



**CENTRE FOR WOMEN'S DEVELOPMENT STUDIES
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**STUDY ON CONDITIONS AND NEEDS OF
WOMEN WORKERS IN DELHI**

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By

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**DELHI COMMISSION FOR WOMEN
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Chapter 1

Women Workers of Delhi: Overview

Delhi, as the capital city of India and one of the country's mega cities does not appear to be providing a very hospitable terrain for women as workers. The census of 2001 recorded a work participation rate in Delhi of just 9.4 percent for females in comparison to 52.1 per cent for males, while the more recent quinquennial employment survey in 2004-05 from the National Sample Survey Organisation, estimated that just 8.8 percent of Delhi's urban female population was in the workforce in comparison to 53.5 per cent of males. Such low work participation rates for women may be considered surprising to many, given the fact that the metropolis is supposed to offer new opportunities for women in terms of the field and range of employments where they may find entry. Further, in recent years there has been an increased visibility of women workers in industrial as well as service sectors in Delhi. Apart from the need for more income earners in families - labour immigration or growing aspirations of women for a degree of independence, the opening up of new sectors of employment where women are preferred, and expanding numbers of highly educated or vocationally trained women, have all been seen to be contributing to bringing more women into employment. And yet, this hyper visibility of women workers in the streets of the city presents a striking contrast with the statistical picture of a small percentage of workers among the women of the city and of women in the total workforce of Delhi.

1. *A matter of Concern: Low and Falling Numbers of Women Workers in Delhi*

In such a context, any study on the needs and conditions of women workers in Delhi must begin its enquiry with the initial problem of poor availability of employment or access to economic activity/work for women in the capital city. A related trend of mounting concern is the fact that, not only are the proportions of women workers low, but the levels of female work participation have actually been falling. As per the quinquennial employment surveys conducted by NSSO, in Delhi, the percentage of workers among women aged 15 and above had edged forward from a low 13.2 per cent in 1993-94 to reach 14.7 per cent in 1999-2000 before making a sharp downturn to reach 11.2 per cent in 2004-05. Further, the 62nd round of NSS (although based on a thinner sample), also indicates that the decline in female work participation rates in Delhi is persisting and gave an estimate of 7.6 per cent of women in the workforce in 2005-06. What is particularly disturbing is that the fall in work participation is not just in terms of proportions, but is also in absolute numbers. According to NSS estimates, the number of women workers of all ages declined from 3,79,900 in 1999-2000 to 3,31,200 in 2004-05.

The NSS estimates of numbers of women workers given above are not adjusted to census population count/projections and the actual numbers are probably significantly higher. However, the fact of a fall in absolute numbers is likely to more accurately reflect reality and cannot be dismissed so easily. It is corroborated by a comparison with larger surveys from other sources. The Population Census of 2001 had counted a total number of 5,85,133 female workers (5,23,171 main workers + 61,962 marginal workers) in Delhi. The Fifth Economic Census of 2005 gave a figure of 3,73,263 women workers in Delhi

excluding domestic workers. If one adds to this figure, the number of domestic workers on the basis of their share of women's employment (at 19.6 per cent as per the 61st round of NSS in 2004-05), we may arrive at a more comprehensive figure of around 4.7 lakh (4,64,258) women workers in Delhi in 2005. Once again we find evidence of the decline in absolute numbers of women workers between 2001 and 2005.¹

Such a scenario of a decline in work participation rates and a probable fall in absolute numbers of women workers obviously disturbs the prevalent assumptions regarding growth of opportunities for women's employment in the city and invites serious consideration of the need for policy intervention towards enhancing such opportunities. In this regard, it bears mention that the Economic Surveys of Delhi have maintained a markedly gender blind approach to employment. They do not make even a token effort to provide sex disaggregated information on the employment scenario in the city/state and have thus failed to present or highlight before policy makers and the people, several important and basic economic issues affecting women in the capital city, including the low and falling work participation rates of women and the serious possibilities of an actual decline in absolute numbers of women workers.

Census and NSS figures of course tend to underestimate women's economic activity/work (particularly in relation to home-based production workers in a city like Delhi), reflecting a continuing scale of invisibility of women workers in official statistics. However, such an underestimation of women's work cannot be considered to be unique to Delhi. Evidence from NSS data on women's work participation in other cities in the country (where the surveys contain the same bias towards underenumeration of women's work) indicates that the proportions of women workers among the female population aged 15 and above, is far lower in the capital city than all the other metropolitan cities in the country and lower than most of the cities having million plus population.

In Table 1.1 the percentages of usually employed principal and subsidiary status workers among men and women aged 15 and above have been given for each million plus city across three quinquennial NSS surveys (major rounds) from 1993-94 to 2004-05. A comparison of the features and trends across different cities is a useful exercise as it enables us to evaluate the trends across that decade and locate the developments in Delhi in a broader framework of circumstances, allowing us to work around some of the issues that may otherwise arise from the lacuna in the data on women's work. It also provides some clues and initial points for discussion as to what may be the features and factors affecting women's work in the capital city. The first and last column in the table gives a rank to the cities on the basis of female and male workers respectively in 2004-05 on a descending scale.

¹ At the same time, if one compares the 1998 and 2005 economic censuses, it would appear that the number of women workers had increased in the by around 1.9 lakhs across a 7 year period. The 1998 economic census recorded 2,59,209 female workers in Delhi. Adding the 5.3 per cent of domestic workers estimated by NSS in 1999-2000, we arrive at a figure of 2,73,716 women workers in Delhi at the time. Declining absolute numbers of women workers is obviously a more recent trend that has happened after 2000.

Table 1.1:

Percentage of usually employed persons (principal + subsidiary status)
in the population aged 15 years and above in million plus cities of India,
1993-94 to 2004-05

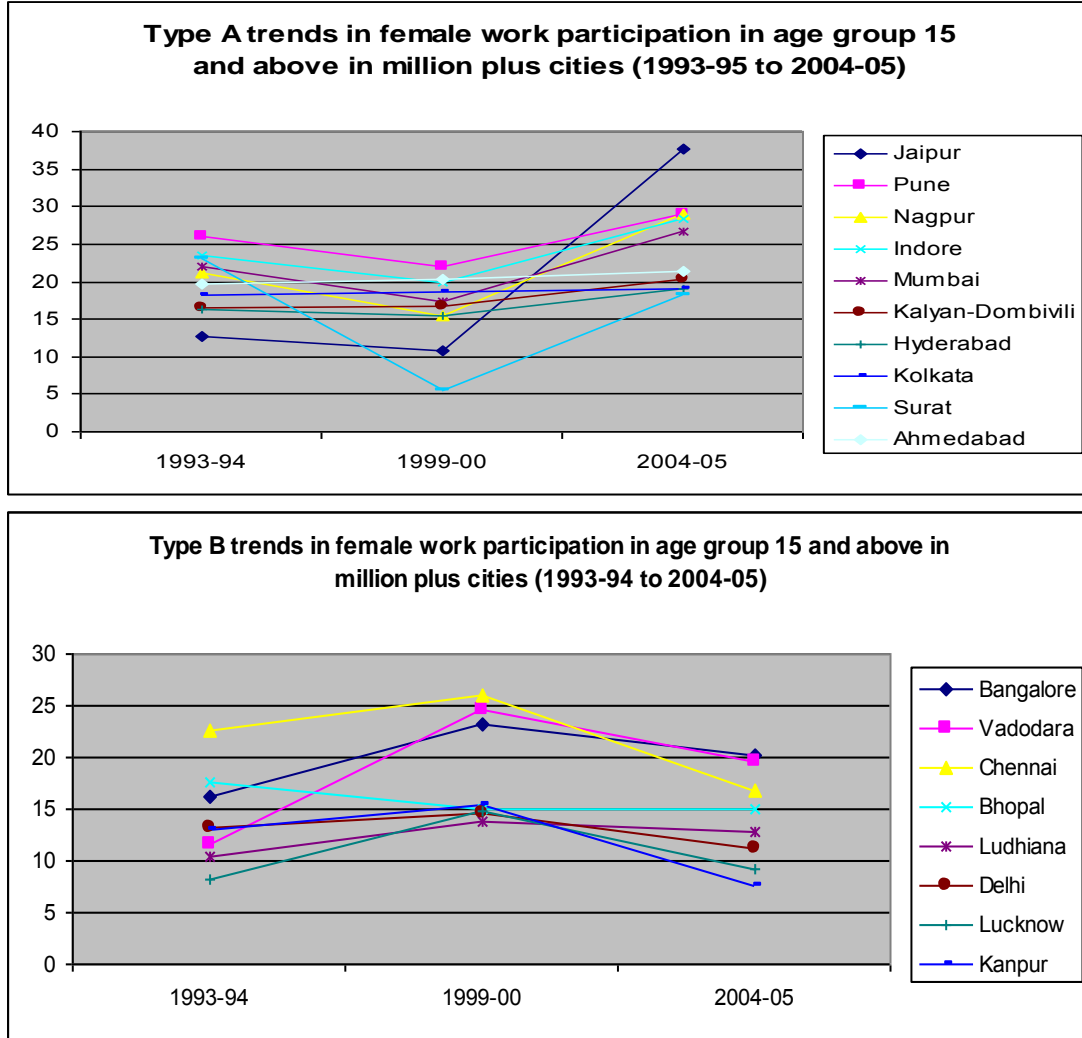
Rank by percentage of workers among female population aged 15 & above (2004-05)	Class 1 cities	Percentage of workers among female population aged 15 & above			Percentage of workers among male population aged 15 & above			Rank by percentage of workers among male population aged 15 & above (2004-05)
		1993-1994	1999-2000	2004-2005	1993-1994	1999-2000	2004-2005	
	All million plus cities	18.1	17.6	19.8	76.7	74.5	76.2	
1	Varanasi	n.a.	20.0	41.1	n.a.	75.8	86.0	2
2	Jaipur	12.8	10.8	37.7	72.0	70.1	76.6	15
3	Pune	26.1	22.0	29.1	69.9	72.6	71.2	24
4	Nagpur	21.2	15.4	28.9	72.7	69.7	72.0	21
5	Indore	23.5	19.9	28.3	75.3	76.1	83.5	4
6	Mumbai	22.1	17.4	26.7	77.3	75.3	78.6	9
7	Thane	n.a.	24.4	22.3	n.a.	74.0	73.6	18
8	Ahmedabad	19.6	20.4	21.4	76.4	77.7	79.5	7
9	Pimprichinchwad	n.a.	n.a.	21.2	n.a.	n.a.	77.4	13
10	Kalyan-Dombivili	16.5	16.7	20.3	74.2	71.5	73.0	19
11	Bangalore	16.2	23.2	20.2	76.3	74.7	84.1	3
12	Vadodara	11.6	24.6	19.7	87.9	73.6	71.7	22
13	Hyderabad	16.4	15.5	19.0	75.0	68.2	77.0	14
14	Kolkata	18.3	18.7	19.0	80.3	78.0	75.1	16
15	Nashik	n.a.	n.a.	18.7	n.a.	n.a.	61.0	26
16	Surat	23.1	5.5	18.2	77.3	76.5	87.6	1
17	Chennai	22.7	26.0	16.8	77.3	76.4	74.9	17
18	Howrah	n.a.	6.7	15.8	n.a.	76.0	77.9	11
19	Bhopal	17.6	15.1	15.1	68.5	72.2	78.2	10
20	Agra	n.a.	10.6	14.7	n.a.	80.6	83.3	6
21	Ludhiana	10.4	13.9	12.8	88.3	84.1	83.4	5
22	Faridabad	n.a.	n.a.	11.8	n.a.	n.a.	72.6	20
23	Delhi	13.2	14.7	11.2	79.6	74.3	71.4	23
24	Lucknow	8.2	14.9	9.3	75.9	77.2	69.5	25
25	Kanpur	13.1	15.4	7.7	55.8	69.9	77.6	12
26	Meerut	n.a.	n.a.	5.1	n.a.	n.a.	79.0	8
27	Patna	n.a.	8.9	1.8	n.a.	66.7	52.8	27

Source: Statement 3.2, Chapter Three, NSS Report No. 520: Employment and unemployment situation in cities and towns in India, 2004-05

At an initial level, the data makes clear that there are great variations in levels of female work participation across million plus cities, although recent trends in have in general demonstrated a common pattern of volatility, albeit often moving in opposite directions.

Figure 1.1

Trends in female work participation (for age group 15 & above) in large cities



Taking the 18 million plus cities for which data is available for all three NSS rounds, two main types of trends in women’s work participation are discernible. Nine cities saw a drop in women’s work participation between 1993-94 and 1999-00 and then a recovery by 2004-05 resulting in a net increase over the decade in all of them but one. We refer to this trend as Type A, since it is the more dominant trend and is thus reflected in the aggregate trend of all million plus cities. Another eight cities saw an increase in female work participation in the 1990s followed by a significant fall in 2004-05. We refer to this trend as Type B. Of these eight cities, four witnessed a net decrease over the decade. [Only one city (Ahmedabad) managed to avoid a dip or a spike in the middle]. The two major types of movements in female work participation in the age group 15 and above in million plus cities have been presented graphically in Figure 1.1 highlighting the two distinctive trend patterns, both of which move in virtually opposite directions.

2. *Volatility in Work Participation and Across Categories of Employment Status*

Work participation rates in the 15 and above age group in each million plus cities across these three rounds of the NSS, indicates that the developments in Delhi have some extreme characteristics. Over the decade 1993-94 to 2004-05, out of 18 cities, in 10 male work participation levels increased while in 8, it declined. Delhi found its place in the latter category, but the fall in Delhi, where the percentage of male workers in the age group 15 consistently declined (from 79.6 per cent in 1993-94 to 74.3 per cent in 1999-2000 to 71.4 per cent in 2004-05), was substantially sharper than any other big city with the exception of Vadodara. Although the fall in male work participation in a sense set the employment stage in Delhi, women workers in the capital first increased their participation rates between 1993-94 and 1999-2000 and then by 2004-05 slumped to a level lower than in 1993-94.

Of course, in general, it appears that women's work participation in almost all the big cities followed a relatively sharper movement up and down or down and up, as the case may be, than men's. Such volatility expresses the greater levels of insecurity of employment that women face. Nevertheless, in most big cities, despite volatile movements in female work participation, the dominant trend was towards an overall increase across the decade. **Delhi was one of the cities where volatility resulted in a net fall in female work participation across the decade. It appears that there has been a discouraging effect of insecurity of work/employment on women's work participation. The link between volatility/insecurity of employment and the fall in women's work participation is a phenomenon that can not, should not, and ought not to be ignored in any policy perspective towards women workers in Delhi.**

Figure 1.2 presents the trend movements in Delhi across the three categories of employment status, namely among the self employed, regular and casual workers in the female and male workforce respectively. It may be seen that the proportions of casual workers in the female workforce declined sharply from 18.2 per cent of all women workers to 4.4 per cent over the decade 1993-94 to 2004-05. The share of the self employed, on the other hand rose from 24.2 per cent in 1993-94 to 31.3 per cent in 1999-2000 and then dropped sharply by more than 50 per cent to reach 15.9 per cent in 2004-05. Further, at the time of the slump in self employment, the share of regular workers jumped so much so that from an initial 56.7 per cent of regular workers in 1993-94, by the end of the decade regular workers accounted for almost 80 per cent of all women workers in Delhi.

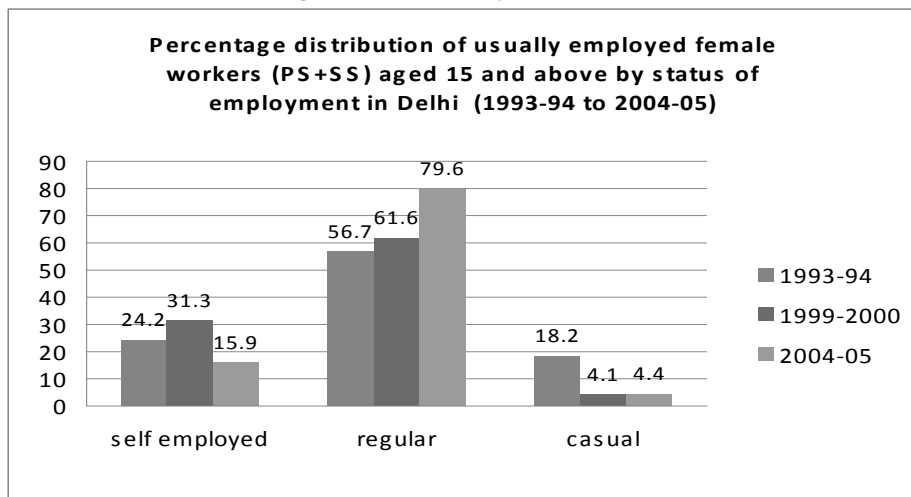
In a sense this large scale movement across categories of employment confirms the proposition regarding volatility in women's employment. In one phase when casual work came under pressure, many women seem to have taken to self employment. In the second phase, when obviously self employment did not offer adequate opportunities, there was a movement towards regular wage employment.

It should be borne in mind that the employment categories used in NSS surveys differ substantively from the legal definitions of permanent/regular, casual, and contract workers. For example, the distinction between casual and regular workers in the NSS is merely based on the fact that whereas casual workers received daily wages or occasional

contract work, regular workers received salary or wages on a regular weekly or monthly basis (i.e. not on the basis of daily or periodic renewal of short term work contract). They include not only persons getting time wage but also persons receiving piece wage or salary and paid apprentices, and importantly they may be full time or part-time workers. In other words, regular workers in the NSS includes a large number of those who are casual or contract workers in terms of labour laws and many without any job security, protection or legal rights as workers. Thus, the picture of increasing shares of regular workers indicates the rising proportions of regular wage workers, but this does not mean increasing shares of better quality work or employment with greater levels of social security or rights and protections.² Further, it should be noted that casual piece rated wage workers working at home for employers under the subcontracting or putting out system are also placed in the category of self employed, although they would also be a form of casual piece rated wage workers.

Figure 1.2

Percentage Distribution of male and female workers aged 15 and above across categories of employment status in Delhi



² The NCEUS had pointed this out, particularly in relation to women workers.....

The decline in the share of the self employed in the period 1999-2000 to 2004-05 and a reduced significance of casual work across the decade, was also noticeable in the male workforce of Delhi, although the share of the self employed among men was and remained significantly higher than among women workers. Although the numbers of male workers involved in such movements across categories would be much larger than female workers, the intensity of restructuring of the workforce is less apparent. However, when one compares with other cities, the nature of the movement across categories of employment among both male and female workers in Delhi differs from the aggregate trend in all million plus cities, suggesting that there are some common processes affecting men and women in Delhi.

Figure 1.3

Aggregate trend movements in million plus cities across categories of employment status among the female and male workforce respectively.

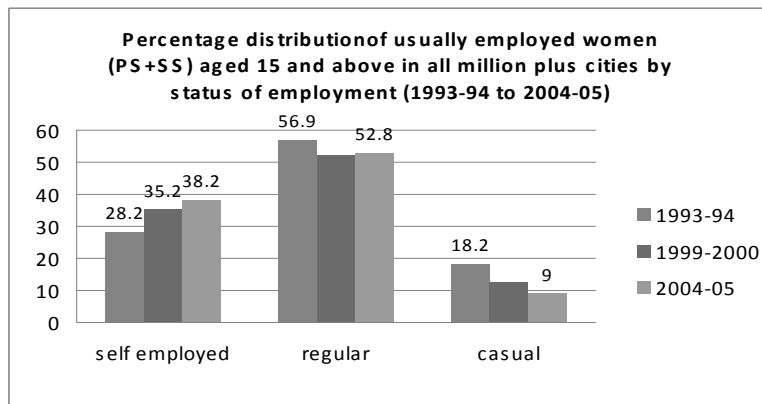




Figure 1.3 presents the movement across categories of employment status for comparison. It may be seen that while in Delhi, casual work and self employment is declining and the movement is clearly in favour of regular wage/salaried employment, in aggregate million plus cities the movement appears to be from regular and casual work towards self employment for both men and women. The movement from casual work to self employment is particularly sharp for women in the aggregate of all million plus cities. Delhi's employment pattern is on the other hand, uniquely characterized by more generalized swings across categories, particularly among women workers. It obviously indicates higher levels of instability in the employment scenario of Delhi in comparison to elsewhere.

3. Increasing proportions of domestic workers, declining share of manufacturing and mainstream services in women's employment in Delhi

A closer look at the distribution of women workers by broad industry division gives some indication of factors and features involved in the fall in women's work participation rates between 1999-2000 and 2004-05 and in the movement across categories of employment status in Delhi. In Table 1.2 and Figure 1.4 is given the NSS estimates of distribution of the male and female workforce for Delhi and all million plus cities by broad industry divisions for comparison.

Table 1.2:

Distribution of usually employed Principal and Subsidiary status workers aged 15 and above by broad industry divisions - Delhi and all million plus cities³

Year and sex of workers	Manufacturing (NIC 15-37)	Construction (NIC 45)	Trade, hotels & restaurants (NIC 50-55)	Services (1) (NIC 65-93)	Services (2) (NIC 95)	All industries given in table
Delhi						
1999-00 Female	18.9	0	8.7	59.4	5.3	92.3
2004-05 Female	10.9	3.1	8.0	55.9	19.6	97.5
1999-00 Male	27.4	8.7	28.6	21.6	1.8	88.1
2004-05 Male	28.3	8.1	27.0	21.7	1.6	86.7
Year and sex of workers	Manufacturing (NIC 15-37)	Construction (NIC 45)	Trade, hotels & restaurants (NIC 50-55)	Services (1) (NIC 65-93)	Services (2) (NIC 95)	All industries given in table
All million plus cities						
1999-00 Female	21.9	3.3	16.4	41.5	11.0	94.1
2004-05 Female	28.8	3.6	10.9	34.0	16.4	93.7
1999-00 Male	25.3	4.3	33.3	25.3	3.3	91.5
2004-05 Male	25.7	5.4	31.8	27.0	1.1	91

The table focuses on only those industries which have a significant share of the female workforce, which is why the totals in the last column are less than 100. While most of industry categories are self explanatory, Services (1) which covers the Divisions 65 - 93 under the National Industrial Classification (NIC) includes Education, Finance and related activities, other business activities, Computer related activities (including hardware services, and various IT services - software, data transmission, management, processing, etc.) as well as Public Administration, Health and Social work, R & D, etc. These are all services associated with the more advanced and mainstream forms of productive economic activity in the service sector that contribute the major share of the GDP. Thus, Services (1) may also be termed as a complex of mainstream or organized/institution/company/firm/profession based services. The second category of services - Services (2) is far more subsidiary in terms of contributing to the GDP, although it is significant in terms of women's employment. Division 95 of the NIC comprises of Private households with employed persons and includes all kinds of

³ In Table 1.2 agriculture and all other industries that employ less than 3 per cent of women workers in Delhi have been excluded. Although agriculture employed 5.1 per cent of Delhi's female workforce in 1999-2000, this was reduced to 0 in 2004-05. The share of transport increased from 1.6 per cent to 2.5 per cent

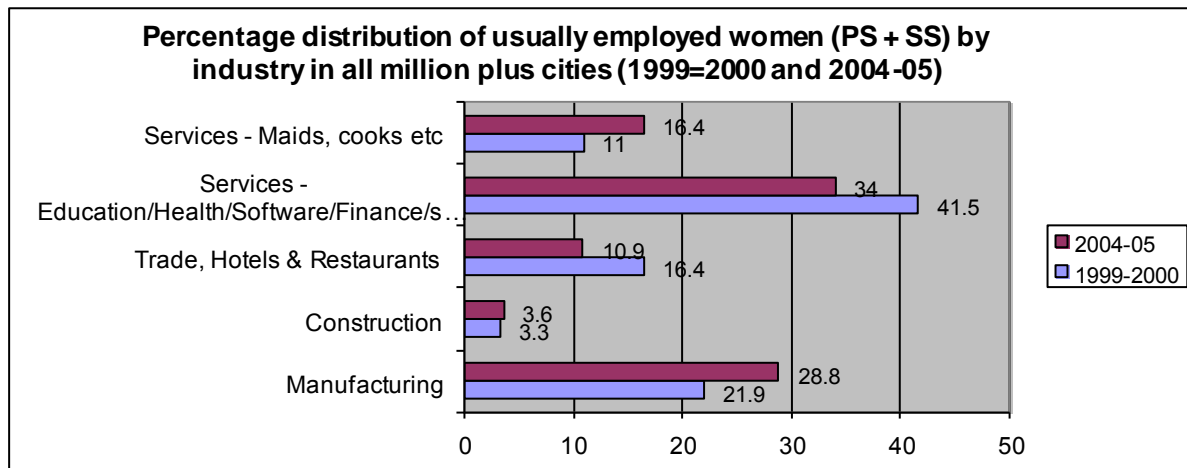
domestic personnel such as maids, cooks, gardeners, baby sitters, etc and for women this largely means paid domestic work.

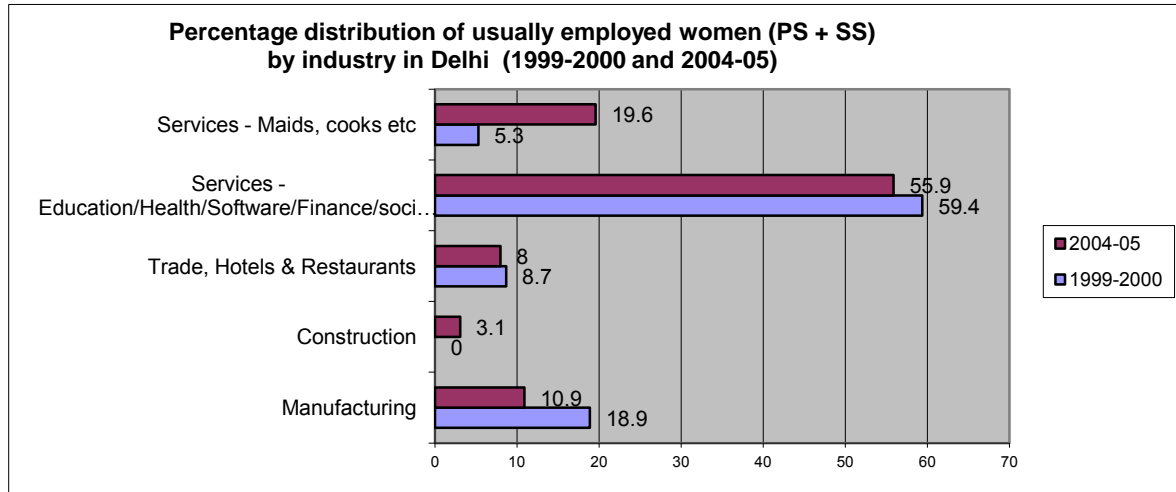
The most striking feature regarding changes in the share of different industries in women’s employment in Delhi is the sharp fall in the share of manufacturing between 1999-2000, and the huge simultaneous rise in the share of the second category of services, i.e., primarily domestic workers/servants in the case of women.

It may be observed that the shift from manufacturing to what is clearly paid domestic work in the case of women runs parallel to the shift of women workers from self employment to regular work as given in the first part of Figure 1.2. In other words, perhaps **the most substantial increase in regular work for women in Delhi in the first decade of the 21st century has been in the sphere of domestic work.** But it is the fall in the share of manufacturing that distinguishes the changes in distribution of women workers by industry in Delhi from the aggregate picture of all million plus cities. As becomes graphically clear from Figure 1.4, Delhi follows the general pattern of the aggregate picture in terms of not only increasing proportions of domestic workers, but also in terms of declining shares of mainstream organized services and trade. In manufacturing, on the other hand, Delhi witnessed a sharp decline in share of women’s employment in contrast to the aggregate picture of a substantial increase in women’s manufacturing employment in the big cities as a whole.

Figure 1.4

Distribution of usually employed Principal and Subsidiary status workers by broad industry divisions for Delhi and all million plus cities.





The increase in proportions of paid domestic workers is of course a more general feature of the current urban employment scenario. Nevertheless, it bears underlining that the rise in numbers and proportions of domestic workers has not been able to offset declines in other sectors of employment and it would be a mistake to think that the expansion in demand for and supply of women domestic workers can work as a lever to raise the female work participation rates in any significant or meaningful manner.

Table 1.3 presents changes in women's employment by industry between 1999-2000 and 2004-05 in the eight million plus cities that saw a decline in female work participation. The proportions of domestic workers increased substantially in six of these eight cities and their decline in two cities (Chennai and Kanpur) was quite marginal. Despite such increases which in some cases amounted to almost a quarter of the female workforce, the decline in overall levels of women's work participation in these cities could not be stemmed. It is clear then that the principal drivers of female work participation levels have to be sought elsewhere.

Table 1.3

Class 1 Cities	Manufacturing		Construction		Trade, Hotel & Restaurant		Mainstream/Organised Services Finance/Education/ Govt./Business/ Computer related/ Health/social work, etc		Domestic Workers in Private Households	
	1999-2000	2004-2005	1999-2000	2004-2005	1999-2000	2004-2005	1999-2000	2004-2005	1999-2000	2004-2005
	Bangalore	39.9	29.5	7.3	1.7	10.1	15.7	37.8	21.8	2.8
Vadodara	1.3	9.0	0.0	12.0	19.4	15.8	77.3	31.6	0.0	23.9
Chennai	28.5	12.4	2.9	0.3	14.2	15.9	27.6	50.8	22.5	20.4
Bhopal	14.1	17.6	18.4	0.0	23.0	0.0	24.6	38.5	10.4	35.3
Ludhiana	58.6	54.5	0.6	0.0	7.3	11.6	30.6	15.7	2.0	15.2
Delhi	18.9	10.9	0.0	3.1	8.7	8.0	59.4	55.9	5.3	19.6
Lucknow	24.9	14.6	0.0	0.0	9.3	4.2	44.2	75.2	1.9	6.1
Kanpur	6.7	12.7	0.7	0.0	5.5	35.8	78.6	46.2	5.6	5.3

It is significant that five of the cities in Table 1.3, witnessed substantial falls in the share of manufacturing in women's employment. In Bangalore, Chennai, Delhi, and Lucknow, the shift away from manufacturing was quite extraordinarily high, in Ludhiana somewhat less. Similarly, there was a large shift of women workers away from mainstream/organised services across in five of these big cities (Bangalore, Vadodara, Ludhiana, Kanpur and to a lesser extent in Delhi). Developments in manufacturing and mainstream services, thus appear to have been the key to falling work participation rates in these cities.

The particular importance of manufacturing in pushing up women's work participation rates in cities is underlined by the fact that in the twelve million plus cities where female work participation rates increased between 1999-2000 and 2004-05, there were increases in the share of manufacturing in female employment in all but one. The same cannot be said of mainstream services, even though services and trade both occupy a critical position in women's employment in cities. The share of mainstream service sector jobs declined substantially in 9 of the 12 cities of increased female employment, while the share of trade, hotels and restaurants declined in 10.

Table 1.4

Class I Cities	Manufacturing		Construction		Trade, Hotel & Restaurant		Mainstream/Organised Services Finance/Education/ Govt./software, Health/social work, etc		Domestic Workers in Private Households	
	1999-2000	2004-2005	1999-2000	2004-2005	1999-2000	2004-2005	1999-2000	2004-2005	1999-2000	2004-2005
Ahmedabad	31.2	39.6	0.3	17.9	29.0	11.3	30.0	24.8	0.0	6.3
Pune	17.5	19.5	0	11.3	24.5	12.3	36.5	24.5	15.5	28.4
Nagpur	10.1	34.6	5.5	4.7	36.5	9.6	40.9	34	1.1	14
Indore	31	37.3	4.7	3	16.1	17.3	37.5	29.2	0.4	29.4
Mumbai	18.6	29.5	1.7	1.3	16.7	7	39.4	36.3	18.7	20.6
Kalyan	23.6	34.9	1.3	5.7	29.8	8.6	29.5	44.2	3.2	6
Hyderabad	8.7	9.6	23.5	3.6	18.4	17.3	43	29.2	3	29.4
Kolkata	11.7	23.5	0.2	0	18.1	9.1	40.4	44.6	27.7	20.5
Surat	28.2	44.1	7.8	0	4.2	23.6	52.4	6.4	2.3	25.1
Jaipur	6.7	51.7	2.2	3.2	4.7	0	61	15.4	0	0
Varanasi	53.9	88.0	3.5	0	12.9	9.5	28.2	1.5	0	1.0
Agra	29.7	19.7	1.3	13	18.9	11.3	28.4	54.8	20.3	1.1

It is indeed remarkable that the share of mainstream services declined in 14 of the 18 million plus cities for which comparative data across the 55th and 61st rounds is available setting the tone for the overall fall from 41.5 per cent of female employment during 1999-2000 to 34 per cent in 2004-05 in the aggregate employment trends for million plus cities. It bears emphasis that the combination of these services includes precisely those segments that have been lauded as the drivers of economic growth in the contemporary period. Combined with trade, hotels and restaurants, mainstream services represents almost the full range of new services that have been associated with globalization and have often been viewed as representing significant new opportunities for women's employment. And yet, while male employment has either remained the same or increased slightly in this sector, the trend decline for women's jobs in these services has become a marked phenomenon. This is notwithstanding the fact that mainstream services constitutes the single largest sector of women's employment in many cities including Delhi where it employed more than half of all women workers (almost 56 per cent) in 2004-05 even after the decline.

The fall in the share of manufacturing in Delhi is perhaps not surprising since the period in question had witnessed large scale sealing of small scale industries in the background of the Supreme Court directives on closure of a range of manufacturing units in non-conforming areas of the city. However, **the fact that women workers have been displaced from manufacturing employment on a greater scale than men has not received due attention.** Nor has the impact of shifting of units to peripheries or nearby towns on workers' lives been adequately addressed.

The decline in share of the more white collared services in women's employment is a worrisome feature, particularly since these services have long accounted for the overwhelming majority of women workers in the capital city. The expectations of globalization induced growth of women friendly new services leading to expansion of employment opportunities for women appear to have been belied, or are perhaps of insufficient order to compensate for losses in the more traditional segments of organized services. As we shall see from the primary survey of women workers conducted for this study, **there are indications that the conditions of work in many of the new service occupations that have opened out to women contain hidden barriers/deterrents to women's entry or continuance, particularly for married women.**

Nevertheless, there can be no doubt that **given their growing numerical significance, domestic workers in Delhi deserve special policy attention.**

4. *Increasing Weight of Unorganized Sector a Deterrent to Women's Employment*

As is known, such protections are only available in the organized sector. In general, organized sector employment in Delhi has been falling (22,000 jobs were eliminated in Delhi's organized sector in the 9 years ending March 2008, and the organized sector workforce reduced from 8.48 lakhs in March 1999 to 8.26 lakhs in March, 2008).⁴ In other words, the sector where conditions of work are likely to incorporate some of the special needs of women is shrinking. This is notwithstanding the fact that women workers in the organized sector have been increasing in numbers. Women workers in Delhi's organized sector rose from 1.21 lakhs in 2001 to 1.25 lakhs in 2005 (the last year for which figures have been provided in the public domain).⁵ What is becoming increasingly clear is that the increasing weight of the unorganized sector that is contributing to making the overall employment environment in Delhi more hostile to women.

Although it might appear surprising to many, the share of organized sector employment in the female workforce of the capital is substantially greater than among the male workforce of the city. According to the calculations of the National Commission for Enterprises in the Unorganised Sector (NCEUS), in 2004-05, 48.8 per cent of women workers in Delhi were in the organized sector in comparison to 37.4 per cent of male workers, while 64.5 per cent of women workers were unorganized workers in comparison to 77 per cent of male workers.⁶ Compare this with the All India figures of just 8.7 percent of the female workforce and 16 per cent of the male workforce in the organized sector and 95.9 per cent and 90.7 per cent of the female and male workforce

⁴ See Statement 5.6, p. 74, Economic Survey of Delhi, 2008-09. Unfortunately, the Economic Survey does not give us a sex disaggregated picture of employment in the organized sector either.

⁵ Since the Economic Survey of Delhi does not provide us with sex disaggregated figures, the figures for women workers in the organized sector of Delhi have been taken from the Quarterly Employment Reviews of Ministry of Labour, Govt. of India, for 2002 and 2005.

⁶ See Appendix A1.3, *Report on the Conditions of Work and Promotion of Livelihoods in the Unorganised Sector*, NCEUS, August 2007. The NCEUS makes a useful distinction between organized sector worker and organized worker. Whereas the former may be working in the organized sector, many organized sector workers may yet be deprived of social security and other provisions through contractualisation and casualisation which would make them unorganized workers.

respectively who were unorganized workers. This does not mean that women's share of Delhi's organized sector employment is substantial. Women had just 15 per cent of organized sector employment in Delhi in 2005, which was significantly less than the national women's share of organized sector employment which was just short of 19 per cent.⁷ However, it does indicate that there are even greater barriers to women in unorganized sector and forms of employment in a city like Delhi, a fact that is often ignored. In a city where 75.6 per cent of workers are either in the unorganized sector or in the unorganized periphery of the organized sector, the low and falling work participation rates among women are as much related to the Apart from this, stereotyping of occupations based on caste, migrant and regional statuses do exist which makes shifts across occupations highly unlikely. Thus, expansion of a female friendly sector may result only in the absorption of a given set of women. For instance, the growth of domestic work in the city though has provided employment opportunities for a number of women, for many this does not appear as a choice at all. Thus to increase women's participation in the labour market there needs to be a more balanced growth of different sectors and occupations and the expansion of manufacturing sector in this context is crucial. This is an aspect which is often forgotten in the policy perspective towards women workers in Delhi.

5. *The structure of Women's Employment in Delhi*

The most recent survey (published in 2008), that gives us the most detailed numbers and distribution of workers is the Fifth Economic Census 2005 in Delhi. Since it excludes domestic workers, we have calculated the number of domestic workers on the basis of their proportions estimated in the 61st round of the NSS in 2004-05 and added it to the number of workers given in the Economic Census. The picture is as follows.

⁷ *Quarterly Employment Review, January – March, 2005*, Ministry of Labour, Govt. of India, New Delhi, 2007.

Figure 1.5

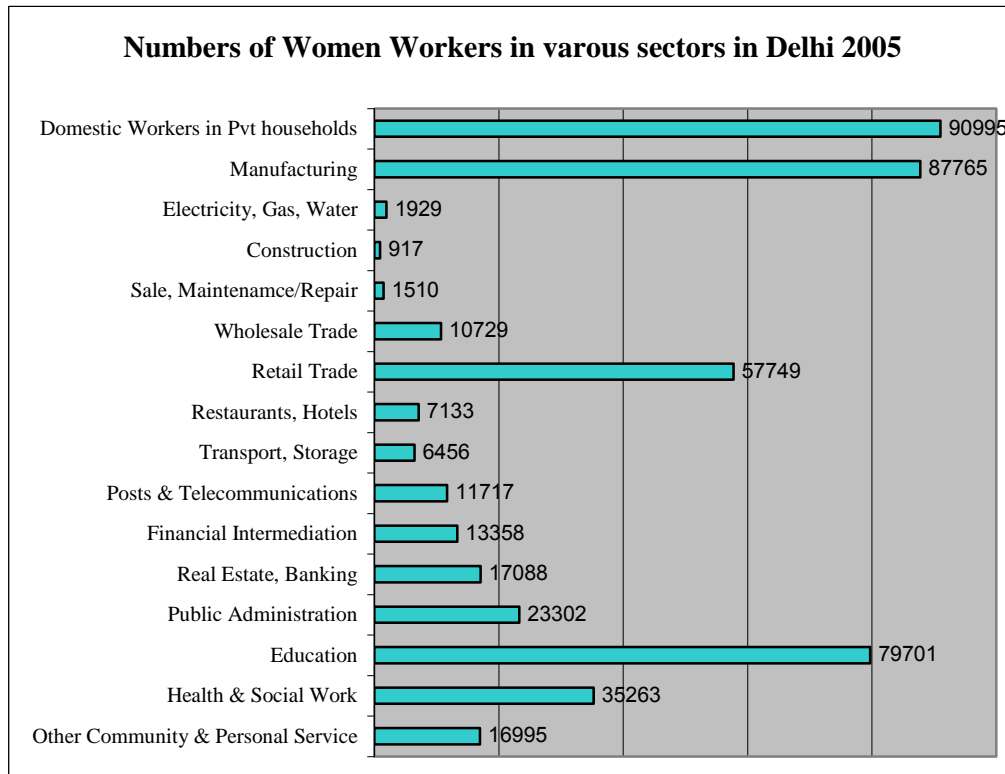


Figure 1.5 presents the numbers and distribution of women workers across various sectors in Delhi in graphic form. Apart from domestic workers, all other figures are taken from the Economic Census. In a sense the graph elucidates the structure of the female workforce in the city and leads us to some of the areas that need investigation and towards which policy needs to be geared. The first point that emerges is that **domestic work is the largest form of employment for women in Delhi and as such domestic workers' situation and needs have to be prioritized in any policy intervention.**

Domestic work is closely followed by manufacturing and according to the Economic Census, 76,562 women, i.e., some **87 per cent of the women workers in manufacturing worked in Directory Establishments, defined as establishments employing 6 or more workers.** All factories would thus fall into the category of Directory establishments.

The third feature that is strikingly illustrated by the figure is that within mainstream services, education is one of the most significant employers of women. **Education alone is the third largest sector of women's employment and accounts for 17 per cent of women workers in Delhi and 28 per cent of the female workforce in mainstream services, i.e., including trade but excluding domestic workers.**

Next to education, retail trade constitutes the second most significant segment of women workers in mainstream services. Again the Economic Census reveals that 76 per cent of these women in the retail industry work in Non-Directory and Directory Establishments, where the former employs at least one hired worker but less than 6 and the latter as explained earlier employs 6 and above. **Within retail, 24 per cent of the women (13,809)**

were in own account establishments and therefore self employed, 46 per cent (26,372) were in the smaller retail units with at least one hired worker but employing less than 6 workers. The remaining 30 per cent (17,568) were in the larger retail establishments employing more than 6.

6. *Need for a Differentiated Approach to Factors Governing Women's Work in Delhi*

A 2007 research paper emanating from the Department Of Economics and Statistics, Govt. of NCT Delhi, had drawn attention to the fact that work participation rates of both men and women in the capital have been falling. Two reasons were identified for the decline, namely "closure of polluting industries, etc. at the instance of the directives of the highest judiciary, had probably upset the growth tempo of the manufacturing sector as a whole and also dampened the prospects of the related economic activities" and the lack of 'strong roots' of the "fast growing sectors...namely IT and telecom sectors." Such reasoning appears to us to be limited by lack of differentiation by gender and too narrow and simplistic.

A point that becomes clear from the first table (Table 1.1) is that no simple equation can be drawn between the levels and trajectories of women's work participation and that of men. For example, in Surat, if one takes the decade 1993-94 to 2004-05 as a whole, male work participation in the age group 15 and above jumped from 77.3 to 87.6 per cent, the highest ever among all million plus cities, but women's work participation slid from 23.1 to 18.2 per cent. Similarly Bangalore increased male work participation from 74.7 per cent in 1999-2000 to 84.1 per cent in 2004-05, while simultaneously witnessing a fall in women's work participation from 23.2 to 20.2 per cent. As is known, Surat was the site of expanding manufactures (at least during the period in question, which preceded the global recession) and Bangalore can hardly be accused of not having strong roots in IT and telecom. Obviously the issues that govern women's work participation levels have to be looked into separately and in greater detail, even though there may be several common processes affecting both male and female workers.

Some earlier studies of urban women's employment had discerned a difference between the northern and southern Indian cities whereby in the south women's work participation tended to be significantly higher than in the north.⁸ Such differences that may have had a basis in historically evolved socio-cultural factors have obviously been overlaid in the more recent period and a more mixed picture emerges from the table. It is more than likely that with greater movement of capital, labour and ideas across cities and even perhaps drawing in parts of the countryside, economic restructuring/trajectories, social protection policies or their absence, and urban development priorities are now emerging as more universal determinants of urban women's work participation than the previously assumed socio-cultural context and related traditions that restricted women's work participation, particularly in northern India.

Among the factors that may be significant in determining the differences between male and female work participation are the composition of the more prominent industries and

⁸ See N. Neetha and Indrani Mazumdar, (mimeo) *New Developments in Labour Hiring and Women's Employment in Urban India*, paper presented at CWDS Seminar on *Globalization and the Women's Movement in India*, January, 2005.

services in any given city, and the relative weight of the female dominated industries/sectors. There can be little doubt that gender based divisions in labour processes, related stereotypes of jobs that women can or cannot do, and gender based preferences of employers have increasingly become more standardized across cities. Apart from this, stereotyping of occupations based on caste, migrant and regional statuses do exist which makes shifts across occupations highly unlikely. Thus, expansion of a female friendly sector may result only in the absorption of a given set of women. For instance, the growth of domestic work in the city though has provided employment opportunities for a number of women, for many this does not appear as a choice at all. Thus to increase women's participation in the labour market there needs to be a more balanced growth of different sectors and occupations and the expansion of manufacturing sector in this context is crucial. This is an aspect which is often forgotten in the policy perspective towards women workers in Delhi

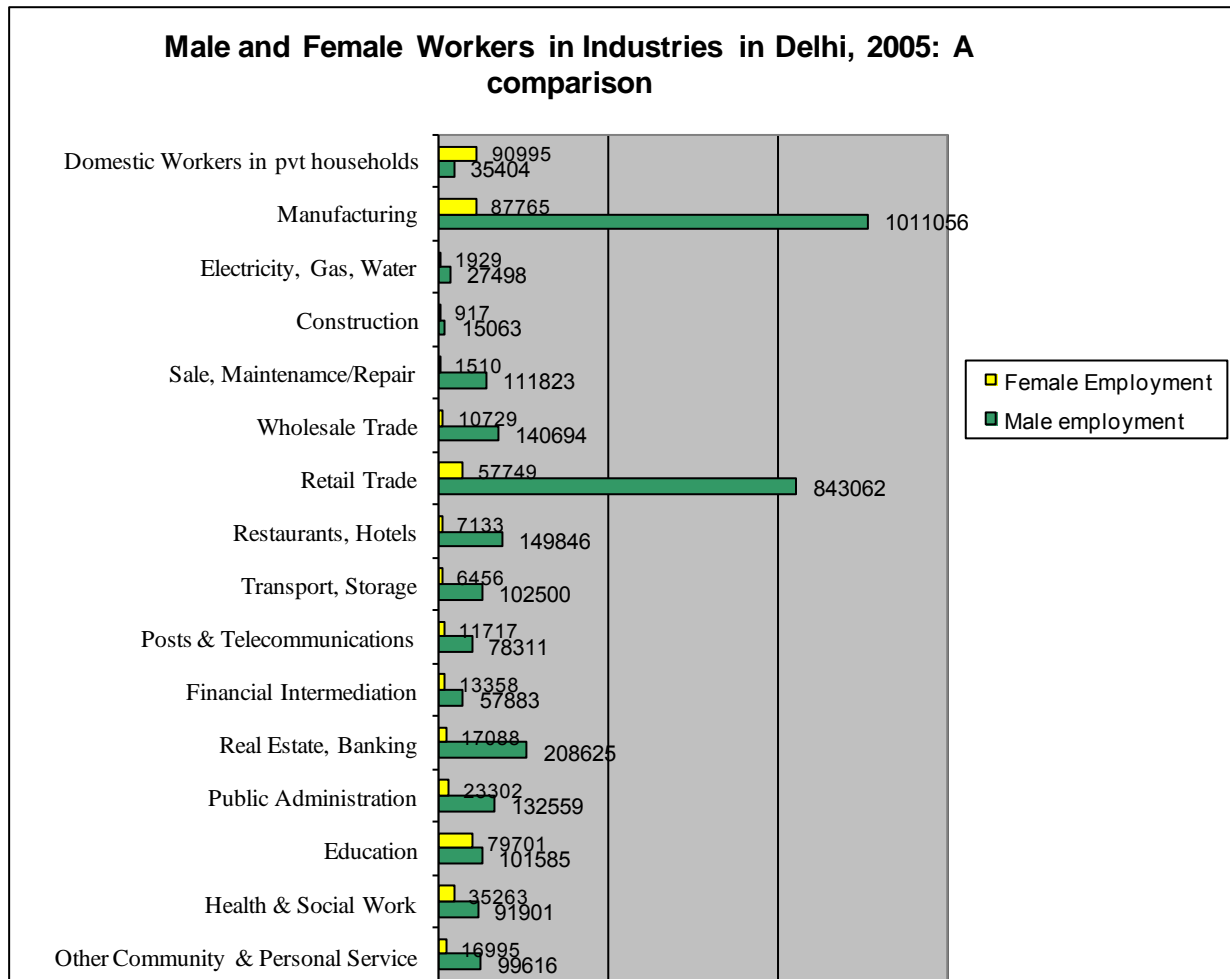
A second factor may have more to do with the nature of the urban environment that may facilitate or militate against women's work participation including the levels of violence against women in public spaces. It is worth mentioning that according to the National Crimes Records Bureau report of 2005, Delhi topped the list of 35 class 1 (million plus) cities in crimes against women, alone accounting for more than 18 per cent of such crimes in all such cities. 33.2% of Rape cases, 37.4% of Kidnapping & Abduction cases, and 23.1% of Molestation cases among 35 cities took place in Delhi.

Further, the degree of female work participation in a city like Delhi is no doubt also influenced by the nature of the work available including whether it provides for employment and wage/earnings protection during pregnancy and childbirth or during various exigencies requiring leave or whether hours of work are suitable for women. In the absence of such protections, women's role in reproduction becomes an instrument of their elimination from the labour market. It bears underlining that regardless of need for employment, the ability of women to make the attempt to seek paid work is inevitably conditioned by the social infrastructure available for child care and sundry civic amenities catering to domestic needs. In the absence of social support structures provided for by either state, family or employers, it is more than likely that large masses of women, who are expected to bear the full burden of domestic management and child care, will not be able to withstand the pressure to remain confined to the home and domesticity. In general, families can only provide such support by increasing domestic responsibilities of one or other girl/woman in the family which is hardly desirable. Employer provisions, even where legally bound, are yet to be taken seriously by either employers or the labour law enforcement agencies, and unfortunately, government efforts in the direction of providing women with such support that could enable them to enter paid employment have been few and far between.⁹

It needs to be pointed out that the logic of urban spatial and economic organisation does not follow the norms of the natural economy that prevails in many parts of the countryside where there may still be some limited possibilities for women to augment

⁹ Available information indicates that even on paper less than 700 creches have been sanctioned by the government for working women in the city, while the legal provisions under which employers have to make provision for crèches are bypassed without any major action from factory and labour inspectors..

household income and consumption needs by gathering from natural or common property resources. In the city on the other hand, the market and state provided amenities constitute the only domains from which all household consumption goods have to be met. In other words, the nature of the labour market and state policies are the key factors that need to be focused on in a city like Delhi, particularly since the need for paid employment is all the more acute.



Primary Field studies

This chapter has provided a contextual overview based on secondary research and provides a frame for the field studies in four important segments of the female workforce in the capital that were conducted in 2008-2009. The surveys were designed to gather information on the conditions of the women workers in order to identify the specific and practical needs for enhancing protection of women workers in these segments, particularly in the private sector. The surveys covered 500 women across four sector/segments including 75 factory workers, 125 domestic workers of which 50 were live-in workers and 75 live-out workers, 100 office/service workers, and 100 teachers of which 20 were in colleges, 50 from private schools, 30 from private educational institutes and 100 students in the education sector. These surveys were conducted on the basis of structured questionnaires as well as informal discussions with groups of workers, labour

department officials, and trade union activists. Apart from the general review of the profile of women workers, their conditions of work, employment relations and access to worker rights and entitlements, the surveys elicited information regarding gender specific problems that they face as women, including a special focus on sexual harassment.

A detailed analysis of the findings of the primary field studies are presented in next six chapters followed by a concluding chapter that summarises the findings and recommendations.

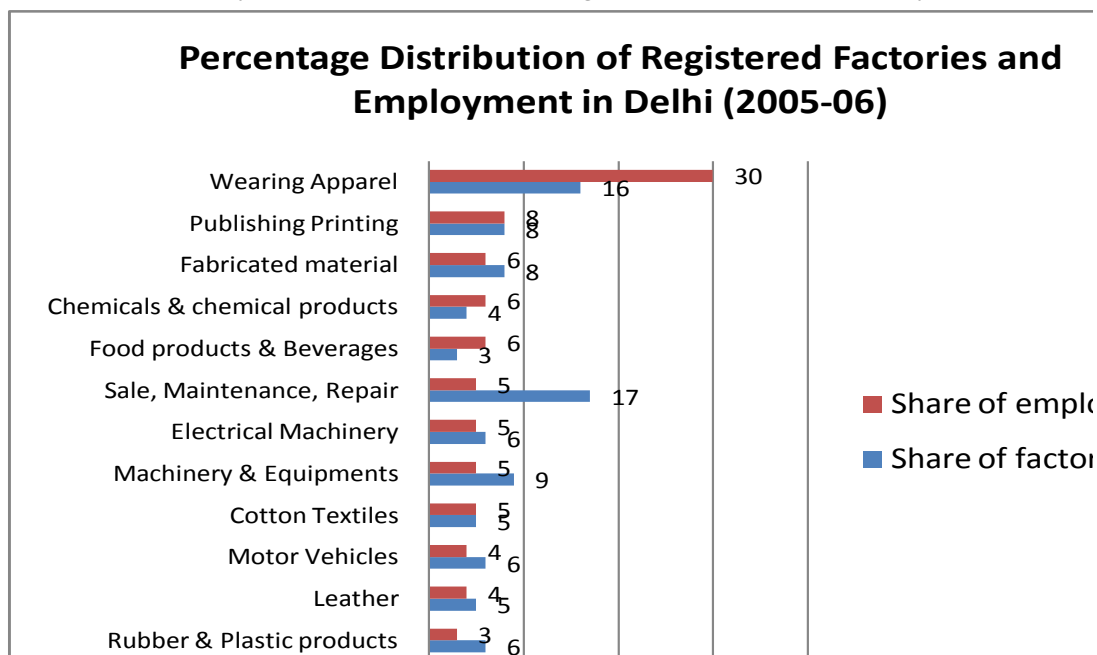
Chapter 2

Of Women Workers in the Factories of Delhi

Unlike Bombay and Calcutta which grew largely on account of their industrial development, Delhi emerged first as an administrative city. Nevertheless, taking off from its location as a commercial and trade centre with access to an expanding internal and external market, industry grew rapidly. Industrial development in Delhi has been dominated by numerous small units. In fact, the setting up of large scale and heavy industries in Delhi was ruled out by the various Master Plan for Delhi adopted from 1962.

Delhi has 28 industrial estates / areas in Delhi occupying an area of 4647 acres.

Annual survey of Industries 2005-06, Organized Industrial (Factory) Sector



In such a context, it is not surprising that in the survey of women factory workers in 2008-09, some 68 per cent of the factory workers were working in Readymade Garment Factories.¹⁰ Nevertheless, it was somewhat surprising in the field survey results, the proportions of women workers in garment factories ranged between 8 per cent to 27 per cent, with the largest unit in which had around 3,000 workers having only 17 per cent women.

The majority of the workers in garments were in registered organised sector factories operating in the formal industrial areas of the city. Their wage rates generally conformed to the legal minimum wage rates in the city and they received the casual and leave

¹⁰ It is interesting that a Textile Committee survey of the industry in 1989-90, women workers in Delhi numbered 220,000 and accounted for 28% of the total of garment workers in the city. These numbers are more than 2 ½ times the number of women in all manufacturing as recorded by the Economic Census 2005.

entitlements under the law. The experience of the survey revealed however, that beneath the surface reality of protections, entitlements and regulated conditions of work, there was an underlying instability.

Survey Results

Women factory workers in the survey were drawn from three formal conforming industrial areas, and one non-conforming industrial area. In all 75 workers were interviewed and this section details the results of the survey.

Factory Workers - Mostly Married Mothers

From the profile of the surveyed women working in various factories, the first striking feature that emerged was that **the overwhelming majority of the factory workers (76 per cent) were married women. Close to three quarters of the workers had children upto 10 - 11 years old, i.e., their employment coincided with precisely that period in their lives involving concentrated responsibilities in childcare.**

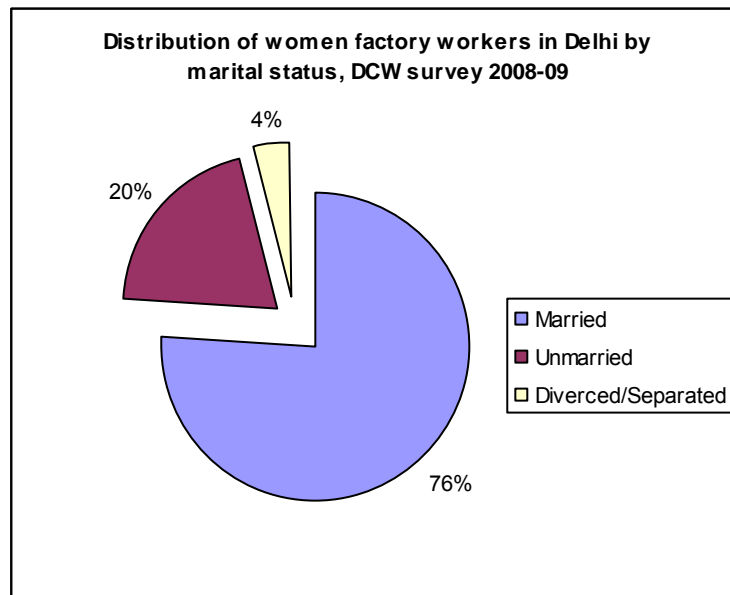
This remarkable feature of a predominantly married female workforce in the factories of Delhi, that has been noticeable in every survey opens up a related question of age structure. Table 2.1 which presents the age and marital status of the surveyed factory workers indicates that the prime age of women factory workers is between 26 and 35, an age group that accounted for some 51 per cent of the workers followed by a process of reduction in the later age cohorts and what appears to be a ceiling at 50.

Table 2.1:

Age and Marital status of women factory workers in Delhi,
DCW survey, 2008-09

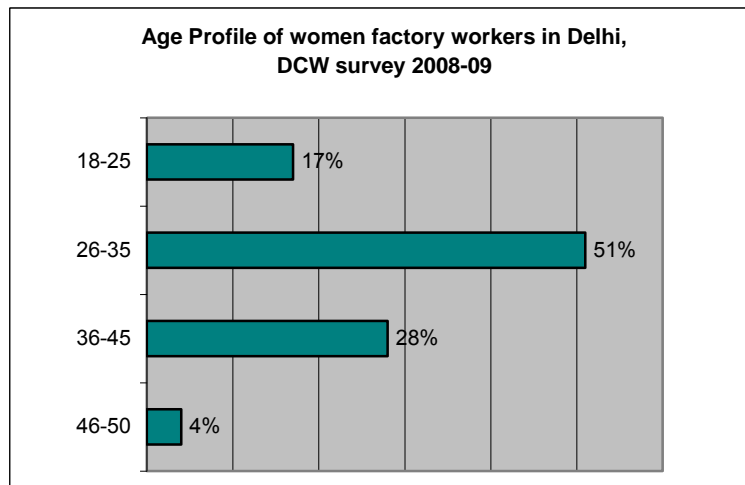
AGE GROUP	UNMARRIED	MARRIED	DIVORCED/ SEPARATED	ALL
18-25	11	2	0	13 (17 %)
26-35	4	31	3	38 (51 %)
36-45	0	21	0	21 (28 %)
46-50	0	3	0	3 (4 %)
All	15 (20 %)	57 (76 %)	3 (4 %)	75 (100 %)

Figure 2.2



As may be seen, there are no workers older than 50 among these factory workers. This ceiling of 50 may mean that either factories in Delhi do not keep women workers beyond this age or that the workers themselves get burnt out and are unable to continue. Either way, it raises questions about the conditions that lead to premature retirement among women factory workers and the consequences of lack of wage incomes in their later years.

Figure 2.3



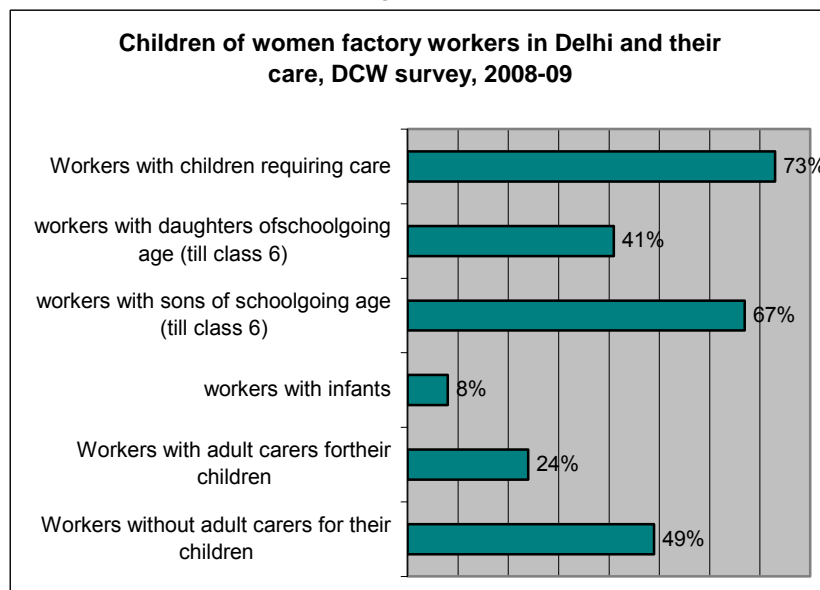
The issue of access to retirement benefits is of course linked to whether labour laws are effectively in operation. Information on the issue of whether workers were able to avail of retirement benefits and problems therein could not be generated through this survey and is a field that requires separate enquiry. However, this survey does indicate that since the quantum of retirement benefits including gratuity, provident fund and pension are all linked to length of service, premature retirement or early loss of employment would lead

to a truncation of benefits. The quantum of retirement benefits is also of course linked to wage levels which is dealt with in a later section.

The question of care of children: the child 'grown ups' of Factory Workers

The second issue that is linked to the age and marital status of women workers and an issue that clearly demands priority attention is the need for institutions required for the care of the children of these factory workers. As may be seen in Figure 2.4, almost half the workers (49 per cent) had to leave their children to look after themselves, i.e., they had no adult carers – either in the form of family members/relatives, or other adults in the neighbourhood. Only one worker was able to leave her child in a daycare centre. A small proportion of the factory workers were mothers of infants too young to go to school (8 per cent), although 73 per cent of them had young children requiring some care, here referring to children ranging from infants to 10 or 11 years old.

Figure 2.4



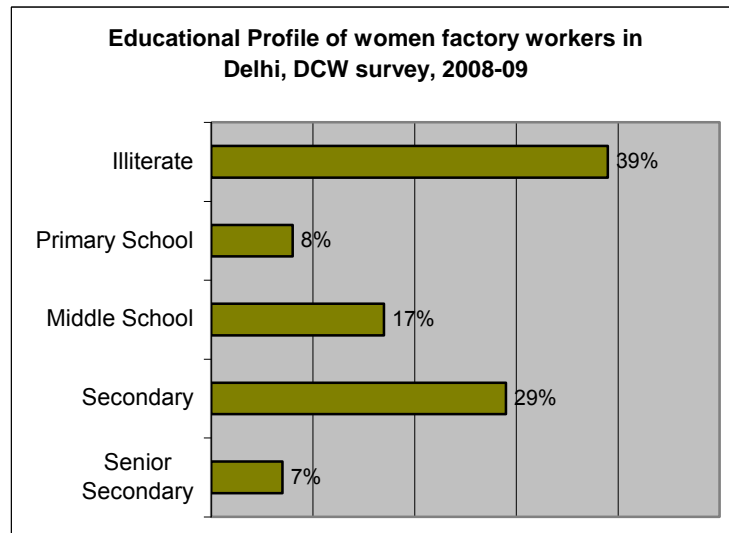
What was astonishing was that so many of them referred to children in the age group 5 to 11 as “grown up” and said that they were therefore able to take care of themselves and in some cases of infant siblings. Factory law is supposed to provide creches for infant children of workers in every unit employing more than 30 women. Such creches were not functional in even one of the factories where the surveyed women workers were employed. But even factory law does not make provision for care of children who are no longer infants but yet require some adult protection, care and supervision of their daily requirements. This is obviously an area that requires intervention by public social sector agencies. Schools are able to take on some of these care responsibilities, but school timings rarely coincide with the working hours of factory workers. In a city like Delhi where vulnerabilities of children are enhanced, **there is clearly a need for institutions that provide protection and minimum care for the children of workers.** To us it appears that the usual cutoff of 6 years for children in publicly funded creches/daycare centres and even as per the provisions of the Factories’ Act, leaves out a large number of children who need care. The absence of care facilities for children may be one of the key factors

preventing women from entering the labour market in larger numbers. For those who are in factory employment, there is obviously little option but to leave young children to their own devices for a major part of the day, as became clear from this survey.

Educational Profile of Factory Workers

Well over one third of the factory workers were illiterate (39 per cent) and another 8 per cent were educated only up to primary school level (see Figure 2.5). On the other hand, some 29 per cent had studied up to the secondary stage, while just 7 per cent of the workers had continued to the senior secondary level. Given the fact that the female literacy level of Delhi is 75 per cent for the state as a whole, with a high of 79 per cent in the East Delhi district and a low of 70 per cent in the Northeast Delhi district, it appears that a larger proportion of illiterate women are working in the city's factories.

Figure 2.5



Unsurprisingly, as made clear in Table 2.2, the proportion of illiterates was highest in the oldest age cohort of 46-50 and smallest in the youngest age cohort of 18-25, and conversely, the highest proportion of secondary school products was highest in the youngest age cohort in comparison to none in the oldest. Nevertheless, the pattern of higher proportions of illiterates followed by the secondary educated that emerged as the more general pattern among women factory workers is actually set by the prime age cohort of 26-35. While the illiterate are a major part of the social catchment from which female factory labour in the city is drawn, it is also clear that the majority has some level of school education. In fact more than 53 per cent of the workers had middle school and above levels of education.

Table 2.2

Education/Age cohort	18-25	26-35	36-45	46-50	All
Illiterate	1	15	10	3	29
Primary School	0	3	3	0	6
Middle School	3	8	2	0	13
Secondary	7	11	4	0	22
Sr. Secondary	2	1	2	0	5
All	13	38	21	3	75

Large Proportion of Migrants

One of the other factors that explains the somewhat disproportionate weight of the illiterate among factory workers is that a large proportion of them are migrants. Three quarters of the factory workers (75 per cent) were migrants from other parts of the country, while only 25 per cent were born and brought up in Delhi. The lower levels of literacy may be a reflection of literacy rates in the areas of origin of the migrants. As may be seen from Table 2.2, 28 per cent of the workers were the most recent migrants, among whom a very high proportion (62 per cent) were illiterate. In other words, the literacy levels of women factory workers in Delhi are no doubt in part due to the significant proportion of migrants with lower levels of literacy becoming part of the industrial workforce in Delhi. While it is known that industrial labour in Delhi is largely composed of migrants, it is well worth noting that the proportions of the older migrants is somewhat less than those who have migrated in the last decade and the proportions of those born and brought up in Delhi are just about a quarter of the female section of the factory workforce.

The question therefore remains as to whether employers prefer to hire larger numbers of migrants, regardless of their education, or are the conditions of work in the factories so abhorrent to the more settled and perhaps more educated women of Delhi that they do not seek work in these factories? A higher proportion of more recent migrants among women factory workers is perhaps an indication that there are elements in the conditions of life and work that discourages women who are more settled from taking up factory employment. But it also means that those who are working in the factories are likely to have less social or family support mechanisms in the city and therefore require more public institutional support. Their entitlement to such support is all the more since they are contributing to the economic growth and generation of wealth in the city.

Table 2.2

Migrant and local born women factory worker sin Delhi and their education

DURATION OF RESIDENCE IN DELHI	ILLITERATE	PRIMARY	MIDDLE	SECONDARY	SENIOR SECONDARY	ALL
4-10 years	13 [62 %]	0	0	7 [33 %]	1	21 (28 %)
11-15	11 [61 %]	2	2	3 [17 %]	0	18 (24 %)
16 and above	2 [12 %]	3	6	5 [29 %]	1	17 (23 %)

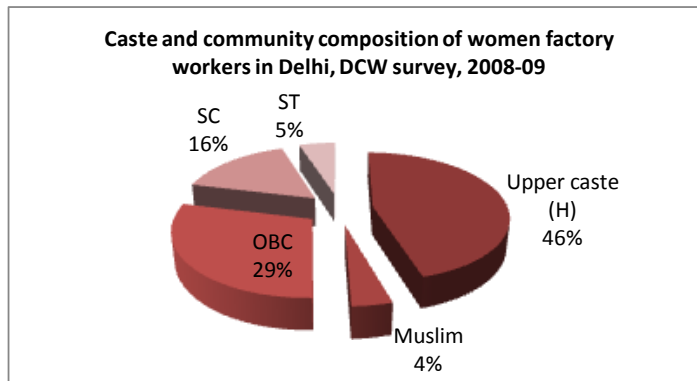
Born/brought up in Delhi	3 [16 %]	1	5	7 [37 %]	3	19 (25 %)
All	29 (39 %)	6 (8 %)	13 (17 %)	22 (29 %)	5 (7 %)	75 (100%)

Caste and Community Composition of Factory Workers

In terms of social composition of women factory workers, the single largest group according to the survey, were from upper caste families (46 per cent). 16 per cent came from Scheduled Caste (SC) families, a figure that is close enough to the proportions of Scheduled Caste women in the general female population of Delhi which, according to the Census was 17 per cent in 2001. The 4 per cent of workers from scheduled tribes [ST] (all Nepali speakers in the survey) is considerably higher than the less than 1/10th of a per cent that scheduled tribes occupy in the population of the city. On the other hand, the 4 per cent of workers of workers who were Muslim is well below their proportions in the population of the city (around 11 per cent) suggesting that the barriers to working in factories are higher for Muslim women. Regarding the other backward castes and upper castes, we do not have any census data to use as a reference point.

An earlier study of women workers in garment and electronics factories in 2003 in Delhi had indicated a higher proportion of women from both the upper castes and scheduled castes in these industries, but significantly lower proportions of workers from other backward castes and even lower proportions of Muslim women.

Figure 2.6



One should of course be wary of reading any categorical trend or shift in the composition of the workers, since the earlier survey and the present one are not exactly comparable. Nevertheless, it is possible that some redistribution of the caste composition of women factory workers is taking place with a decline in the share of both upper caste as well as scheduled caste women among factory workers. It bears mentioning that decennial censuses show that while the proportions of the scheduled castes in the general population of Delhi rose steadily across every decade from 1951 to 1991, there was a trend change in the following decade. Between 1991 and 2001, the share of scheduled castes in Delhi’s population actually dropped from 19.05 per cent to 16.92 per cent in

2001.¹¹ It is possible that the declining proportions of the scheduled castes is linked to the social composition of the newer waves of migrants and it is this that may be reflected in the findings of the present survey.

Table 2.3

Caste/Educaton	Illiterate	Primary school	Middle school	Secondary	Senior Secondary
Upper caste	44%	9%	9%	26%	12%
OBC	41%	5%	9%	41%	5%
SC	33%	9%	42%	8%	0
ST	25%	0	0	75%	0
Muslim	0	0	100%	0	0
All	39 %	8 %	17 %	29 %	7 %

In Table 2.3 which gives the percentage shares of different education levels within each social group, a noticeable feature is the high proportions of the illiterate among workers of both upper caste as well as OBC families - both above 40 per cent and both significantly more than the proportions of illiterates among the workers of Scheduled Caste families. On the other hand, among the secondary educated, both upper caste and OBC sections in the female factory workforce are significantly higher.¹² While the former is likely to be a reflection of the poverty of the families from which these workers are drawn, the latter phenomenon perhaps expresses the greater levels of social disadvantage that yet prevails among the scheduled castes, even among the poor in the capital city.

Garment Industry the Largest Employer of Women in Factories

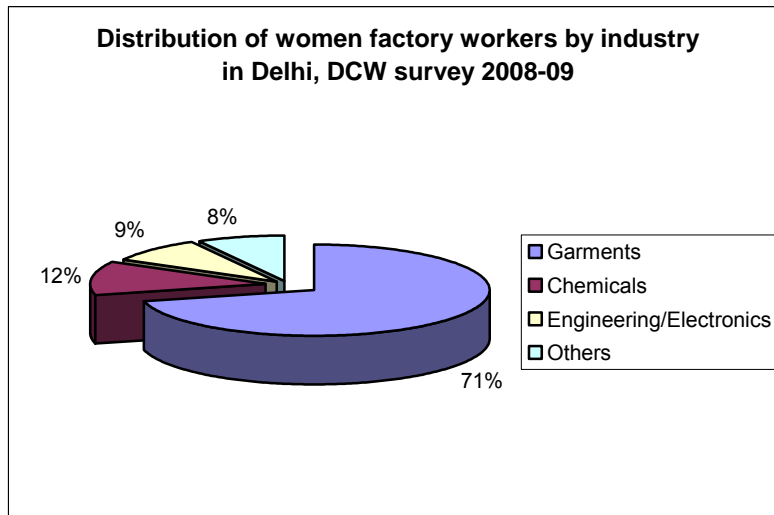
Expectedly, the Readymade Garment industry was the single largest employer of women factory workers in Delhi. From the data on registered factories given earlier, it was already clear that manufacture of garments (wearing apparel) was the most significant employer in the factory sector. Its special significance in women's employment is evidenced from the fact that whereas it accounted for 30 per cent of the registered factory workforce in general, 71 per cent of the surveyed women factory workers were found to be working in the garment industry. In comparison, other industries - electronics, chemical, and miscellaneous industries were each less than 10 per cent and in combination less than 30 per cent.

The weight of the garment industry in women's factory employment is not in itself surprising, since Delhi had emerged as an important centre for garment exports from the 1970s. According to a Textiles Committee survey in 1989-90 recorded 220,000 women garment workers in Delhi who accounted for 28% of the total of 783,000 garment workers in Delhi. In fact, at that time, more than half the women employed in the country's industry (57%) could be found in the Delhi region.

¹¹ The proportions of scheduled castes in the general population according to the decennial censuses were -11.98 per cent in 1951, 12.84 per cent in 1961, 15.63 per cent in 1971, 18.03 per cent in 1981, and 19.05 per cent in 1991.

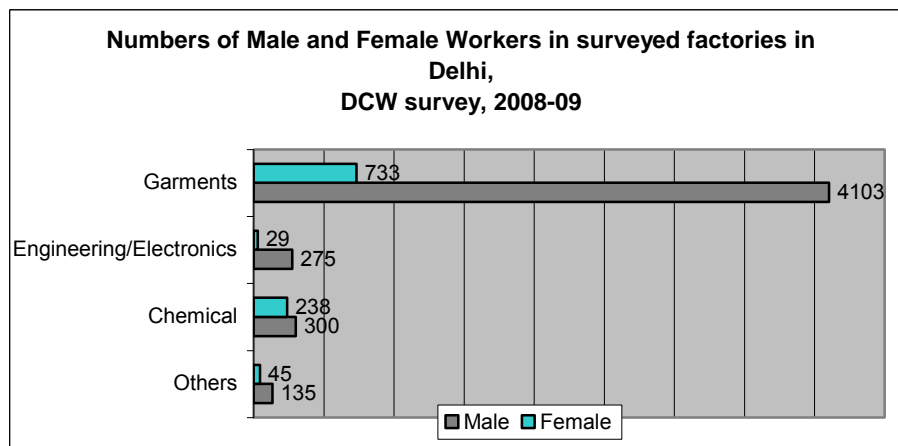
¹² The Muslim and Scheduled Tribe workers are numerically too small in the survey to invite comparative analysis.

Figure 2.7



Further, the manufacture of readymade garments is one of the industries that is within the permitted list of industries in Delhi and has therefore not been affected by the drive to shift polluting industries out of the city. Nevertheless, it is notable that despite its strong presence among existing women factory workers, the garment industry in Delhi is not or perhaps no longer as female labour intensive as is often assumed. From the reports of the surveyed women as to the gender composition of their factories (verified from other sources in these factories), it appears that women constituted a mere 15 per cent of the workforce in the garment factories (see Figure 2.8). In comparison, in the much smaller proportions of agarbatti factories (chemical), women constituted some 44 per cent of the workers. In electronics factories (Engineering/Electronics) which has generally been perceived as another female labour intensive industry, women constituted just 10 per cent of the workers. There are thus no female dominated industries in the city even as women are obviously able to find employment in only a limited range of industries/factories and not in others. Further, even this limited range is under pressure at several levels including in the garment industry and we give below a few experiences to illustrate this point.

Figure 2.8



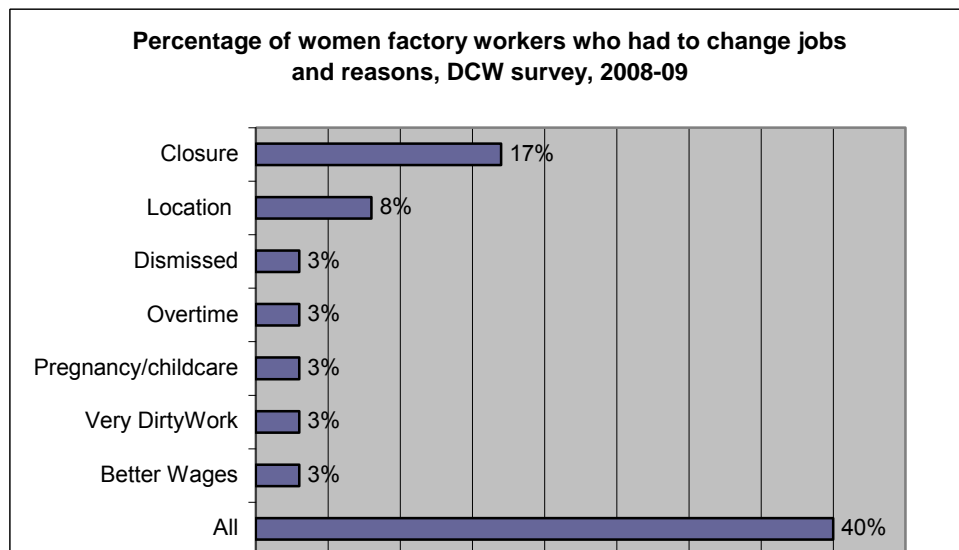
Closures, transfers and instability of tenure - mobility of capital versus workers' interests

Currently, the dominant thinking or view of industry and employment in Delhi has been preoccupied with the idea that Court directives (on closure of polluting units in the city and of industrial units located on land not earmarked for industry i.e., non-conforming areas as per the Master Plan of Delhi), and related sealing drives are the reason for loss of employment in the industrial sector. No doubt such court and Master Plan based closures have contributed to general loss of employment, but the results of the survey of women factory workers suggest that there are other issues also involved that need to be looked at in any policy framework that is addressed to the interests and needs of women workers.

A striking finding of the survey was that a large proportion of the workers (40 per cent) had had to change jobs, many of them several times. As becomes clear from Figure 2.9, only 6 per cent actually changed their jobs 'voluntarily' - 3 per cent in order to get better wages (of which one was earlier a domestic worker) and another 3 per cent because they considered their earlier work (in a Gutka factory) very dirty.

The rest of the changes were in a sense forced on the workers. Some 3 per cent of them had to leave because of pregnancy/childcare which indicates that maternity leave or creches were not available. Another 3 per cent left because of too much compulsory overtime pointing to the lack of choice in relation to overtime, or in other words where overtime became a conditions of service. A few were dismissed without either enquiry or due process. However the most major reason for such forced/involuntary job changes was closure of the factory where the women were working followed by location of the factory at a distance from the worker's residence (17 per cent and 8 per cent respectively), in some cases closure and relocation at a distance combined. The issue of closure and distance therefore deserves some concentrated attention.

Figure 2.9



In reiteration, it is perhaps necessary underline fact the industrial universe of these workers, i.e., garments, various types of assembling of electronic products, the other miscellaneous industries, and even agarbatti, all fall within Group A and A-1 of industries permitted under the Master Plan. There was therefore no threat of closure as polluting industries. As regards the issue of non-conforming areas, the following comments and observations all relate not to closures caused by legal constraints on industries in non-conforming areas, but rather to developments taking place in the three formal industrial areas covered by the survey.

In the course of field work, in one of the industrial areas of the city (that became operational some 15-20 years ago), investigators were confronted with scores of women workers, who had just been told that their factory was being closed and they were being sent to another unit in Manesar in the Gurgaon district of Haryana (at a distance of around 60 kilometres). The workers were angry because they had not been given any notice – such notice is mandated by law. They were despairing because they knew that this meant they were losing their jobs. They understood that travelling daily to Manesar was not feasible for them, as it would mean spending more than one third of their wages on transport (the company was not even ready to provide transport) and that it involved four hours of travel to and fro. The women were even more agitated than their male co-workers as they knew they would not be able to undertake the time consuming journey because of their domestic responsibilities. They were upset that their hard work that had ensured that the company increased its profits sufficient to expand its operations, was not given adequate value and they were being treated as completely dispensable. But most of all they were afraid and worried as to how they were going to manage – how they would pay their rent, how they would pay for daily expenses – they were worried that the whole edifice of their lives and survival was nearing collapse.

The case described above was not a one off case, as discussions with several of the surveyed women revealed. Field investigators noted at least three such cases that were unfolding before their eyes in the course of the survey, all of which were in relatively larger employing factories ranging from 200 workers to more than 1000. Some ten other such cases emerged during the recording of the working history of the surveyed women. Most of the factories that faced or had been closed were obviously doing well, and workers had acquired some relatively better conditions of work and entitlements from which they were suddenly disintitled because of closure. The enormous mobility of capital in constant search of greener pastures appears to be the more powerful force leading to early mortality/closures of factories for the surveyed workers than any administrative measures. It needs to be underlined that in all the cases of closure recorded in the survey, not only were the factories located in proper industrial estates, but they were constructed and owned by the employers in each case.

At a general level, it is clear that the so called transfer of workers is but a cover to bypass the legal restrictions on closures in larger factories. Such a restriction is still part of the Industrial Disputes Act, in recognition of the fact that displacement of a large number of workers from employment is a matter of social concern, and employers have social responsibilities that ought not to be easily overridden by the narrow interests of the rich and wealthy. But for women the problem is more severe because distance from place of work is perhaps a more pressing concern.

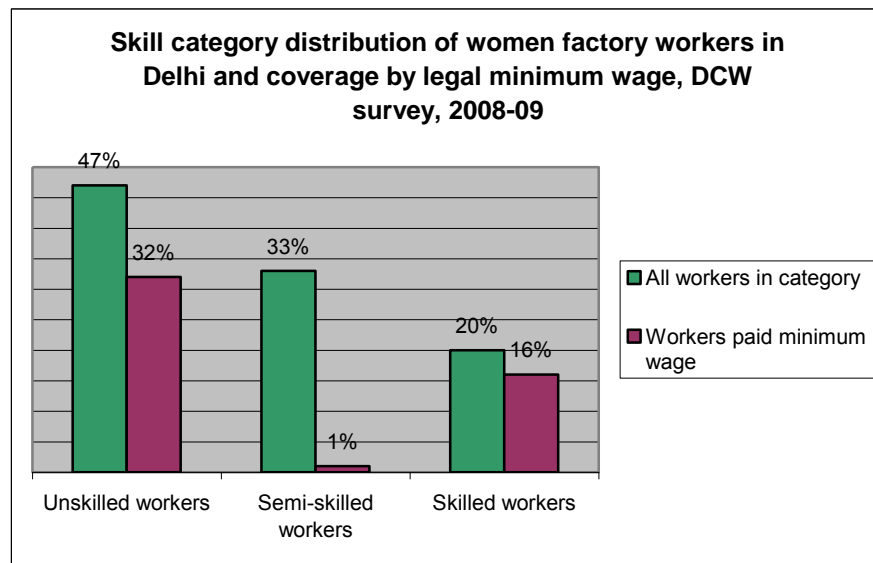
Several of the workers pointed out that the distance between factory and home was of crucial importance to women. “How can we do what we have to do at home – the cooking, housework and things that we have to do if we spend too long in going and coming from the factory?”

Domestic duties and responsibilities is clearly a factor in preventing women factory workers from travelling too far for paid work. It is in such a context that the virtual habit of industry of moving from place to place in search of concessions and in order to evade their responsibilities to their older workers needs to be assessed.

Rights and Entitlements of Factory Workers

The first mandated entitlement of all factory workers in Delhi (regardless of the size of the establishment or number of workers) is the statutory minimum wage, which includes a bi-annual variable dearness allowance generally announced in February and August every year. The notified minimum wages per month at the time of the survey were Rs. 3,683 for unskilled workers, Rs 3,849 for semi-skilled and Rs 4,107 for skilled workers. Annual or other increments, although not statutory are part of reasonable or negotiated practice. As may be seen from Figure 2.10, **just over half the surveyed workers were being paid the statutory minimum wage (51 per cent) while 49 per cent were denied this basic entitlement.**

Figure 2.10



From the above figure, it is clear that denial of minimum wages spans all skill categories of workers, although the position of skilled workers appears to be better than others. 80 per cent of the skilled workers had minimum wages in comparison to 68 per cent of the unskilled workers and just 3 per cent of the semi-skilled workers. The worst situation was obviously among the semi-skilled, most of whom were getting below the minimum wage of unskilled workers, while some were shortchanged by being paid the unskilled workers’ wage.

In fact some 45 per cent of all the factory workers comprising of all skill categories, were receiving less than the minimum wage for unskilled workers. Table 2.4 gives the range of

wages being paid to the workers and it may be seen that the lowest wage of Rs 1800 (the wage of some 10 per cent of the workers) is less than half the statutory minimum wage.

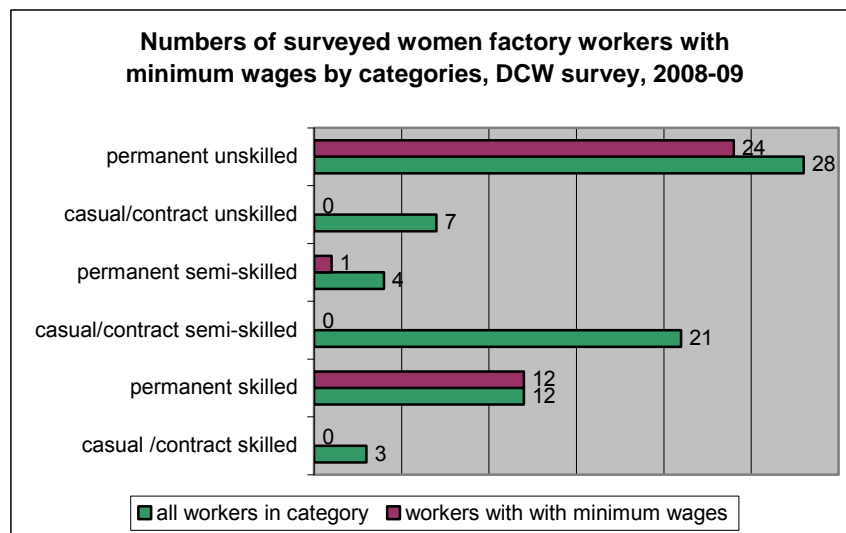
The solitary worker earning a wage above Rs 5,400 had put in 17 years of service.

Table 2.4

Category of worker	1800 - 2000	2001 - 2500	2501- 3000	3001 - 3500	3501 - 4000	5400 - 5933	All
Unskilled	5	0	1	3	25	1	35 (47%)
Semi-skilled	6	7	2	6	4	0	25 (33%)
Skilled	0	0	3	0	9	3	15 (20%)
All workers	11	7	6	10	37	4	75

It is well known that permanent workers, i.e., those who have completed probation service and are on the factory rolls as regular workers are generally in a better position to negotiate/demand minimum wages (although by law every worker – casual, contract or permanent/regular is mandated to receive minimum wages). The survey showed that this was indeed the case for the permanent skilled workers, all of whom were receiving minimum wages, followed by the 86 per cent of the permanent unskilled workers who had minimum wages.

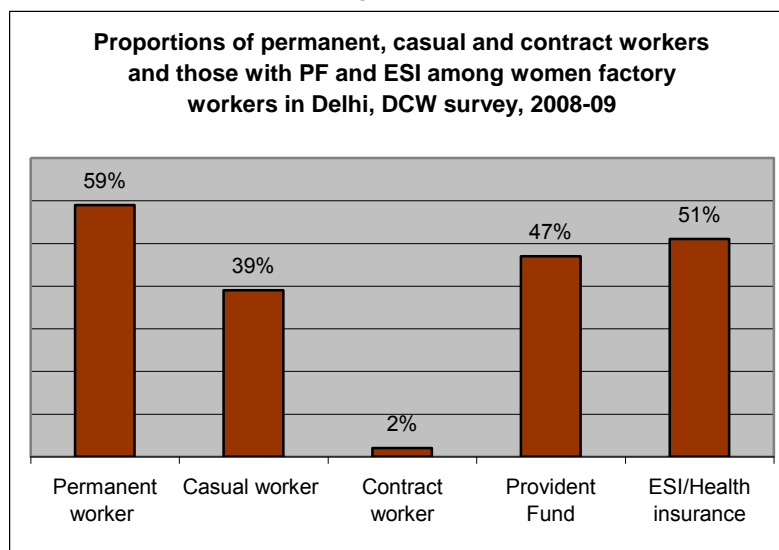
Figure 2.11



Once again we see that the category of semi-skilled workers were in the worst position with only 1 out of the 4 'permanent' workers in the semi-skilled category with minimum wage. What is particularly striking is that **the largest number and proportion of casual/contract workers were also among the semi-skilled. 84 per cent of the semi-skilled workers were casual/contract in comparison to 20 per cent each of the unskilled and skilled workers.**

There are two other laws that set the tone for social security entitlements of workers, namely, the Employees' State Insurance Act (ESI) and the Employees' Provident Funds and Miscellaneous Provisions Act (EPF). In the case of ESI, all employees including casual, temporary or contract employees drawing wages less than Rs 10,000 per month in factories employing 10 workers and more are mandated to be covered.¹³ Employees covered under ESI are entitled to medical facilities for self and dependants and also to cash benefits in the event of specified contingencies resulting in loss of wages or earning capacity due to sickness, employment injury or occupational disease and also maternity benefit. In the case of EPF, the law is supposed to guarantee a contribution by the employer of 3.67 per cent of the workers' wages to the provident fund and 8.33 per cent to the pension scheme under the EPF and a minimum of twenty workers are required to make its application compulsory.

Figure 2.12



As may be seen the proportions of workers who were covered by ESI was just over half (51 per cent) while the proportion covered by Provident Fund was somewhat less at 47 per cent. It may be noted that the smallest factory where the workers were working had a workforce of 30 and the largest 3000. As such none were legally exempt from the application of both ESI and PF. An important question that relates to social security provisions, particularly after retirement, is length of service of the worker. Earlier, it has been pointed out that there is a problem of truncated service due to a variety of reasons. But as may be seen from Table 2.5, even access to minimum wage levels are related to length of service. The 24 per cent of the workers who received wages between 1800 and 2500 all had service tenures of less than 5 years. At the other extreme, more than 80 per cent of the workers who received monthly wages of Rs 3,600 (around the minimum wage for unskilled workers) and above had service tenures of 5 years and above.

¹³ The ESI Act applies to factories with a minimum of ten workers where power is used and twenty if power is not used. The salary ceiling limit for eligibility has been raised from Rs.7500 to Rs.10000 with effect from 01.10.06.

Table 2.5

Duration of service	1800 - 2000	2001 - 2500	2501- 3000	3001 - 3500	3501 - 4000	5400 - 5933	All
< 1 year	3	3	0	0	0		6
1-3 years	6	3	4	3	1		17
3½-6 years	2	1	1	4	11		19
7-9 years	0	0	1	1	16		18
10 years +	0	0	0	1	10	4	15
All	11	7	6	9	38	4	75

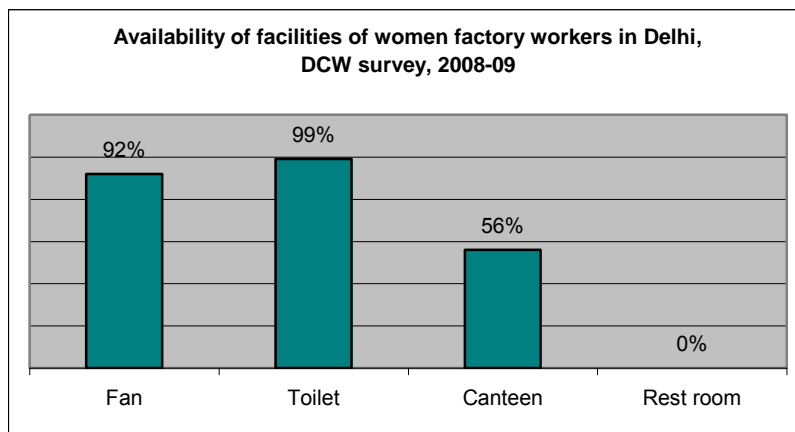
A fact that needs to be borne in mind is that the tenure of service is less linked to the age of the worker than one might expect. There were 21 year olds who had service tenures ranging from 6 months to 5 years and 25 year olds with service tenures ranging from 4 to 10 years. The service tenures of 32 year olds ranged from 2 years to 17 years, of 35 year olds from 2 to 15 years, while those in the age group of 40 to 50 had a range from 2 to 11 years. In other words, the age of entry into service in any given factory was highly variable. (The same was true for years of work experience in other factories.)

We have then, in the case of women, possibilities of truncated service from both ends, from the age of entry as well as involuntary termination of services due to the range of factors described earlier (refer Figure 2.9). This in turn acts as a mechanism for reducing retirement benefits in the form of provident fund and pension to levels below survival for an individual. Of course, for more than 50 per cent of the workers (those denied provident fund particularly), even truncated benefits are not available.

Facilities Available in Factories

The various facilities that are in place in the factories where the surveyed women worked are given below in Figure 2.13. The most striking feature in the figure is the absence of a rest room in any of the factories. This is despite the fact that

Figure 2.13



Of Overtime, the double burden, and the right to rest, recreation and development

The question of overtime always evokes mixed reactions from workers. On the one hand, the fact is that wages – even statutory minimum wages – are low and the family budget is managed with quite some hardship. Therefore overtime work, also means some additional income which is always welcome. On the other side, most of them and particularly the married women, whose double burden of factory and domestic labour makes them averse to extra hours of factory work, as it becomes difficult to fulfill their domestic responsibilities alongside, quite apart from the fact that excess work and pressure takes a toll of their health.

Most of the workers had a working day from 9 a.m. to between 5.30 and 6 p.m. or between 9.30 a.m. and 6.30 p.m. with a half hour lunch break and in some cases a short tea break. While this is more or less the normal working hours, **some 5 per cent of the workers were doing a longer shift from 9 a.m. to 6.30 and 7 p.m., i.e., their normal working day without any overtime wages was over 9 hours.** It was not surprising that these were the workers who complained most about stress and long working hours. And clearly, the violation of the 8 hour working day was just one of the violations they were facing since all of them were being paid less than the minimum wages for unskilled workers.

In general, the survey recorded that the time spent on domestic duties at home varied between 2 hours (for two of the unmarried girls) and 7 hours per day. The average number of hours spent on housework was 4 hours 40 minutes, i.e., close to 5 hours. The overwhelming majority of the women (57 per cent) started their day at 5 to 5.30 a.m. even in winter, while 42 per cent started at 6 – 6.30 a.m. Only one girl did not appear to have any morning domestic duties other than personal care and even she reported helping her mother in domestic work in the evening. All but one of them listed a series of household chores that they had to complete in the morning before leaving for work and all had household and domestic responsibilities after returning from work. As such, these women had to labour for 13-14 hours every working day. While this is not so surprising, it is surprising that all but one of the unmarried girls also reported heavy domestic duties/responsibilities. Of the 15 unmarried girls, 7 reported starting their working day at 5 a.m. and 8 at 6 a.m.

It is in such a context that the issue of overtime needs to be viewed. Strangely, the survey revealed that overtime work was not very frequently demanded of the workers, even though the garment industry used to be known for long spells of overtime, and in fact the industry at the national level has been pressing for extension of the working week from 48 hours to 60 hours.¹⁴ On average the number of days of overtime work for those who reported more frequent overtime, was around one or a maximum of two months in a year. As may be seen from Table 2.6, such workers constituted 65 per cent of the factory workers. Others who reported a few days of seasonal overtime on rare occasions, constituted around 29 per cent. But it was clear that the majority of the workers were not

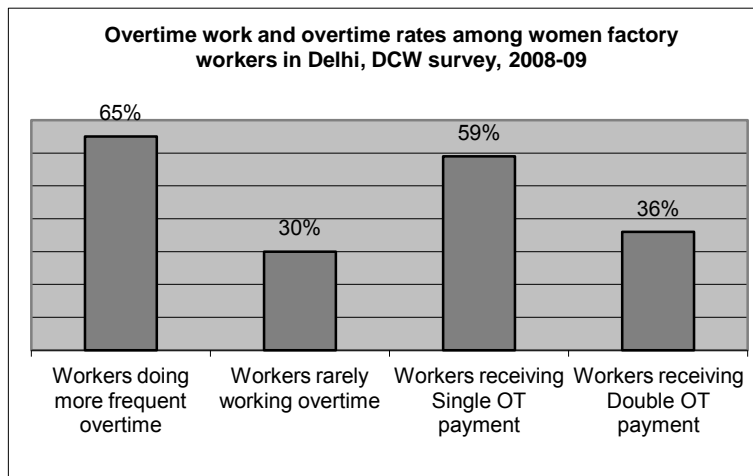
¹⁴ See Report of the Special Study group on Textiles set up by the Board of Trade, Ministry of Textiles, Govt. of India, September 29, 2005.

being given their legal due of double the normal hourly wages for overtime. 59 per cent of the workers reported single rates and only 27 per cent were given double rates for overtime work. The remaining workers were those who worked a normal 9 hour work day in their factories for less than the minimum wage and had no declared overtime.

Table 2.6:

Industry	Workers doing more frequent overtime	Workers rarely working overtime	Workers receiving Single OT payment	Workers receiving Double OT payment
Garments	40	8	22	26
Chemical	9	1	10	0
Engineering/Electronics	0	7	6	1
Others	0	6	6	0
All factory workers	49	22	44	27

Even on normal working days, it is clear that the average day for a majority of the surveyed women workers involved a minimum of 11 hours of labour and a maximum of 15 hours. That this is an inhuman schedule is well known and requires little elaboration. But generally no attention is paid to the fact that it leaves little scope for the creative self development and personal growth that was once assumed to be a product of release from domestic confinement.



Overtime work, distance from residence and the civic situation in which women are expected to carry out their housework are all interrelated and inevitably linked to the income and wage levels of the class of women who have effected a marginal entry into factory work. While there is need for action in all these spheres, there is perhaps also an additional necessity for organised public action in the sphere of leisure for women workers as well. If factory workers are to be treated as human and not just instruments of production, then the issue of their personal development and leisure deserve policy interventions. As of now, the department of labour has a scheme for holiday homes for industrial workers, that has actually become non-functional due to neglect, disuse and

underbudgeting.¹⁵ There is some need for expanding, evolving and operating better schemes for leisure and development of industrial workers and include in them some special schemes for women workers.

What is truly striking is that 91 per cent of the workers had had no access to any formal or institutional skill training for employment. According to available information, there are 13 Government run Industrial Training Institutes (ITI) that are either only for women or co-educational. There are also several schemes for training of women in various trades. A question then arises as to why no ITI products or workers trained under any one of the many schemes for vocational training were found among the surveyed women factory workers. In fact only 6 workers said that they had received any kind of training of which 4 were basically told what to do and supervised closely for a few days by 'expert' workers within their factories and 2 had learnt stitching from their parents. Obviously the government run training institutions and programmes do not cater to the needs of these workers. Women also appear to be excluded from employment in factories using more advanced skills. Private industry too has not showed any interest in upgrading the skills or technically developing its female workforce.

It perhaps needs to be emphasised that a national debate on skills training and upgradation has recently been initiated. Pointing out that the share of persons having formal training is just 2.6 per cent of the labour force (at the national level) as per the NSS 2004-05 Survey, the National Commission on Enterprises in the Unorganised Sector (NCEUS) has recommended a target of the rate of formal training to reach a level of 50 per cent of the labour force by 2021-22 with the targeted persons to include potential entrants into the labour force as well as the existing pool of workers whose skills require to be upgraded. The case for a strong intervention in this area particularly for women workers in Delhi needs to be promoted. The NCEUS had noted that the expansion of training needs to be gender equitable and gender sensitive, which can not be in the nature of stereotyped expansion alone or left entirely to the market and that skill expansion will require the active participation of public agencies, while giving ample scope and opportunity to the private and non- governmental actors, who wish to provide expanded opportunities for training to such workers.

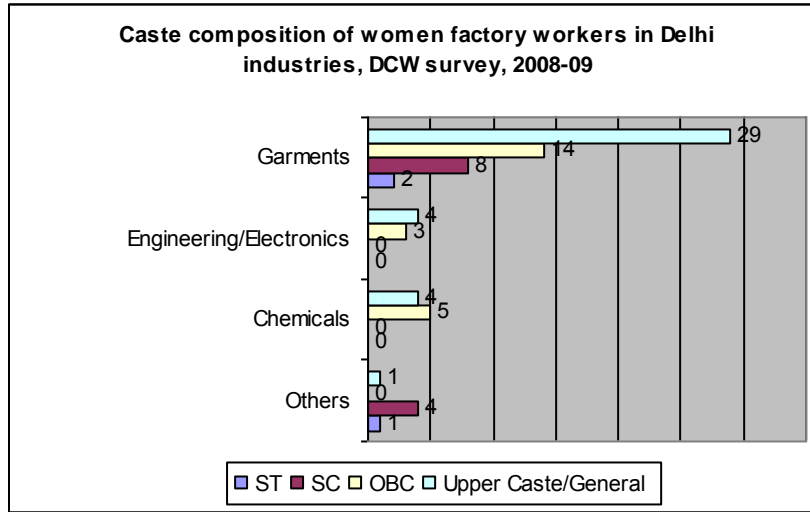
60 per cent of the workers lived on rent. On average number of household members were 5.2. Average number of hh members of unmarried girls' = 6.

25 per cent of the workers had used maternity leave. All of them were covered by ESI and concentrated in the larger garment factories.

¹⁵ See Govt. NCT Delhi, Planning Department, Evaluation Study Report on Holiday Homes for Industrial Workers, June 2001.

Table 1.

Caste category	Garments	Chemical	Engineering/ Electronics	Others	All
Upper Caste/General	29	4	4	1	38 (51 %)
OBC	14	5	3	0	22 (29 %)
SC	8	0	0	4	12 (16 %)
ST	2	0	0	1	3 (4 %)
All	53 (71 %)	9 (12 %)	7 (9 %)	6 (8 %)	75 (100 %)



The mean distance between home and factory for the surveyed workers was 3 kms while the median distance was 2 kms.

Table 2.

Education/ skill category/ Industry	Un- skilled	Semi- skilled	Skilled	Garments	Chemical	Engineering/ Electronics	Others
Illiterate	13 (37 %)	12 (48 %)	4 (27 %)	16	8	2	3
Primary school	4 (11 %)	1 (4 %)	1 (7 %)	5	0	0	1
Middle school	5 (14 %)	6 (24 %)	2 (13 %)	11	0	0	2
Secondary	11 (31 %)	4 (16 %)	7 (47 %)	19	0	3	0
Sr Secondary	2 (6 %)	2 (8 %)	1 (7 %)	2	1	2	0
All	35 (99 %)	25 (100 %)	15 (101 %)	53	9	7	6

Some of the workers were working in industries that had shifted over the last 10 years from initially non-conforming areas (such as Lakshmi Nagar) to formal industrial estates.

Chapter 3

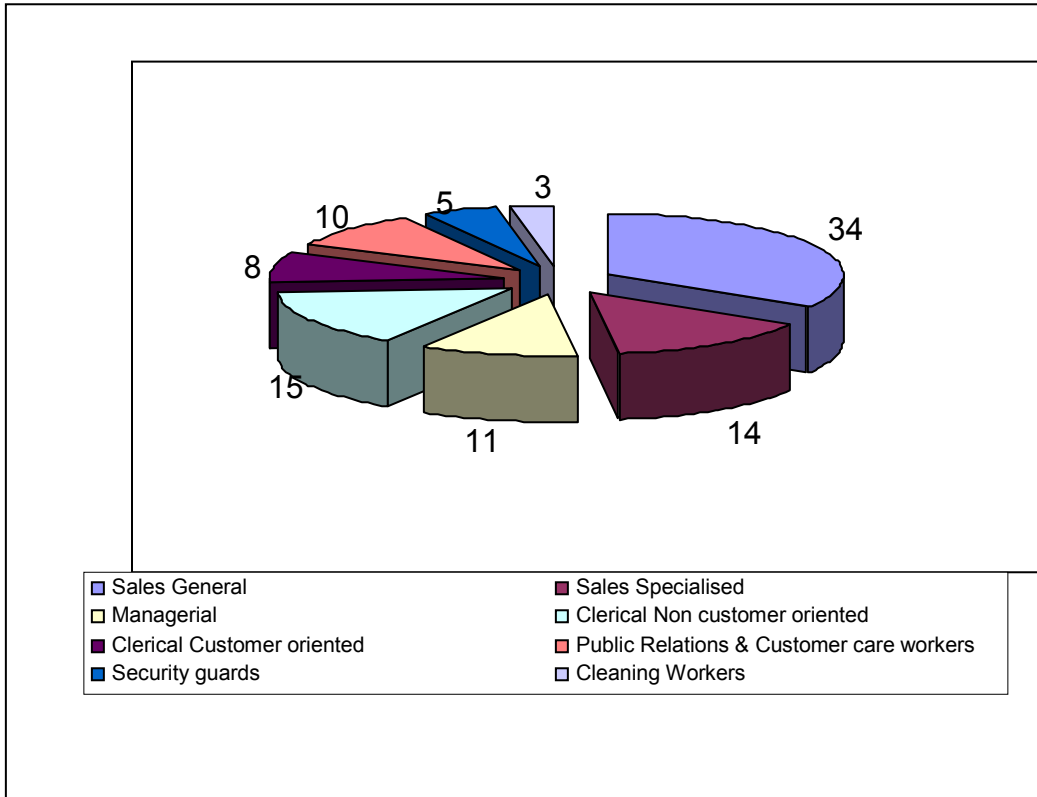
At the Cusp of a Boom: Private Sector Office/ Service Workers in Delhi

General office/service workers, typists, receptionists, clerks, account keepers, cleaning workers are employed in offices throughout in the public and private sectors. With the growth in modern retail trade and the coming up of corporate retail outlets- the popular malls- a new array of sales workers sharing similar working conditions have emerged. However, they are in many ways an invisible workforce. They constitute the essential underpinning of business, the workers who keep business/offices running so smoothly that they themselves are often overlooked. Despite the fact that they are the largest and growing occupational group in the country, the conditions under which they work continue to go largely unnoticed and unchallenged.

The growth of the private business offices and retail trade centres have opened up many job opportunities in the sector, and women constitute for a good proportion of such workers. Their number is expected to rise with the expansion of retail business and other service sector work. A range of such modern service sector workers are covered in the survey. Sales workers constituted the largest proportion of workers surveyed. Apart from sales workers an array of workers doing clerical and managerial work in private offices such as insurance, tour operating and ticket reservation companies were also covered. Cleaning workers who are normally not dealt as office workers are also captured in the study. The broad occupational profiles of the workers covered under the category of private sector office workers are given in the following figure.

Figure 1.

Broad Occupational Profile of Office/
Service Workers

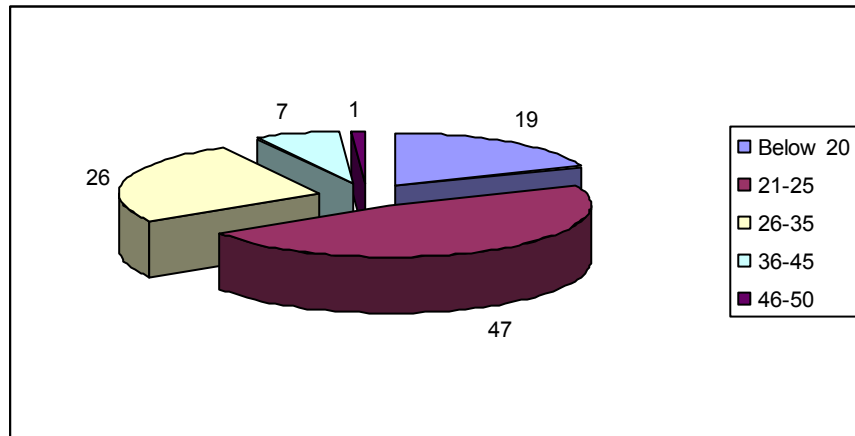


The above classification does not provide for any uniformity within a group in terms of wages, working conditions or terms of work. Thus, in the category of sales workers the wage rates ranged between Rs. 3000- 25,000. The same has been true for all the categories except security guards and cleaning workers.

Socio-economic characteristics of Office/Service workers **The age profile of the workers show that they are largely from the younger generation, with 92 per cent belonging to the age group of below 35 years, of which, 47 percent are in the age group of 21-25.**

Figure 2.

Age wise Distribution of Office Workers



The occupational profile of workers across various age categories show that women in the younger age group, below 26 years, are seen in all categories with a large number of them working in 'sales'. What is striking is the concentration of women in the age group above 36 years in managerial and clerical non customer oriented jobs.

Table 1.

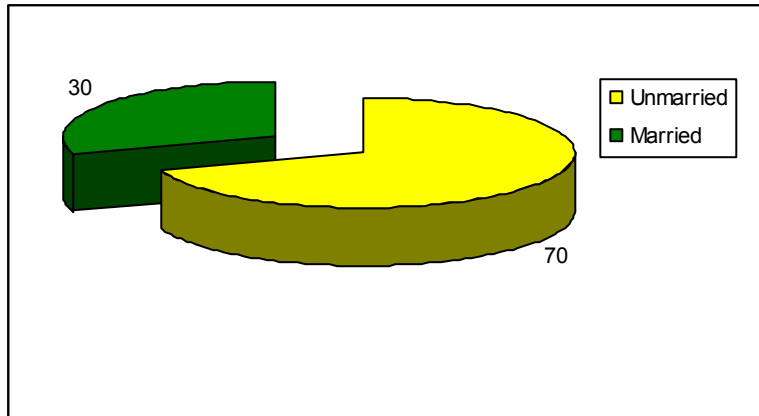
Distribution of Workers Across Occupational Categories and Age

Occupational Profile	Age categories					Total
	Below 20	21-25	26-35	36-45	46-50	
Sales General	12	17	4	1		34
Sales Specialised	1	9	4			14
Managerial		3	7	1		11
Clerical Non customer oriented	1	6	4	3	1	15
Clerical Customer oriented	1	4	3			8
Public Relations & Customer care executives	2	6	1	1		10
Security guards	1	2	2			5
Cleaning Workers	1		1	1		3
	19	47	26	7	1	100

The marital status do confirm demographic profile of these workers with 70 per cent being unmarried. The highly skewed pattern of marital status favouring unmarried girls needs to be examined further.

Figure 3:

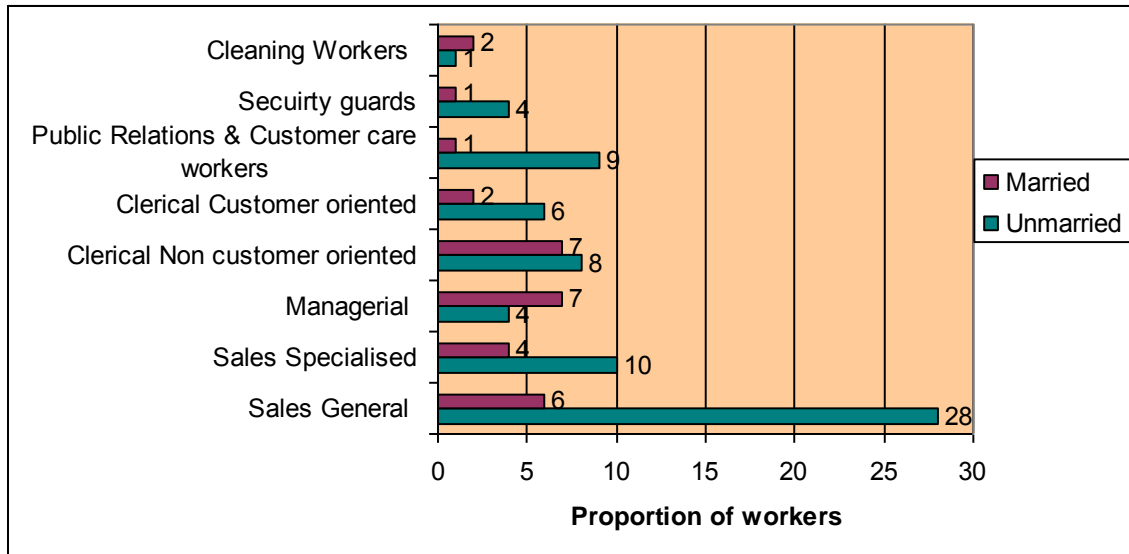
Martial status of office/service workers



This may be indicative of lack of provisions for married women such as maternity leave, crèches etc. This alongside timing of working hours could prevent married women from entering these occupations. Further, the employers preference for unmarried women for known reasons of maternity leave and absence from work due to care responsibilities could adversely affect employment of married women.

Figure 4:

Distribution of workers across occupational categories and marital status

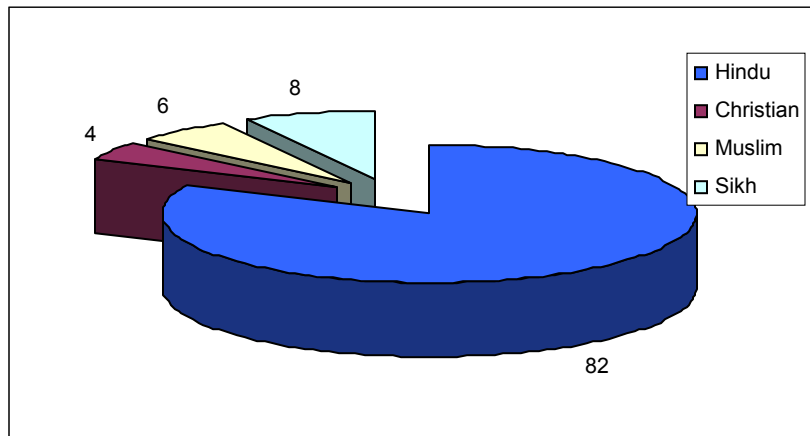


The only occupation group where married women out number unmarried women is the 'managerial' category. The proportion of married women are also high in the case of clerical non customer oriented work, with the proportion being lowest in public relations an customer care workers and 'general sales'. The timing of work and the absence of adequate provisions could be the reasons for their absence in these sectors.

The religious and caste status shows the domination of upper caste Hindus in this occupation.

Figure 5:

Distribution of Workers Across Religious Categories



Both SC workers covered in the survey were working as security guards. The only ST worker covered was working in beauty parlour. Upper caste women though were spread across most categories of work covered, none of them belonged to the category of housekeeping/cleaning workers or security guards. The housekeeping/cleaning workers – wash room cleaners- belonged to OBC category. All the workers belonging to the category ‘Public Relations & Customer care workers’ were from upper castes.

Table 2:

Distribution of workers across occupational categories and caste

Occupational Profile	Caste status			
	General	OBC	SC	ST
Sales General	27	7		
Sales Specialised	10	3		1
Managerial	10	1		
Clerical Non customer oriented	12	3		
Clerical Customer oriented	8			
Public Relations & Customer care workers	10			
Security guards	1	2	2	
Cleaning Workers		3		
	78	19	2	1

As the data shows, the educational background of these workers is much higher compared to that of workers in other informal sector occupations, or factory work. 60 per cent of workers had education of at least graduation or above and another 12 percent had education till 12th. None of them were illiterate and the minimum education was that of middle school pass.

Table 3.

Distribution of workers across occupational categories and education

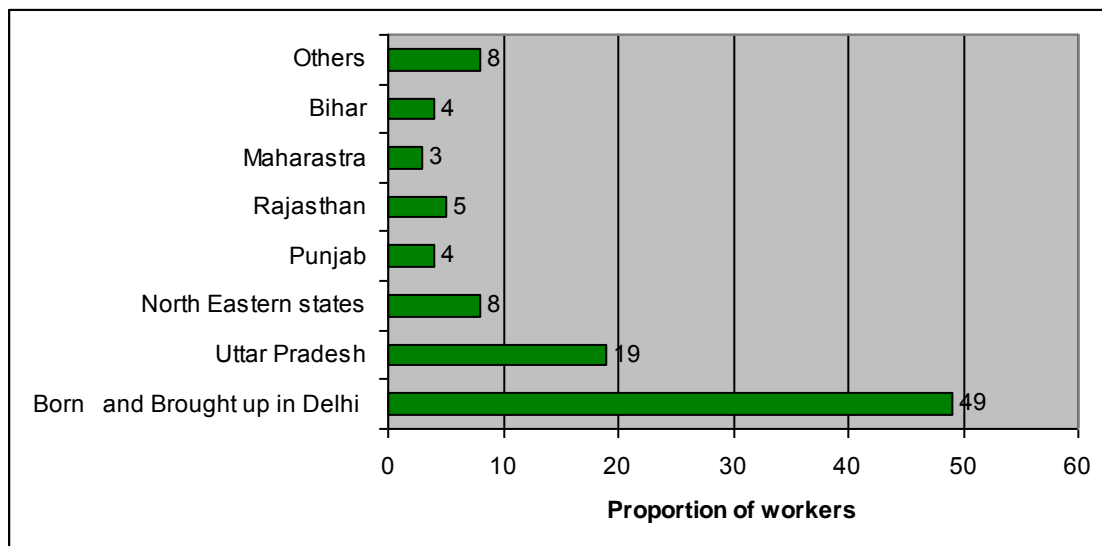
	Middle	10th	12th	Graduate	Post graduate	Technical/ professional	Total
Sales General	0	0	23	11	0	0	34
Sales Specialised	0	0	2	10	1	1	14
Managerial	0	0		8	3	0	11
Clerical Non customer oriented	0	0	4	10	1	0	15
Clerical Customer oriented	0	0	1	5	1	1	8
Public Relations & Customer care workers	0	0	2	5	3	0	10
Security guards	0	2	3	0	0	0	5
Cleaning Workers	1	2	0	0	0	0	3
Total	1	4	35	49	9	2	100

Workers with lowest educational backgrounds are either cleaning workers or security guards, followed by general sales workers while none of the workers with education postgraduate and above are found in general sales.

Unlike other categories of occupation which have a large proportion of migrant workers, a large section of office workers were from Delhi and other nearby areas in the states of Uttar Pradesh, Rajasthan and Punjab. Further, women from North Eastern states, especially from Manipur were also noted. These workers were largely into sales.

Figure 6:

Distribution of office workers across state of origin



The occupational status across states of migration shows that all the girls from North eastern states are in sales, while women from other states are spread across various occupations. Clerical customer oriented work are dominated by women born and brought up in Delhi which could be on account of the employers preference for these girls due to their familiarity with the local culture and social life.

Table 4:

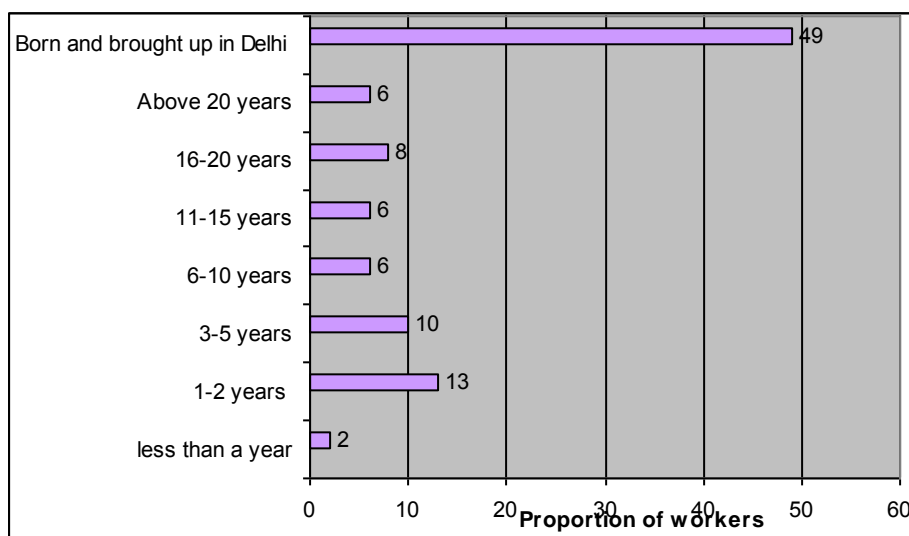
Distribution of workers across occupational categories and state of origin

	Born and Brought up in	Uttar Pradesh	North Eastern states	Punjab	Rajasthan	Maharashtra	Bihar	Others	Total
Sales General	22	3	4	1	1	0	2	1	34
Sales Specialised	6	3	4	0	0	0	0	1	14
Managerial	3	1	0	2	2	2	0	1	11
Clerical Non customer oriented	4	5	0	1	1	0	0	4	15
Clerical Customer oriented	7	0	0	0		0	0	1	8
Public Relations & Customer care workers	5	2	0	0	1	1	1	0	10
Security guards	2	3	0	0	0	0	0	0	5
Cleaning Workers	0	2	0	0	0	0	1	0	3
Total	49	19	8	4	5	3	4	8	100

The number of years of stay in Delhi shows that many of the migrants are also familiar with the city with only 15 percent having less than 2 years of stay in Delhi.

Figure 7:

Distribution of office workers across duration of stay in Delhi

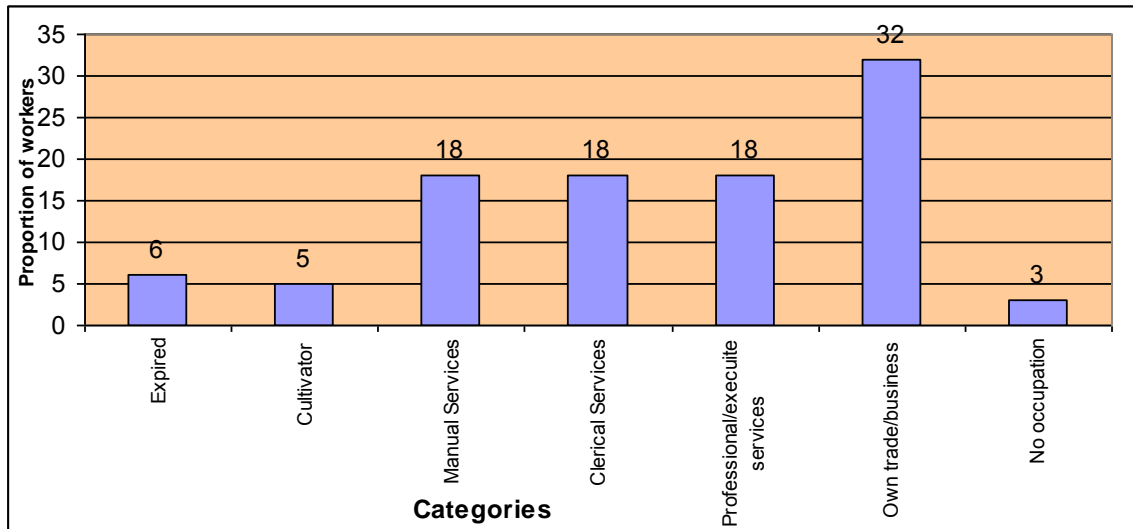


A large proportion of surveyed workers stayed in own house (53 per cent), which is reflective of their migrant status - a large number of them being born and brought up in Delhi.

As discussed earlier most office workers were unmarried. The occupational profile of their parents shows that a substantial proportion of them belong to lower middle class or low class families. As far as fathers occupation is concerned though the largest proportion of workers belonged to the category of own trade/business many were into petty and unorganized retail trade with a monthly income of less than Rs. 10,000.

Figure 8:

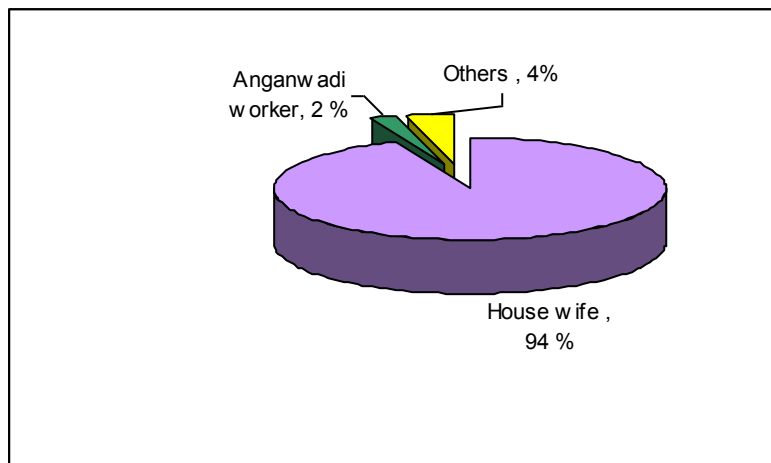
Distribution of workers across occupational profile of father



Mothers of these workers were largely housewives with only 6 per cent reporting of any outside work. Thus the women studied were largely first generation workers from these households.

Figure 9:

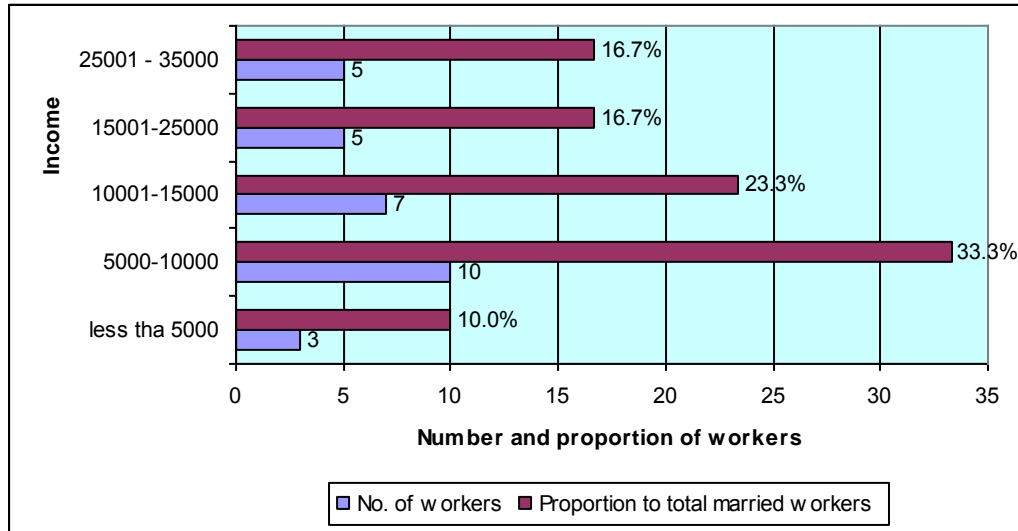
Distribution of workers across occupational profile of mother



The spouses of those who were married were largely working in private financial institutions or were sales representatives or doing petty business.

Figure 10:

Distribution of married workers across occupational profile of husband

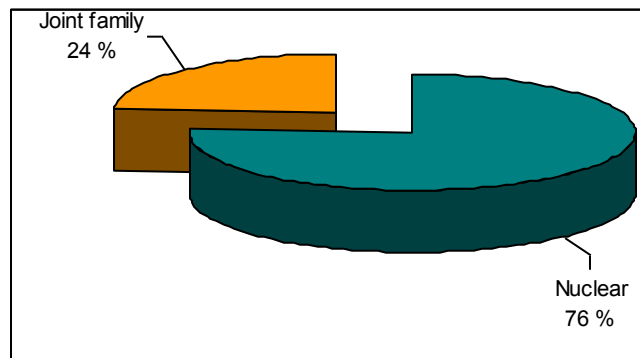


The income distribution of spouses shows a concentration in the income group of Rs. 5000-10,000 and Rs. 10001-15000. Thus the occupation of the spouses of these workers was also highly insecure and with limited income, which makes women taking up jobs necessary for the survival of the household.

Confirming to the pattern in any urban centre, most women were from nuclear households, 76 per cent. The average number of household members were 5.6.

Figure 11:

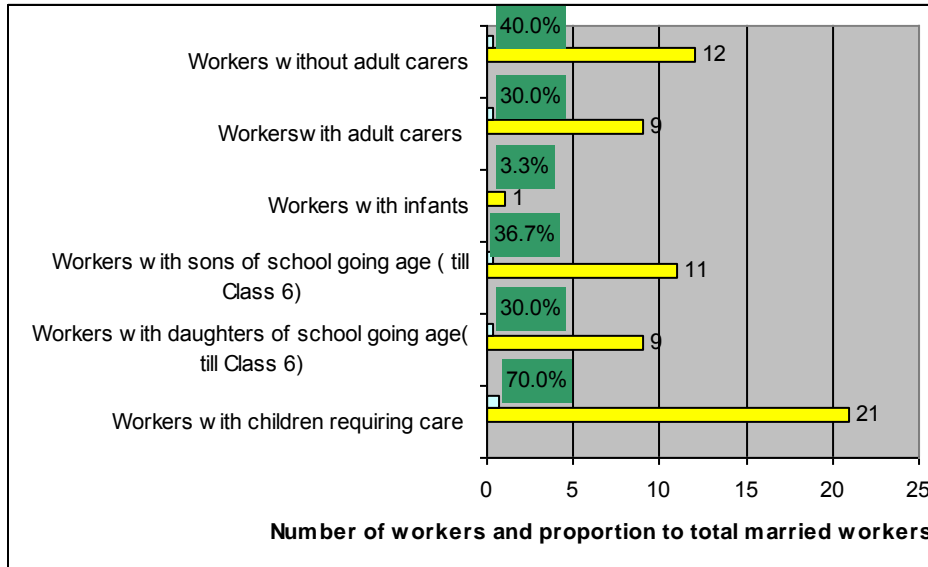
Distribution of Office Workers Across Type of Households



This means that many workers have to take contribute to domestic work. Taking care of children is especially important in this context.

Figure 12:

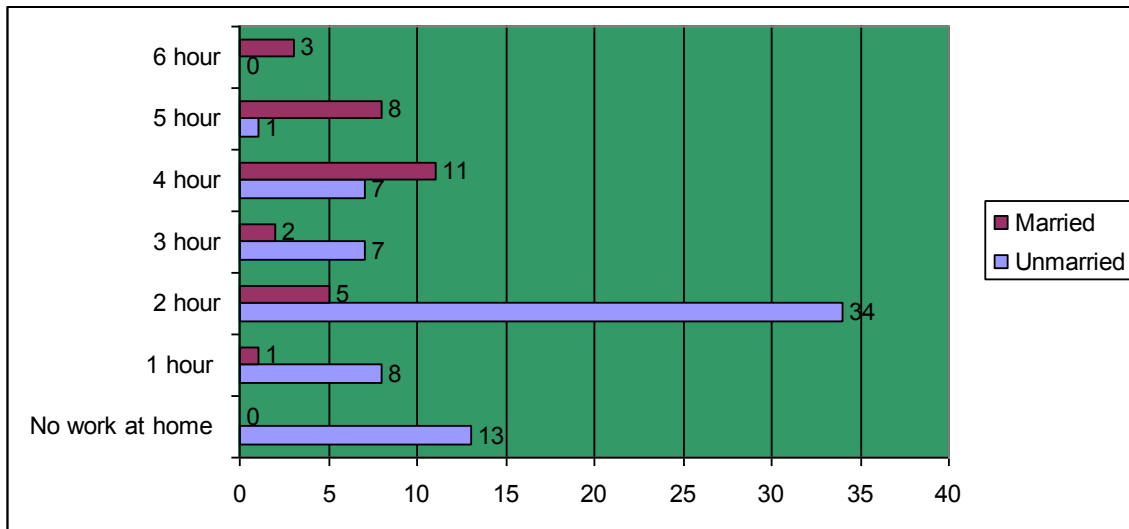
Details of children of office workers and their care



Of the married workers 70 per cent had children requiring care. 36.7 per cent of workers had sons and 30 per cent had daughters of school age (till class 6). Of the total married workers 40 percent workers did not have any adult carers- which means that children were left to themselves to care for. Only one worker of the surveyed workers had an infant who was taken care of by the mother in law.

Figure 13:

Time spent on domestic duties by married and unmarried women



Time spent on domestic duties at home varied between 6 hours and 1 hour per day for married workers. The average number of hours spent on housework spent by married and unmarried workers varied considerably. While married women spent on an average roughly 4 hours on domestic duties, unmarried girls spent only 1 hour 50 minutes. 13 unmarried girls appear to have no morning domestic duties other than personal care. However many unmarried girls listed a series of household chores that they had to

complete in the morning before leaving for work.

A considerable chunk of workers (56 per cent) reported of previous work experience. Given the large proportion of sales workers in the study, many of these workers were in sales related occupations.

Figure 14 :
Distribution of Workers as per Previous Work Experience

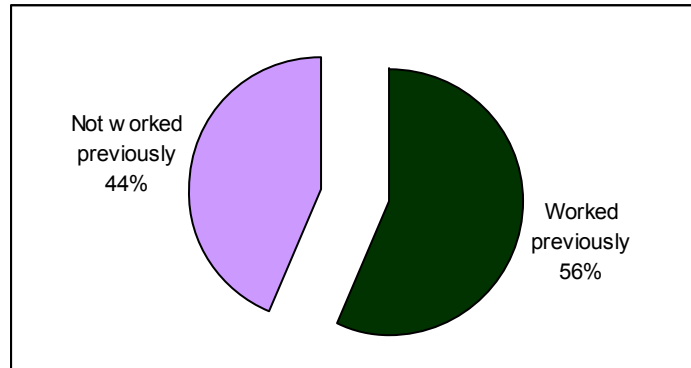
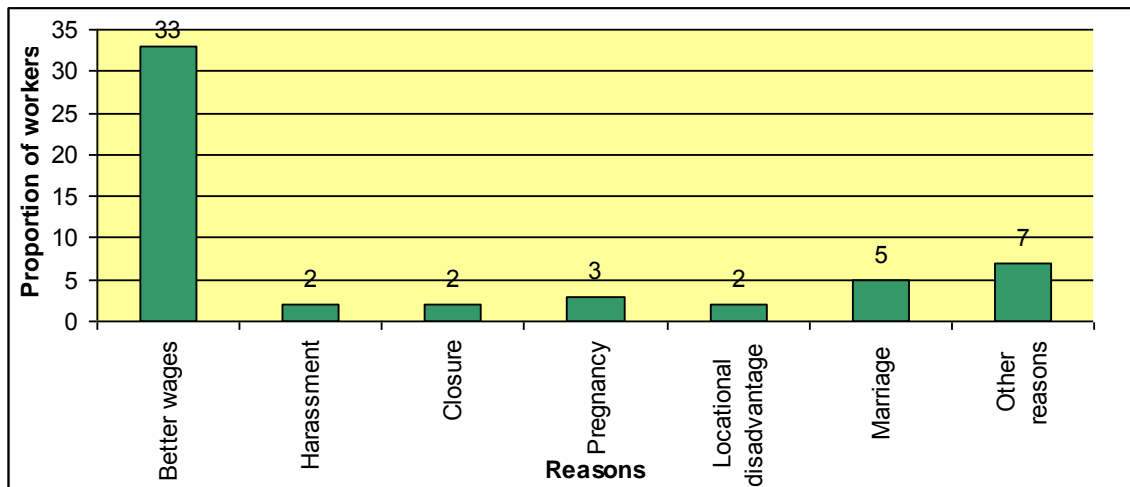


Figure 15 :
Distribution of workers with previous work experience and reasons for change of job



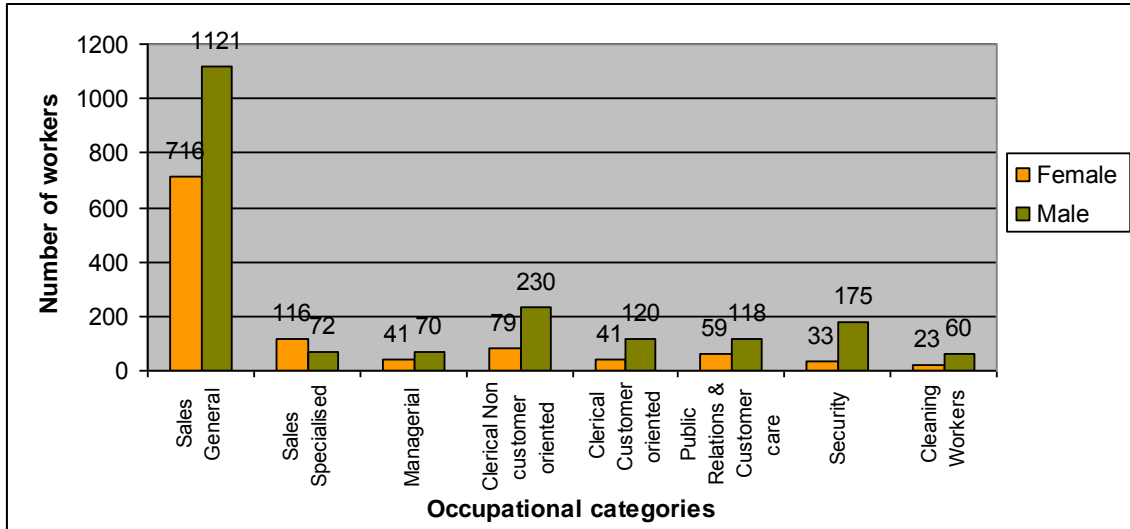
Of the reasons for change in jobs, the most prominent one was for better wages. Pregnancy and marriage constituted for 8 percent of workers. Though this constitutes only for a small proportion of the total workers, it accounts for a substantial share of married workers (27 per cent). Interestingly, 2 workers reported of harassment at the workplace as the reason for their change in job. In this context it needs to be noted that harassment is generally an underreported reason and the fact that two workers reported of harassment points to the possibility of high work pressure, strict monitoring and performance guided employment that exist in this sector.

Employment and Working Conditions

The sex wise composition of workers in the units as reported by the workers shows that female share is highest in sales. Specialised sales accounts for the only category which has more female workers than male workers is in the category of specialised sales. This could be on account of the presence of women sales workers working in cosmetic shops or cloth designer shops in the survey.

Figure 16:

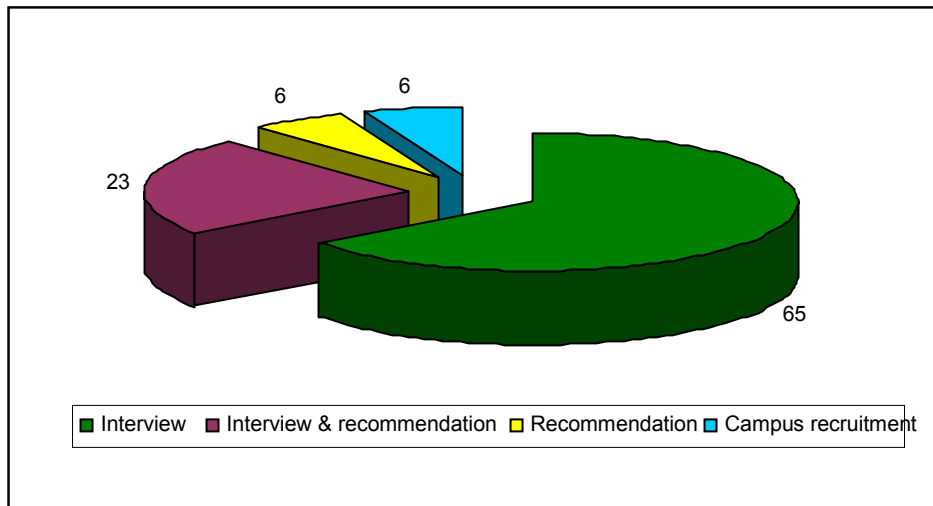
Number of male and female workers in the surveyed units



Most workers reported that they were regular workers. 32 percent were on contract and 2 were under training.

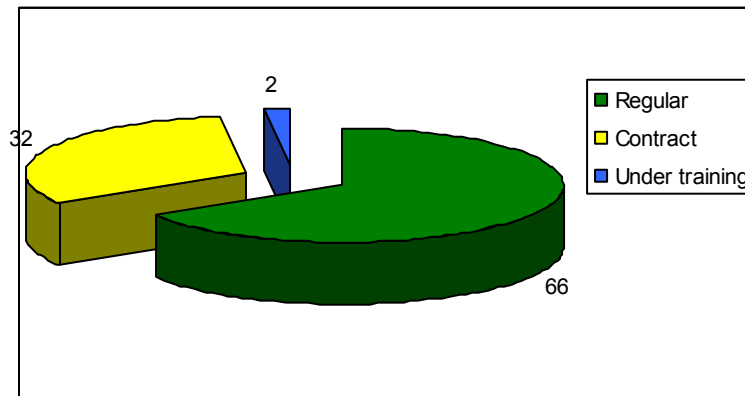
Figure 17:

Method of recruitment of office workers



The method of recruitment was largely through interview though recommendation was also found important in a large number of cases. 5 of the workers surveyed got into the present job through placement agencies while the rest were all recruited directly by the firm.

Figure 18:
Distribution of workers by employment status



However, many workers did not have appointment letter or had any non-wage benefits such as PF, bonus, maternity leave etc. Thus regularity means regular in terms of work duration; that they can work under the given condition till they decide to leave the job or till they are dismissed by the employer. Contract workers were usually employed for a fixed period of time ranging from 3 months to 1 year. Once the contract period is over normally it is extended for a further period. Again these workers did not have any social security cover.

Table 5:

Distribution of workers across occupational categories and employment status

	Regular	Contract	Under training	Total
Sales General	17	15	2	34
Sales Specialised	10	4	0	14
Managerial	11	0	0	11
Clerical Non customer oriented	12	3	0	15
Clerical Customer oriented	6	2	0	8
Public Relations & Customer care workers	10	0	0	10
Security guards	0	5	0	5
Cleaning Workers	0	3	0	3
	66	32	2	100

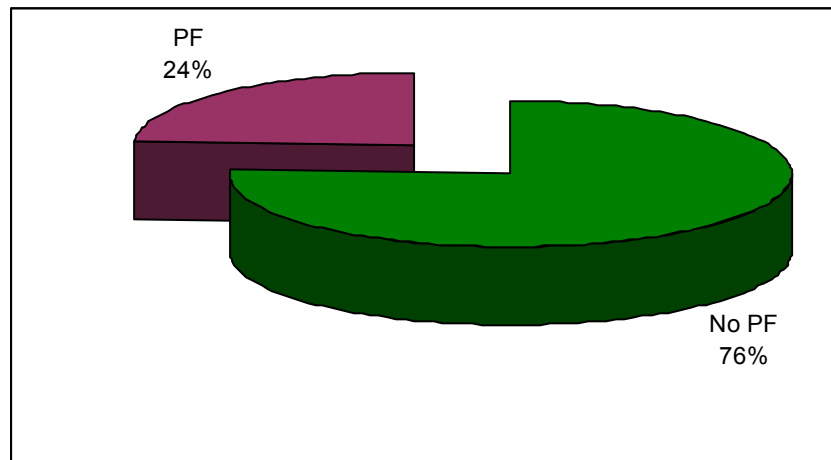
The distribution of workers across occupations and status of employment shows that workers employed on contract are security guards, cleaning workers or are largely into sales related occupations. The two categories which had no contract workers were managerial and public relations & customer care services.

Figure 19:
Years of Work in the Present Organisation



The number of years of work in the present firm/organization further gives insight into the short term nature of the job. Close to 70 per cent of the workers had work experience of less than a year in the present organization/firm- suggesting a high turn over rate and mobility across firms. This is further evidenced by the fact that 54 per cent of the workers had previous work experiences in similar work and had shifted jobs. The reasons for shifting jobs in many cases were for better employment prospects but in six cases it was because of increased convenience.

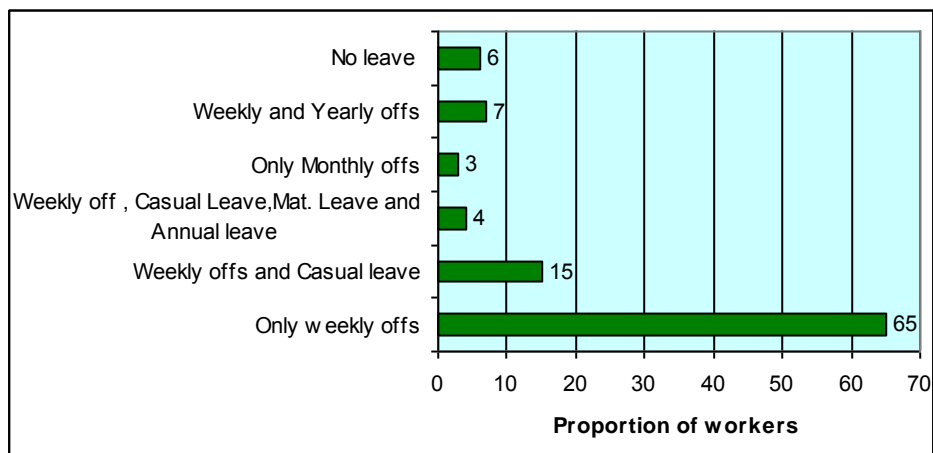
Figure 20:
Distribution of workers across availability of PF



Only 24 percent reported of having provision for PF. Most of the workers (65 per cent) had any leave provisions other than a weekly off and off during one or two festivals. Only 4 workers reported of having maternity leave and that too of one month. The absence of maternity leave could explain the disproportionate presence of married women in this sector. None of the workers had medical leave.

Figure 21:

Distribution of workers across various leave provisions



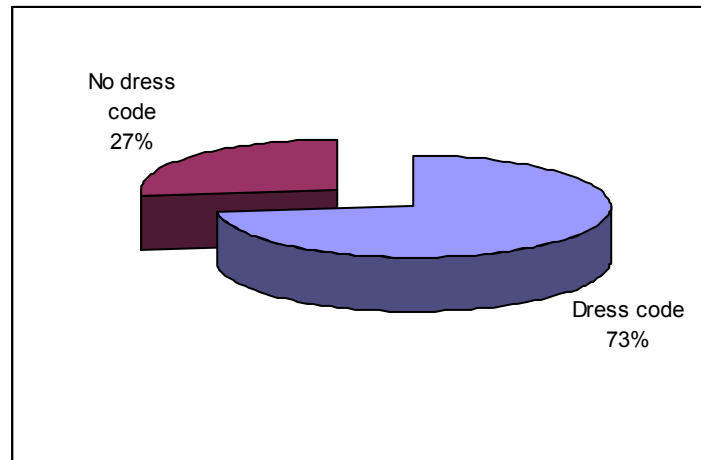
Of the 6 workers reported of having any leave, 4 were security guards and 2 were in sales and were trainees. The workers who had maternity leave and other leaves were in clerical non-customer oriented work (3) and 1 worker from managerial category. Sales workers largely had only weekly offs largely without casual leaves.

Table 6:

Distribution of workers across occupational categories and availability of leave

	Only weekly offs	Weekly offs and Casual leave	Weekly off, Casual Leave, Mat. Leave and Annual leave	Only Monthly offs	Weekly and Yearly offs	No leave	Total
Sales General	30	0		1	1	2	34
Sales Specialised	12	2					14
Managerial	5	4	1		1		11
Clerical Non customer oriented	1	7	3		4		15
Clerical Customer oriented	6	2					8
Public Relations & Customer care workers	9				1		10
Security	1					4	5
Cleaning Workers	1			2			3
Total	65	15	4	3	7	6	100

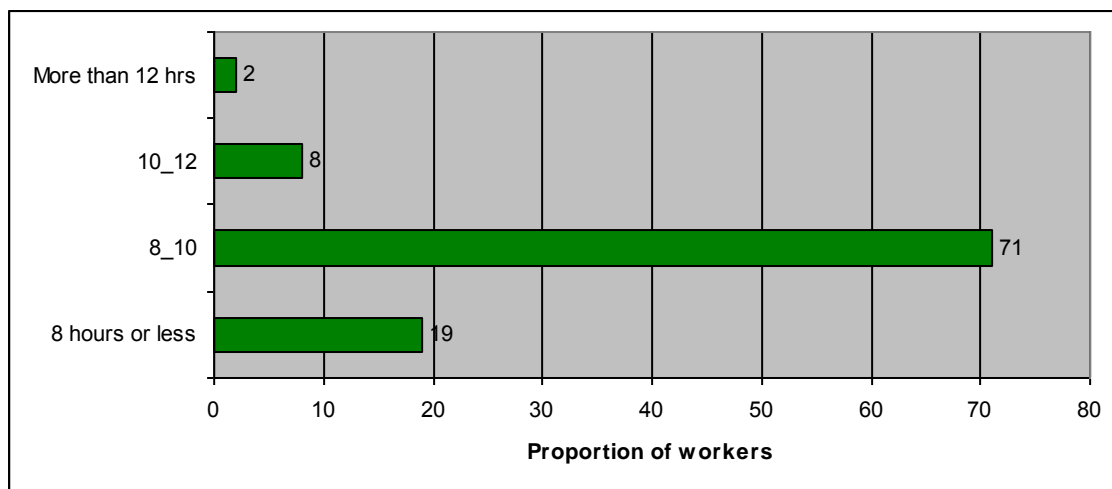
Figure 22:
Prevalence of Dress Code Among Office Workers



A substantial proportion of workers (73 per cent) had dress code though it differed across workplaces. Most workers had to wear modern dresses such as shirt/short tops and trousers. Only few workers reported of having to wear saris as uniforms. In most cases the dress code was black pants and white shirts.

The actual working hours of these workers were found high with the maximum number of workers in the working hour range of 8-10 hours a day. A small proportion reported of working hours more 10 hours.

Figure 23:
Distribution of workers across actual working hours

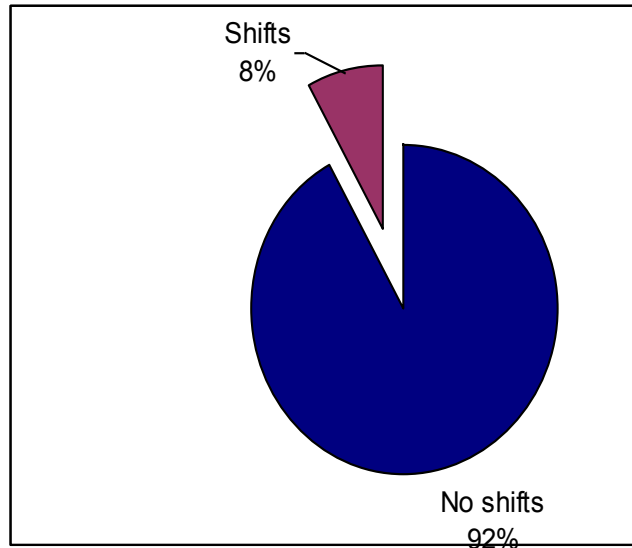


More than the actual working hours, it is the timing of work which needs attention. Largely, the working time was from 11.00 a.m to 8.00 in the evening, which is extended normally for another 2 hours. When traveling time of an hour one side is added to this would mean that workers are away from their households for more than 12 hours and are back only late at night. The only exception to this was the clerical non customer oriented workers who reported of leaving their workplaces at 7 or 8 p.m at night. This

timing of work could be one factor that could explain the low proportion of married women. Though the actual working hours exceeded the official working hours, no payment of overtime was reported. Further, though many workers had to stay back late in the evening till 9.00 p.m no provision for transportation was also reported and the workers had to manage on their own to return to their place of stay. This was highlighted as an important concern by many of the workers covered under the survey.

Figure 24:

Distribution of workers across shift status



Only 8 workers reported of having shifts and all these workers were unmarried workers working in managerial work or as public relations or customer care workers. The probable reasons for the absence of married women in jobs which have shifts could be the rotational pattern which demand working during odd hours either early in the morning or late at night.

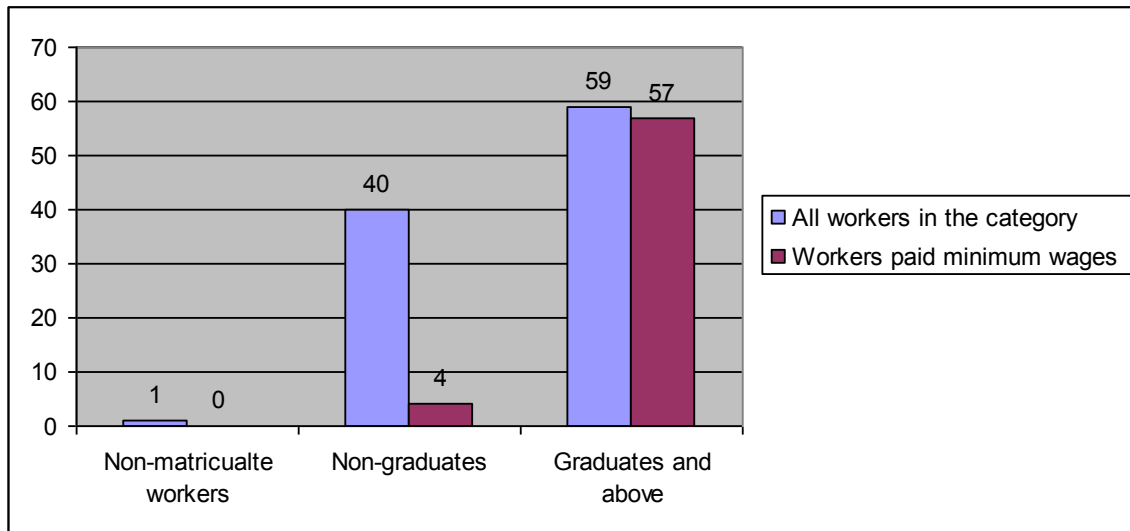
51 per cent of workers had salary Rs. 5000 or less than that with the maximum number being in the range of Rs. 3000 to 4000. However, 35 per cent reported of having salary more than Rs.8000. This salary is inclusive of all incentives and any extra benefits that they are eligible for. Interestingly all the cleaning and house keeping workers (3 workers) were paid less than Rs. 3000, which is below the minimum wages of unskilled workers. The other 6 workers belonging to this wage category were sales workers. All the security guards (6 respondents) belonged to the wage group Rs. 3001-4000.

Table 7:
Distribution of workers across wage categories

Categories (Rs)	No. of workers
3000 and less than 3000	10
3001-4000	29
4001-5000	12
5001-8000	14
8001-10000	23
more than 10000	12
Total	100

Since these workers are largely working in offices or shops as clerical or non-clerical staff and are with minimum education, the minimum wages of clerical and non-technical supervisory staff are taken to analyse minimum wages. The notified minimum wages per month at the time of the survey were Rs. 3,876 for non-matricualte workers, Rs 4131 for non-graduates and Rs 4,443 for graduate and above orkers.

Figure 25 :
Number of Workers with minimum wages

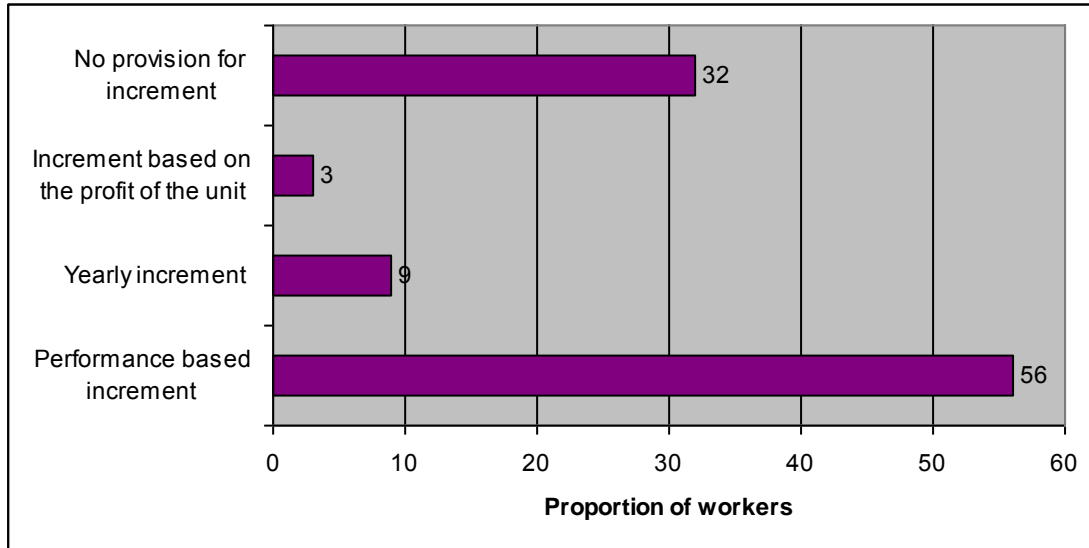


The wages of many workers are found below the legal minimum wage. Interestingly it is more so for workers with low educational background. Thus of the 41 workers with less than graduation , only 4 workers received wages more than their minimum wages. Of the 36 workers in the category non-graduates who did not receive their eligible minimum wages, 21 received wages which is above the minimum legal wages of non-matriculate workers, while the rest got wages even below that. The complete absence of union among these workers could be one of the reasons for the poor implementation of legal minimum wages. This is reflected in the survey with no worker reporting of being a member in any trade union.

Increments based on performance were the prominent system found among women workers engaged in office work, though 32 per cent reported of the absence of any provisions for increment. The reported period of performance based incentives by most of the respondents were 6 months, though few workers had provision every quarterly.

Figure 26:

Status of increment among office workers



The occupation wise prevalence of increment shows that among sales workers performance is largely the criteria for increment. All security guards and cleaning workers also reported of increment based on performance.

Table 8:

Status of increment across occupational categories

	Performance based increment	Yearly increment	Increment based on the profit of the unit	No provision for increment	Total
Sales General	21	0	0	13	34
Sales Specialised	9	3	0	2	14
Managerial	8	0	1	2	11
Clerical Non customer oriented	5	3	0	7	15
Clerical Customer oriented	4	2	0	2	8
Public Relations & Customer care workers	3	1	2	4	10
Security guards	4	0	0	1	5
Cleaning Workers	2	0	0	1	3
Total	56	9	3	32	100

37 per cent reported that their jobs were transferable mainly to other offices in the city or in the NCR region. 63 percent of workers reported of manageable work load while the rest reported of work load being unmanageable. Long working hours and heavy work load were reported by 13 per cent of workers.

Figure 27:

Status of work load among office workers

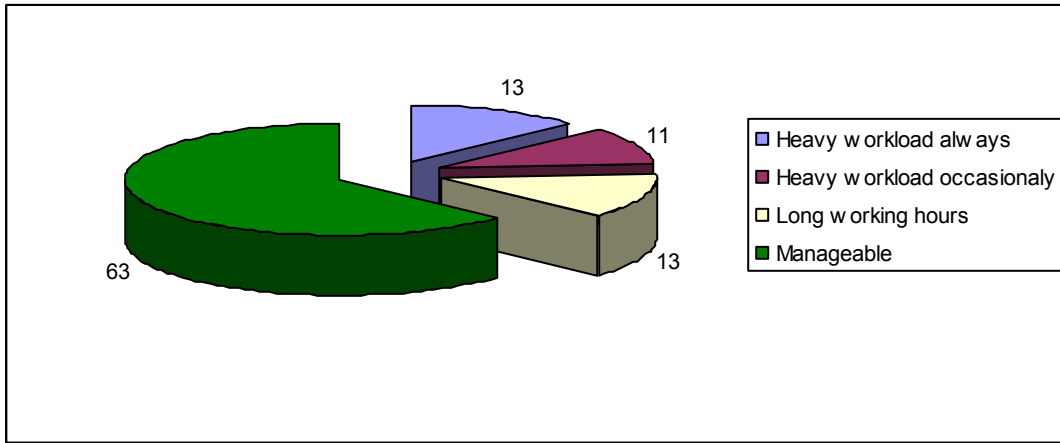


Table 9:

Status of work load across various occupational categories

	Heavy workload always	Heavy workload occasionally	Long working hours	Manageable	Total
Sales General	1	2	4	27	34
Sales Specialised	1	5	1	7	14
Managerial	4	2	1	4	11
Clerical Non customer oriented	4		2	9	15
Clerical Customer oriented	1	1		6	8
Public Relations & Customer care executives	1	1		8	10
Security			5		5
Cleaning Workers	1			2	3
	13	11	13	63	100

The occupation wise picture shows that those who reported heavy work load are largely workers in managerial and clerical non customer oriented occupations. All the security guards reported of long working hours.

Chapter 4

Trapped Between the Public and the Private Domestic Workers in Delhi

No comprehensive secondary data on the number of domestic workers, the gender composition of domestic workers, profile of employers, wage and other conditions of work is available. However available research and documentations point to varied and changing profile of workers, nature of service and relations of work. An important aspect which comes out from these studies is the presence of male workers and its feminizing profile over time. The Labour Bureau Survey of full time domestic workers in Delhi (1981)¹⁶ found that no sex had monopoly over this occupation. According to Shramsakti Report (1988),¹⁷ out of 23 lakhs of domestic workers, 16.8 lakhs are female workers. The study commissioned by the Catholic Bishops Conference in 1980 estimated that 78 per cent of domestics in 12 cities were female and in Bombay 90 per cent were female. The study also pointed out the gender stratification in paid domestic work with men concentrated in better paying jobs. All the diverse regional studies during the period however, points to substandard conditions of work, largely based on feudal relations.

Domestic labour as a special category of workers did receive special attention during last one or two decades largely due to the rising prominence of the sector in terms of female employment. Concomitantly, there has been a growing body of literature on the subject though largely in the form of regional studies based on a sample population. The growth of the sector during this period has been explained in terms of the process of economic growth and modernisation. Growth and urbanisation are said to encourage the growth of domestic service workforce, as they produce an affordable class of employers and a surplus of unskilled workers. The agrarian crisis in rural areas and the loss of livelihoods are found sourcing a regular supply of cheap workers, for whom this is the only promising option.

As per NSSO estimates in 2004-05 the number of workers employed in private households, largely domestic workers, are 4.75 million. Of these 3.05 million women are in urban areas, making the sector the most prominent in female employment in urban areas. The category 'private household with employed persons' which is popularly used to estimate the number of domestic workers includes 5 sub categories such as Housemaid/ servant; Cook; Gardener; Gate keeper/ chowkidar / watchman; Governess/baby sitter and others. Of these categories, gardeners and Gate keeper/ chowkidar / watchman are highly male centred sectors and hence needs to be separated to get a good picture of the feminisation process in the sector.

¹⁶ Labour Bureau has surveyed 64 full time workers of the Gharelu Karamchari Association in Delhi (1970).

¹⁷ This is borne by the drastic decline in the number of workers included in "other service" activities in the same period.

Table 1:
Domestic workers across sub-categories

Categories of workers	No. of workers (00)		Female share	
	1999-00	2004-05	1999-00	2004-05
Housemaid/ servant	4,382	23,811	80.4	87.4
Cook	64	966	72.6	73.9
Governess/baby sitter	26	696	76.4	74.2
Total domestic workers	4,471	25,474	63.4	71.6

Source: NSS Employment and Unemployment Data, Unit level data

The female share of the sector is as high as 71.6 per cent, which shows an increased trend over the period. The sector Housemaid/ servant, shows a high degree of feminisation with 87.4 per cent of workers being females. The percentage of domestic workers in total female employment in the service sector increased from 11.8 per cent in 1999-2000 to 27.1 per cent in 2004-05, with a phenomenal increase in the number of workers by about 2.25 million in a short span of five years. Much of this increase may be due to more careful categorisation and enumeration, but many micro studies (Moghe, 2006) also suggest a recent, phenomenal growth.

Distinctions often made in the literature on domestic service are that of full time, part time and live ins and live outs. Full time and part time classification as used in the literature on domestic work is different from what is normally understood in the literature on employment or in legal sphere. Since domestic workers' workplaces are employers' home, live in workers are normally full time workers who would be available for work throughout the day and night as required by the employer. On the other hand, part time work does not necessarily mean that paid domestic work is not a full time activity for the worker. In the existing literature on domestic service, live-out workers and part time workers are often used interchangeably. While one (live out) is purely based on the place of residence of the worker the other indicates duration of the work. Most 'part-timers', undertake same/heterogeneous tasks in different households. They are thus 'part time' from the point of view of the employer and not from that of the worker. Aggregate daily hours of work, across all the households the worker is employed in, may be greater than that of a 'full time' worker in a factory or construction site or as defined as 'normal working hours' under any labour laws. Further all live out workers may not be 'part timers', as many would work only in one house throughout the day and may return to their residence only at night. These confusions and ambiguities have not only resulted in the invisibility of many domestic workers but have also adversely affected efforts for ensuring legislative and social security entitlements.

Much of the growth in domestic work in the last two decades has been of 'live-outs' or 'part-time' workers who perform specific tasks in different households but stay at their own residences. This system as discussed earlier is typically associated with the urban, nuclear households. A significant proportion of the *live-out domestic workers* are drawn from squatter settlements/slums, located in the periphery of large residential areas. The growth of *part time/live-out domestics* is attributed mainly to two factors. Firstly, the limited space in middle class households, which makes it difficult to

accommodate resident domestic workers. Secondly, the cost advantages in hiring the services of part time workers also add to the demand for these workers.

Domestic Workers in Delhi

Paid domestic service is a necessity in almost every household in Delhi. The increased presence of domestic service has been seen as a result of transformations in class relations and the developments of new life styles combined with unprecedented mobility of labour. It is no longer viewed as a symbol of wealth and aristocracy but largely a middle class and upper middle class phenomenon. The transformations in the family lives of the middle class have found adding to the demand for domestic servants. With the size of the families and of the households becoming small, a large number of women seeking job outside and the comparatively limited capacity of large sections of the middle class population to maintain domestics on their establishments; the social value of the domestic service has changed considerably. By employing someone to take care of the household tasks, the double burden of the middle class women¹⁸ is reduced without disturbing the traditional patriarchal system. The middle class draws upon a large group of cheap labour, the supply of which is maintained through a regular flow of migrant workers. Thus the sources of supply of domestic workers have also changed over time, with the influx of new groups into the service. The growing demand for domestic workers has also resulted in regular flow of domestic helps from particular pockets of out migration. The lack of any former skill and training requirement and the flexibility in employment are some of the factors, which ensure a regular and increasing inflow of domestic workers.

Women constitute the major chunk of domestic workers in Delhi. There seems to exist a strong preference for female workers. Domestic service has been the commonest and also normally the first occupation of poor and marginalised women. Domestic workers in Delhi can be categorized into two on the basis of their place of residence namely, live-outs and live- ins. *Live-out domestics* have increasingly become a prominent category, in recent years. A large proportion of live- outs workers perform specific tasks in different households but stays at their own residence. A significant proportion of the *live-out domestic workers* are drawn from squatter settlements/slums, located in the periphery of large residential areas. The second category is that of *live-in domestics* where the domestic servants stay back with the employers' household or accommodation is provided by the employer.

The socio-economic profile and work relations of these two systems of domestic services though share similar characterisations; there are clear differentiations between the two categories. Moreover, the issues that are important to these two sets of workers are diverse though highly related. In this context, in the analysis below the two categories of domestic workers are discussed separately.

¹⁸ Technological changes although have changed the middle class Indian family household tasks, these have not been so much to replace the services of domestics. Also, the costs of the new household gadgets are unaffordable to many and beyond the capacity of the Indian middle class. Engaging domestics is found as a much cheaper proposition.

Live-out domestic workers

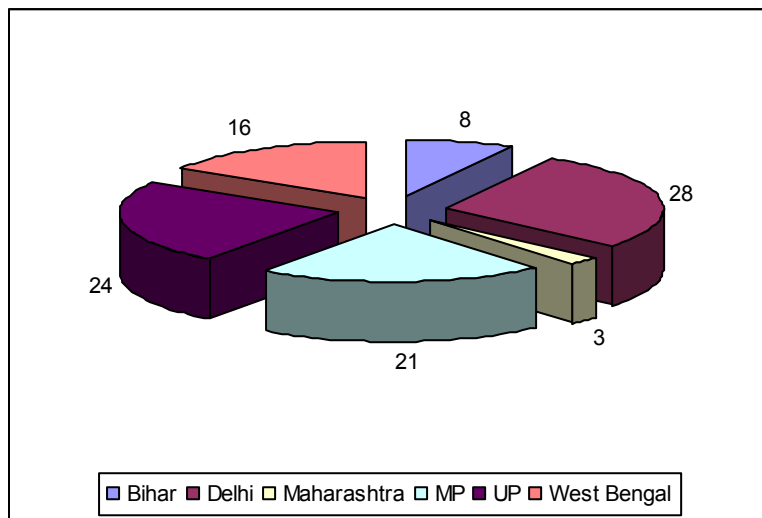
Much of the growth in domestic work in the last two decades has been of 'live-outs' or 'part-time' workers who perform specific tasks in different households but stay at their own residences. This system as discussed earlier is typically associated with the urban, nuclear households.

Part-timers, predominantly female, undertake heterogeneous tasks in different households. She may be the cook in one house, the cleaner in another, and do the laundry in a third. They are part time from the point of view of the employer rather than the employee. Her total hours of work, over all the households she is employed in, may be greater than that of a full time worker.

The growth of *part time/live-out domestics* is attributed mainly to two factors. Firstly, the limited space in middle class households, which makes it difficult to accommodate resident domestic workers. Secondly, the cost advantages in hiring the services of part time workers also add to the demand for these workers. A significant proportion of the *live-out domestic workers* are drawn from squatter settlements/slums, located in the periphery of large residential areas.

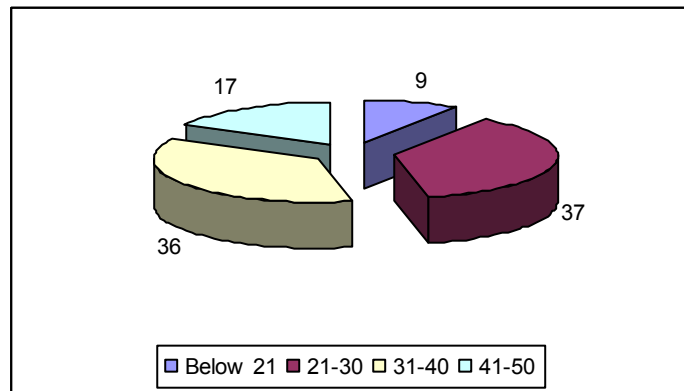
Apart from the gender dimensions, domestic service is also influenced by the social and cultural notions on the appropriateness of type of workers for particular work pushing the socially backward migrants into domestic service. The proportion of migrants was found substantial among domestic workers- in fact all the workers studied were migrants. However some of the live out workers has been living in Delhi since birth (28 per cent), following the migration of their families. The others were from Uttar Pradesh, Madhya Pradesh, West Bengal and Bihar.

Figure 1:
Distribution of live out domestic workers across state of origin



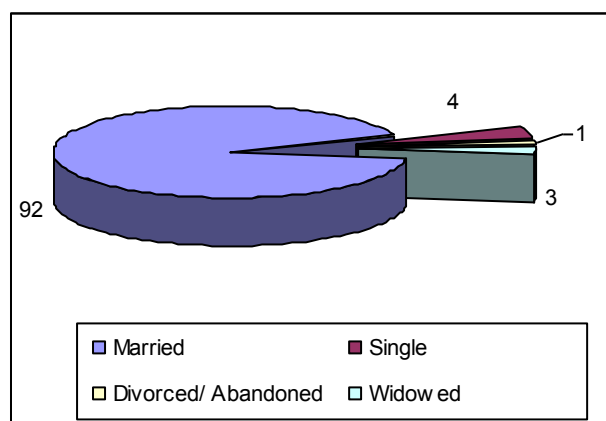
The social and demographic characteristics of these workers show some discernible patterns along age, marital status, religion and caste. A large proportion of workers are from the age group of 21-40 (73.3 per cent), with the age group 21-30 accounting for the largest share.

Figure 2:
Distribution of live out domestic workers across age groups



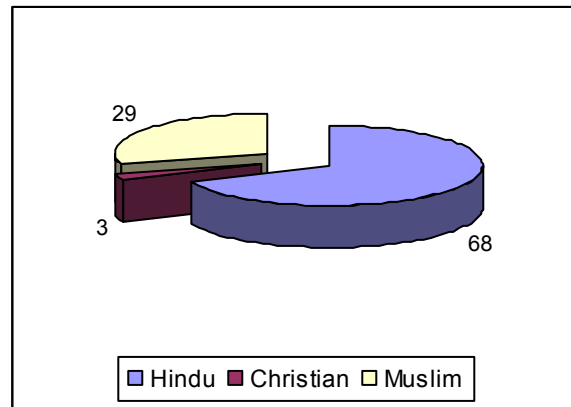
None of the workers surveyed were from older age brackets, above 50 years. This could be attributed to two divergent but yet related possibilities. Firstly, the reluctance on the part of the employers to employ workers who are in the upper age groups in the event of availability of workers from the younger age categories seems to have affected the employment of older women. Further, the physical and emotional demands of domestic work may have contributed in keeping older women away from domestic work.

Figure 3:
Distribution of live out domestic workers across marital status



Of the total *live-out* workers, about 92 per cent are married, 3 per cent, unmarried and the rest divorced, widowed or abandoned. The presence of single women, much more than unmarried girls needs special mention, which reveals the some what easy entry of other wise deprived women into this occupation.

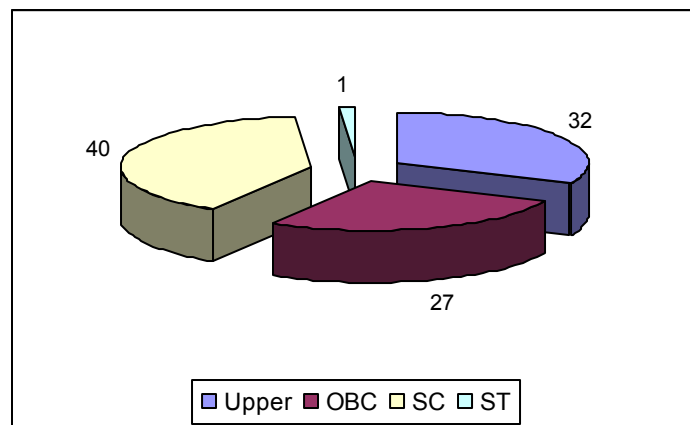
Figure 4:
Distribution of live out domestic workers across religion



The concentration of workers in terms of religion and caste is substantially high. 68 per cent of live out domestics belonged to Hindu community while the rest were mostly Muslims.

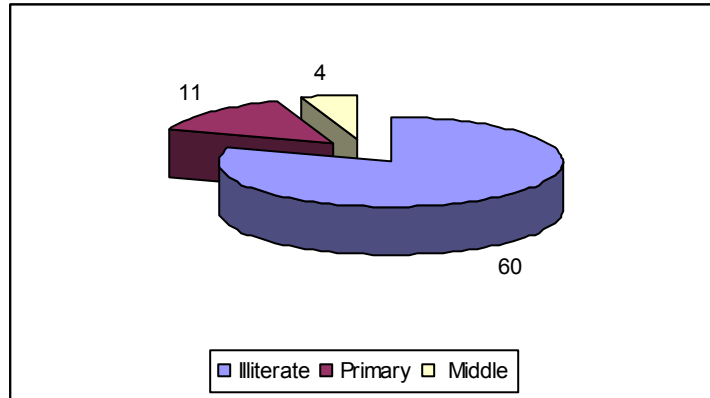
Caste wise distribution of live out workers shows that a majority of them belongs to Scheduled Castes (40 per cent), though the proportion of upper caste is also substantial (32 per cent) which is much above that of OBCs.

Figure 5:
Distribution of live out domestic workers across caste status



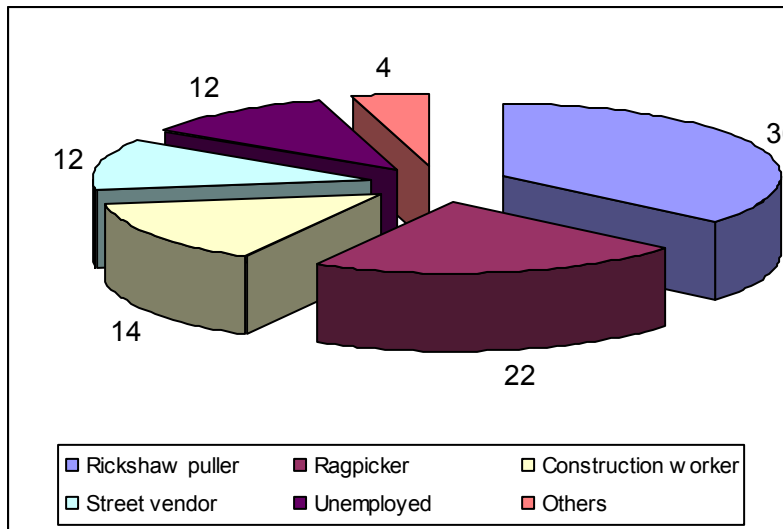
The task based division of domestic workers across caste categories reveals the continuation of caste notions in many tasks. While SC women are largely into cleaning tasks such as brooming, mopping and washing utensils and clothes upper caste women dominate cooking. However, caste notions are violated in many instances. This is aided by the fact that a substantial proportion of domestic workers are migrants and their caste identity can be hidden. The shift in caste norms is two-sided. On the one hand, people who would not join paid domestic work in their place of origin due to concerns of caste and social status are prepared to do so elsewhere (Kasturi, 1990). On the other hand, those who would not be hired as domestic workers in their place of origin were so employed in their place of migration (Raghuram, 2001).

Figure 6:
Distribution of live out domestic workers across educational level



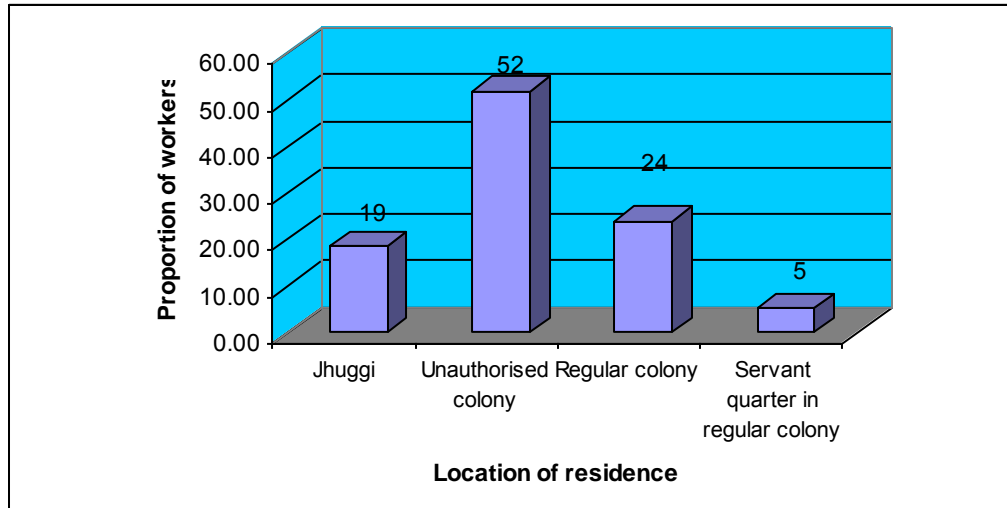
Coming to the educational background of the respondents a large section of live- out workers are illiterate workers (80 percent), with no worker reporting education more than middle school level.

Figure 7:
Distribution of live out domestic workers across occupational status of husbands



The traditional occupation of the most of the live-out domestics surveyed was agriculture or other related activities. The occupational distribution of the husbands of these workers shows that all of them are engaged either in some informal sector activities or are unemployed (12 per cent). The largest proportion of men was into rickshaw pulling (36.2) followed by rag picking (21.7), construction worker (14.3) and street vending (11.6). Many workers also reported the absence of assured employment and thus fixed income for the spouses. This reveals the centrality of domestic workers income in the smooth running of these households. The average size of the family of the live-out workers was found much higher (7 members) than that of normal urban households.

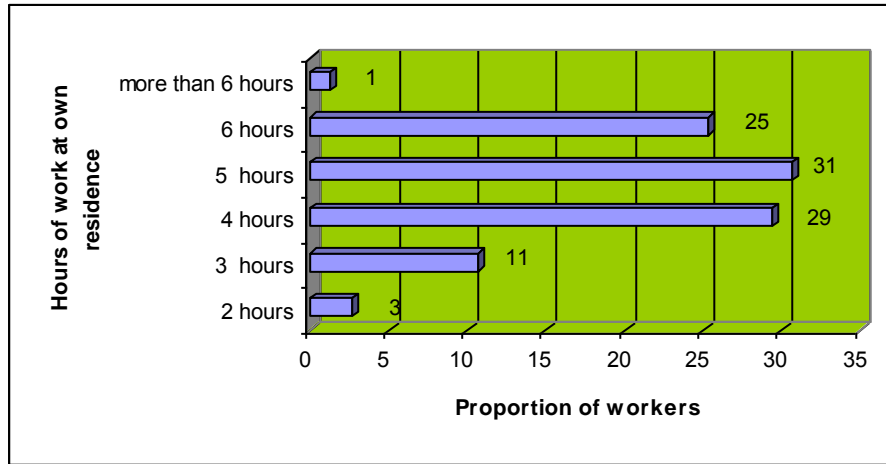
Figure 8:
Distribution of live out domestic workers across location of residence



The largest proportion of workers was found staying in illegal or unauthorised colonies and thus was at the risk of urban demolishment drive. Further many workers (60 percent) were in rented accommodations which took away a considerable share of their income. Though the largest section of domestic workers (81 percent) did not use any transport facilities to their place of work, some workers had to rely on public transport systems, which not only added to their expenditure but also reduced the time that they could spend otherwise with their family. This calls for a relook at the urban planning. Residential facilities for domestic workers needs to be part of the urban planning process which would free them not only from the issues of demolition and the related employment aspects but also allow them to spend their time and income on the well being of themselves and their households.

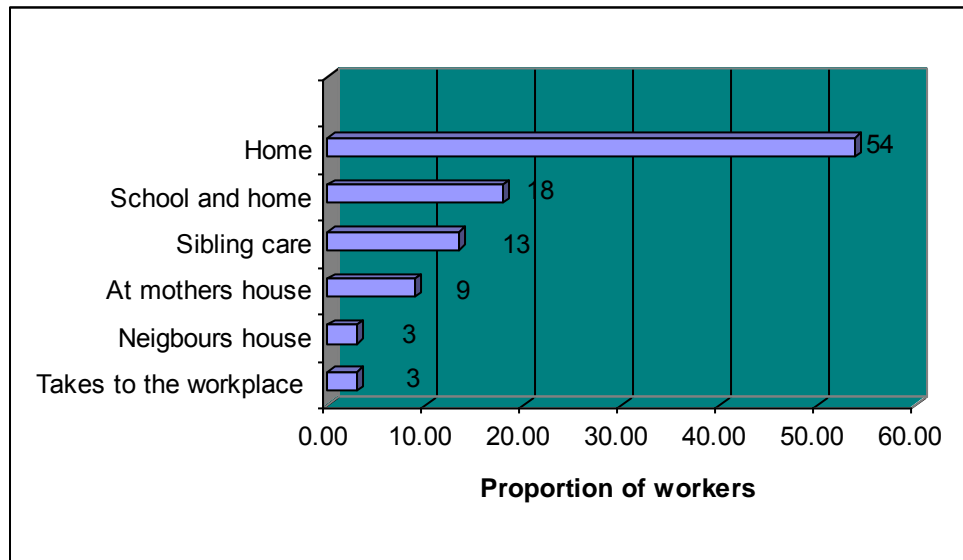
Confirming to the pattern in any urban centre, most women were from nuclear households, 82 per cent. This means that many workers have to take contribute to domestic work, apart from their work at the employers households. Though the extent of time devoted to domestic work at their own homes varied across workers many workers spent considerable time in domestic chores, with the average time being 4.7 hours. In the absence of public provisioning of drinking water and sanitation facilities considerable time was spent by these workers on collecting water and in regular sanitation chores. This is an area which calls for policy intervention.

Figure 9:
Distribution of live out domestic workers across hours of work at their own residence



Taking care of children is especially important in this context. Of the married workers about 85 per cent had children requiring care. Of these workers 53 percent workers did not have any adult carers and were not attending schools- which means that children were left to themselves to care for. This combined with those attending schools with no adult carer at home accounted for about 70 percent of workers with children requiring care. Others resorted to various measures such as sibling care, caring by mother or neighbours. Few workers even reported of carrying children to the workplaces.

Figure 10:
Distribution of live out domestic workers across child care arrangements



Carrying children to the workplaces though is an option which would help the mother to monitor their children while on work, this is found to increase the incidence of child labour in domestic work. It was reported that children normally help the mothers in various tasks such as brooming and cleaning utensils. Further, such children are denied of opportunities for education and would eventually graduate into domestic work. In this context, efforts are required to initiate child care facilities for domestic workers in their

areas of residences. The timings of the anganwadis are too short and highly unsuitable to the schedules of the domestic workers.

Wages, Employment and Work Relations

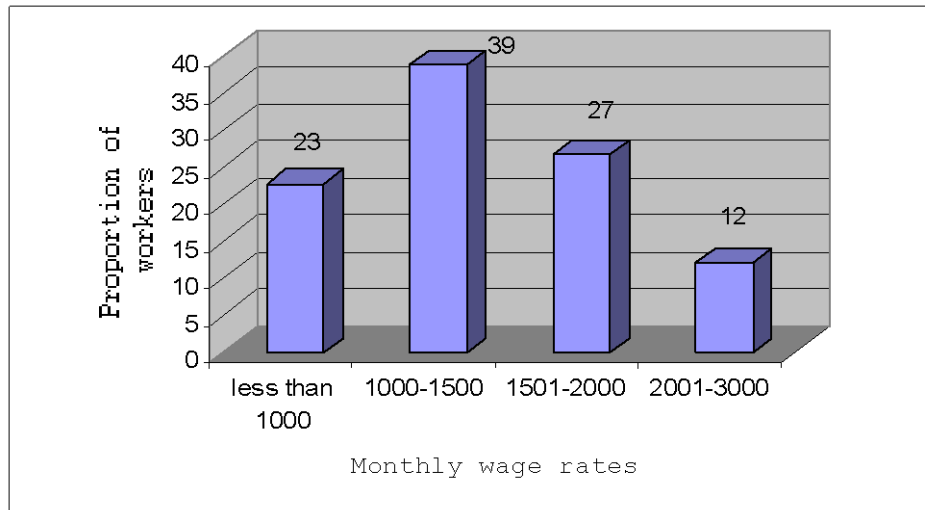
Domestic service is distinct from other wage earning occupations, in terms of wage payments, working conditions and work relations. Domestic workers are by and large not included in labour laws and thus their working conditions are not governed by any legal norms at the national level. Except in a few states in the country (outlined later), an official minimum wage for the occupation is not specified. Wages do vary across locations and geographical areas depending on the economic and social characteristics of the employers and employees. The wage relations also vary considerably across workplaces, depending on the personal and economic characteristics of the employer. Working conditions and wages, thus, differ within a particular locality. As domestic work involves a number of activities, wages could vary depending on the type of domestic work that a particular employee is entrusted with. Wages vary within the broad divisions of cook, cleaner, and baby sitter, though workers straddle these divisions. Wages even vary with the exact task for which they are engaged, reflecting the socio-cultural hierarchy of work. Payments in urban areas range from Rs. 100 to Rs. 400 per month for tasks such as washing clothes, utensils, or sweeping and mopping floors. Childcare, which will be for longer hours, fetches monthly wages in the range of Rs. 500-1,000 and cooking is the best paid in the range of Rs. 500-1,500 per month. Elderly care commands a wage between childcare and cooking. Wages for some activities are based on the area of the dwelling (sweeping, mopping floors, etc), while others are related to the number of individuals in the family being served (washing clothes and utensils, cooking).

Further, the work relations in the occupation cannot purely be captured in economic terms, as a considerable amount of subjectivity and personal dealings defines the employment relations. In some cases, the situation assumes the form of patron-client relationship as existed in feudal or agrarian societies. Thus, it could be summed up that the employment relations in domestic service are highly indefinite and unorganised. Thus, wage setting, conditions of work, working hours are immensely flexible. Workers have limited bargaining power and have to accept wages and working conditions offered by the employers. The fear of losing employment with an increase in number of migrant labour competing for such employment affect the bargaining power of these workers.

The wages received by domestic workers show that it is one of the lowest paid occupations. The data on average monthly wages of domestic workers show not only the existence of low wages but also the wide dispersion in wages between workers. This reveals the extent of subjectivity that exists in the sector, in the absence of any regulatory framework in domestic service.

Figure 12:

Distribution of live out domestic workers across monthly wages



Domestic work is known for its long and irregular working time. The average working hours is found to be 6.2 hours. The working hours of part time workers and their wages needs to be looked in a wider context. As discussed earlier wages are differentiated by tasks, especially between cleaning tasks and cooking. Further, time taken to perform these activities differ across households depending on a number of factors. Apart from other factors, time required to perform cleaning tasks such as sweeping and mopping have bearing on the size of the house, while cooking and other cleaning tasks such as washing clothes and cleaning utensils depend largely on the number of members in the household. Further, working hours has to be calculated in a way that it also takes care of the commuting time between households as well as other incidental time that many are forced to spend in their places of work. Thus if a worker who performs cleaning tasks reports 6 hours of working time, the actual working time would be around 8 hours or more. In the following table the actual working time for cleaning tasks put together which includes the incidental time is given against the average monthly wages which would reveal the extent of underpayment in the sector.

Table 2:
Average monthly wages and actual working time for cleaning tasks

Average daily actual working time including incidentals	Approximate average monthly wages (Rs)	Approximate daily wages (Rs)
Less than 4 hours	950	32
4-6 hours	1530	51
6-8 hours	2170	72
More than 8 hours	2800	93

In the case of cooking, though it fetches higher rates of wages, a maximum of 2-3 households is what an individual worker can take up- which would limit their working time and hence their monthly wages. These aspects need to be kept in mind while calculating the minimum wages of domestic workers.

Further, these workers are burdened with their own household work. Workers have shown a preference for part time work basically as a means to ensure some respite from the day-long wage work. The expenses on food, rent clothing and education of the household in the city are unaffordable, and given the low wage rate for domestic work, the part time worker has to struggle through out the day.

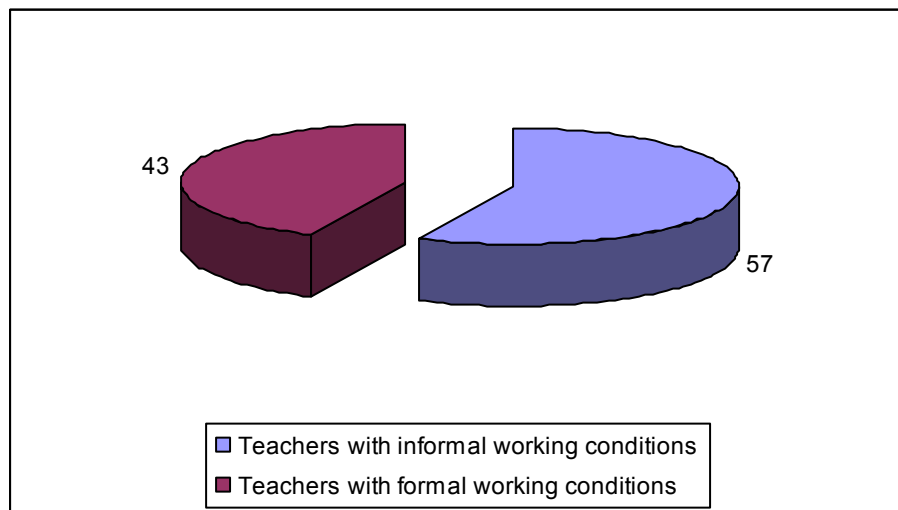
Chapter 5

Conditions in the Education Sector: Teachers and Students

Teachers

The study covered a large spectrum of teachers such as college teachers (20 teachers), school teachers (50 teachers from private unaided but govt. recognized schools and nursery schools etc), and private institutes that provide diplomas or degrees in professional courses such as computers, animation, beauty courses etc (30 teachers). Since conditions of work is the focus of the study, in the analysis below we have divided teachers broadly into two those whose working conditions are fixed as per existing official guide lines or other wise wherever required irrespective of whether they are employed in schools, colleges or other teaching institution.

Figure 1.
Percentage distribution of teachers as per conditions of work



The figure shows that the largest proportion of teachers were with informal working conditions with 57 percent belonging to this category. All these teachers except one were working either in private schools or in other private institutes. Of the 50 school teachers surveyed from various private schools in the city, only 24 teachers were found receiving salaries and other conditions of work as defined by the guidelines of the education department.

Social and Demographic Profile of Teachers

Most of the teachers, irrespective of their organizational differences, were from upper caste Hindu households. There were only 3 women teachers from SC/ST background-revealing the social bias that exist in the sector.

Figure 2:
Percentage distribution of teachers across religion

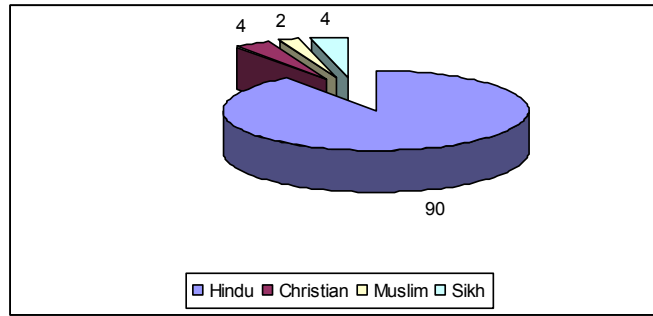
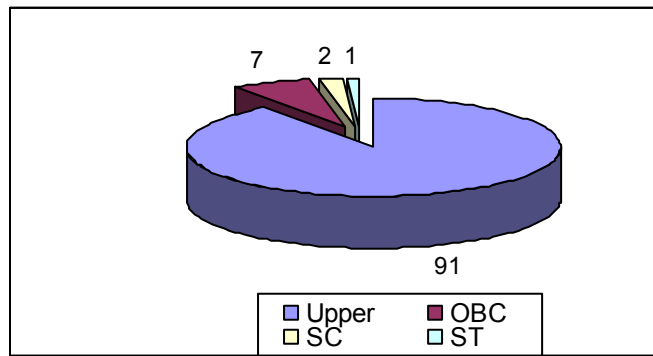
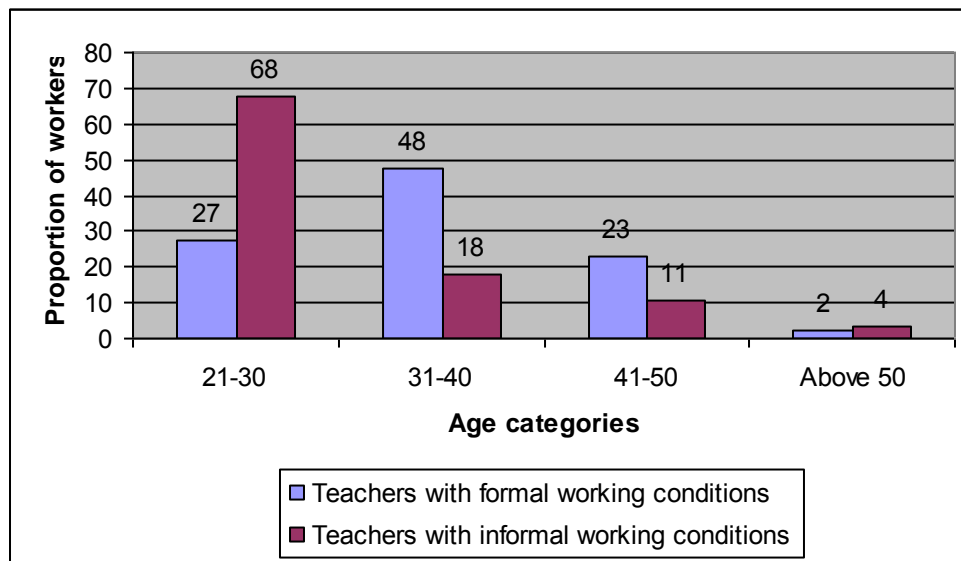


Figure 3:
Percentage distribution of teachers across caste status



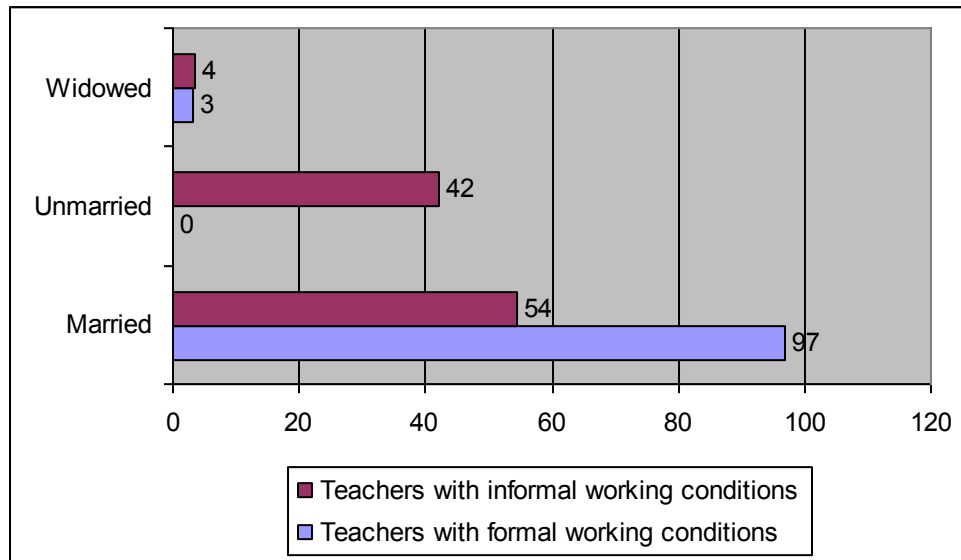
Teachers in schools and in other private institutes whose pay and other conditions of work were fixed informally largely belonged to the younger age categories with 68 per cent belonging to this category.

Figure 4:
Percentage distribution of teachers across age categories



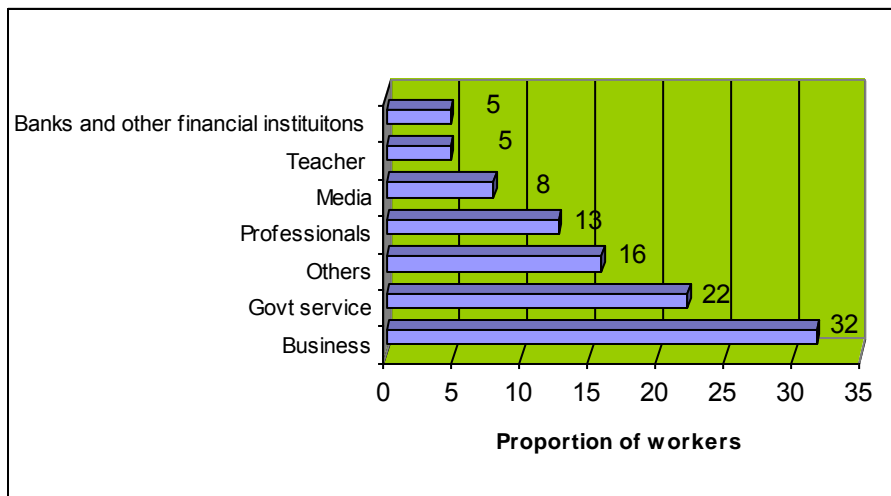
Though many informal teachers were from the younger age brackets a large section of them were reported married. This is in contrast to what have been observed in the case of office workers. The presence of more married women among teachers could be related to the social acceptance of teaching profession as a suitable occupation for women. The timing of schools which allow married women to combine employment with other household care responsibilities does seem to play a critical role in many women taking up teaching.

Figure 5:
Percentage distribution of formal and informal teachers across marital status



Business, government services, professionals and media were among the prominent occupations of the spouses of teachers surveyed. The categorization of formal and informal did not reveal any striking difference in terms of occupation of the spouses.

Figure 6:
Percentage distribution of teachers across occupation of husbands



About 72 percent of teachers were from nuclear family households with the average size of the families being 5.6 members. Of the married teachers, 13 teachers did not have children of any age. Interestingly all these women were working either in schools or private institutes and had informal working conditions of work. Of the rest, 40 teachers had children requiring care. 13 school teachers reported enrollment of their children in the same school which made child care easy. Of the teachers in the private educational institutes other than schools/colleges 6 women had maids to look after their children while 1 sent her child to a nearby day care. 20 teachers reported of having either mother in law or mother who took up child care responsibilities in their absence from home. 91 percent of teachers belonged to states in North India with the rest divided between states of West Bengal, Kerala, Assam and Mizoram.

Educational profiles of teachers were found matching the educational requirements of the post for which they were recruited in the case of all teachers receiving formal conditions of work. This was even true with many school teachers who had informal conditions of work. In few cases, we found a mismatch between the actual and required qualification – few even lacking relevant formal teachers training.

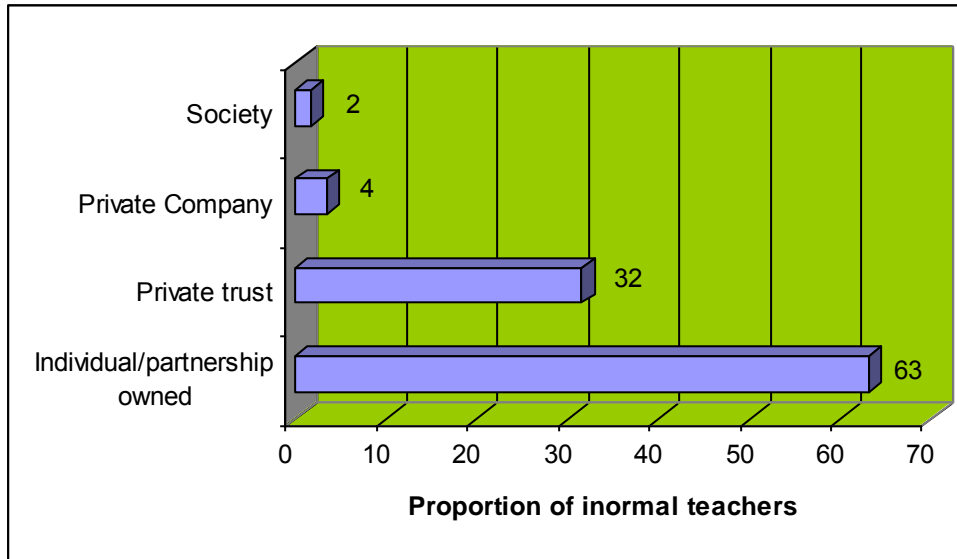
In contrast to the scenario in schools where educational profile of teachers largely met the requirements for the post, teachers in private teaching institutes were drawn from diverse educational backgrounds. Experience gained through on the job training was critical in these institutes, which largely determined their conditions of work.

Of employment and other working conditions

As discussed, the employment conditions of a large segment of the teachers covered were found unregulated. Only 33 percent of teachers covered were found receiving salaries and other conditions of work as fixed by the government. For the rest, decisions on pay and other conditions of work were matters of negotiation or in many cases unilateral decisions of the management.

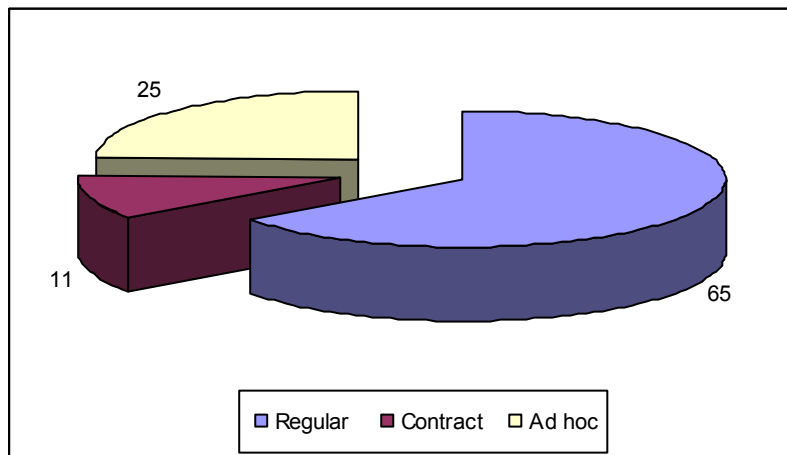
The nature of management of the institutes which had informal systems of employment reveals that they are largely individual/partnership owned or private trust.

Figure 7:
Percentage distribution of teachers with informal working conditions across nature of the organization



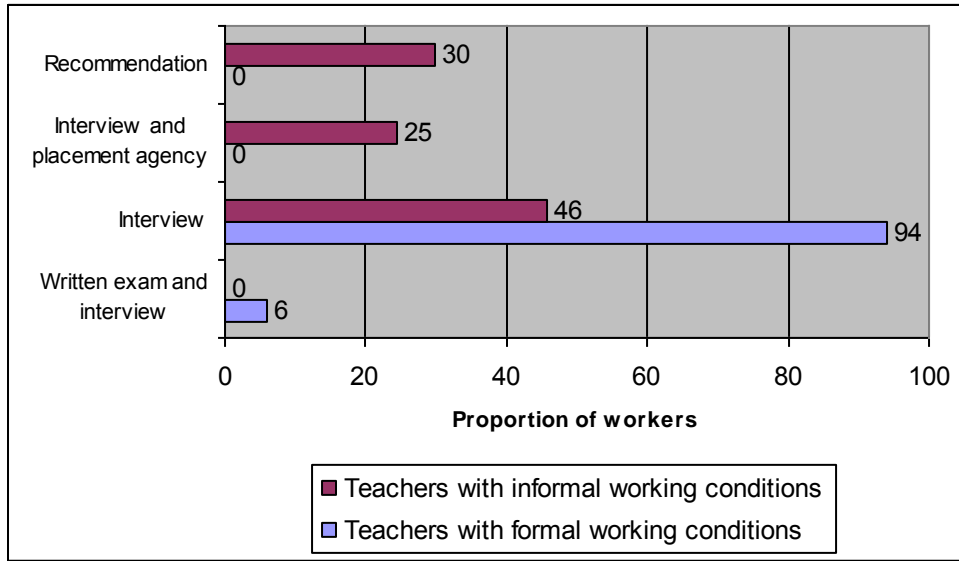
Though many had informal conditions of work, the work contract was reported by many as regular (65 per cent) - able to continue in the organisations as long as the worker and employer wishes. Of the rest, ad hoc workers constituted for the largest segment.

Figure 8:
Percentage distribution of teachers with informal working conditions across types of employment contract



The method of recruitment of teachers across formal and informal segment also reveals interesting insights. Recommendation and placement agencies are found to play a critical role in the recruitment of informal teachers, while interview and written exams are the two modes of recruitment into formal teaching positions.

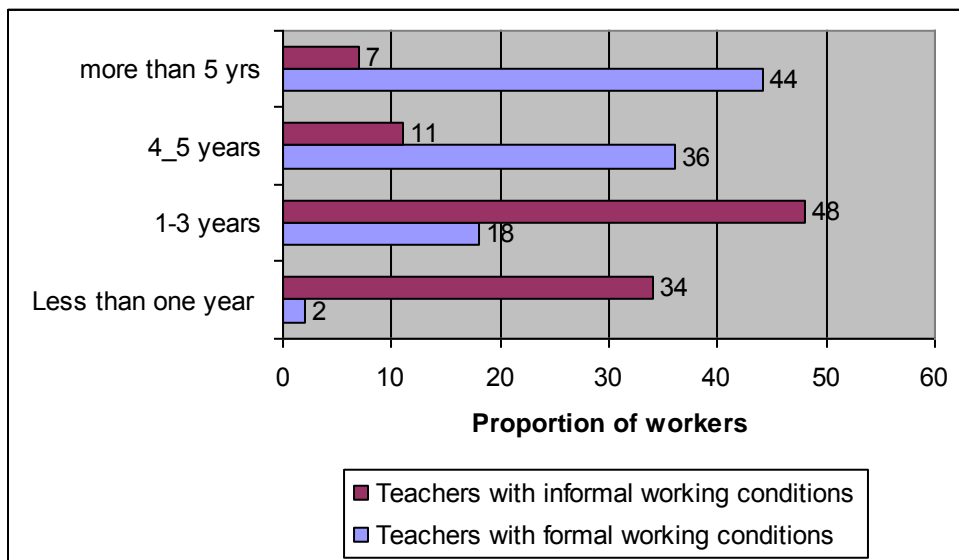
Figure 9:
Percentage Distribution of Teachers Across Modes of Recruitment



Informality was also noticed in terms of designations of teachers in private institutes, though in schools the designations were found same as that of government aided schools. Designations such as academic coordinator/instructor, assistant instructor, councillor, trainer etc were found in the private institutes with no laid out qualifications for such posts.

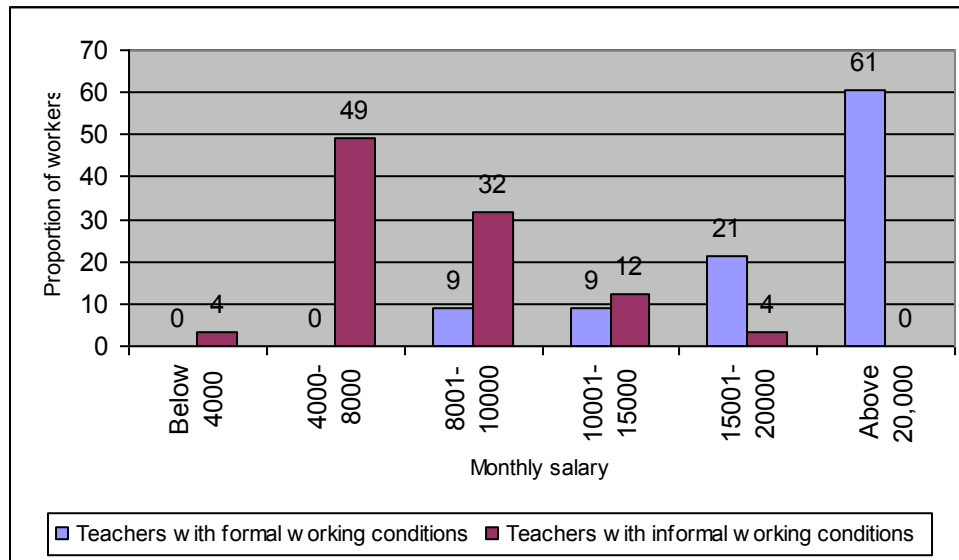
Years of experience in the present organisations reveal interesting insights into the turnover rates. 34 per cent of informal teachers had less than 1 years of experience in the organization, with less than 10 percent having more than 5 years of work experience. In the absence of reasonable conditions of work many workers were reported of either shifting jobs or withdrawing from the labour market completely.

Figure 10.
Percentage distribution of teachers across years in the present organization



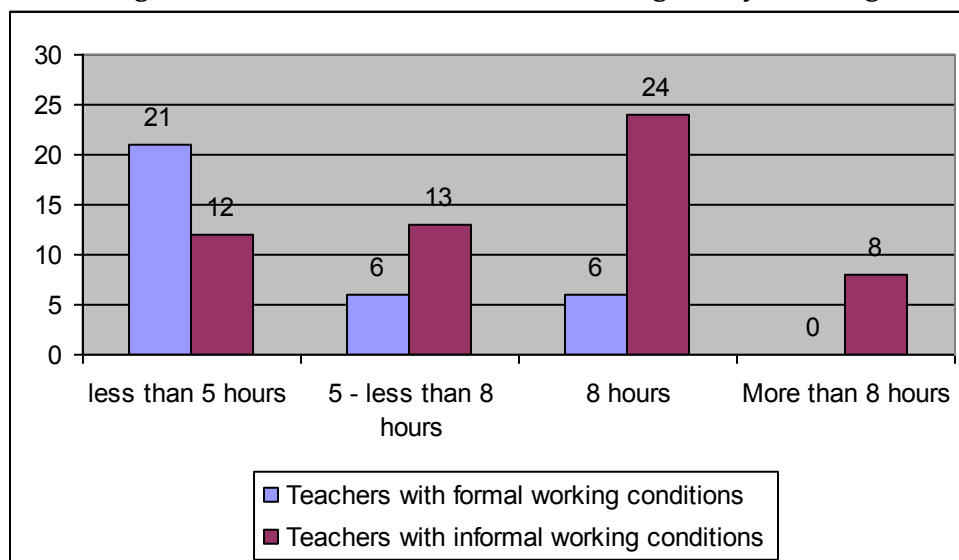
All the college teachers studied except one who was on contract basis were getting pay scales according to the official guidelines. One college teacher who was on ad hoc basis was found paid at the rate of Rs. 700 for 2 hours class. Out of the 50 school teachers 26 teachers received consolidated salaries decided on the basis of negotiations with the school management. All the teachers from the private institutes again had consolidated salaries.

Figure 11:
Percentage distribution of teachers across monthly salary



The figure clearly reveals the extent of disparity that prevails in the sector. None of the teachers in the salary bracket of above 20,000 belonged to the informal segment, with very few even falling the income group of 15001-20000. The largest proportion of teachers in the informal segment belonged to the salary group of 4000-8000.

Figure 12:
Percentage distribution of teachers across average daily working hours



Working hours of teachers again show high disparities across the two categories of workers – with none of the teachers with formal conditions of work reporting more than 8 hours of work. In analyzing the working hours of teachers, it is important to understand that apart from actual lecturing and teaching, teachers also have to undertake a number of tasks associated with teaching such as maintaining registers, preparing charts and other teaching aids and materials, evaluation of students and so on which is highly underreported.

Apart from variations in monthly salaries and working hours, leaves and other welfare benefits also varied across teachers based on their status. All the workers employed on adhoc basis in schools revealed the absence of any maternity leave. These teachers however had 12 casual leaves and one month's annual leave. The rest had the provision of taking maternity leave breaks of 2-3 months without leave. Teachers working with private organisations other than schools/colleges did not have any annual leave or maternity leave. Apart from weekly off, many had only 12 casual leaves with 4 teachers having 10 earned leaves in a year.

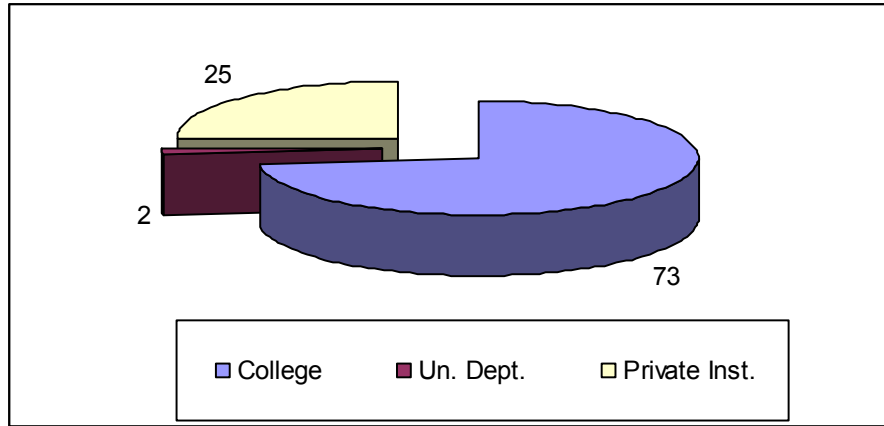
All the teachers having formal conditions of work had provident fund. All the college teachers studied except the teacher employed on adhoc basis were either covered by the Central Government Health Scheme (CGHS) or had medical reimbursement facility which was partial. Teachers of schools who received pay scales and other conditions of work were reported eligible for the prescribed medical allowance of Rs. 75 per month. However, none of the informal teachers had either P.F or medical allowance. This was true with teachers of private institutes also.

None of the teachers with informal working conditions were members of unions of teachers while 85 per cent of formal teachers were members of unions.

Students

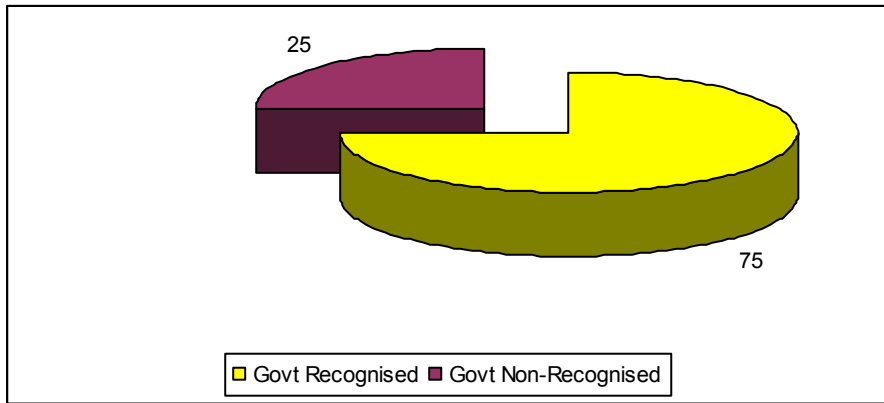
The study covered 100 students from various institutions spread across Delhi. All the students covered were either students of regular courses in colleges/departments of universities or were studying private institutes which offered various diplomas/degrees in professional courses. 75 per cent of the students were from colleges/universities while 25 percent were from these private institutes.

Figure 13:
Percentage distribution of students across type of the Organisation



Of these as per the information collected from the students, 75 per cent of them studied in government recognised institutions while the rest belonged to unrecognised institutions. Thus it means that all those who were studying in private institutes were pursuing courses which were not recognised by any formal agencies.

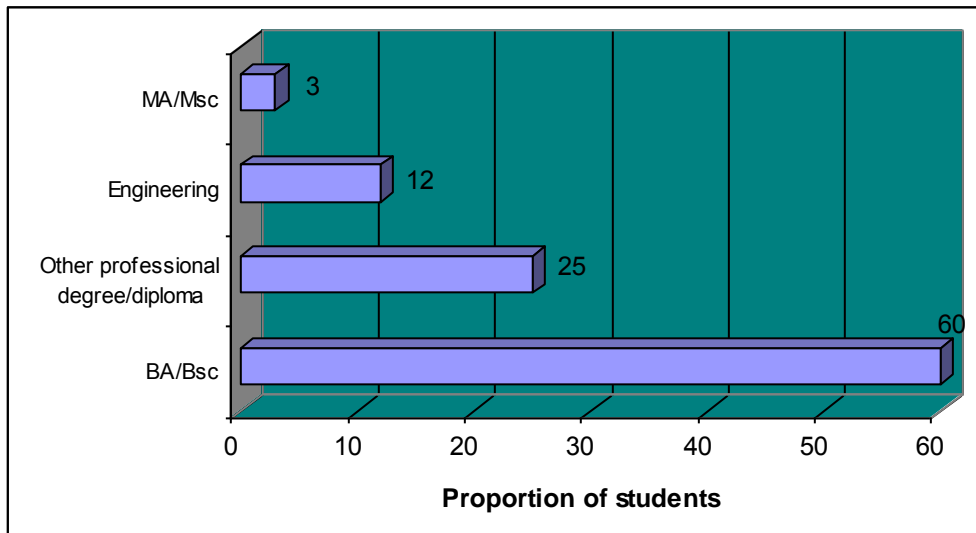
Figure 14:
Percentage distribution of students across status of the organisation



Of these, 56 students were studying in government run educational institutions while another 19 per cent were in government aided ones. All the private educational institutes were the surveyed students studied were run by private company, society or trust.

The largest chunk of students surveyed was doing their graduation either B.A/ B.Sc or B.Com (60 per cent). 25 percent were into professional degree/diploma courses. As discussed earlier those who pursued professional degree/diploma courses were students of private institutes.

Figure 15:
Percentage distribution of students across degree pursued



The courses pursued by the surveyed students in private institutes were certificate, diploma or postgraduate courses in computer programming, computer languages, operating systems; animation, aviation and hospitality, beauty and hair care, accountancy and business management. The employment possibilities of the sector were found to attract students into these institutions irrespective of their non-recognised status. All the courses offered by these institutions were market oriented ones which attracted many students to these institutions.

Students were found paying considerable amount as admission fees – the fees for upper end and highly demanded courses such as computer programming, animation and aviation were comparatively higher than other courses. Further, the fees differed across institutions and across courses. The highest fee was reported was for animation course – a fee of 1,80,000 for 2 years. Computer and aviation courses were of 6 months to 3 years duration with fees ranging from Rs. 50,000 to Rs. 1,50,000. Beauty courses were offered only for short periods, 2 months to 1 year and the fees were found ranging from 15,000 to 75,000. Many students also reported of paying tax in addition to these fees. Thus, all these courses are expensive compared to the courses in regular colleges and there is also a risk involved given that there is no government recognition for these courses. This could be the reason as to why all the students who had enrolled for animation, computer and aviation courses were from middle class families. Occupational profile of fathers showed that except for 3, all were from business or government services. Of these 3, two were professionals (advocate) while only one reported as her father working with a private company. In contrast to this, those who studied for beauty related courses were from lower middle class or lower income families.

These high fees were for comparatively fewer hours of teaching. The number of hours of teaching in these institutes was 2-3 hours on a day. Many institutions were reported of having different timings to suit the requirements of the students. All the computer

related institutions from where the students were covered had 4 batches, while other institutions had either 2 or 1 batch a day.

Number of students studying in these organisations varied from 1000 to 35 students, with all the computer related institutes having a more than 500 students. The lowest numbers were found in beauty related courses with all other institutes reporting more than 500 students.

Most of the institutes were reported to have good networking with the industry as well as placement agencies, which facilitated the placement of students from these organisations. This was also found attracting students into these organisations. Outstanding performance and good leadership qualities were reported as the essential criteria for placement. Though interviews were held before placement by the employer, to a larger extent the prospects of getting placement depended on the assessment of the students by the organisations from where they pursue their courses. The pressure to get absorbed in the labour market after an expensive course was found high. This could make the students vulnerable to the pressures and demands of the teachers/instructors or other staffs in the organisations including sexual harassment.

No students union or associations were reported in these private institutes with none of the students being member of any unions. In contrast to this, all students, except 6 from colleges and universities were members of students union.

Almost similar to the pattern that was observed among teachers most of the students were from Hindu upper castes. The proportion of SC/ST students were found very low.

Figure 16:
Percentage distribution of students across religion

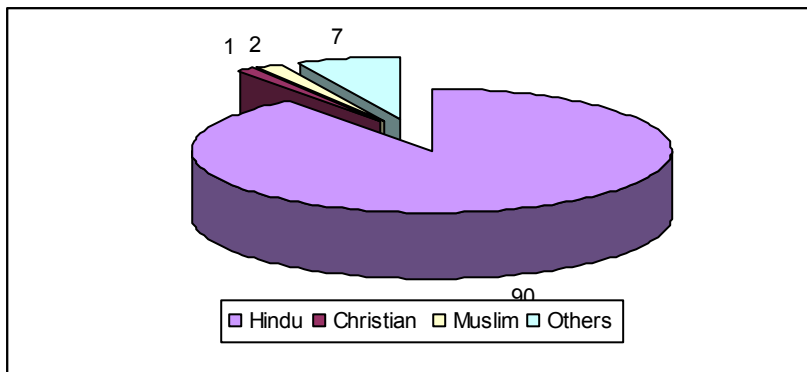
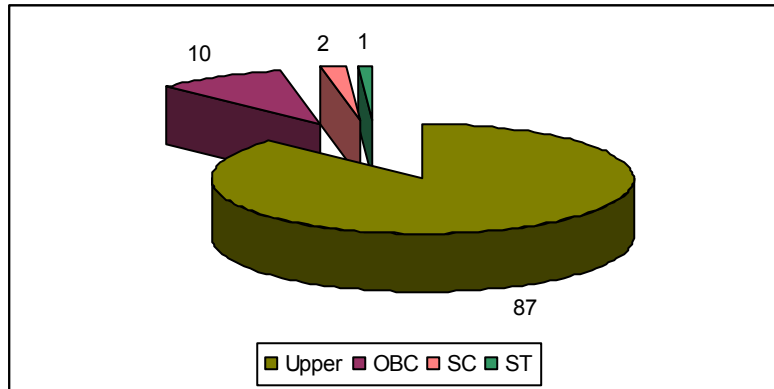
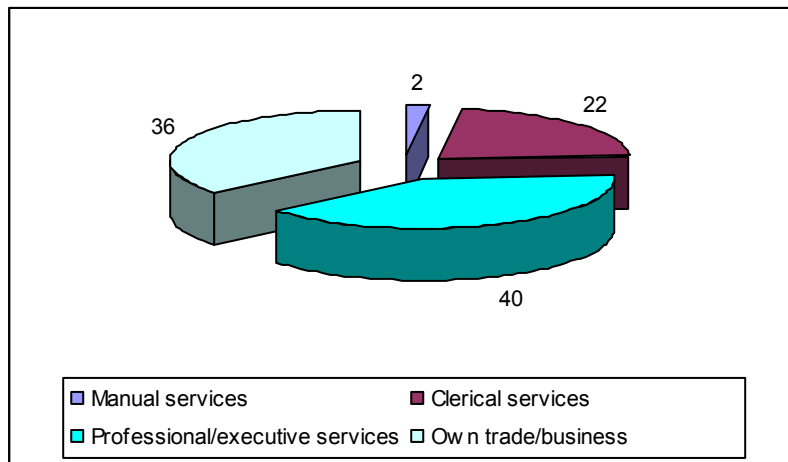


Figure17:
Percentage distribution of students across caste status



Apart from the elite social profile, students were largely from economically well off families, with 40 per cent of them reporting their father’s occupational profile as professional/executive services and another 36 percent as own trade /business. Only 2 percent reported their father’s occupation as manual services.

Figure 18:
Percentage distribution of students across occupational profile of father



On the whole, the situations and conditions in the private education sector reveal a near complete absence of proper regulatory systems. The growth of private educational institutions is not matched by adequate policy interventions, which has lead to its functioning as any other business enterprise. Teachers are subject to exploitative work conditions with no social security provisions. Further, there is a lack of standardization and quality regulation in the courses that are offered. The high fee structure is also an issue which needs intervention.

Chapter 6

Reviewing Regulatory Frameworks, Laws, Institutions

The results of the survey have revealed several areas of special vulnerability among women workers in Delhi. Some of these are recognized in the existing labour law regime, others have yet to be addressed. Issues such as wages, leave (including for maternity), health insurance, equal remuneration, creche facilities, retirement age and benefits, organisational rights of workers, etc. are of course covered by a set of labour legislations that constitute the established regulatory framework governing the conditions of work of all workers in industrial, commercial and other institutional establishments. In relation to sexual harassment in the workplace, there is as yet no specific legislation although the Supreme Court directives in the Vishakha case may be treated as law pending such legislation. However, before any detailed discussion on the needs and possibilities of new procedures in relation to sexual harassment, it would be useful to first examine the more established regulatory regime since the results of our survey point to several lacunae in the existing legal framework and its outreach in addressing old and new problems and vulnerabilities of women workers in Delhi.

A fundamental limitation of regulatory labour law: Exclusion of unorganised workers

At the outset, it is necessary to note that a problem/limitation generic to the framework that underpins the labour laws that regulate conditions of work in India is an exclusion by definition of a large proportion of workers in unorganised and informal forms of employment. For example, the Factories Act, that lays down the basic conditions of work - regulating working hours, leave, occupational safety and welfare facilities, is not applicable to establishments with less than 10 workers with power and 20 without power. This exclusion has been standardised for other laws governing health insurance (Employees State Insurance [ESI]), maternity benefits, bonus etc. Within the Factories Act, provision for creches becomes mandatory only when the number of women employees reaches thirty and above. Retirement benefits under the Employees Provident Fund Act and Pension Scheme excludes establishments with less than 20 workers, the Industrial Employment (Standing Orders) Act, 1946 that defines and clarifies conditions of employment/service as well as several welfare provisions and facilities provided for in the Factories' Act are applied to establishments employing 100 or more workers. In other words, the abovementioned labour laws exclude unorganised sector workers. Some specific legislations that apply to some segments of unorganised workers that have come into existence, such as Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, Sales Promotion Employees (Conditions of Services) Act, 1976 (applicable to workers in the pharmaceutical industry), The Building and Other Construction Workers (Regulations of Employment and Conditions of Service) Act, 1996, The Contract Labour (Regulation & Abolition) Act, 1970, etc. are all again applicable to only some segments of workers, leaving out a large mass of workers and employees in various types of employment. Apart from these central legislations, the Delhi Shops and Establishments Act, 1954, relates to the regulation of hours of work,

payment of wages, leave, holidays, terms of service and other conditions of work of persons employed in shops, commercial establishments, establishments for public entertainment or amusement and other establishments, although registration under this law has been in abeyance since 1989. In Delhi, among the unorganised workers who have so far remained completely out of any regulatory or social security framework, are domestic workers and homebased workers.¹⁹

In the first chapter, we had argued that in a city like Delhi, there were greater barriers to women entering unorganized forms of employment which was one of the reasons for the extremely low work female participation in the capital city. The lack of regulation in unorganised forms of work thus has a double negative value for the women of Delhi, the first being the absence of any legally enforceable rights or protection for 64.5 per cent of women workers in the capital who are already part of the unorganised sector (in 2004-05) and the second being the curtailment of any access to employment for many women because of the poor and unregulated conditions of work and lack of protection in the dominant unorganised sector. Of course in December 2008, a new law purportedly to provide social security for unorganised workers was passed by the Indian Parliament (its rules have yet to be framed), but as we shall see in a later discussion, this law neither provides a right to social security nor are there any provisions for regulation of conditions of work of unorganised workers. But let us begin our review with reference to the longstanding laws on the statute book.

The National Commission for Enterprises in the Unorganised Sector (NCEUS) in its examination of the regulatory framework for ensuring minimum conditions of work for unorganised wage workers had observed that almost all labour laws are circumscribed by the scope of their coverage, and noted that “(a) there are lack of comprehensive and appropriate regulation in India; and (b) even where regulations exist, there is inadequate and ineffective implementation mechanisms.” Further, it was the commission’s opinion that “selfregulation will not, by itself, lead to an improvement in the working conditions.”²⁰ It had therefore proposed two bills for unorganised workers with the objective of providing them with social security entitlements and a regulatory framework to ensure just and humane conditions of work.

It is interesting that in its response to the draft bills for unorganised workers’ proposed by the NCEUS, **the department of Labour of the Delhi Government has given an opinion that the Delhi Shops and Other Establishments Act covers all unorganised sector workers (non-agricultural).** However, what is pertinent is the **operation of this particular law in the city. Since compulsory registration under this law was kept in abeyance since 1989, and reinstated only recently in November, 2009, it has not been of much use so far to unorganised workers.** Further, the penalties under this law are in the range of fines of Rs 25 to Rs 250,

¹⁹ Although home workers in the beedi industry are covered by a specific legislation, no other category of home work has so far been covered.

²⁰ See NCEUS, *Report on conditions of Work and Promotion of Livelihoods in the Unorganised Sector*, August, 2007

leaving it with hardly any teeth and making it ineffective as an instrument of workers' rights.

Anomalies, implementation and exclusion issues in relation to minimum wages in Delhi

Of all the existing labour laws, the Minimum Wages Act, 1948, that is designed to prevent employers from paying wages below a basic minimum wage, is perhaps the most widely applicable to all wage workers. However, Act does not lay out the criterion for calculating the statutory minimum wage, although in 1991, the Supreme Court ruled that it should be calculated according to the norms that were recommended by the 1957 session of the Indian Labour Conference (ILC) plus some additional elements. The ILC norms specified the following elements to be included in calculating minimum wages: (a) 3 consumption units for one earner. (b) Minimum food requirements of 2700 calories per average Indian adult. (c) Clothing requirements of 72 yards per annum per family. (d) Rent corresponding to the minimum area provided for under Government's Industrial Housing Scheme. (e) Fuel, lighting and other miscellaneous items of expenditure to constitute 20% of the total Minimum Wages. To this the court added some more elements - namely, that children's education, medical requirement, minimum recreation, festivals/ceremonies and provision for old age, marriage etc. should further constitute 25% of the total minimum wage.²¹ It would be presumed that the judgement would be considered the law in relation to the calculation of minimum wages. Nevertheless, the statutory minimum wages notified by the labour department of the Govt. of NCT Delhi does not appear to have made any such calculation at the time of the last revision made in 1994. Although a biannual dearness allowance (Variable Dearness Allowance [VDA]) @ Rs 1.00 per point rise in the consumer price index on the basis of a six monthly average has ensured a fairly regular - if slight - increment in Delhi's minimum wages since then, the overall minimum wage has remained far lower than what would have been the case if the norms outlined by the court had been followed. It has to be said that **the notified minimum wages are well below a subsistence wage for a major and expensive city like Delhi and are clearly not based on the judgement of the Supreme Court.**

On top of the inadequacy of the minimum wage, an anomalous situation has arisen between workers covered by the Office of the Labour Commissioner of the Central Government and that of the Govt of NCT Delhi. On 20th May, 2009, the Ministry of Labour and Employment, Govt. of India notified a revised daily minimum wage rate of Rs. 180 for unskilled workers in the construction, Rs 200 for semi-skilled, Rs 220 for skilled and clerical workers, and Rs 240 for high-skilled workers in all 'A' class cities (of which Delhi is one), while on 8th September of the same year, the labour department of the Delhi Govt. notified minimum wage rates of Rs 152 for unskilled workers, Rs 158 for semi-skilled, Rs 168 for skilled workers. For clerical and supervisory staff the rates were Rs 158 for non-matriculates, Rs 168 for matriculates and Rs 181 for graduates and above. It is argued by the labour department in Delhi that unlike in the central sphere where minimum wages are announced separately for

²¹ This judgment was delivered by the Supreme Court of India in 1991 in the case of Reptakos Brett and Co. Vs. its workmen.

separate industries, the govt. of NCT Delhi announces the same rates for all industries. While it makes sense to have standard minimum wage rates according to skills for workers across all industries/sectors, the fact remains that although minimum wage notifications have been issued separately for different industries by the Centre, the rates announced in each were the same. The argument of the labour department of NCT Delhi, thus does not explain the wide difference in the wage rates between the Centre and the State. In general, **in 2009, unskilled workers of Delhi falling in the central sphere were entitled to a monthly minimum wage of Rs 5,200 in comparison to Rs 3,953 for those in the NCT state sphere, for skilled workers the entitlement difference was Rs 5720 in comparison to Rs 4,377 and for high skilled workers it was Rs 6,240 in comparison to Rs 4,713.** The gap between the central and state sphere minimum wages will also increase over time since the VDA ranges from Rs 1.35 per point increase in the price index for unskilled workers to Rs 1.80 for high-skilled workers in the the central sphere as opposed to an undifferentiated VDA of only Re. 1.00 per point rise for all categories of workers in the case of the state sphere.²² As a first step towards raising the minimum wages in Delhi to bring them closer to the norms specified by the Supreme Court, the NCT Govt. may increase the minimum wages to bring them on par with those announced by the Central Government.

Despite the low level of the minimum wages notified by the state government, our survey showed that 49 per cent of the factory workers (which included all contract/casual workers) and 39 per cent of office and shop workers surveyed were earning less than this statutory norm. Further, all the surveys show that the poorly educated and non-literates, for whom the protection of a minimum wage law is perhaps the most essential, are the most deprived in this area. On the other hand, even among the teachers in private schools/institutes, there were 6 per cent receiving less than the minimum wage and 4 per cent receiving less than the minimum wage for unskilled workers. **The lack of effective implementation of the minimum wage law is thus a major question. An obvious reason lies in the lack of sufficient personnel and perhaps the will in the labour department to deal with the huge workforce in the capital city and neglect in the case of women.** The most glaring drop in inspections under the Minimum Wages Act from 36,584 in 1988 to just 8,072 in 2006 is evidence of the weakening force of the labour law enforcement machinery in such a basic area as minimum wages.²³

A second reason for denial of minimum wages lies in the large scale use of casual and contract workers who are without the protections provided to permanent workers and therefore easy to fire by employers, effectively ensuring that workers

²² See S.O. No.1285(E) - Construction [The Gazette of India Extraordinary, Part II, Section 3, sub-section (ii)] of May 20, 2009 for the Central Govt notification at <http://labour.nic.in/wagecell/welcome.html> and http://www.delhi.gov.in/wps/wcm/connect/doit_labour/Labour/Home/Minimum+Wages+New for the Delhi Govt. notification. It may be noted that the Central Government notification referred to here is for construction workers, but similar rates have been given by the Central Government for other scheduled industries as well. In Delhi, all employments are clubbed together for which the minimum wages are announced and applicable to all scheduled employments/industries including construction.

²³ See Labour Department (Planning & Statistical Cell) Govt. NCT Delhi, *Labour Statistics 2006*.

do not demand minimum wages for fear of losing their employment.²⁴ It may be remembered that of the 41 per cent of factory workers who were casual/contract workers, not one was receiving the minimum wage, while a similar situation prevailed among office workers of which 32 percent were contract workers and 32 per cent received less than the minimum wage.

All the domestic workers were of course earning well below the minimum wage for other industries. It may be noted that The Minimum Wages Act is perhaps the single most universal labour law and should be applicable to workers in the unorganised as well as organised sector. However, the list of 29 scheduled employments covered by the Act in Delhi does not include domestic workers. The case of domestic workers therefore deserves some special attention and will be dealt with later, particularly in the light of an ongoing national and even international discussion on the need for a legislation for domestic workers. As of now, at least three state governments – namely, Karnataka, Andhra Pradesh and have brought domestic under the purview of the Minimum Wage law. **Given the fact that domestic workers constitute the single largest segment of women workers in the capital city of Delhi, there is an urgent need to bring paid domestic work into the list of scheduled employments under the Minimum Wages Act.**

Denial of Rights and Entitlements through Contractualisation: need for a review of labour policy

From the results of the survey, it becomes clear that there is also a need to see the link between the lack of implementation of the minimum wage law with the operation of the Contract Labour (Regulation and Abolition) Act, 1970. Unsurprisingly, the Contract labour law, and particularly the abolition aspect appears to have largely been given the go by. When the law was framed, its objective followed from a 1960 Supreme Court judgement which held that contract labour should not be employed where: – (a) The work is perennial and must go on from day to day; (b) The work is incidental to and necessary for the work of the factory; (c) The work is sufficient to employ considerable number of whole time workmen; and (d) The work is being done in most concerns through regular workmen.²⁵ The effective operation of the 1970 contract labour law was of course made dependent on the specific prohibition of contract labour in any given work for any industry by the appropriate government. However, a legal spoke in the wheel of automatic absorption/regularisation of contract workers following such prohibition was introduced by the Supreme Court in 2000.²⁶ The net result is that this law has become a mere instrument of at best

²⁴ A permanent worker can be removed from service only for proven misconduct or for habitual absence - due to ill health, alcoholism and the like, or on attaining retirement age. A contract worker has no such protection.

²⁵ See Supreme Court judgement on Standard Vacuum Refinery Company Vs. their workmen (1960-II-ILJ page 233)

²⁶ See Supreme Court judgement on Steel Authority of India Ltd. vs. National Union of Waterfront Workers & Ors. This judgement that held that the principal employer was not bound to absorb/regularize contract workers following prohibition of contract work in any given industry, actually overturned a previous judgement of the same Supreme Court in Air India Statutory Corporation. VS. United Labour Union & Ors, 1996 where the ruling

licensing and regulation of contractors, **has failed abysmally to abolish the use of contract labour for perennial work, and is of little use in regularising contract workers.** All the casual/contract workers in the present survey were performing tasks that were central to the concerned industry/factory and of a perennial nature, all of them were denied minimum wages as also provident fund and even ESI, making clear that employers have been using contract labour precisely in order to divest their workers of basic rights and entitlements that would be otherwise due to them including minimum wages. Further, it is clear that the monitoring of contractors is not being done by the labour department since even contract workers are entitled to ESI and Provident Fund when working for establishments with 10 and 20 workers respectively. According to the latest published report on labour statistics in Delhi, no inspections were made under the Contract Labour Act between 2001 and 2004 and although some inspections and prosecutions were conducted in 2005 and 2006, no fines were realised in those two years.²⁷ It is in such a context that the ongoing discussions on contract labour have to be viewed. (*See annexure giving extracts from the Summary Record of Discussions of the 42nd Session of Indian Labour Conference held on 20 – 21 February, 2009*)

Social Security Issues

Provident Fund (including the pension scheme) and Health Insurance are the two major social security provisions in the present legislative framework. A shocking finding of the survey was that on the issue of social security, office/retail/service workers were much worse off than factory workers. Not one of surveyed office workers had been provided with any health insurance or medical benefits in comparison to 51 per cent of the factory workers who were covered by ESI. Similarly, only 24 per cent of the office workers and 28 per cent of the teachers in private schools/institutions had provision for provident fund in comparison to 47 per cent of the factory workers. The absence of health insurance/medical benefit and provident fund for such a large proportion of workers is again related to three major aspects of the regulatory framework.

The first aspect relates to the failure of the labour law enforcement machinery among factory workers as well as in shops and other establishments, and in the case of, the lack of enforcement of the Delhi School Education Act, 1973 in a large number of private schools. In the case of the surveyed factory workers, labour law enforcement failure applied to the 49 per cent who were without health insurance and the 53 per cent who were without provident fund since all of them should have had been entitled to ESI and Provident Fund as per the existing law and its definitions. Similarly, in relation to private office and retail workers, our survey showed that in only 8 of the 60 establishments where the surveyed employees were working were they receiving provident fund (the employment strength of these establishments ranged from 2 to 250). In fact, according to the information provided by the workers,

²⁷ stated that "on abolition of the contract labour system, by necessary implication, the principal employer is under statutory obligation to absorb the contract labour."
See Labour Department (Planning & Statistical Cell) Govt. NCT Delhi, *Labour Statistics 2006*.

at least 2 of these 8 PF paying establishments had less than 20 employees (in establishments with 20 or more employees, paying of provident fund becomes compulsory), while of the 20 establishments that had more than 20 employees, in only 3 were the surveyed workers provided with provident fund. In none of the 31 establishments with 10 and more employees were the surveyed workers getting ESI benefits (it may be remembered that the ESI Act becomes mandatory for establishments with 10 and more employees and only 12 of the surveyed office workers were drawing above Rs 10,000 which is the wage ceiling for access to benefits under ESI).²⁸ It appears that **the problem of lack of enforcement of labour laws is even more widespread among these office/service workers.**

The second aspect relates to the large number of workers who still remain outside the purview of any social security entitlement, who may be termed unorganised workers. For years policy makers, academics, officials in the labour department and organisations of workers have been involved in conceptually ambiguous discussions around unorganised or informal sector (enterprise based) versus unorganised or informal workers (employment relations based) in order to explain/remedy the situation where the overwhelming majority of workers and enterprises in the country were outside any regulatory mechanism through which employment, conditions of work/income/livelihood could be made humane and just. **The NCEUS has in a sense settled this conceptual debate by defining the universe of unorganised workers as workers without adequate legislative or other support for employment and/or conditions of work (i.e., without any employment/ social security benefits provided by employers) in both the formal/organised as well as informal/unorganised sector. It is this definition that has been accepted in the Unorganised Workers' Social Security Act, 2008 that became a central law on 30th December, 2008.** However, the other provisions of this new law have come in for a lot of public criticism, particularly since it has not even taken into account many of the substantive recommendations of the NCEUS. Some of the issues raised are as follows.

Although the rules under this Act have still to be framed, the fact remains that **this law does not provide for any enforceable or justiciable social security entitlement for unorganised workers.** The only legal entitlement in the entire Act is the right of all unorganized sector workers above 14 years to register themselves and receive a 'smart' identity cards. The use of 'smart' cards – with each holder's biometric information such as fingerprints – may go some way in preventing fraud. But, again, since the legislation is itself weak, this might just mean that the government will spend a lot of money making and distributing 'smart' cards to no apparent gain. It has been argued by many that the name of the Act itself is a misnomer because it does not provide any social security (except mere registration) to any section of workers. It does not guarantee anything other than the formation of advisory boards

²⁸ It may be noted that the establishments included many that were small outlets of well known larger companies and so although the workers' own perception of number of employees was less than 10 or 20, the actual number is probably much more. Some retail workers have also not taken into account the back office employees while responding to the question regarding the number of employees in their establishment. In general, it appears that the ESI as well as the EPF laws were applicable to most of the establishments covered by the survey.

at central and state level and making the respective Labour Ministers the chairpersons of the same, leaving implementation entirely to the whims of governments of the day.

The Boards provided for in the Act have been confined to recommendation, advice, review and monitoring. The real power has been retained by the Central Government which may give directions to these Boards or to the State Governments in matters relating to the implementation of the legislation. The Boards, thus, at both Central and State levels are weak institutions. The Central Board must consist of at least 31 members and the State Boards 28 members. Since these boards do not have any substantive powers, their operation (along with support staff) would perhaps involve a lot of financial resources without efficacious action.

Of the ten schemes listed in Schedule I of the Act, most are applicable to only those officially declared as being below the official poverty line. (The schemes listed include Rashtriya Swasthya Bima Yojana, Janshree Bima Yojana, Janani Suraksha Yojana, Old Age Pension, Family Benefit and schemes related to weavers, artisans and master crafts persons, etc.). All the schemes listed were existing government schemes - **not one scheme is new, the benefits are much lower than any of the benefits under previous labour laws, so far none include any contribution from employers, and for the first time the arbitrary and statistical construct of Below Poverty Line (BPL) has been introduced as a condition for access to a worker entitlement.** The BPL condition will lead to workers within the same cadre and establishment being divided, with some who might have BPL ration cards having access to these social security schemes while others who might not have BPL cards being denied access. This is the first time a law has been framed for workers which divides workers on grounds extraneous to their work/employment. For the women's movement in India, the condition of being officially counted as BPL for access to cheap food, government schemes, assistance, and other subsidies has been an issue for several years. More recently the Central Government's practice of considering the statistically derived number of BPL households from national sample surveys as a ceiling for BPL households in any given state has become an issue of controversy in several states. The mounting experience of problems around BPL was reflected in the debate on the rural employment guarantee law. Since the BPL condition was opposed by so many sections of the people, it was removed as a condition for access to the 100 day guaranteed employment in rural areas under NREGA. It is unfortunate that it has now been allowed to become a condition for access to social security schemes for unorganised workers. Moreover, most of these schemes are insurance schemes which are to be operated by insurance companies and run the risk of becoming public/worker subsidies for profiteering by private companies. For example, it is rather surprising that under the Rashtriya Swasthya Bima Yojana, available information indicates that in Delhi, all the empanelled hospitals are in the private sector.²⁹

The exclusionary force of BPL conditionalities is a major drawback in most of the so-called social security schemes. The majority of Delhi's unorganized women workers are not likely to fall under the BPL category since many have taken to employment precisely to lift themselves above abject poverty. In effect, **the Act in its present form**

²⁹ As per <http://www.rsby.in/Statewise.aspx?state=1> in January, 2010.

would exclude of the majority Delhi's unorganised women workers. An example of the scale of exclusion even after enactment of the new law can be seen in the fact that officially there were 5.3 lakh BPL households in Delhi in 2009, while the number of hired workers as per the fifth Economic Census (2005) were 40.8 lakhs of which only 8.48 lakhs were in the organised sector. Even if one assumes two workers per BPL household along with an unlikely 100 per cent enrolment of BPL households in the Rashtriya Swasthya Bima Yojana (RSBY), and again assume that all the organised sector workers have health insurance (which as is clear from our survey is not the case), then 21.72 lakhs or more than 53 per cent of the workers in Delhi would still remain excluded from health/medical insurance/benefits under any law.³⁰

Among the other flaws that have been pointed out by commentators are the fact that the Act does not legally stipulate the establishment of a Central Welfare fund. There is no provision for penalties in the Act to punish those employers or bureaucrats who violate it. Further, as a result of dropping the Bill on conditions of work prepared by the NCEUS that was to accompany the social security bill, working conditions of unorganised workers including hours of work, mandatory holidays, industrial safety, job security, industrial relations and trade union rights, guaranteeing minimum wages, bonus etc., will remain unregulated and unenforced. And finally, the special problem of women unorganized workers do not figure in the Act. The problems of security, sexual harassment, proper accommodation for migrant women workers, issues relating to nature of work and industrial safety, gender wage gap, non-payment of wages, childcare facilities at work spot etc., have all been totally neglected.

³⁰ It may be borne in mind that the labour department of Delhi is the nodal agency for RSBY. As per the official poverty line in Delhi of Rs 410 in rural areas and Rs 612 in urban, there were 5,39,471 BPL households in 2009 of which 41,990 were enrolled under RSBY.

Employment Protection and Promotion of Women's Employment Issues

Any advanced framework for social security generally includes the right to employment or protection from loss of employment. This, of course has hitherto not been part of the regulatory framework in India. Some partial attempts to provide protection in the larger establishments of the organised sector in the 1970s through amendments to the Industrial Disputes Act, (eg. making prior permission of the government a must for effecting lay-offs, retrenchments and closures in factories with 100 and more workers) were perhaps more directed at curbing labour unrest rather than advancing social security.³¹ More recently the institution of a six month unemployment allowance for ESI cardholders of 5 year standing from 2005 came as a straw in the wind of large scale ejection of workers from their employment in the organised sector. Neither of the above two measures seem to be providing any protection to women workers in Delhi. As indicated in the survey of factory workers, closures and shifting of the location of factories together affected some 25 per cent of the workers. It needs to be stressed here that all these factories were in the organised sector, fairly large (some with hundreds of workers), and established in organised industrial estates. Many would have legally required permission to close down, but it has become a norm for factories not to announce formal closure but rather transfer of workers, knowing that the distance and transport costs involved would compel the workers to leave their jobs. In other words, such transfers are a method of large scale retrenchment while avoiding any restriction by the regulatory regime. Most of the factories that faced or had been closed were obviously doing well, and workers had acquired some relatively better conditions of work and entitlements from which they were suddenly disintitiled because of closure. The enormous mobility of capital in constant search of greener pastures appears to be the more powerful force leading to early mortality/closures of factories for the surveyed workers than any administrative measures. It needs to be repeatedly underlined that in all the cases of closure recorded in the survey, not only were the factories located in proper industrial estates, but they were constructed and owned by the employers in each case. the so called transfer of workers is but a cover to bypass the legal restrictions on closures in larger factories. Such a restriction is still part of the Industrial Disputes Act, in recognition of the fact that displacement of a large number of workers from employment is a matter of social concern, and employers have social responsibilities that ought not to be easily overridden by the narrow interests of the rich and wealthy. But for women the problem is more severe because distance from place of work is perhaps a more pressing concern.

As of now, the Delhi govt. appears to be unable and perhaps fearful of take a strong stand on this issue, allowing for a drift towards allowing the market to operate as the principal regulatory mechanism. As is by now clear, **market regulation does not favour social protection or humane conditions of work, particularly for the less educated and manual occupations with relatively lower wages.** On this question of footloose nature of capital being able to deny employment security and its attendant increments to their workers, there is perhaps a need for a policy review of the conditions under which concessions and facilities are offered to industrialists towards bringing some firm

³¹ Chapter V-B which made prior permission of the government a must for effecting lay-offs, retrenchments and closures in factories with 100 and more workers was inserted into the Industrial Disputes Act in 1976.

commitments to workers/employees (along with penalties) within the ambit of any facilities /concessions given to them.

For women workers, there is an additional question that relates to their relatively small share of employment in Delhi. The Equal Remuneration Act, 1976 (ERA) provides for women and provides for the setting up of Advisory committees to promote employment opportunities for women of which one-half require to be women. No such committee currently exists. It appears that there has been a progressive decline of the interest in the operation of this law as evidenced in the fact that by 2006, not even one inspection under the ERA was conducted by the labour department in Delhi. That the ERA had become merely procedural, (i.e., an emphasis on the forms and registers that are required to be maintained) rather than a substantive regulation against discrimination and for equal wages for women workers, is known and in line with the general experience across the country. However, it appears to us that if the Advisory Committee had been constituted and activated, the question of the abysmally low levels of women's employment and their conditions in Delhi would have registered itself more effectively with the policy and regulation regimes.

Outside any Regulation: the case of Domestic Workers

Under the present regulatory framework, workers engaged in personal service are not considered workmen in most of the labour laws, which implicitly maintain that the domestic worker is not a worker and cannot have recourse to labour laws or labour courts in case a dispute arises with the employer. That this is clearly an untenable position, particularly in contemporary times with domestic workers constituting the single largest segment of women workers in a city like Delhi, needs no elaboration. However, note needs to be taken of the silent resistance to any legal rights for domestic workers, which obviously has great force and does require some elaboration and the arguments raised need to be addressed.

The resistance is evident in the fact that 8 Private Members Bills introduced in the Parliament on domestic workers were withdrawn or allowed to lapse. As early as 1959, a Domestic Workers (Conditions of Service) Bill was moved in the Rajya Sabha as a private member's bill. This bill together with All India Domestic Servants Bill, introduced in the Lok Sabha included clauses for minimum wages, maximum hours of work, a weekly day of rest, 15 days paid, annual leave, casual leave, and the maintenance of a register of domestic workers by the local police. In 1972 and 1977, two further 'private member' bills [Domestic Workers (Conditions of Service) Bill, 1972 and the Domestic Workers (Conditions of Service) Bill, 1977] were introduced in the Lok Sabha. The government ignored recommendations of the Committee on the Status of Women in India, 1974 and the National Commission on Self Employed Women and Women in the Informal Sector (1988) on the need to legislate on domestic work. The House Workers (Conditions of Service) Bill of 1989 and Domestic Workers (Conditions of Service) Bill 1990 had the same fate.

The argument often raised in the context of legislation since the initial attempts is that of employment loss if a law mandating minimum wages and working conditions for domestic workers is enacted. These concerns were raised as early as 1959 by the Deputy Labour minister in speaking against the legislation anticipating "large scale retrenchment

and shrinkage in employment opportunities as a result of enforcement.”³² A second argument is that laws protecting domestic workers would be difficult to enforce, which was again voiced in 1959. “administration, enforcement and inspection would be difficult” and thus it was hoped that “the impact of public opinion and development of social conscience and awakening would gradually improve the condition of domestic workers.”³³

Employment opportunities are often played against legislations though there are enough evidences to show that legislations do not always lead to retrenchment, but rather would streamline job opportunities ensuring decent conditions of work. Difficulties in enforcement are issues common to all informal sector work and even among large contingents of workers in the formal sector, and these need to be addressed by policy makers. But to deny domestic workers their basic labour rights needs has to be understood in a larger socio-political context. The gendered and class aspects of domestic work, combined with the general devaluation of care work explain the state approach to the concerns and there by any legislation on domestic workers.

Largely, as a result of the child labour campaign, child domestic work was listed in 2006 under the list of hazardous occupations in the Child Labour Prohibition and Regulation Act 1986. Further, special sanctions on government employees who may employ child labour are also in place.³⁴ Domestic workers are also covered under the recent Unorganized Workers Social Security Act 2008. However, the limited definition of social security and its beneficiaries are matters of concern as discussed earlier. The BPL condition would render most domestic workers in urban areas out of its coverage.

Despite the mushrooming of placement agencies, at present, there are no laws to regulate them. Discussions around possibilities of regulating these agencies have focussed on the potential of a number of existing laws being expanded to include domestic workers or on new legislation pertaining to informal workers taking them into its ambit. With some modification, the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 and the Contract Labour (Regulation and Abolition) Act, 1970 could help in regulating the placement agencies. A third possibility from among existing laws is the Shops and Establishments Act, 1954. All business and commercial establishment are required to be registered under the Act within 30 days of commencement of work. The Act is enforced through the Chief Inspector of Shops (CIS) and various inspectors under the Act. Chief Inspector functions under the supervision of Deputy Labour Commissioners (CIS) who in turn functions under the supervision of Labour Commissioner.

In Delhi registration under the Act registration was mandatory prior to 23 November 1989 since when the same has been kept in abeyance citing duplication in registration – shops and commercial establishments were already registered by the Sales Tax and Excise department. In the absence of any coordination and sharing of information between the Sales Tax and Labour Department, monitoring of establishment would be possible only if the placement agencies involved in provision of domestic work are

³² Armacost, 1994.

³³ Ibid

³⁴ Sankaran et.al, 2009.

registered under the Shops and Establishments Act 1954. With the resumption of registration under this law from November, 2009, there are possibilities of checking the exploitative working of these agencies.

The National Commission for Women attempted to address some of these concerns through a Domestic Workers (Registration, Social Security and Welfare) Bill, 2008 and has held consultations around this bill. The proposal seeks to establish a compulsory registration procedure for all domestic workers, including part-time and full-time workers, the setting up a Domestic Workers Welfare Fund to which workers and employers have to contribute, registration of service providers (defined as placement agencies for domestic workers), regulation of working conditions, and fines and imprisonment for violation of the provisions of the bill. Central and state level boards are to be set up for administering the law. Additionally, it provides for setting up a Central Advisory Committee, State Advisory Committees and Inspectors to implement the provisions of the Act. Interestingly, it grants powers of inspection to any registered trade union. Another proposal has also been drafted by the National Campaign Committee for Unorganised Workers (NCCUW) and Nirmala Niketan - Domestic Workers (Regulation of Employment), Conditions of Work, Social Security and Welfare) Bill, 2008.

The debates and discussion around the bill have in the first instance been with regard to the definition of a 'domestic work, employer, wages, mode of delivery of welfare benefits and its implementation. The NCW bill excludes workers performing the same tasks in office spaces and in other establishments and does not specifically exclude child labour employed in domestic work. However, the NCCUW bill excludes child workers but provides for workers engaged in domestic work in office spaces and in other establishments. Further though these bills takes into account many of the specificities of domestic work, there is a need to draw on the experiences of successful attempts such as welfare boards relating to head-load workers, construction workers, etc. in the states of Kerala, Maharastra and Tamil Nadu in designing its implementation. Regulating and monitoring conditions of work for the domestic workers is not easy and has proven to be an uphill task.

The fact that domestic service produces utilities not commodities or anything fully tangible, the measurement of output becomes difficult leading to ambiguities in fixing wages. The ambiguity in fixing minimum wages is evident in all the discussions on regulating domestic work and is an issue which many domestic workers organizations are confronted with. Debates over the norms for setting wages include issues such as whether time rate or piece rate; hourly or weekly; part-time or full time; based on size of the household or persons per household, over time; payment in kind; calculation for boarding, medical care and other necessities . This complexity is not addressed even in the recent NCW bill. The bill does not enumerate the hourly rates, weekly rate and the monthly rate payable or the criteria to work out wages, though the NCCUW draft acknowledges the importance of setting the criteria for determining the minimum wages in the Statute (Sankaran et.al, 2009). Defining minimum wages is fundamental in improving the conditions of domestic workers. One could draw on the attempts of states such as Karnataka and Maharastra which now have few years of experience in this regard. Further, many organisations working with domestic workers have come out with specific guidelines in the calculation of minimum wages. There is a need to examine these attempts as well as the experiences with regard to other informal sector occupations

(construction, head load workers and so on) to arrive at a practical proposal on fixing and implementing minimum wages.

Some Issues for Policy

Before concluding the review of the regulatory framework, some areas and issues that majorly influence the destiny of women workers in Delhi and merit more concentrated policy attention need to be highlighted. First, on the issue of care of the children of workers. Factory law is supposed to provide creches for infant children of workers in every unit employing more than 30 women. As emerged from the survey of factory workers, such creches were not functional in even one of the factories where the surveyed women workers were employed. However, it is noticeable that the demand for such creches does not been anywhere near the demand for better wages and related better conditions of work. Perhaps an additional factor in the non-functionality of creches in factories is the insurmountable difficulties that workers would face in carrying their children to work, when commuting to and from work has become increasingly difficult and dangerous in the city. Further, even factory law does not make provision for care of children who are no longer infants but yet require some adult protection, care and supervision of their daily requirements. This is obviously an area that requires intervention by public social sector agencies. Schools are able to take on some of these care responsibilities, but school timings rarely coincide with the working hours of factory workers. In a city like Delhi where vulnerabilities of children are enhanced, **there is clearly a need for institutions that provide protection and minimum care for the children of workers in/near their areas of residence.** Women's organisations had earlier put forward the demand that creches/daycare be established in the primary and other schools or anganwadis run by the government. If carried forward, this would not only take care of the children of women already in employment, but would enable many more women to look for and take up paid employment. As of now, the few creches that are run under the Rajiv Gandhi National Creche Scheme and other public institutions are too few to cater to the need.³⁵ Further, the usual cutoff of 6 years for children in publicly funded creches/daycare centres and even as per the provisions of the Factories' Act, leaves out a large number of children of workers who need care and cannot or should not be left to fend for themselves. On this count, it may be noted that the NDMC run creches include girls upto the age of 12 and boys up to the age of 10 which is a positive step that could be emulated.

A second area where there is need for organised public action is on the question of leisure for women workers as well. If the poorer classes of workers are to be treated as human and not just instruments of production or service, then the issue of their personal development and leisure deserve policy interventions. As of now, the department of labour has a scheme for holiday homes for industrial workers, that has actually become non-functional due to neglect, disuse and underbudgeting.³⁶ **There is some need for**

³⁵ In 2008, there were 308 creches in Delhi under the Rajiv Gandhi National Creche Fund covering some 7700 beneficiaries with a fee rate of Rs 20 for BPL families and Rs 60 for others. In 2009 17 creches were run by the NDMC charging a flat rate of Rs 275/- for non NDMC employees.

³⁶ See Govt NCT Delhi, Planning Department, Evaluation StudyReport on Holiday Homes for Industrial Workers, June 2001.

expanding, evolving and operating better schemes for leisure and development of workers and include in them some special schemes for women workers.

A third area relates to the skills or lack of skills again among the poorer classes of workers. 91 per cent of the factory workers and none of the domestic workers surveyed had had no access to any formal or institutional skill training for employment. According to available information, there are 13 Government run Industrial Training Institutes (ITI) that are either only for women or co-educational. There are also several schemes for training of women in various trades. But **no ITI products or workers trained under any one of the many schemes for vocational training were found among the surveyed women factory workers and obviously the same was true for the domestic workers.**

The NCEUS has recommended a target of the rate of formal training to reach a level of 50 per cent of the labour force by 2021-22 with the targeted persons to include potential entrants into the labour force as well as the existing pool of workers whose skills require to be upgraded. The case for a strong intervention in this area particularly for women workers in Delhi needs to be promoted. The NCEUS had noted that the expansion of training needs to be gender equitable and gender sensitive, which can not be in the nature of stereotyped expansion alone or left entirely to the market and that skill expansion will require the active participation of public agencies, while giving ample scope and opportunity to the private and non- governmental actors. Any cursory examination of the types of vocational training offered by organisations that have received grants from the department of social welfare or even purely privated institutions would show the absolute dominance of tailoring and beauty care as the options for the less educated section of women and computer related skills for the more educated. Either way, the band of skill acquisition/training facilities has generally excluded the present day factory worker or domestic worker. Their skills and opportunities for some advancement perhaps merit more detailed enquiry than was possible in this survey. In informal discussions with important functionaries of the labour department, a view was expressed that skill may be seen as enhanced or dedicated competence in unskilled manual functions as well. An example was given that if a sweeper swept well, she would easily find a market for her skill. In our opinion, such a narrow definition of skills would lead to confinement of women in a narrow band of occupations and also close the doors to any advancement within their employment. The question of avenues for skill and all round development for particularly the poorer class of workers merits a greater level of policy concern and enquiry than has hitherto been the case.

Chapter 7

More than a Decade after Vishaka: Sexual Harassment Issues Before Women Workers in Delhi

An important aspect of safety at work for a woman worker is protection against sexual harassment. Sexual harassment at the workplace can seriously affect a person's job, personal well being and can create an intimidating, hostile and humiliating work environment. However, acknowledgement of sexual harassment as a workplace issue is a relatively recent phenomenon. The focus on the issue really began with the Vishaka judgement of the Supreme Court in 1997.³⁷ The judgement itself was delivered on a writ petition for the enforcement of the fundamental rights of working women brought as a class action by certain social activists and NGOs following a long struggle to secure justice for a village-level worker in Rajasthan who was raped in retaliation for a campaign against child marriage in a government sponsored development program. The judgement articulated the gravity of the questions involved by declaring sexual harassment at workplace a violation of several fundamental rights guaranteed by the Indian Constitution such as the right to equality and equal protection of the laws (Article 14), the right to life and liberty (Article 21), and the right to practice any trade or profession (Article 19(1)(g)). The Vishaka judgement recognised that all employers had the responsibility to prevent sexual harassment at the workplace, and required them to put in place a redressal mechanism to deal with complaints of sexual harassment. It was recognised as a problem in the "public sphere", and the guidelines for employers that issued from the judgement have been hailed as an important step towards working out preventive as well as redressal procedures in addressing the issue. The guidelines were specified as to be treated as law against sexual harassment in workplaces to be treated as law until a legislation is enacted for this purpose.

Prevention and redressal framework

According to the Judgement the employer or other responsible persons in the work places are duty bound to (a) prevent or deter the commission of acts of sexual harassment by express prohibition including in disciplinary codes/rules/service regulations and publicising of guidelines on the issue, (b) establish complaints committees headed by a woman with women constituting half of its members and including a third/outside party familiar with the issue of sexual harassment, that will deal with complaints in a timebound manner, (c) institute disciplinary action against employees/officers who are found to be perpetrators of sexual harassment and/or initiate action - make complaints to appropriate authorities in cases of specific offence under criminal law, including in cases of harassment by third party/outside party.

The judgement defined the term 'sexual harassment' as including such unwelcome sexually determined behaviour (whether directly or by implication) as;

- (a) Physical contact and advances;

³⁷ Vishakaa and others vs. State of Rajasthan, 1997(6) SCC, p. 241.

- (b) A demand or request for sexual favours;
- (c) Sexually coloured remarks;
- (d) Showing pornography;
- (e) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature. A demand or request for sexual favours;

It has further been clarified by the Court that where any of the above mentioned acts is committed in circumstances under which the victim of such conduct has a reasonable apprehension that such conduct can be humiliating and may constitute a health and safety problem, in relation to the victim's employment or work, whether she is drawing salary, or honorarium or voluntary, whether in government, private or public enterprise. It is discriminatory when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment or work including recruitment and promotion or when it creates a hostile work environment and adverse consequences might arise if the victim does not consent to the conduct in question or raises any objection.

For six years after the judgement that no efforts were made in the direction of enacting a law. So the guidelines continued to be the law required to be followed across the country. But very few complaints committees were set up, service rules were not amended and the judgment was widely disregarded both by public and private employers. On a followup Writ Petition³⁸, the Court started supervising the implementation of Visakha's guidelines. Notices were issued to the Central Government, all State Governments and the Union Territories asking them to report to the Supreme Court the measures taken by them for complying with the Visakha Guidelines. This triggered a flurry of activities at the Central Government and the State Government levels. In January 2006 the Supreme Court ordered the chief secretaries of each state to appoint a state-level officer who is in charge of and concerned with the welfare of women in each state so they may coordinate the implementation of the Guidelines, particularly in relation to the setting up of complaint committees.

In Delhi, under pressure from women students and teachers, several committees against sexual harassment and related procedures were first put in place in the some universities. In JNU the constitution of Gender Sensitisation Committee against Sexual Harassment (GSCASH) and in Jamia milia Islamia a similar Sensitization, Prevention and Redressal of Sexual Harassment (SPARSH) ordinance were both initiated in 1999. In Delhi University the ordinance prohibiting sexual harassment and constituting complaints committees at college and university levels and outlining the various procedures to be followed was passed in 2003.³⁹ At the same time at the level of the Delhi Government, several initiatives were taken to generate both awareness as well as put complaint mechanisms in place. Some 59 complaints committees have been constituted in the various Government departments following guidelines drawn up by the Delhi Commission for Women.

³⁸ Medha Kotwal Lele vs. Union of India and others

³⁹ Copies of some of these policies and ordinances are attached as annexures. It may be added that Guru Govind Singh Indraprastha University passed an ordinance for Prevention of Sexual Harassment in 2005.

Some Measures taken by the Govt. of NCT Delhi

Between 2003-2004, a state government process for ensuring safety of women in work places began from a meeting convened by the Chief Secretary, following which several departments under the Delhi govt. initiated a series of measures extending also to the private sector. The Industries department circulated the Vishaka judgement to some 67 Industrial Associations/organisations/estates as information for industrial units and suggested that three women member complaints committees be constituted at the industrial association/area level and that complaint boxes placed prominently in the industrial areas. The labour department sent the judgement directives to some 30 market associations for the information of shops and other establishments, and also suggested that women's cells be established within the associations to provide a medium for redressal of grievances of women employees and to build a secure environment for them. In this same period, the labour secretary followed through on a directive in the Vishaka judgement and the consequent amendment to The Industrial Employment Standing Orders Act (of 20th November, 1999) including sexual harassment as an act of misconduct in the Model Standing Orders,, and issued an order directing all certifying officers to incorporate sexual harassment as defined by the Court in the category of misconduct in all certified standing orders (service rules) in Delhi. Further, a notification was issued by the DTC management instructing the crew of DTC buses to take the bus to the closest police post on any complaint of sexual harassment, and for investigation by a lady officer in case of any complaint of crew misbehaviour towards lady passengers.⁴⁰

Despite all these measures, between 2006-08, the number of cases of workplace sexual harassment in Delhi that came before the National Commission for Women was second only to the most populated state of Uttar Pradesh.⁴¹ The 60 cases from Delhi that went before the NCW is not such a large number in itself, but clearly, there are many women who feel that they have to approach an outside body (perhaps seen as having more sympathy with them or having more powers to defend their interests) when faced with sexual harassment in the city.

Nevertheless, there can be little doubt that there has been some progress and a growing awareness in several institutions on the issue of sexual harassment in the workplace, its definition and the mechanisms mandated by the Vishaka judgement. It would however, be beyond the scope of this study to evaluate the full impact of all the campaigns on the issue or of the various measures taken by official and non-official agencies in Delhi. Neither is it possible to comprehensively cover the full range of issues emerging from the gathering experience of dealing with cases by the various complaints committees. However, some perceptions and experiences that have emerged from the survey of women workers in Delhi, particularly of those working in private sector employment have been looked at and are described. Similarly a few of the issues in relation to the institution of complaints mechanisms and the experience of some cases have been collected and discussed.

⁴⁰ See DCW, Making Women More Secure in Delhi: Towards Confidence Building and Tackling Sexual Harassment

⁴¹ The number of cases from Delhi that were registered with the NCW were 60 in comparison to 77 in UP, but 20 each in Maharashtra, Madhya Pradesh.

Survey Findings

The survey of the four categories of workers covered in this study, (i.e., in factories, in domestic work, employees in the private office/service sector, and those in the field of education) included a set of detailed questions regarding sexual harassment. **The most striking finding is the fact that despite steps having been taken and mechanisms to deal with sexual harassment having been put in place in several public institutions, the larger constituency of private sector organisations in the city still remain largely untouched by any complaint mechanisms to deal with cases of sexual harassment.**

The study revealed that knowledge about issues of sexual harassment at the workplaces is quite high among women workers though it varied across categories of women covered.

Awareness of workplace sexual harassment highest among teachers

As would be expected the awareness and knowledge about the phenomenon of sexual harassment at the workplace was highest among teachers (more than two thirds of them) while live in domestics reported the least (less than half) with other categories falling in between. The data thus do show some degree of correlation between the social- economic status of workers and their knowledge about sexual harassment. What is striking, although perhaps not surprising, is the finding that less than half the live in domestic workers had any awareness of this issue, evidence of the peculiar kind of isolation of this particular segment of workers that insulates them from information available in broader society.

Table 7.1
Proportion of women who had knowledge of sexual harassment
at the workplaces across categories of women

Categories of women	Proportion of women
Live-in domestic workers	46
Live-out domestic workers	51
Factory workers	52
Office workers	60
Students	61
Teachers	68

Interestingly, less than 10 per cent reported any knowledge of actual victims of sexual harassment in the work premises from either among their associates/friends or themselves. The proportion of workers across various categories who reported personal experience of sexual harassment on the work premises was 2 per cent among live-in domestic workers, 6 percent among live-outs, 8 per cent among factory workers, 8 percent among office workers, and 6 percent for students. None of the teachers reported any incidences of workplace sexual harassment where they were the victims. It is obvious that the dominant perception of work premises was within the narrow boundary of their immediate work area and not the larger area that is intrinsically connected/associated with the workplace.

Two individual cases cited by the surveyed women factory workers are 1) A twenty years old girl who worked in the factory was misbehaved by a worker in the factory. Once when she went to the toilet he tried to follow her and even touched her. The girl rushed away from there.

2) One lady who used to work in the same factory had to leave the work as the supervisor made an attempt to have illegitimate relation with her daughter. He used to even visit this lady's home with bad intention and when she protested, she was asked to leave.

The case narrated by a live -in domestic worker was that the male member of employer household who was 45 yrs and alcoholic tried abusing her. He also had the habit of abusing his wife. Once when she was sleeping in her room she was suddenly shocked when the husband was sitting on her bed by her side. She felt that he was touch her and she ran out of the room raising an alarm. Yet another incident narrated was that one girl was placed by an agency was sexually assaulted by the employers son-in-law. One night she was forcefully dragged inside the toilet when on one was there at home and made an attempt to rape but the girl escaped. But the agency did not take up any action against the employer but just changed the employer. The incident narrated by one of the live out worker was that she was asked to sit in his bike by the electrician and abused her. In another case of live out worker the neighbour's servant tried to touch her forcibly. Another domestic live out worker narrated of an incident that happened to her daughter who is also a domestic worker. A man followed her daughter frequently and the family went and complained to the police but the police did not do any thing. Instead the perpetuator threatened the daughter.

Some office workers reported about cases where women are asked to compromise on some personal matters at work. However, the details of these were not shared. Many also reported that sometimes while negotiating for work contract women are asked for some compromise for which women have to be careful. Many students reported of cases of bottom pinching, eve-teasing & touching publicly as well as clicking of photographs & making coloured calls.

Some generalised experiences of discrimination and harassment quoted were as follows:

- 1) Some times the supervisors shows more rough/harsh attitude towards the women workers compared to that of the male workers
- 2) Some workers are paid more than others
- 3) Sometimes the manager etc are more rough in this attitude towards the women. If they are seen sitting for a while they speak harshly
- 4) The women are given only the work of the finishing dept
- 5) When women talk with one another supervisor ask them to stop immediately, but men are not addressed so roughly as most of them reply immediately
- 6) Women are less preferred in some work as the employer feels that they would be unable to complete their work on time
- 7) Women are treated roughly sometimes as they do not answer back. But now days there are many women who are bold enough and answers back

- 8) One domestic workers from Jharkhand was beaten up when she tried to raise voice against the abuse of the employer
- 9) Domestic workers are forcefully touched or harassed by the employer's family members.
- 10) While coming in the bus seeing tribal girls sometimes some people make comments and some try to touch the body.
- 11) Women often come across people who try to take advantage of others needs.
- 12) Girl students are harassed by few teachers
- 13) While travelling by bus often came across men who try to touch the body.

Forms of Sexual Harassment reported

Answering queries on forms of sexual harassment, as expected the maximum reporting of incidence was verbal sexual abuse and mockery. To the query as to whether sexual harassment happens largely in public or private locations a large section of women reported its incidence in public spaces. There is a possibility that this was so because it is relatively easy to report incidences at public spaces for reasons of anonymity. Sexual harassment at public places though was highlighted by women across all categories, with the highest proportions among office workers and students. This could be largely because of the age composition of these categories - most were young and thus more susceptible to such harassments. It was reported that the possibility of being perpetrators of sexual harassment was high among known persons compared to unknown person by women across all categories. Many felt that known persons know the daily schedules and vulnerability of individual victims and the chances of them indulging in such activities were greater.

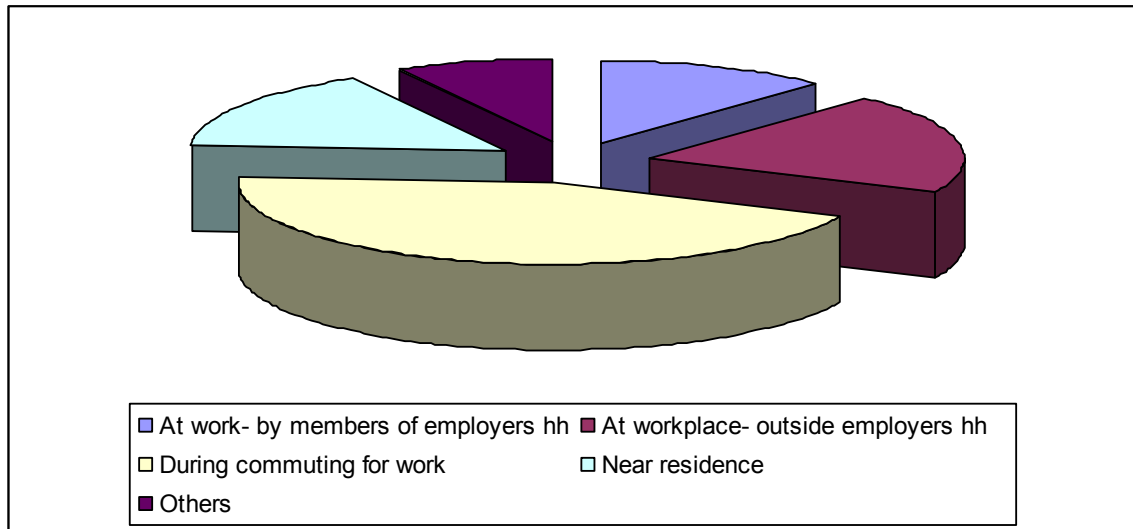
8 students (2 from school and 6 from colleges) reported of having knowledge about sexual harassment through internet and mobile phones. The most important form of such harassment was that of obscene phone calls or messages at night. One girl student reported that her friend was a victim of threatening calls to the extent that her photographs were taken by strangers. One student complained of being sexually harassed on Orkut. The specific incidences as narrated are:

1. Friends of mine have received crank calls of varying threatening degrees. Finally she had to yield and her snaps were clicked by complete strangers
2. Obscene calls and cheap messages at very odd hrs over and over again. Further calls on my fathers phone giving false information/stories about me.
3. Gets call in the morning from a random number and the man across the line say obscene things
4. Get random obscene messages on the mobile.
5. Young people are often harassed by their own relatives at home

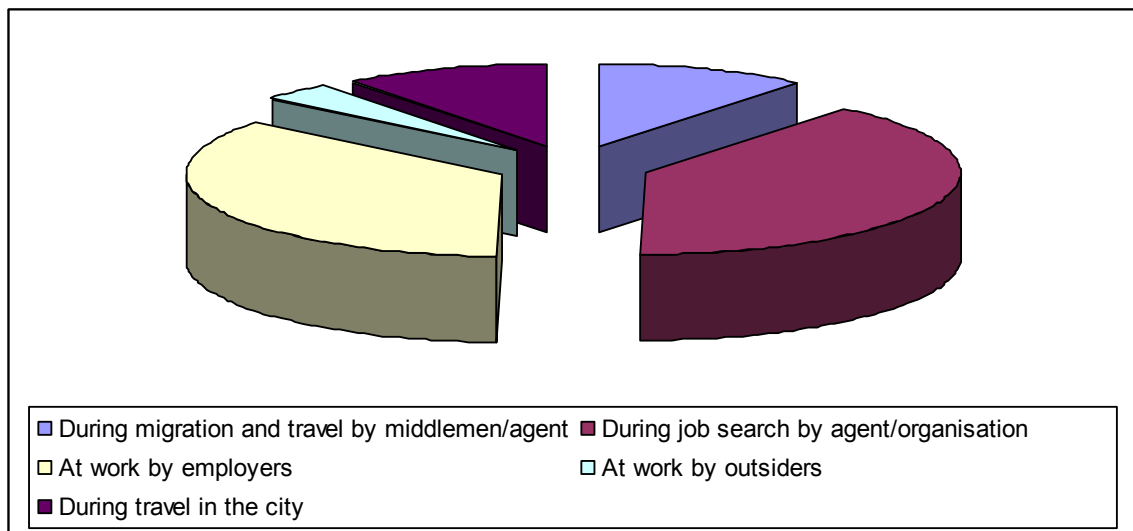
The special situation of domestic workers

In the case of live in and live out domestic workers, sexual harassment was found not only to be perpetuated by members of employer's households but also a host of other individuals in and around the workplaces.

Perpetuators of sexual Harassment - Live -out domestic workers



Perpetuators of sexual Harassment - Live -in domestic workers



Service providers such security guards, plumbers, electricians, gardeners and dhobis were also reported as sexual harassing domestic workers. This was specially so in the case of live out domestic workers as these service providers also possibly play a role in the recruitment and placement of many live in workers. Few workers reported of incidences of frisking and forceful physical touching by security guards and other service providers.

Apart from sexual harassment at the employers' households, **live in domestics placed through agencies also reported incidences of sexual harassment by agencies/middlemen.** Out of the 50 live -in workers interviewed 18 workers reported of cases of sexual harassment by agents/middlemen.

Enhanced vulnerability to harassment during search for work

Among live in domestic workers, the maximum number of cases of harassment were reported as happening during the period of job search which extends from few days to few weeks when workers stay at places arranged by the agents. A few cases of harassment by the agents/middlemen were also reported during the period of migration and travel. The complete dependence on agents/middlemen on account of lack of knowledge of employment opportunities and local language were highlighted as the main reasons for exploitation by agents. **Absence of hostels during job search and interim breaks were also highlighted by many. Sexual harassment at employer's house was also reported to be high with 36 percent of the live in domestic workers reporting such cases.** The details of the cases were however not shared by the respondents as they themselves were not aware of these. In some cases the fear of the cases being reported was also found keeping them away from giving the specific details of these incidences.

Some of the factory workers reported incidences of sexual harassment during the search for employment. It was also reported that **casual workers are particularly vulnerable to sexual abuses by labour contractors.** 18 office workers reported having knowledge about sexual harassment during searching for employment and during negotiating work contracts. A few workers had personal experience of being asked for sexual favours while recruitment and in fixing conditions of work. These workers however, did not reveal the actual incidences as they thought this would harm their personal life.

Harassment while commuting

Apart from sexual harassment at the workplaces many women across all categories reported incidences of sexual harassment while commuting for work. **Almost all women across categories complained of sexual abuses on road, such as verbal sexual abuse and mockery, forceful touching and rubbing, stalking and following.** Buses and bus stops were reported as the most sexual harassment prone locations across all categories of women. Of the total factory workers, 54 workers reported of being sexually harassed in buses while 89 had some experience of being harassed on roads while walking. 27 women have experiences of such incidences in other public transport facilities such as rickshaw and autos. Almost all the office workers too complained of being harassed in buses and on roads by strangers or known persons. Many workers also had experienced sexual harassment by auto drivers. Problems of sexual harassment because of the late working hours leading to travel late in the evening or at night were particularly highlighted by many office workers. A large number of students and teachers also reported being harassed on buses and on roads.

No complaints committees in private institutions

As expected sexual harassment complaints committees did not exist in most of the categories except in the case of teachers and students. But here also, it was noted that such **committees were in place only in public run schools and colleges. None of respondents from private run units/institutions reported the existence of sexual harassment complaints committees.** Though in many colleges, such committees have been constituted, students did not have knowledge about such committees. Thus **only 36 per cent of the college and university students surveyed had knowledge about sexual**

harassment committees in their institutions All the teachers from government run and aided institutions expressed awareness about sexual harassment complaints committees. Quite in contrast, most of the teachers from private institutions had no knowledge about sexual harassment committees.

Only a few women were aware of or have themselves taking some action against perpetrators. The reasons for not having taken action ranged from societal and family image to the absence of formal mechanisms and/or the lack of faith in formal mechanisms. In the absence of any formal mechanisms or not wanting to make it public, many women reported resorting to handling cases at a personal level. Ignoring such incidences was the first step taken by many, while some have resorted to changing employment, timing of commuting etc. to avoid sexual harassment. Some reported having taken the help of friends or parents/husbands in negotiating and dealing with such harassments.

One of the most striking aspects is the tendency among women to keep incidences of sexual harassment largely to themselves or share it with only close friends. In many cases, incidences of sexual harassment were not shared with parents or family members as this was thought to affect their freedom and mobility. Students particularly were found not sharing incidences of harassment to parents, especially fathers. In cases, where incidences were shared with parents a large number of parents were found asking the students to be careful and or to ignore such incidences.

Complaints and Redressal Mechanisms: Some Issues and Experiences

While the survey of women workers has highlighted the absence of complaint and redressal mechanisms in the private sector, at this stage, any study on sexual harassment in the workplace would be incomplete without a look at some of the issues that have emerged from the experience of complaints when such mechanisms have been put in place during the 12 years since the Vishaka judgement.

Formulation and implementation of Complaints Committees in Delhi University

The experience of students and teachers of Delhi University, where a long struggle was waged and protracted discussions for the formulation of the ordinance – ‘Prohibition and Punishment for Sexual Harassment’ and the ‘Policy on Sexual Harassment’, points to some initial issues and questions at the time of formulation and then later tensions that come into play when procedures, actions and authority structures in cases of sexual harassment become operational.

A key member of FASH,- forum against sexual harassment that had played an important role in pushing for the University ordinance, felt that the initial problems they had faced were around defining what constitutes sexual harassment and the required procedures. According to her, it was after much discussion that it was finally decided that the issue of consent would be taken into consideration while making decisions, that a case would be looked into only with the consent of the complainant, and that they would try and avoid complaints made by third parties. The composition of the first base committees for complaints, i.e., the three forms of local committees (college level, university department cluster level, or central pool level covering remaining uncovered units/institutions) was

finally worked out to be of directly elected teachers, karamcharis, students and nominated outsiders. The apex committee at the university level was to comprise of indirectly elected teachers, karamcharis, and students, i.e., by an electoral college of elected first base committee members plus a nominee of the Vice-chancellor and was to function as an appellate (appeals) body.⁴² The principle of a minimum of 50 per cent women members was to be maintained in all committees. The ordinance was submitted and passed by the executive council in 2004, but most of the committees including the apex committee were finally set up in 2006-2007.

The first case that the apex committee dealt with was the harassment of a woman teacher by a colleague in one of the colleges where the local complaints committee under the ordinance on sexual harassment had not yet been constituted at the time the complaint was made. From the reports of a number of teachers, it appears that in the absence of a sexual harassment complaints committee, an enquiry committee under a separate provision for dealing with cases of misconduct was constituted at the college level. The enquiry found that the accused was guilty of misconduct, but the report of the enquiry committee was suppressed. Its findings were not made available to either the complainant or the accused and no action was being taken. After a long delay, women's organisations took up the issue and pressure was brought to bear on the college authorities to take action. Since the provision/rule under which the enquiry committee was constituted was different from the ordinance on sexual harassment, the more finely tuned and appropriate punishments devised under the ordinance were not available. As a result, dismissal became the only form of action when the enquiry committee's report was finally sent to the governing body. The governing body's decision to dismiss the accused raised a major controversy and was opposed by the Teachers' Union majority although since the evidence of sexual harassment was clear, perhaps only a few believed that no action should be taken. The Vice-Chancellor whose assent was required for dismissal however referred the case to the Apex Committee under the ordinance on sexual harassment. The Apex Committee recommended punishment in the form of apology, bond of good behaviour, stopping of increments and suspension for three months, but not dismissal.

Where recommendations of complaints committee are ignored by the executive authority

Our informant's view was that despite all efforts, the DU ordinance against sexual harassment is actually being subverted. Apart from the violations referred to in the above case, she pointed out that the report of the local and the apex committee is to be given to the executive body who then may or may not initiate action. However, the experience was that it is not the original report which gets passed on at the apex committee level. The Vice-Chancellor gets people from the legal cell to have a look at the report and write a summary of the report. This summary, which is very different from the original report is then passed onto the executive committee. Due to this it has been seen that in the last five cases the apex committee report has been reversed by the executive committee. She gave the example of a case involving a university department professor and a research scholar. The apex committee had found the professor guilty of sexually harassing the research scholar and recommended action, but the executive committee reversed their decision. One of the department teachers who had been helping out the complainant was

⁴² See annexure

then targeted and pornographic material of her was displayed all over. The most surprising thing was that the accused was given a position of greater responsibility and power in the department while the case was going on.

Another college complaints committee (CCC) member reported on a some similar experience of divergence between the complaints committee recommendations and executive body. The case in question involved the harassment of a foreign student by a professor in a college in Delhi University. The complaint was brought before the CCC in 2007 and based on certain prima facie evidence an enquiry committee was set up. The complainant was a 19 year old foreign exchange student studying Sanskrit. The following details of the case and its outcome were as reported by the CCC member.

The harassment started when the accused would take the complainant to his house and ask her very personal questions such as whether or not she had a boyfriend, details about her family etc. The complainant felt uncomfortable with such questions but dismissed her discomfort attributing this to the cultural difference. Her class were held at around 1:30 in the afternoon where she was the only student being taught by the accused. During the course of the lecture the accused would sit beside the complainant, he would put his arm around her and at times when she would make a mistake he would gently slap her face. A few days later, the complainant noticed that the accused would actually be waiting for her to arrive for the class and upon seeing her would embrace her and then kiss her on both her cheeks. This made her very uncomfortable but she did not say anything at the time because she was worried that this would affect her grades. The accused would tell her things like- he saw a couple behind a tree in college and would ask her questions like whether couples in America also openly displayed affection in public. He also asked her inappropriate questions like- what is the difference between breast and boob, etc. This behaviour went on for about a month.

One of the incidents that really upset the complainant was when she was forced to go with the accused to a Sanskrit play competition. She was uncomfortable and was not keen on going at all but the accused kept on insisting. Upon reaching the venue she was introduced to a few people and then was made a co-judge. Her Sanskrit was not good enough to enable her to understand the plays so the accused would translate it for her. Most of the plays were about the body (*shringar raas*). The accused translated parts of the play and stressed on certain parts and made obscene jokes about it. This made her very uncomfortable and she was almost in tears. After a point she could not tolerate it and she walked out. He followed her even though she insisted that she wanted to go back on her own. This was a two day event and the accused insisted that she accompany him on the second day as well. The same thing happened on the second day as well. On their way back, at the metro station he hugged the complainant and kissed her and asked her to reciprocate. It was after this incident that she finally broke down and got in touch with a friend. The foreign students' body got in touch with the professor and asked him to apologise. He was the only professor to grade her poorly. She gave in a written complaint and signed it in front of the chairperson of the CCC. But the accused created 'a huge hue and cry' about the signatures of the complainant not matching saying that the signatures had been forged. To defend himself he said that she was a bad student and did not pay much attention in class and was very lazy. In addition to this he said that she was not a student of this campus (as she had come via the exchange programme) and that the rules did not apply in this case. He also alleged that the CCC was biased.

The committee had received the complaint in December 2007 and interviewed the complainant over a period from January to February 2008. Though the Delhi University ordinance states that the decision of the Complaints Committee should be made within one month, it took the committee much longer due to the difficulties in gathering evidence and the scattered nature of events. The report was finally submitted in April 2008, which means that the process took some 4 months. The report was given to the College governing body as the executive authority for disciplinary action. Reportedly, the Governing Body did not take the recommendations of the CCC seriously and protected the professor. Implementation of the recommendations made lies in the hands of the governing body. The CCC had recommended that 1) the accused should give a written apology to the complainant, 2) the accused should sign a bond of good behaviour; 3) the accused should undergo two months of increment cuts, 4) the accused hence forth should not be allowed to take any foreign student. However, the governing body only prescribed the mildest punishment, which was the signing of a bond of good behaviour.

While the foregoing reports and experiences draw attention to problems encountered in dealing with classic or typical cases of sexual harassment, another set of issues were raised by a member of the CCC of a prominent women's college while dealing with a different and relatively new kind of harassment, i.e., through the internet which we refer to here as the cyber case. Some of the experiences, questions and their resolution as described by her are as follows.

A relatively new form of sexual harassment

The cyber case involved a student from a women's college being harassed by a student from another college in the University. Explicit photographs of the complainant were posted on the internet. The student filed the complaint in January 2008 with the college complaints committee. The complainant also wanted to file an FIR against the accused. The CCC also felt that police intervention would be essential. At the time, maintaining the confidentiality of the case was the primary concern of the CCC. It took the initiative in going to the police for the filing of the FIR, but did not reveal the name of the accused (even though the accused was known to the complainant) because members of the committee felt that a full fledged investigation needed to be carried out in order to gather sufficient evidence to prove the case. The only problem they faced as far as the police was concerned was during the filing of the FIR which the police was delaying based on technicalities. When the investigation found the accused guilty, the CCC submitted a report to the University Apex committee with a set of recommendations for punishment. The Apex committee had to be involved since the accused was from another college outside the jurisdiction of the complainant's college executive. The committee recommended the punishment of not allowing the accused to sit for examinations. However, by the time the decision was made by the Apex committee the accused had already appeared in the examinations. To uphold the recommendations given by the CCC the Apex committee then decided to withhold the results of the accused.

The CCC member pointed out some of the problems they faced in dealing with the case which was first of its kind. Decisions such as whether or not to carry print outs of the photographs of the complainant every time they visited the police station were difficult to make. They finally decided not to do so as they felt that this would add to further

harassment of the victim. She also pointed out that despite recommendations being made within the time period stipulated by the DU ordinance, delays seem inevitable. In this case, the delay was caused because the chairperson of the Apex committee was not available. Coordinating between various members for meetings also takes time and adds to the delay. Further, it is very difficult to maintain strict confidentiality of cases because unlike the committee members, the complainant and the accused are not bound by confidentiality. An additional issue that came up was that institutional and other pressures come into play in cases of sexual harassment, since the fear among many that the reputation/honour of the institution (in this case, a women's college) will be tarnished, puts a pressure upon the CCC. At another level, she also expressed the view that the CCC has few members and hence the workload is too much. And finally she too voiced the concern that even if recommendations are placed before the Apex committee they might bypass the same.

Some Lessons and Possibilities

The experience and cases described above highlight some issues and problems in implementing the mechanisms as envisaged in the Vishaka judgement. The description of the order of events in the first case referred to above, is of course indicative of some of the problems and divisions that are likely to arise when both the complainant and accused belong to the same cadre or organisation – in this case the teachers' union. However, it also highlights the importance of laying down procedures, rules and committees that deal specifically with cases of sexual harassment rather than allowing other instruments of establishing misconduct to determine the course of events.

Another issue of a general nature that is evident from some of the experiences described flows from the instances of divergence between the recommendations of the complaints committees and the executive with the authority to take disciplinary action in any institution. The fact is that while the sexual harassment complaints mechanism contains provisions that are designed to intrinsically orient it towards a sensitive and sympathetic approach to a victim of sexual harassment, the body having decisive authority in relation to punishment has no such provision. It is therefore possible that divergences will persist and public mobilisation and larger campaigns on the issue of sexual harassment will continue to have relevance even for individual redressal within the institutional framework that is being put in place as per the Vishaka judgement.

On the other hand, the cyber case draws our attention to some of the difficulties faced by complaints committees in cases involving third party/outsider harassment as well as on the issue of criminal proceedings. In this case, the complainant's decision to register her complaint with the police proved to be useful in conducting an effective investigation and in gathering evidence. Such a strong position may not be taken by a complainant in every case. At the same time, the fact that the CCC facilitated the filing of an FIR with the police provides an example of how complaints committees constituted within an organisation/institution/establishment can give effect to the direction envisaged in the Vishaka judgement regarding 'initiation of appropriate action' by employers where 'a specific offence under the Indian Penal Code or under any other law' is involved.

Further, the case highlights the importance of some form of overarching committee such as the Apex body in the University that becomes particularly important in cases of third

party harassment. In such a context, complaints committees in private sector institutions/establishments are likely to face even more difficult situations. It would be useful to consider the possibilities of constituting tripartite plus apex committees in industrial, commercial areas or even residential areas (residential area committees would be required for domestic workers and other personal service workers).⁴³ It is of course unlikely that such bodies in the private sector could have the same powers over individual units as granted by the ordinances in the case of universities except in relation to the members of any association where some such powers are specified in the rules of the association.

Some other cases of sexual harassment and experiences with complaint mechanisms .

Four cases as reported by a progressive and activist lawyers' collective were as follows:

Case 1: This involved a female judicial officer who filed a complaint of sexual harassment against a few judicial officers. She would receive lewd SMS and phone calls constantly. On one occasion, she was taken by some of her male colleagues to the *Lok Adalat* and during the visit she thought that their behaviour was inappropriate. They had also put alcohol in her car. She filed a complaint with the Registrar General, Supreme Court of India, and a complaints committee was constituted based on the Vishaka guidelines. However, the accused judicial officers raised problems with the enquiry committee since it included outsider (NGO as per Vishaka). They argued that the involvement of the NGO representative goes against the constitutional scheme with regard to the position of judicial officers. The case went on for one and a half years. The High court stated that the complaints committee would hand over the enquiry to a disciplinary authority in case misconduct was found.

Case 2: In this case, the complainant was a stenographer in an office and the accused was a superior who would make her work late hours, had written explicit messages across her door and would also touch her which made her extremely uncomfortable. The complainant went to the director of the office but nothing was done about her complaint. The lawyers' group filed a writ petition for registration of the case under sexual harassment and for setting up an internal complaints committee. The case was also filed under Section 509 of the IPC. When the complaints committee was constituted, it was found that most of its members were junior in hierarchy to the accused. This led to further complications in the case. There were many other women who had similar complaints about the accused. However, none of them came forward to help with the case. During the proceedings, the accused carried out a signature campaign stating that he was a man of good character. After this many of the witnesses turned hostile. The case has been going on for the past 4 years and the complainant has been called for cross-examination. The complainant was continuously harassed during the enquiry

⁴³ The use of the term tripartite plus has grown out of the experience of tripartite bodies involving the three parties of workers (often through trade unions), employers (through employers' organisations) and governments. Such tripartite institutions have traditionally constituted a consultative machinery on labour issues as well as in labour welfare boards with some statutory powers. The plus element is of more recent vintage, and has generally meant inclusion of NGOs etc.

proceedings. There was no protection provided to her in terms of changing shifts or transfer. The complainant was also pressurized by her seniors to withdraw the complaint.

Case 3: The complainant was an upper divisional clerk in a Ministry. She was being harassed by the Superintendent of the department. On one occasion while she was photocopying he caught hold of her hand. The complaints committee was only set up after repeated applications made by the complainant. She was not informed about the proceedings of the committee even when it was declared null and void. A copy of the enquiry report was received by her only after she filed an application under the Right to Information Act 2005. No action was taken against the accused even though the enquiry report did support some of the charges made. Only after filed a writ petition was filed by the lawyers' group did the accused extend a written apology.

Case 4: The complainant is a lady police officer. She was harassed by her commanding officer. The complaints committee was formed only after her repeated complaints. During the proceedings of the case the complainant was ostracized by her colleagues and her juniors. She was also continuously harassed. The complainant had been seeking a transfer but has not been granted the same. A wrong report of the complainant's absence from duty was submitted to her seniors. The case is still ongoing.

As may be observed, all the above cases pertained to government or related offices which are the main cases that came before the lawyers' group. However, one of the observations made by a representative of the group was that even in such sectors, there is often no recognition of the need for a special section within the organization that deals with complaints on sexual harassment, apart from the already in place enquiry and grievance redressal mechanism dealing with all kinds of behaviour and code of conduct that deals with various behavioural and ethical issues. She further observed that heads of departments should be made liable for failing to address the complaint and carry out relevant enquiry.

Perspectives and Practices among legal activists

As is clear from the cases above, and confirmed by her own statement, the lawyers' collective generally steps in when there is a non-compliance of the Vishaka Judgment, i.e. when the complainant keeps filing numerous complaints and the organization does not take action. Their intervention takes the form of taking the case to court for a directive to start the enquiry proceedings immediately. She observed that on the basis of her interaction with the sexual harassment cell at a prominent IT company, she felt that cases in the private sector are dealt with much faster as compared to public sector cases since they do not believe in wasting too much time and their personnel on such cases as it would mean a loss of money. Be that as it may, it is clear that most of the cases and complaints are still coming from the public sector where in the absence of legislation, compliance with the Vishaka judgement which is based on constitutional law has a somewhat greater force than in the private sector and perhaps at least some women employees feel secure enough to file complaints. Nevertheless, as can be seen from the 4 cases described above, there has been little progress in securing redressal, even in the public sector.

What was observed was that despite the Vishaka guidelines being binding and apparently followed in some organisations, women end up filing compliant after compliant without any immediate response from those concerned. It is at this stage that they come to the lawyers' group. Complaints are then filed in court and directions are given to the organization or institution to form a committee. A problem which arises at this stage is that either party may have grievances with the committee members. In such situations, the concerned party has to again approach the court that further delays the process. Women face further harassment at the workplace once the complaint has been filed. Colleagues who initially supported the complainant and may also have faced harassment often become hostile. This adds to further victimization of the complainant. With the committee proceeding continuing, it helps to have criminal complaints also filed as in case of continued harassment the police is involved and this serves as evidence in the case. The criminal complaint puts pressure upon the committee to speed up the process. An additional problem is that the committee proposes recommendations but these are not binding upon those involved and hence women continue going to court to resolve the matter.

One of the major problems in the Vishaka guidelines that was highlighted by the lawyers' collective representative is that they appear to be restricted to the office spaces alone and do not take into consideration the unorganized sector. There is therefore a need to have a law that can offer mechanisms for unorganised workers as well. The need for a legislation that advances beyond the Vishaka judgement has been reiterated by almost all women's organisations and several rounds of discussions have gone into the making of a draft legislation.

At the other end of the spectrum, one of the key lawyers who had been involved in filing the Vishaka petition was opposed to any legislation and argued for a preventive law orientation. According to her the idea of Vishaka was to shift responsibility from the courts to the workplace and there should be more focus on evaluating the attitudes and altering mind-sets, on educating and sensitizing people about the issue of sexual harassment. She argues that there is no emphasis on prevention. The complaints committee should come in only when prevention fails. Further, problems with the legislation arise due to lack of skilled people dealing with cases not with the legislation alone. According to her there are two ways to deal with the issue of sexual harassment-one is by making it seem stupid that someone would do something like this and the second is by diminishing the value that people attach to sex in the workplace. She herself is an 'equality consultant' and her organisation has been involved with activities related to attitudinal issues with private sector firms. She has been involved at the level of training, policy making and as a third party member of complaints committees. A case that she referred to was where a call centre taxi driver was having a telephonic conversation which a female call centre employee who was in the car found extremely lewd and so she made a complaint. (It was not clear what the form of the complaint was or whether there was any charge of sexual harassment). The argument being made was that the solution was to educate and sensitize the driver since he had spoken in a manner that was completely normal for him. She felt that the language of victim and perpetrator is disabling.

Some Issues that need to be addressed through legislation

Despite such occasional views, the larger consensus among women's organisations and other activists is that a comprehensive law on sexual harassment at the workplace with proper rules and procedures in both public and private institutions and in the organised and unorganised sectors is necessary. Though a draft legislation has been formulated by the NCW after several rounds of discussions and consultation. Some of the issues that have been identified in these discussions and consultations are given below.

The Vishaka judgement cannot really serve as a substitute for drafting a cogent and well thought out law. The judgement contains a declaration that sexual harassment is a violation of the fundamental right to work and the right to live with dignity. The guidelines frame obligations in the context of these rights and make them applicable to the public and private sectors. Accepted constitutional jurisprudence, however, makes fundamental rights applicable against the State and public authorities, leaving private actors outside the ambit. While the judgement of the Supreme Court can be called into question on these grounds, a legislation, which treats sexual harassment as a problem that goes beyond constitutional discourse, can be drafted to include the whole ambit of employers. Secondly, the guidelines seem to have been conceived to fit a traditional office based employment scenario. It is difficult to visualize the implementation of the Vishaka machinery in situations of migrant labour, sole proprietorships, and different forms of unorganized labour.

The Vishaka guidelines, apart from bringing the issue of sexual harassment to the fore, have not succeeded in preventing or adequately penalizing the accused. While the guidelines cast a responsibility of investigating the complaint on the employer, they do not ensure a corresponding system of accountability. When the sole burden of taking effective steps against sexual harassment is placed on the employer, a major cause for concern is that the guidelines will allow employers to absolve themselves of liability in a case of sexual harassment by merely constituting the complaints committee.

The guidelines are silent on whether the recommendations of the committee are binding on the employer or not. Further, they provide no redress if the employer chooses to ignore the recommendations of the committee. This is compounded by the fact that there is no mechanism by which parties can appeal against the recommendations of the committee. The role of the committee in awarding penalties remains unclear. An enacted law can prescribe different types of penalties for different types of sexual harassment and can lay down with certainty, the procedure for conducting the proceedings

In conclusion, from the range of issues and complexities in both the experience of sexual harassment and the experience of complaint and redressal mechanisms that have been discussed in this chapter, it is clear that since the Vishaka judgement, the experience of making the guidelines laid down by the court operational needs to be documented on a larger scale than has been possible in this study. Only then can the lessons learnt and the experiences gained begin to be translated into a guide for the ever increasing number of people that need to be associated with the processes and institutions involved in preventing, enquiring into and redressing cases of sexual harassment in the workplace.

Chapter 8

Summary of Research Findings and Recommendations

The census of 2001 recorded a work participation rate in Delhi of just 9.4 percent for females in comparison to 52.1 per cent for males, while the more recent quinquennial employment survey in 2004-05 from the National Sample Survey Organisation (NSSO), estimated that just 8.8 percent of Delhi's urban female population was in the workforce in comparison to 53.5 per cent of males. Data from both NSSO and the Economic Census of 2005 indicates a disturbing decline in female work participation rates in Delhi in the first half decade of the 21st century and a probable fall in absolute numbers of women workers in the city. This runs contrary to the prevalent assumptions regarding growth of opportunities for women's employment in the city and invites serious consideration of the need for policy intervention towards enhancing such opportunities. In this regard, it bears mention that the Economic Surveys of Delhi have maintained a markedly gender blind approach to employment. They do not make even a token effort to provide sex disaggregated information on the employment scenario in the city/state and have thus failed to present or highlight before policy makers and the people, several important and basic economic issues affecting women in the capital city. Unless the Planning Department of the Govt. of NCT Delhi pays due attention to the gender dimensions of the employment scenario, it is unlikely that the situation of women workers will get the policy attention that is necessary.

Analysis of employment trends in Delhi from NSS shows that the proportions of 'casual workers' in the female workforce declined sharply from 18.2 per cent of all women workers to 4.4 per cent over the decade 1993-94 to 2004-05. The share of the 'self employed', on the other hand rose from 24.2 per cent in 1993-94 to 31.3 per cent in 1999-2000 and then dropped sharply by more than 50 per cent to reach 15.9 per cent in 2004-05. At the time of the slump in self employment, the share of 'regular workers' jumped so much so that from an initial 56.7 per cent of regular workers in 1993-94, by the end of the decade regular workers accounted for almost 80 per cent of all women workers in Delhi. While the volatile movements of women across different categories of work is indicative of a desperate search for livelihood and to find a place for themselves in the economy, it is important to note that the definition of 'regular workers' does not indicate either security or quality of employment, but merely that they receive salary or wages on a regular weekly or monthly basis for a major part of the year preceding. They include not only persons getting time wage but also persons receiving piece wage or salary and paid apprentices, and importantly they may be full time or part-time workers. Regulatory institutions and mechanisms dealing with employment relations need to take into account that the overwhelming majority of women workers in Delhi are now working for employers.

Sector wise employment data also shows a great volatility and movement of women from one sector to another. Some of the trends that need to be highlighted are, (a) women workers have been displaced from manufacturing employment on a greater scale than men, a fact that has again not received due attention. It appears that there has been a discouraging effect of insecurity of work/employment, particularly in

manufacturing, on women's work participation. The link between volatility/insecurity of employment and the fall in women's work participation is a phenomenon that requires to be addressed by policy intervention, particularly in relation to closures and retrenchment in the manufacturing sector. (b) The most substantial increase in 'regular work' for women in Delhi in the first decade of the 21st century has been in the sphere of domestic work. Domestic work is today the largest form of paid employment for women in Delhi. Given their growing numerical significance, the situation and conditions of domestic workers needs to be prioritised through policy interventions including regulatory legislation that can ensure minimum wages and social security. (c) Education alone is the third largest sector of women's employment and accounts for 17 per cent of women workers in Delhi and 28 per cent of the female workforce in mainstream services. Nevertheless, a decline in share of what we have termed as mainstream services (i.e., Finance, Education, Govt., Business, Computer related, Health, social work, etc) in women's employment in the first half decade of this century from 59.4 per cent to 55.9 per cent is a worrisome feature, particularly since these services have long accounted for the overwhelming majority of women workers in the capital city. There are indications that the conditions of work in many of the new service occupations that have opened out to women contain hidden barriers/deterrents to women's entry or continuance, particularly for married women. A large part of this sector has remained outside regulation and such a situation needs to be remedied and the deterring effect of late working hours on women's employment needs to be taken into account in formulating policy.

Women had just 15 per cent of organized sector employment in Delhi in 2005, which was significantly less than their 19 per cent share of organized sector employment at the national level. However, the share of organized sector employment in the female workforce of the capital is substantially greater than among the male workforce of the city. 48.8 per cent of women workers in Delhi were in the organized sector in comparison to 37.4 per cent of male workers, while 64.5 per cent of women workers were unorganized workers in comparison to 77 per cent of male workers. When seen in the light of the low and falling work participation rates, this indicates that there are even greater barriers to women in unorganized sector and forms of employment in a city like Delhi, a fact that is often ignored. Policy intervention towards improving and regulating conditions of work and making them women friendly in the unorganised sector is therefore a necessary condition for increasing women's employment opportunities in Delhi.

Summary of findings from the field surveys of women workers in Delhi

Factory workers

- The overwhelming majority of women working in factories (76 per cent) were married women. Over one third of the factory workers were illiterate (39 per cent) and another 8 per cent were educated only up to primary school level. 29 per cent had studied up to the secondary stage, while just 7 per cent of the workers had continued to the senior secondary level. All the workers were less than 50 years of age,

- Close to three quarters of the workers had children up to 10 - 11 years old, i.e., their employment coincided with precisely that period in their lives involving concentrated responsibilities in childcare. Almost half the workers (49 per cent) had to leave their children to look after themselves, i.e., they had no adult carers – either in the form of family members/relatives, or other adults in the neighbourhood. 73 per cent of them had young children requiring some care, here referring to children ranging from infants below one year to 10 or 11 years old.
- Only one worker was able to leave her child in a day care centre.
- Three quarters of the factory workers (75 per cent) were migrants from other parts of the country, while only 25 per cent were born and brought up in Delhi.
- 46 per cent were from upper caste families, 29 per cent from OBC, 16 per cent came from Scheduled Caste (SC) families, 4 per cent from scheduled tribes [ST] and 4 per cent of workers of workers who were Muslim.
- 71 per cent of the surveyed women factory workers were found to be working in the garment industry, but surprisingly, the proportions of women workers in these garment factories ranged between 8 per cent to 27 per cent, with the largest unit in which had around 3,000 workers having only 17 per cent women.
- Just over half the surveyed workers were being paid the statutory minimum wage (51 per cent) while 49 per cent were denied this basic entitlement. None of the casual or contract workers had minimum wages. The largest number and proportion of casual/contract workers were also among the semi-skilled. 84 per cent of the semi-skilled workers were casual/contract in comparison to 20 per cent each of the unskilled and skilled workers. 51 per cent were covered by ESI, while the proportion covered by Provident Fund was somewhat less at 47 per cent. 25 per cent of the workers had used maternity leave. All of them were covered by ESI and concentrated in the larger factories.
- A large proportion of the workers (40 per cent) had had to change jobs, many of them several times, only 6 per cent actually changed their jobs ‘voluntarily’. 3 per cent of them had to leave because of pregnancy/childcare which indicates that maternity leave or creches were not available. Another 3 per cent left because of too much compulsory overtime. A few were dismissed without either enquiry or due process. The most major reason for such forced/involuntary job changes was closure of the factory where the women were working followed by location of the factory at a distance from the worker’s residence (17 per cent and 8 per cent respectively), in some cases closure and relocation at a distance combined. Such closures were not caused by legal constraints on either pollution grounds or in non-conforming areas, but in formal industrial areas. Most of the factories that faced or had been closed were obviously doing well, and workers had acquired some relatively better conditions of work and entitlements from which they were suddenly disentitled because of closure.

- Most of the workers had a working day from 9 a.m to between 5.30 and 6 p.m. or between 9.30 a.m. and 6.30 p.m. with a half hour lunch break and in some cases a short tea break. The average number of hours spent on housework was 4 hours 40 minutes, i.e., close to 5 hours. As such, these women had to labour for 13-14 hours every working day. □ The mean distance between home and factory for the surveyed workers was 3 kms while the median distance was 2 kms. 60 per cent of the workers lived on rent. On average number of household members were 5.2. Average number of hh members of unmarried girls' was 6.
- 91 per cent of the workers had had no access to any formal or institutional skill training for employment.

Office/Service Workers

- Occupational profile of office/Service workers included Sales General (34%), Sales Specialised (14%), Managerial (11%), Clerical non customer oriented (11%), Clerical customer oriented (15%), Public Relations & Customer care (8%), Security Guards (10%), Cleaning (3%).
- These workers were largely from the younger generation, with 92 per cent belonging to the age group of below 35 years. 47 percent are in the age group of 21-25. Women in the age group above 36 years were concentrated in managerial and clerical non customer oriented jobs. Again there were no workers above the age of 50.
- 70 per cent of the workers were unmarried. The only occupation group where married women outnumbered unmarried women is the 'managerial' category. The proportion of married women are also high in the case of clerical non customer oriented work, with the proportion being lowest in public relations and customer care workers and 'general sales'.
- Largely, the working time was from 11.00 a.m to 8.00 in the evening, which is extended normally for another 2 hours. Including traveling time most workers are away from their households for more than 12 hours and are back only late at night. The only exception to this was the clerical non customer oriented workers who reported leaving their workplaces at 7 or 8 p.m. at night.
- 78 per cent came from upper caste families, 19 per cent OBC, 2 per cent were from scheduled castes and 1 per cent from scheduled tribes. 82 per cent were from Hindu families, 8 per cent from Sikh, 6 per cent from Muslim and 4 per cent from Christian. Although upper caste women were spread across most categories of work covered, none of them belonged to the category of housekeeping/cleaning workers or security guards. The women from SC families were all security guards and the solitary girl with an ST background worked in a beauty parlour. All the workers belonging to the category 'Public Relations & Customer care workers' were from upper castes.

- 60 per cent of workers had education of at least graduation or above and another 12 percent had education till 12th. None of them were illiterate and the minimum education was that of middle school pass. Workers with lowest educational backgrounds are either cleaning workers or security guards, followed by general sales workers while none of the workers with education postgraduate and above are found in general sales.
- 49 per cent of the office/service workers were born and brought up in Delhi, 28 per cent were from nearby states of UP, Punjab and Rajasthan, 8 per cent were from the north eastern region and 4 and 3 per cent from Bihar and Maharashtra respectively. Clerical customer oriented work are dominated by women born and brought up in Delhi, all the girls from North eastern states are in sales, while women from other states are spread across various occupations. Only 15 percent had been staying in Delhi for less than 2 years.
- The fathers' occupation of the largest proportion of workers was of own trade/business many were into petty and unorganized retail trade with a monthly income of less than Rs. 10,000. Mothers were mostly housewives (94%). Only 6 per cent of them had employed/working mothers. Most women were from nuclear households, (76 per cent). The average number of household members was 5.6.
- Of the married workers 70 per cent had children requiring care. 36.7 per cent of them had sons and 30 per cent had daughters of school age (till class 6). Of the total married workers 40 percent workers did not have any adult carers- which means that children were left to themselves to care for. Only one worker had an infant who was taken care of by the mother in law.
- Married women spent on an average roughly 4 hours on domestic duties, unmarried girls spent on average 1 hour 50 minutes.
- 56 per cent) reported of previous work experience, many of these workers were in sales related occupations.
- Pregnancy and marriage was given as the reason for change of jobs for 8 percent of workers. Though this constitutes only for a small proportion of the total workers, it accounts for a substantial share of married workers (27 per cent). 2 workers reported of harassment at the workplace as the reason for their change in job.
- The sex wise composition of workers in the units showed that female share is highest in sales where women were 39 per cent of employees.. Specialised sales units were the only category which had more female workers than male workers.
- 32 percent were on contract and 2 were under training. Most workers were regular employees. The two categories which had no contract workers were managerial and public relations & customer care services

- 65 per cent were recruited through interviews, another 23 per cent through interview plus recommendation, 6 per cent on recommendation alone and another 6 per cent from campus recruitment.
- 70 per cent of the workers had been working for less than a year in their present organisation indicating a pattern of short term employment. Only 5 per cent had been working in the same organisation for more than 5 years.
- Only 24 per cent of the workers had Provident Fund. Not one had any health insurance or medical benefit.
- 65 per cent of the workers had no provision for leave other than their weekly off. Only 4 per cent reported having casual, maternity, and annual leave along with their weekly off. Sales workers largely had only weekly offs largely without casual leaves.
- 73 per cent had a dress code. Most workers had to wear modern dresses such as shirt/short tops and trousers. Only few workers had to wear saris as uniforms.
- Only 8 workers reported of having shifts and all these workers were unmarried workers working in managerial work or as public relations or customer care workers.
- 51 per cent of workers had salary Rs. 5000 or less than that with the maximum number being in the range of Rs. 3000 to 4000. However, 35 per cent reported of having salary more than Rs.8000.
- 39 per cent of the workers were earning less than the statutory minimum wage. However, the wages of most of the graduates was in line or above the statutory minimum wage. 32 per cent reported of the absence of any provisions for increment. 9 per cent had annual increments, 56 per cent had performance based increments, while 3 per cent had increments based on the profit of the unit.

Domestic Workers

- The context is of a high and increasing female share in paid domestic work sector at 71.6 per cent (at the national level), a high degree of feminisation of the segment of Housemaid/ servant, 87.4 per cent of these workers being females. The percentage of domestic workers in total female employment in the service sector increased from 11.8 per cent in 1999-2000 to 27.1 per cent in 2004-05, with a phenomenal increase in the number of workers by about 2.25 million in a short span of five years.
- Full time and part time classification among domestic workers is different from what is normally understood in the literature on employment or in legal sphere. Since domestic workers workplace are employers' home, live in workers are normally full time workers who would be available for work through out the day and night as required by the employer. On the other hand, part time work which generally spans several households does not

necessarily mean that paid domestic work is not a full time activity for the worker. They are thus 'part time' from the point of view of the employer and not from that of the worker.

Live-out Domestic Workers

- Almost all the surveyed live-out workers were first or second generation migrants. 28 per cent had been living in Delhi since birth, 24 percent were migrants fro UP, 21 per cent from Madhya Pradesh, 16 per cent from West Bengal, 8 per cent from Bihar, and 3 per cent from Maharashtra.
- A large proportion of workers are from the age group of 21-40 (73 per cent) with the remaining 37 per cent between 40 and 50. Like among the factory workers, not one was above 50.
- 92 per cent are married, 3 per cent, unmarried and the rest divorced, widowed or abandoned
- 40 per cent were of scheduled caste (SC) background, 32 per cent from the upper castes, 27 per cent from OBC and 1 per cent from scheduled tribes (ST). 68 per cent were from Hindu families, 29 per cent were Muslim and 4 per cent Christian.
- While SC women are largely into cleaning tasks such as brooming, mopping and washing utensils and clothes upper caste women dominate cooking. However, traditional caste notions are not followed in all instances.
- None of the live-out domestic workers had any education beyond middle school. The overwhelming majority were non-literates (80%), 11 per cent had some primary schooling and 4 per cent had reached middle school.
- The occupational distribution of the husbands of these workers shows that all of them are engaged either in some informal sector activities or are unemployed (12 per cent). The largest proportion of men was into rickshaw pulling (36.2) followed by rag picking (21.7), construction worker (14.3) and street vending (11.6). The average size of the family of the live-out workers (7 members) was higher than that of normal urban households.
- 60 percent were in rented accommodations which took away a considerable share of their income. Most of them (81 percent) did not use any transport facilities to their place of work. 52 per cent were in illegal or unauthorised colonies and thus was at the risk of urban demolishment drive, 10 per cent were in jhuggi bastis, only 24 per cent were living in regular colonies and 4 per cent in servants' quarters in regular colonies.
- 82 per cent were in nuclear households. The average time spent on domestic chores for their own families was 4.7 hours.

- Of the married workers about 85 per cent had children requiring care. Of these workers 53 percent workers did not have any adult carers and were not attending schools. In all, 70 percent of these workers had children requiring care including small school going children. 13 per cent of the women left smaller children in the care of siblings, 9 per cent in the care of their mothers, 3 per cent in the care of neighbours. An overwhelming 54 per cent had to leave their children to fend for themselves, 3 per cent brought them to work.
- The average working hours was found to be 6.2 hours in a day, excluding the time spent in moving between workplace households.
- On average, those who worked less than 4 hours in a day, earned a monthly income of Rs 950, those who worked 4-6 hours earned Rs 1530, those who worked 6-8 hours earned Rs 2170, and those working for more than 8 hours earned Rs 2,800. Tasks of course are differentiated with cooking fetching the higher rates of wages. In other words, even those who were working more than 8 hours were earning about 900 rupees less than the minimum wages for unskilled workers at the time.

Live -in Domestic Workers

- 70 per cent of the live-in domestic workers surveyed were migrants from Jharkhand, 10 per cent from Chattisgarh, 6 per cent from Assam, and 4 per cent each from Orissa, Madhya Pradesh and West Bengal.
- 62 per cent were of tribal origin (ST), 30 per cent were SC, and 4 per cent each were of upper caste and OBC origin. 66 per cent were Christian, 34 per cent Hindu.
- Although the largest segment was again of non-literates (58%), 24 percent of the surveyed workers had education above primary level. 18 per cent had primary education, 14 per cent upto middle school, 8 per cent had studied till Class 10 and 2 per cent up to Senior Secondary level.
- An overwhelming majority of live in domestic workers were unmarried (92%), some 2 per cent were divorced or abandoned and only 6 per cent were married. A large number were very young. 46 per cent were below 21, another 44 per cent between 21 and 30, 8 per cent were between 31 and 40 and 2 per cent between 41 and 50.
- Only 2 of them had children requiring care – of which 1 was married and 1 had been abandoned by her husband. Both had left their children in the care of their mothers.
- Almost all were supporting their families in areas of origin and the fathers of 78 per cent were in agriculture – either cultivators or wage labour. The rest were in informal sector services. The average size of their families was 6 members.

- 46 per cent of the live-ins were paid between Rs 2001 to 3000. Some 12 per cent earned more than 4000, but 42 per cent were receiving Rs 2000 and less with 16 per cent in the range of Rs 1000 - 1500. 86 per cent of the workers had their wages fixed by placement agencies, in the case of 6 per cent parents and relatives negotiated the wage, and in 8 per cent it was directly with employers.
- Apart from monthly wages being low and fixed by other players, 32 percent of the workers did not receive wages directly. In 16 per cent cases the wages were collected by the agent/middlemen, on the promise that they will pay the worker at the end of the tenure or when they return to their homes. However, some agencies were found keeping a substantial proportion of the domestic workers salaries with themselves. Few instances of non payment of wages by the agencies at the end of the tenure were also reported. Even when workers collect their wages directly, agencies take an agreed share from the worker as brokerage expenses, transportation cost etc.
- All the live in workers worked for more than 8 hours a day, and the average hours of work was found to be 9.6 hours. 36 per cent were working more than 10 hours.
- 36 per cent of them had no leave, 22 per cent had 2 days off in a month and 42 per cent had one weekly off. Annual holiday of about one month is also generally fixed as one of conditions of employment. Some workers reported of being paid during this leave paid while for many workers, annual leave meant leave without pay.
- A strong preference was noted among live in workers to stay outside employer's residence which would free them from bondage at least for few hours.

The Education Sector

- The largest proportion of teachers were with informal working conditions with 57 percent belonging to this category
- Only 28 per cent of the teachers working in private schools were found receiving salaries and other conditions of work as defined by the guidelines of the education department. In all cases, they were being paid well below the official grades.
- Teachers in schools and in other private institutions whose pay and other conditions of work were fixed informally largely belonged to the younger age categories with 68 per cent belonging to this category.
- Though many informal teachers were from the younger age brackets a large section of them were reported married. This is in contrast to what have been observed in the case of office workers.

- In contrast to the scenario in schools where educational profile of teachers largely met the requirements for the post, teachers in private teaching institutions were drawn from diverse educational backgrounds. Experience gained through on the job training was critical in these institutions, which largely determined their conditions of work.
- The nature of management of the institutions which had informal systems of employment was Individual/Partnership owned for 63 per cent of the informal unregulated sector teachers. 32 per cent were in Private Trust owned, 4 per cent in Private Companies, and 2 per cent in Registered Societies.
- About 72 percent of teachers were from nuclear family households with the average size of the families being 5.6 members. Of the married teachers, 13 teachers did not have children of any age. All these women were working either in schools or private institutions and had informal working conditions of work.
- Of the teachers in the private educational institutions other than schools/colleges 6 women had maids to look after their children while 1 sent her child to a nearby day care. 20 teachers reported of having either mother in law or mother who took up child care responsibilities in their absence from home.
- 91 percent of surveyed teachers belonged to states in North India.

On Sexual Harassment in the Workplace

- The most striking finding is the fact that following the Vishaka judgement and its guidelines some steps having been taken and mechanisms to deal with sexual harassment having been put in place in several public run institutions and departments. However, the larger constituency of private sector organisations, whether factories, office/service sector units or private schools and other educational institutes in the city still remain untouched by any complaint mechanisms to deal with cases of sexual harassment. This is apart from the fact that many segments of unorganised workers who do not work in establishments where the guidelines
- Only 36 per cent of the college and university students surveyed had knowledge about sexual harassment committees in their institutions All the teachers from government run and aided institutions expressed awareness about sexual harassment complaints committees.
- Awareness and knowledge about the phenomenon of sexual harassment at the workplace in general was highest among teachers (more than two thirds of them) while live in domestics reported the least (less than half) with other categories falling in between.
- Around 10 per cent reported knowledge of actual victims of sexual harassment in the work premises from either among their associates/friends or themselves.

- The proportion of workers across various categories who reported personal experience of sexual harassment on the work premises was 2 per cent among live-in domestic workers, 6 percent among live-outs, 8 per cent among factory workers, 8 percent among office workers, and 6 percent for students. None of the teachers who answered the structured questionnaire reported any incidences of workplace sexual harassment where there were the victims.
- Only a few women were aware of or have themselves taking some action against perpetrators. The reasons for not having taken action ranged from societal and family image to the absence of formal mechanisms and/or the lack of faith in formal mechanisms. Ignoring such incidences was the first step taken by many, while some have resorted to changing employment, timing of commuting etc. to avoid sexual harassment.
- The most widespread form of sexual harassment was verbal sexual abuse and mockery.
- A large section of the women reported on the incidence of harassment in public spaces which was highlighted by all categories of workers, but most prominently by office/service workers and students.
- Live in domestics placed through agencies also reported incidences of sexual harassment by agencies/ middlemen. Out of the 50 live-in workers interviewed, 18 workers reported cases of sexual harassment by agents/middlemen.
- Security guards, plumbers, electricians, gardeners and dhobis were also reported as sexual harassing domestic workers. A few of them reported incidences of frisking and forceful physical touching by security guards and other service providers.
- Among live in domestic workers, the maximum number of cases of harassment were reported as happening during the period of job search which extends from few days to few weeks when workers stay at places arranged by the agents. Sexual harassment at employer's house was also reported to be high with 36 percent of the live in domestic workers reporting that it happens.
- Factory workers also reported incidences of sexual harassment during the search for employment and that casual workers are particularly vulnerable to sexual abuses by labour contractors.
- 18 office workers reported having knowledge about sexual harassment during searching for employment and during negotiating work contracts. A few workers had personal experience of being asked for sexual favours while recruitment and in fixing conditions of work.
- 8 students (2 from school and 6 from colleges) reported having knowledge about sexual harassment through internet and mobile phones.

- Almost all women across categories complained of sexual abuses on road, such as verbal sexual abuse and mockery, forceful touching and rubbing, stalking and following.
- Problems of sexual harassment because of the late working hours leading to travel late in the evening or at night were particularly highlighted by many office workers.

Experiences of the operation of Complaints mechanisms for Sexual Harassment

- Problems and divisions that are likely to arise within workers' organisations when both the complainant and accused belong to the same cadre or organisation.
- Laying down procedures, rules and committees that deal specifically with cases of sexual harassment is more acceptable rather than allowing other instruments of establishing misconduct to determine the course of events
- While the sexual harassment complaints mechanism may contain provisions that are designed to intrinsically orient it towards a sensitive and sympathetic approach to a victim of sexual harassment, the body having decisive authority in relation to punishment has no such provision.
- Complaints committees face special difficulties in cases involving third party/outsider harassment where it helps to also initiate criminal proceedings. Some apex institutions with wider jurisdiction also become necessary in such cases.

Recommendations

The scale and in some cases, the specificities and nuances of the issues involved require intervention and action at several levels and have been discussed in detail in the preceding chapters. Given below are some of the key gender specific recommendations that have emerged from this study.

1. The non-availability of crèches/childcare/daycare facilities. The absence of crèche/day care is one of the key elements that restrict women from taking employment or leaving employment, this requires priority attention. Apart from paying attention to the implementation of provisions for crèches in labour laws which are currently being violated on a massive scale, we recommend the establishment of public run crèches/daycare centres in government run neighbourhood schools. The present cut off of 6 years for the age of children in crèches leaves a large number of children requiring care to fend for themselves. We recommend that the initiative taken by NDMC run crèches to admit children up to the age of 10 in the case of boys and 12 in the case of girls be replicated in all crèches/daycare centres.
2. Domestic workers should be brought into the schedule of employments under the Minimum Wages Act. Given the large scale violation of the Minimum Wages Act across all segments of workers, we recommend that special drives be initiated for

implementation of this law. Further, the state minimum wages in Delhi should be immediately raised to the level of minimum wages for A class cities fixed by the Central Government for the central sphere.

3. Special initiatives and drives for implementation of the Maternity Benefit Act are required, particularly for the office/service, domestic workers and teachers in private institutes.
4. The need for regulatory legislation for domestic workers has emerged as a key issue, this being the largest segment of employment for women in Delhi. Apart from regulation ensuring minimum wages and other conditions of work, there is a need to regulate placement agencies. The draft bill for domestic workers put forth by the NCW can serve as a basis for initiating a process at the level of NCT Delhi. The issues of domestic workers are of great scale and prominence in Delhi, and therefore urgent initiatives at the Delhi Government level is called for. Further, the strong preference noted among live in workers to stay outside employer's residence calls for the provisioning of special hostels for them from bondage to employers and placement agencies.
5. The absence of regulation and social security provisions in the growing unorganised and informal sector has been a major reason deterring women's entry into paid employment in Delhi. In such a context, special efforts to ensure implementation and expansion of schemes and entitlements under the new law on social security for unorganised workers need to be initiated at the state level immediately including framing of rules and setting up of advisory boards. The many weaknesses in the law itself need to be overcome. Policy initiatives to formulate and expand schemes for social security in segments where the poorer sections of women workers are concentrated with commitments to some expenditure by the Govt. can play a role in this area.
6. It is unfortunate that the Advisory Board under the Equal Remuneration Act which could play a role in promoting women's employment in establishments has been allowed to lapse. We recommend immediate constitution of the Board and the framing of policy guidelines and institutional procedures to enable the Advisory Board under the ERA to fulfil its functions.
7. The survey had found that the most widespread experiences of sexual harassment faced by women workers was while commuting, especially late in the evening. In such a context, the decision to allow late working hours for women in shops and other establishments needs review towards provision of full facilities full for safe transport.
8. The Vishaka guidelines for prevention of sexual harassment in workplaces and setting up of complaint mechanisms require to be implemented in private institutions. While some initiative has been taken to form industrial area level and market association level committees, these need to be reviewed and extended. Further, similar initiatives need to be taken at residential area levels involving local bodies, RWAs, trade unions/women's organisations/NGOs to deal with sexual harassment cases among women engaged in personal services such as domestic

work. More efforts need to be made to ensure that instructions to DTC crew regarding prompt action on complaints of sexual harassment are implemented and publicised. We recommend that complaint boxes be placed and prominently displayed in all public transport including in the metro.

9. We recommend that tripartite (employers [including industrial/market/commercial area associations], workers and government) plus committees against sexual harassment be established at the state, district, and sub-district levels that can enquire, recommend and liaise with enforcement institutions including the departments of police, labour, social welfare, public transport institutions, RWAs and any other relevant local institutions.
10. Penalties for non-enforcement of the guidelines against sexual harassment in private institutions and enforcement mechanisms need to be worked out and the required legislation should be put in place incorporating unorganised sector establishments and employee-employer relations.