers are children and they have to work for 8 to 10 hours a day. They earn a meagre

sum of Rs. 4 to Rs. 6 per day. The ailments they suffer from are headaches, stomach trouble, skin diseases, rheumatic problems and possibly tuberculosis.

(f) Balloon factories of Dahanu in Maharashtra :

3.15 Children working in these factories work for 9 hours a day for 6 days a week. Work is carried out in small, poorly ventilated rooms. These children are involved in mixing of rubber and chemicals, colouring the balloons, testing each balloon with gas etc. The effects on health include pneumonia, bronchitis and pneumatic cough, breathlessness and in extreme cases heart failure.

(g) The lock industry of Aligarh :

3.16 This industry employs 10,000 children who work with hand presses, buffing machines, spray paint units and electro-plating workshops. Workers working in the polishing sections suffer from tuberculosis and diseases of the upper respiratory tract. Those who work in the electroplating units suffer from breathlessness, asthma and acute headaches.

(h) Powerloom industry of Bhivandi in Maharashtra :

3.17 These units employ about 15,000 children. Inhalation of cotton dust and fibre may lead to byssinosis which may further cause bronchitis or tuberculosis.

(i) Brassware industry of Moradabad :

3.18 These units are estimated to have employed about 24,000 children in 1980. Child workers in the polishing units inhale large quantities of metal dust which might cause tuberculosis.

(j) Markapur Slate industry of Andhra Pradesh:

3.19 It is estimated that out of 2000 children workers in this industry 100 work in mines, 200 in registered factories and 1700 in registered commercial establishments. Most children belong to the age group of 7 to 14 and 70 per cent are girls. Child workers in mines work from 6 a.m. to 1 p.m. and those working in factories work from 8 a.m. to 5 p.m. They are paid at piece rates which bring them about Rs. 5/- per day.

(k) Jaipur Gem Stone Industry :

3.20 Estimated number of children working in this industry ranges from 10,000 to 15,000, 65 per cent of them are under 12 years of age. The children are engaged mainly in polishing work and mainly boys are employed. They work from 8 a.m. to 6 p.m. In the beginning the child may not be paid anything for a year or so. Some wage is given later but it is only after the child is 14 or 15 years old that it starts earning about Rs. 20 per month.

(l) Open Slate Mines and factories in Mandsaur, U.P.

3.21 There are no reliable statistics pertaining to children employed in this sector. It is estimated that about 230 children work in the factories and 270 in the mines. The children are mostly girls. The workers are paid on piece rate basis and earn about Rs. 15 per day. They suffer from silicosis.

3.22 In addition to the above specifically 'hazardous' occupations we quote below the results of child labour studies in some other occupations.

(m) Child workers in Eluru District of Andhra Pradesh :

3.23 A study by Jaya Rao presents the following information:

- (i) In foundries, smithies and auto repairing units children work for about 10 hours a day. Fresh workers earn only Rs. 1.50 to Rs. 2.2 per day. With six months' experience they begin to get Rs. 5 per day. Children working in brick making, tile making, road construction, building construction etc., generally work with their parents and have to work for about 10 hours a day.
- (ii) In cigar making about 7000 children work in 150 units. They work for 10 hours a day and earn about Rs. 1.50 to Rs. 2/- per day.

(n) Agricultural Child Workers :

3.24 We have case study from Faridkot of 180 children workers in agriculture. The findings of this study are as follows: 54.4 per cent of these children started work when they were between 6 to 8 years of age and 35 per cent started work between 9 and 11 years. Their work hours were about 10 hours per day on an average not including work at home. Boys contributed from Rs. 800 to Rs. 2400 per annum to their families and girls about Rs. 600. Only 53.3 per cent of the boys were permanent agricultural labourers while the rest were casual labourers. The percentage of casual workers was 88.8 for girls. Another case study is that of Eluru (Andhra Pradesh) where sugarcane workers work from 6 a.m. to 2 p.m. and others from 9 a.m. to 6 p.m. with one hour's lunch break. They get about Rs. 8/- per day.

CAUSES OF CHILD LABOUR

4.1 Looked at from the supply side poverty seems to be the principal cause of child labour. A feeling against this was voiced in a Workshop on Child Labour held by NGOs in New Delhi. There it was stated that poverty alone cannot be a reason for perpetuation of an unjust system and that the employer has a vested interest in the perpetuation of

child labour because children are subservient and an exploitable commodity. One view is that there are only two alternatives for children—either work or attend school and they work because schooling is either not encouraged by parents or that it is unavailable or unattractive to children. There is a third possibility—not all children who are unemployed due to non-availability of jobs, would necessarily go to school, if facilities do not exist, as is often the case. Also plausibly no parents would expose their children to exploitation, if they can help it.

4.2 Further, not all child labour is wage labour; in fact children in poor farmer or artisan families are also 'exploited' and exploited by none other than their parents. The reason for this is their poverty.

4.3 This does not mean that there are no other factors behind child labour, such as lack of motivation for education of children among parents, uninviting school environments and curricula etc. But we are inclined to consider their role as marginal.

4.4 Of course, there is the demand side which need not be ignored. On the whole employers find child labour more useful and cheap as compared to adult labour in certain occupations. Children are usually preferred because of their agility, dexterity (of fingers) and their short stature and their tender age allows them to be more easily trained in certain intricate skills. Secondly, children have no bargaining power. The employer finds it easy to control, manipulate, admonish and neglect children more easily.

EVOLUTION OF LEGISLATION AND POLICY

Legislation:

5.1 The first law to contain provisions in respect of child labour was the Indian Factories Act of 1881 which laid down the minimum age of employment at 7. From that time onwards successive pieces of legislation, having some provision or the other in respect of child labour, like the Mines Act (1901), the Indian Ports (Amendment) Act (1931), Tea District Emigrant Labour Act (1932), the Minimum Wages Act (1948), the Plantation Labour Act (1951), the Merchant Shipping Act (1958), the Motor Transport Workers Act (1961), the Apprentices Act (1961), the Atomic Energy Act (1962), the Beedi and Cigar Workers (Conditions of Employment) Act (1966), the Shops and Establishment Acts of various States and periodical amendments to many of these, have been put on the statute book. Then there have been two Acts exclusively addressed to child labour. These are the Children (Pledging of Labour) Act (1933) and the Employment of Children Act (1938).

5.2 Without going into a detailed chronological history of these enactments we may broadly say

that the progress of Legislation has been generally in the following direction:

- (i) Prohibition of child labour in certain hazardous employments.
- (ii) Raising of minimum age of employment in permitted occupations.
- (iii) Reduction in working hours.
- (iv) Prohibition of night employment of children.
- (v) Providing for periods of rest.
- (vi) Providing for weekly holidays.
- (vii) Prohibition of bonded child labour (pledging).
- (viii) Requiring medical examinations and certificates of fitness.

5.3 The position until 1936 in respect of child labour can be summarised as follows. The definition of 'child' was not uniform in all the Acts; but if a 'child' is defined as one who has not completed 14 years of age, the employment of children was prohibited in the following occupations and processes.

1. Apprentices (The Apprentices Act, 1961).
2. Beedi & Cigar making (The Beedi & Cigar Workers Act, 1966).
3. 'Factories' as defined in the Factories Act (Factories Act, 1948).
4. Mines (The Mines Act, 1952).
5. Merchant Shipping (The Merchant Shipping Act, 1968).
6. Motor Transport (The Motor Transport Workers Act, 1961).
7. Atomic Energy (The Atomic Energy Act, 1962).
8. Shops and Establishments (some State Acts only, because others have less than 14 as the minimum age).
9. Railways (The Employment of Children Act, 1938).
10. Ports (The Employment of Children's Act, 1938).
11. Beedi making (The Employment of Children's Act, 1938).
12. Carpet Weaving (The Employment of Children's Act, 1938).
13. Cement manufacture (The Employment of Children's Act, 1938).
14. Cloth printing, dyeing and weaving (The Employment of Children's Act, 1938).

15. Manufacture of matches, explosives and fireworks (The Employment of Children's Act, 1938).
16. Mica-cutting and splitting (The Employment of Children's Act, 1938).
17. Shellac manufacture (The Employment of Children's Act, 1938).
18. Soap manufacture (The Employment of Children's Act, 1938).
19. Tanning (The Employment of Children's Act, 1938).
20. Wool cleaning (The Employment of Children's Act, 1938).

5.4 The Gurupadaswami Committee on Child Labour (1979) observed as under:

"...we must make a distinction between child labour and exploitation of child labour. Both are a problem though of different orders... "...labour becomes an absolute evil in the case of the child when he is required to work beyond his physical capacity, when hours of work interfere with his education, recreation and rest, when his wages are not commensurate with the quantum of the work done and when the occupation he is engaged in endangers his health and safety; i.e., when he is exploited. As the problem of child labour cannot be understood apart from the standpoint of human values, its extent as a social evil can be determined only by methods of qualitative analysis the jobs they are engaged in, the dangers they are exposed to the desirable opportunities they are deprived of by reason of their being gainfully employed. The Committee would like to underline this basic aspect as all future action really depends on how intensively the existing occupations in which children are employed are studied and the remedial action determined thereafter..."

5.5 Thus the thrust is unmistakably in the direction of selecting particularly exploitative and hazardous occupations and banning child labour in them after 'intensive study'. The important recommendations of the Gurupadaswami Committee were:

- (a) While not making any recommendations for inclusion of any new occupations into the 'prohibited' category, it recommended 'more studies' for information and data about working children and their working conditions.
- (b) Constitution of Advisory Boards at Central and State levels for constant surveillance, investigative studies, and surveys and review of implementation of laws,

- (c) The minimum age of entry into any employment should be 15 and existing laws to be modified for this purpose.
- (d) Existing laws relating to prohibition and regulation of employment of children should be consolidated into a single comprehensive one.
- (e) Concerted step should be taken within five years to achieve the objective of providing minimum educational qualification, say eighth standard or equivalent, for entry into any regulated employment.
- (f) Strengthening of existing enforcement machinery and stricter penalties.
- (g) Costs-benefit analysis of removal of all children below 15 years from the labour market should be worked out.
- (h) Employers be made to provide educational facilities to children.
- (i) Supplementary nutrition should be provided by employers to working children.

Government accepted the recommendations at (a), (b), (e) (without the time limit), (f), (g) and (i), did not accept the recommendations at (c) and (d) on the ground that 'the time is not ripe' and at (h) as unfeasible. The other general recommendations of the Committee accepted pertained to stricter enforcement of the Minimum Wages Act for adult workers, increasing educational facilities for children and making education more relevant, setting up creches and childcare centres, prescribing medical examination, providing recreational and library facilities etc.

Child Labour Act, 1986

6.1 In 1986, the Government of India enacted a new law. This was the Child Labour (Prohibition and Regulation) Act which repealed the 1938 Employment of Children Act. Since this legislation came after the Report of the Gurupadaswami Committee recommending a 'single comprehensive law' it was expected that it would bring some order into the chaos of earlier legislation. However, despite its title, it did nothing of the kind. It amounted to only a slight improvement over the 1938 Act, as we shall see below:

6.2 The 1986 Act prohibits employment of children under 14 years of age in occupations designated as hazardous, namely in railway transport, works and catering; and in ports as well as in workshops carrying on processes of brick making; carpet weaving; cement manufacture (including bagging of cement); cloth printing, dyeing and weaving; manufacture of matches, explosives and fireworks; mica-cutting and splitting; shellac manufacture; soap manufacture; tanning; wool cleaning; and building and construction industry, the last being an addition to the 1938 Act. The prohibition applies to only wage labour and does not apply to any workshop wherein any process is carried on by the occupier with the aid of his family or to any school established by or receiving assistance or recognition from the Govern-

ment. The Act reduces the minimum age from 15 to 14 in Merchant Shipping Act, 1958, and Motor Transport Workers Act, 1961, raises the minimum age from 12 to 14 in Plantation Labour Act, 1951, the minimum age being already 14 in the Factories Act, 1948 and the Mines Act, 1952. In occupation where children are permitted to work, it regulates conditions of work, namely, hours and period of work, weekly holiday, registration of child worker with the local Inspector, maintenance of register with details of child workers, health and safety provisions etc. Penalties have been made more stringent than in the 1938 Act, with fines ranging from Rs. 10,000 to Rs. 20,000 as well as imprisonment from 3 months to 1 year. The Child Labour Technical Advisory Committee may be constituted to advise on additions to prohibited occupations and processes.

6.3 The position which emerges after the 1986 Act is :

- (i) Children under 14 are prohibited from working in certain occupations and in the rest of the occupations their work is now 'regulated' in respect of hours of work, rest, holidays, etc. It should be noted that not all hazardous occupations are prohibited for child labour. The Gurupadaswamy Committee itself had pointed to agricultural operations using machinery, pesticides, fertilizers, etc. as possible employments deserving prohibition; but they remain outside the prohibited category. The only consolation is that now there is a Technical Advisory Committee to suggest inclusion of new occupations into the banned category.
- (ii) Prohibition applies only to wage work of children as pointed out earlier. This means that only a small fraction of total child labour is protected even from hazardous occupations.
- (iii) When children working in the family occupations are excluded from prohibition this omission serves as a loop-hole to employers who pass off working children as members of the family.
- (iv) An important deficiency of legislation is that no minimum age has been set for children in permitted occupations.
- (v) Nor does existing legislation by and large, require the employer to provide educational facilities to children.
- (vi) Add to the above the usual difficulties of enforcement of the legislation about which we shall say something later.

6.4 It would thus appear from the above discussion that over the years apart from gradually enlarging the list of prohibited occupations under several separate pieces of legislation nothing very radical has been done to remedy the situation of child labour in the country. The law has been effective only in the sphere of organised industry. For example the employment of children has shown a generally dwindling proportion in the total factory employment. In 1892, 5.96 per cent of total employment in factories

was that of children; in 1976 it was only 0.07 per cent. The Gurupadaswamy Committee, therefore, said that the problem 'has lost its poignancy', in the organised sector. But all said and done this amounts to nothing more than the fringe of the total problem.

Government Policy towards Children and Child Labour :

7.1 The Constitution of India recognises the need for granting special protection to children. The relevant provisions contained in Fundamental Rights and Directive Principles of State Policy are as under :

- (i) Article 15 clause (3) saves the validity of laws making special provisions for women and children; such action cannot be challenged on the ground of discrimination.
- (ii) Article 24 provides that no child below the age of 14 years shall be employed to work in any factory or mine, or engaged in any other hazardous employment. (Articles 15 and 24 are in Part III of the Constitution—Fundamental Rights)
- (iii) Article 39 contained in the Directive Principles (Part IV of the Constitution) states : “(a) that . . . the tender age of children . . . not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age and strength. (b) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.”
- (iv) Article 45 directs the State to make an endeavour to provide within a period of ten years from the commencement of the Constitution, for free and compulsory education for all children until they complete the age of fourteen years.
- (v) Article 47 requires the State to raise the level of nutrition and the standard of living of its people.

National Policy on Child Labour

7.2 The National Policy on Child Labour, 1987, has emerged from the National Policy for Children Resolution, adopted in August 1974 which envisages as under :

“ . . . set out a policy framework and measures aimed at providing adequate services for children. These were to form a prominent part of the nation's plan for development of human resources. Free and compulsory education for all children upto the age of 14, provisions of health and nutritional programmes and services, providing alternative forms of education for children unable to take full advantage of formal school education for whatever reasons . . . and measures for protecting children against neglect, cruelty and exploitation form part of the National Policy for Children. The Policy

also provides, as one of its objectives, that no child under the age of 14 years shall be permitted to be engaged in hazardous occupations or to be made to undertake heavy work."

7.3 The National Policy document considers the 1986 Act as a 'culmination' of the process of consideration that Government has been giving to this problem. It makes its thrust clear in the following words. "Both in enacting the legislation and thereafter in proceeding to lay down the policy and the outline of the policy and the outline of the programme of action, Government have had to keep in mind the economic and social aspects of child labour in the country. For example, with substantial portions of Gross Domestic Product (GDP) coming from the agricultural sector, from rural industries or from artisans' workshops, or from small scale services *often children work as essential part of a farm household, or as part of the working family assisting parents in ancillary tasks.* In such working activities by children in farm and field, in artisan households or in small family centred trade or service establishment *children most often acquire the skills which enable them to become fullfledged workers in family households, family establishments or trades.* While work of such kinds has its problems, *it is more essential at the present stage of our national development to concentrate on those sectors or establishments where children are deployed on wage or quasi-wage employment outside the family, where there is most likely to arise exploitation in whatever form it may be.* (Emphasis supplied)"

7.4 Stress of Government policy is thus clearly on tackling the most obnoxious situations rather than the whole area of child labour.

7.5 For the rest the National Policy is content that various anti-poverty programmes, health policy, educational policy, training programmes and social services will remove poverty and thus eradicate the root cause of child labour.

7.6 This is the background of thinking against which the policy document outlines an 'action plan' under the following heads: Legislative, general development programmes for benefitting child labour and project-based action.

(i) Legislative Action Plan :

1. A Child Labour Technical Advisory Committee has been set up to advise the Central Government on addition of occupations and processes to the Schedule contained in the Child Labour (Prohibition and Regulation) Act, 1986.
2. Enforcement of provisions of the Child Labour and other Acts pertaining to child labour will be made stricter.
3. The Minimum Wages Act will be amended so as to delete the provisions allowing different wages to adults, adolescents and children in order to remove the incentive for employing child labour.

(ii) General Development Programme :

7.7 The idea is to focus programmes of education, health, nutrition, Integrated Child Development and the anti-poverty group of programmes so as to benefit child labour.

7.8 In so far as educational programmes are concerned non-formal education centres will be set up for working children. Such centres would aim to educate children upto class V level with arrangements for continuance of non-formal education upto class VIII level wherever possible. Child labourers are expected to attend classes 'after work or during holidays'.

7.9 For child labourers belonging to SC/ST families special incentives/assistance will be given for children coming from families of scavengers, flayers, tanners, etc. Scholarships will be extended.

7.10 In so far as health programmes are concerned the Ministry of Health and Family Welfare will address the State Governments, recommending that intensive medical inspection of children be taken up in those areas where child labour is prevalent. The State Governments will also be persuaded to extend the coverage of school health services to child labour. In respect of nutrition, proposals from State Governments or voluntary agencies for extension of ICDS to child labour will be entertained.

7.11 The anti-poverty programmes like IRDP, NREP, RLEGP cover families below the poverty line and to the extent that families to which child labourers belong happen to be such families they would automatically be benefitted.

(iii) Projects and Programmes

(a) Project-based Plan of Action

7.12 In 1987 the Ministry of Labour set out a project-based plan of action that would directly tackle child labour in those occupations where its incidence was high or where the health effects on the child were most severe or fatal. The industries for which projects were designed include :

1. The match industry of Sivakasi, Tamilnadu.
2. The precious stone polishing industry in Jaipur, Rajasthan.
3. The slate industry in Mandasaur, Madhya Pradesh.
4. The slate industry in Markapur, Andhra Pradesh.
5. The handmade carpet industry in Mirzapur-Bhadohi, Uttar Pradesh.
6. The glass industry in Firozabad, U.P.
7. The lock-making industry in Aligarh, U.P.
8. The brassware industry in Moradabad, U.P.
9. The handmade carpet industry in Jammu & Kashmir.
10. The diamond polishing industry in Surat, Gujarat.

7.13 Of these industries, two are such where child labour is prohibited according to the 1986 Child Labour Act. These are the carpet industries of Jammu-Kashmir and Mirzapur-Bhodohi in U.P. and the match industry.

7.14 The long term goal of the projects is the elimination of child labour and the protection and enhancement of the child's well-being. Immediate objectives are to significantly reduce the prevalence of child labour in each of the industries and secondly to improve the "health, nutritional status, working conditions, literacy and skill level of the child workers" involved in each of the projects.

7.15 While each project has special features specific to the area, industry and related needs the general strategy as outlined by the Ministry of Labour comprised the following elements:

- (i) Stepping up the enforcement of the child labour (Prohibition and Regulation) Act, the Factories Act and the Mines Act. If necessary, special enforcement staff will be created for the purpose.
- (ii) Coverage of families of child labour under the income employment generating programmes under the overall aegis of anti-poverty programmes (i. e. IRDP, NREP, RLEGP, etc.)
- (iii) Where there is a concentration of SC/ST families with child labour, a concentration of Special Component and Tribal Sub-plans by the State Governments in each project area.
- (iv) Formal/non-formal education of ultimately all child labour engaged in hazardous employment and of as many child labourers as possible in the non-hazardous employments. Also a stepped-up programme of adult education of the parents of the working children.
- (v) Co-ordinating the activities of different Departments/Ministries of the Central Government and State Governments to benefit child labour.
- (vi) Setting up special schools for child workers together with provision of vocational education/training in special schools, supplementary nutrition, a stipend to the children taken out from prohibited employments and health care for all children attending at such special schools.

7.16 The programmes commenced functioning in 1988 after each project was drawn up by the State Governments and concerned Central Ministries.

(b) Other Programmes Bearing on Children:

7.17 There are other programmes sponsored by the Central, State, NGOs and other agencies

addressed to children *in general*. Examples are Village Child Care Centres, Village Health Guide Scheme, Composite programme for Women and Pre-School Children, Integrated Child Development Services etc.

A CRITIQUE OF LAWS, POLICIES AND PROGRAMMES

Laws :

8.1 The two main instruments which the Government has been using to tackle the problem of child labour are legislation and special programmes are projects to ameliorate the conditions of the child labourers. We have described both of them in the earlier section.

8.2 In so far as legislation is concerned the following shortcomings become apparent.

- (i) There are too many Acts which in one way or another have to do with child labour. The resulting situation is somewhat chaotic. The very apt recommendation of the Gurupadaswamy Committee to enact a single comprehensive legislation was rejected by the Government.
- (ii) Even if we consider all the employments in which child labour is banned, the total child labour population covered will not amount to more than a fraction of the whole. Large portions of the unorganised sector, especially the self-employment sector in both agriculture and artisan industry, remain outside the pale of legislation.
- (iii) Having a law on the statute book is one thing; its enforcement is an altogether different matter. Enforcement suffers either because the enforcement machinery is inadequate and/or inefficient. In illustration of this state of affairs the Gurupadaswamy Committee's remarks on enforcement of child labour legislation may be quoted.

"In the course of its spot inspections, the Committee got a clear impression of several inadequacies in the existing administrative set-up for the implementation of various laws. The jurisdiction of individual inspectors was too extensive for them to keep a regular watch on the activities within their purview. In several States one inspector was required to cover a group of several districts. He was also burdened with very wide-ranging other responsibilities pertaining to labour legislation. The results of this situation were apparent. *There were practically no prosecutions in most parts of the country of any violation of existing laws pertaining to child labour . . .* The Committee

itself during spot inspections noticed children of very tender age working in certain factory premises in total disregard of statutory provisions....”

8.3 The Committee, therefore, came to the conclusion that there is need for greater involvement of the community and so recommended the involvement of voluntary organisations and trade unions.

8.4 There is a widespread feeling today that what the Government cannot do, voluntary agencies can. Such faith in the voluntary agencies is somewhat misplaced. In the first place voluntary agencies do not exist in such large numbers. Secondly, they are particularly short in underdeveloped and poor areas where child labour is likely to be most rampant. Thirdly, very few of the agencies would be concerned with this problem. This is not to suggest that no help should be accepted from them when it is forthcoming; the point is that voluntary agencies are not a reliable and unflinching instrument of law-enforcement.

Programmes :

8.5 We have reviewed earlier various projects and programmes. The following comments seem appropriate in their context.

- (i) There is a large variety of programmes with their separate administrative structures. This results in excessive costs.
- (ii) The programmes and projects are of a palliative nature and can make only a marginal difference to the situation of child labour and children in general.

8.6 For example non-formal education to working children can mean very little when children spend most of their time in work. Nutritional or medical intervention will have only a temporary effect so long as parents remain poor. Providing self-employment opportunities to parents of working children does not promise much success given the failure of such programmes under IRDP etc.

The Attitude of the Government :

8.7 Looking at the whole history of child labour and educational policy one is struck by the apathy of successive Governments towards this continuing and perhaps growing evil which no country wishing to call itself civilised should allow to exist. The lack of will on the part of the Government must have been apparent from the review we have taken of the Government's programmes and intentions. The Constitution laid down in the Directive Principles that universal free education be provided within ten years; after forty years the objective is nowhere in sight. Abolition of child labour was another enjoinment of the Constitution towards which hardly any progress has been made. Spacious arguments such as economic loss, loss of training and the

opportunity to acquire skills are still resorted to to postpone, on every occasion, the prohibition of child labour. The callous dilatoriness of Government procedures is apparent from the fact that no rules have yet been framed under section 18(B) of the Child Labour Act, 1986, to prescribe the maximum number of hours of work per day and per week for child labour. Even such a simple suggestion as that of codification of existing child labour legislation has been rejected. Even the raising of age limit from 14 to 15 for prohibited employments is not considered acceptable because the 'time is not ripe'. The entire thrust is on selecting, at intervals, 'hazardous' occupations and bringing them under control. Meanwhile child labour burgeons and sets at nought the effects of weak ameliorative measures of special projects and programmes.

8.8 Why does the Government dither? There are two main arguments made for not taking any effective action just yet. One is that laws cannot be implemented. The other is the economic argument. We shall examine both.

8.9 The implementation argument may be presented in the words of a former Union Minister of Labour (contained in the inaugural speech at the first meeting of the Gurupadaswamy Committee on 7th April, 1979). The Hon. Minister said,

“Another set of problems can be described as administrative problems, because you may pass a law in your wisdom, but the law has to be implemented. What is a law's worth if it is to be imprisoned in the Statute Book? You have the Minimum Wages Act. Everyone complains that in spite of the Minimum Wages Act these wages are not paid in the rural areas. ... Therefore, if we say tomorrow that all child labour should be abolished in this country, make it punishable, it will be very difficult to see that it is enforced. ... If it is impossible instantaneously to ban child labour forthwith then we have to work for an improvement of the situation by regulation of child labour by circumscribing the areas in which children are allowed to work. It is obvious, therefore, that the first step to be taken is to eliminate the employment of children in hazardous occupation. ... Therefore, we have to identify hazardous occupations and eliminate the employment of children in such occupations. We have to look at the conditions of work and regulate the hours of work, the wages paid for the hours of work...”

8.10 The assumption in the above passage is that it is easier to regulate than to prohibit.

8.11 We take the opposite view. Although implementation of any law is always difficult there

are differences. It can be easily seen that total prohibition of child labour can be more easily implemented than regulation of child labour in permitted occupations. Employment of child labour is something that cannot be concealed; whereas once child labour is allowed, exploitative practices can be hidden from the public view. For example it would be a very difficult job to inspect whether rules regarding hours of work, rest periods, weekly holiday, etc., are observed or not.

8.12 However, we would like to urge that there is a far more effective method of prohibiting child labour—law or no law! That method is compulsory schooling.

8.13 Evidently, schooling means much more than a mere method of keeping the child out of work. At the same time its merits as an instrument of child labour prohibition are worth a glance. Here, you have a country-wide system of education which has already reached far flung areas and can further penetrate into the interior. (The Union Minister, quoted above, had said with reference to the ineffectiveness of the Minimum Wages Act that you have to deal with 'far flung areas'. Here you also have a large army of 'inspectors' without having to inspect a single establishment where child labour is employed. The physical presence of children within the four walls of the school is all that is needed to keep them away from wage work, family business work or domestic work and this would be the natural duty of the school system.

8.14 It may be argued that even legislation for compulsory schooling may be difficult to implement. As said above, implementation of any legislation is never fool-proof and this will be true of schooling legislation also. But once again, concealment of school-age children is a far more difficult matter and compulsory education will be far easier to implement than regulation of employment in occupations where children are allowed to work.

8.15 Legislation regarding compulsory primary education, though in existence in most States (non all), lacks teeth either because it is not enforced, or because it does not contain penal provisions. Naturally there are hardly any prosecutions under these Acts. It is this situation which needs to be changed.

8.16 Further, although compulsory schooling alone will, according to our thinking, mostly accomplish the objective of elimination of child labour we can also have the law expressly prohibiting child labour across the board. The two will complement each other and thus make the objective easier of accomplishment.

8.17 Another point evoked in order to defer prohibition of child labour is its supposed eco-

nomie value. Some 20 per cent of the GDP is supposed to originate in child labour. Apart from this, it is said, poor families find the wage earned by the child an important element in their income and artisans and farmers find children's help an important source of saving on wage costs. In the latter kinds of families the children themselves are supposed to benefit from the training received and skills acquired in the household occupations. For example, the National Policy of 1987 says, "...With substantial portions of Gross Domestic Product (GDP) coming from the agricultural sector, from rural industries or from artisans' workshops, or from small scales services often Children work as an essential part of a farm household, or as part of the Working family assisting parents in ancillary tasks. In such working activities, children most often acquire the skills which enable them to become full-fledged workers in farming households, family establishments or trades."

8.18 In answer to all the above, it must be said that no cost is prohibitive if girls and boys of tender age are to live and grow in a healthy, decent, dignified and enlightened atmosphere and develop into able and responsible citizens of tomorrow. Nor will the 20 per cent, or whatever is the portion of GDP currently contributed by children, be totally lost because most of their jobs can be taken up by adults whose unemployment is greater, generally, in precisely those areas where child labour is concentrated. This will partly alleviate the problem of poor parents also. For the rest they can be helped through better anti-poverty programmes like guaranteed employment as suggested in Part I of this Report. Over and above this special incentive can also be offered. Many of the jobs can be mechanised also. The benefits of acquisition of skills in traditional crafts and occupations are, at the best, doubtful, for very few of them have encouraging prospects for the future. The good that will come of taking the child away from labour and into the school weighs far, far more than the mostly illusory benefits recounted in behalf of continuance of the present evil practice.

8.19 We would like to end this section with the words of a recent ILO Child Labour Report which says—it is 'unacceptable that generations of children should be condemned to exploitation and abuse until poverty is abolished.' In fact, it further states, the experience in various developing countries shows that "children can be effectively protected even while their families are poor." The Report concludes: "To tolerate child labour is neither morally justifiable nor a good social policy. It is morally indefensible because it abandons the most fundamental purpose of all human society, which is the protection and nurturing of its young and because it sacrifices the qualities of future human resources by squandering them prematurely."

RECOMMENDATIONS

9. The following recommendations are made:

- (i) We propose free and compulsory elementary education for all children upto the age of 14 to be initiated immediately through the formal school system as the most effective method of preventing child labour of all kinds.
- (ii) This measure must be backed up by adequate investment in school buildings, school equipment, text books, teacher training and all the other accessory requisites this venture calls for.
- (iii) To relieve the hardships of poor families who would suffer as a result of loss of child labour adoption on a national scale of guaranteed wage employment

on public works of an economically productive nature should be stated. The objective should be to cover the entire country with guaranteed employment and compulsory education simultaneously.

- (iv) All our recommendations including those in Part I pertaining to employment, family planning, education, health, domestic fuel and drinking water and curb on alcoholism have to be taken as a package because they are mutually reinforcing and would thus minimise the difficulties of a change-over.
- (v) A law regarding prohibition of child labour in all occupations should also be simultaneously enacted so that effective prohibition of child labour is accomplished.

STUDY GROUP ON WOMEN & CHILDREN

TERMS OF REFERENCE

WOMEN

1. To estimate the magnitude of rural female labour (including family labour), taking into account its region-wise, class-caste—tribe—wise and activity-wise dimensions.
2. To estimate trends in the magnitude and pattern of employment of rural women workers over the next few years.
3. To study the wages and working conditions of rural female labour.
4. To study the impact of various legislative and other Governmental measures relating to wages, working conditions, family welfare, social security, health, education, training etc.
5. To study the impact of land reform and land distribution on rural female labour.
6. To study the effects of the changing economic structure; industrial, agricultural and business organisations and technological developments in various fields on the employment, wages and working conditions of rural female labour.
7. To examine how far the awareness of special problems of rural female labour has been reflected in the thinking about economic development and planning, with special reference to the pattern of investment and choice of technology.
8. To study the effects of special anti-poverty and employment generation programmes on working women in the rural areas.
9. To study the effects of migration of male labour on working women left behind.
10. To study the organisations of rural women and other Voluntary agencies from the point of view of their programme and problems.
11. To study social attitudes of males and females towards rural working women and their problems.
12. To undertake a few special studies in certain areas of vital importance to rural female labour.
13. To make suggestions regarding compilation and dissemination of data on all aspects of rural female labour.

STUDY GROUP ON WOMEN AND CHILDREN
TERMS OF REFERENCE

1. To estimate the magnitude of rural child-labour (including family and hired labour), region-wise, caste-class-tribe-wise and activity-wise.
2. To estimate trends in the magnitude and pattern of child employment over the next few years.
3. To study the wages and working conditions of rural child labour.
4. To study the impact of various legislative and other Governmental measures relating to various conditions, wages, health, education etc.
5. To study the effect of the changing economic structure, changing business, industrial and agricultural organisations and technological development in various fields on employment, wages and working conditions of rural child labour.
6. To examine how far the awareness of child labour problems gets reflected in the thinking about economic development and planning with special reference to policy pronouncements, investment pattern and technological choices.
7. To review educational policies vis-a-vis, rural child labour.
8. To study the effects of parental migration on rural child labour.
9. To study Voluntary Organisation catering to the needs of child labour.
10. To undertake a few special studies of child labour in selected areas and activities.
11. To evaluate the performance of a few International Labour Organisations—Government of India projects (under the Child Labour Cell in the Ministry of Labour). e.g. the Pre-Occupational Training-cum-Education and Relief Centre near Aurangabad (Maharashtra), SEWA—run Centres for rehabilitation of child workers in Ahmedabad (Gujarat), etc.
12. To examine the desirability and feasibility of total prohibition of child labour in a phased manner by a certain date.
13. To suggest improvements in the methods of collection and dissemination of data relating to rural child labour.

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CASE STUDIES

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|---------------------|---|---------------------|--|
| 1. Case study No. 1 | • Financing of Sheep-Buffaloes in Aravali by S.H. Deshpande. | 4. Case Study No. 4 | • Women's Development Programme : Rajasthan by Miliand Bokil. |
| 2. Case Study No. 2 | • Financing of Goats through Mahila Mandals by Milind Bokil. | 5. Case Study No. 5 | • Devdasi : Part I by Vilas Wagh
Part II by Pramod Kulkarni |
| 3. Case Study No. 3 | • Santhi Dan : Fisherwomen Traders Development Programme by J. Lucas. | 6. Case Study No. 6 | • Fight Against Alcoholism by Development Support Team. |

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